

MEMOIR

HONG KONG IN 1963–1964: ADVENTURES OF A BUDDING CHINA WATCHER



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The author is an American China scholar who spent 11 months in Hong Kong in 1963–1964 to study the Chinese law and government. This article portrays his adventures during his stay in Hong Kong, including his settling in the Colony, interviewing the refugees, establishing the Universities Service Centre, making a broad range of friends and learning some lessons on regionalism in China.

1. Introduction

I made the decision to study Chinese law and government in 1960 without ever having been to Asia. For a variety of practical reasons, I had decided to spend the first three years of my four-year Rockefeller Foundation grant preparing for China at the University of California (Berkeley), where I was a young law teacher. Although I could have profitably spent the next year studying in Taiwan, I always intended to spend the fourth year of the grant getting as close as I could to the “real China”, the People’s Republic, which was still forbidden to Americans. So I decided to take up residence in Hong Kong unless the opportunity arose to live across the border in the Mainland itself.

2. An Unexpected Preliminary Peek

In the spring of 1961, however, luck brought me an unexpected opportunity to make a brief, introductory visit to Hong Kong two years before our scheduled stay there. Out of nowhere came an invitation from the University of Hong Kong for me to be one of the speakers at the ceremony celebrating the 50th anniversary of its founding in 1911. I was dumbfounded, to say the least, and wondered how the organisers had possibly come to the conclusion to invite me since I had at that point

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published nothing about China or Hong Kong and knew no one at the university. Nevertheless, I accepted gladly.

Originally I planned, reluctantly, to make the trip by myself and briefly visit Japan, Taiwan and Hong Kong. My wife, Joan Lebold Cohen, was also an aspiring China scholar — in the history of art. But we already had three sons aged four and under, and it seemed irresponsible for us both to leave them for the several weeks the trip would require. Yet at a party which we threw to mark the end of the academic year, colleagues and other friends convinced us that no spouse should be left behind for an exciting first glance at the object of our future academic and professional careers. So, having made some anxiety-producing arrangements for the children's care, we went off for a week in Japan and another in Taiwan en route to a 10-day visit to Hong Kong.

The mystery of why I had been invited to speak at the illustrious occasion of the University's semicentennial was solved almost immediately upon landing in the Colony. Soon after we arrived, at the opening night's dinner, several people congratulated me on the books I had written about China and Japan, and it became clear that the hosts had mistaken me for Jerome B Cohen (I am "A"), an American scholar at the City University of New York, an economist 25 years more senior who focused on East Asia!

The next day, when it was my turn to speak at the academic convocation, I, of course, had to disclose that I was not Jerome B, had not authored the books he had written and, indeed, at that early point in my life, had not published any books. I made clear, to be sure, that I was nevertheless very happy to be there!

Almost half a century later, by which time Joan and I had lived in Hong Kong at various times for a total of almost ten years and were well known there, I told this story to a large audience who had assembled at the University of Hong Kong School of Law to listen to my lecture about the significance of the tragic slaughter that had occurred in Beijing two decades earlier on 4 June 1989. My story helped lighten the burden accompanying June 4 commemorations.

I told the audience in 2009 that, having published quite a lot on China during the previous five decades, I hoped to be invited to speak at the forthcoming 100th anniversary of the University's founding, which might have made Joan and me the only people to have attended both the 50th and the 100th anniversary celebrations. That would have finally enabled me to assuage the sense of guilt I have always felt for having unwittingly freeloading on the earlier celebration! Unfortunately, as I was later informed, my frequent public criticisms of the Chinese government's human rights abuses made me an unlikely choice to be a speaker on such a sensitive public occasion after Hong Kong had become a "Special Administrative Region" of the Communist motherland in 1997.

3. Settling into Colonial Hong Kong

It was one thing for Joan and me to make a quick visit to Hong Kong on our own but quite another to set up there for a family of five for almost a year and to find a place to carry out my research on China's criminal justice system, even then a very politically sensitive topic.

Housing was plainly the most urgent requirement. We had no one to help us. I had not tried to develop an academic affiliation for the year since at that time the University of Hong Kong had not yet established a law school. We were on our own. I had heard that the Carnegie Corporation in New York was about to open a facility in Kowloon near the airport to provide offices and a research library on contemporary China for visiting academics like me, but it reportedly had some difficulties getting established and was not yet open.

To keep the children pacified and busy while I went out scouting for an apartment, we stayed at the rather elegant Repulse Bay Hotel on Hong Kong Island instead of in the island's central district or in Kowloon.

Through the efforts of Professor John K Fairbank, I had already been invited to spend the academic year 1964–1965 at Harvard. I had learned that Ezra Vogel, a young Harvard sociologist specialising in Chinese and Japanese studies, was also preparing to spend the current year researching in Hong Kong with his wife and three children. Ezra was roughly my age and a friendly person. After I contacted him in Hong Kong, he told us that they had found an apartment in a rather newly developed area called Yao Yat Chun near the Boundary Street, the dividing line between Kowloon and the New Territories. We were lucky enough to find a similar ground floor apartment across the street. The area was pleasant and featured two- or three-storey residential buildings rather than high rises. The people there seemed to be mostly local middle-class Cantonese, some of whom spoke English, with a mix of a few foreigners.

The problem with the location, which we discovered, was that it was remote from Hong Kong Island, where most of the diplomats, British and American officials, international journalists as well as Chinese and Western business people whom we hoped to meet made their homes. We did not have a car; public transport in our area was limited and taxis were not easy to come by. Moreover, unlike today, no tunnels or bridges linked Kowloon and the island. We had to rely on public ferries to cross the harbour, which was colourful but inconvenient.

Having secured a place to live, we set out to find household help. Through new friends on the island, we were introduced to a Shanghaiese couple, Xu, a good cook who spoke some English, and his wife Wu, who spoke no English but handled the cleaning, the children and other chores with unfailing competence and good nature. We liked them very much.

The next challenge was to take care of the children's education. Our eldest, Peter, already six and a half, was able to enrol in a good government school in Kowloon. Seth was only four and Ethan, two and a half, was just beginning to speak, English, to be sure. One day in a local Chinese pre-kindergarten, where Cantonese (a language unknown to all of us) was spoken, convinced us we had to find something more international. Happily, Joan heard that a British army wife, Mrs Foster, ran an informal school out of her fairly small apartment on a neighbourhood street, but no one could recall the address. Joan managed to find the place by watching where parents and private taxis dropped off children in the morning. Mrs Foster ran a taut ship, but the two younger children loved it for the entire school year. Despite the absence of a playground, Ethan as well as Seth made great progress in speaking English.

4. Refugee Interviewing

With a roof over our heads and the children taken care of both at school and afterschool by our housekeeping couple, Joan and I began to focus on our own interests. She found a stimulating, if somewhat bewildering, opportunity to teach English to young Chinese refugee children. They lived nearby in a bare seven-storey walk-up housing development, one of the many that had been newly constructed for the flood of Mainland families who had recently descended upon Hong Kong in the wake of the massive starvation resulting from the failure of the "Great Leap Forward" of 1958–60. Although their living conditions were miserable, residents of the housing development knew they were better off than the large numbers who were still patiently camping out in shabby shacks without running water or proper toilets on neighbouring hillsides. The refugee children gratefully relished the challenge of informally learning English as a second language in their makeshift rooftop school.

My own work also involved Chinese refugees, but very special ones. I had decided to do a book on criminal justice in China. I had served as a junior federal prosecutor in Washington, DC before entering teaching, and I had taught criminal law, among other subjects, during my first year as a teacher at Boalt Hall, the law school of the University of California at Berkeley. Moreover, criminal justice materials were more ample than other legal materials relating to contemporary China. So the criminal process seemed a good topic with which to begin my research on law in the People's Republic. Yet the available materials were far from sufficient. Indeed, China in 1963, fourteen years after establishment of the People's Republic, still had very few published laws. Nor did it publish court decisions, and there was little Chinese scholarly commentary on

contemporary law, either in books or in law review articles. Scattered newspaper reports were often suggestive but incomplete.

My colleague at Berkeley, the brilliant sociologist Franz Schurmann, had convinced me that, in these circumstances, if one wanted to understand how the People's Republic of China (PRC) legal system worked as a system, it would be indispensable to resort to interviewing Chinese refugees, and that was what I determined to do during my year in Hong Kong. I decided that I needed to interview three categories of refugees.

The first, and easiest to locate, consisted of ordinary citizens who had had no specific contact with the criminal justice system. They could help me understand contemporary Chinese society, popular attitudes towards law and their own perception of the roles played by the legal system as well as whatever seemed to substitute for a formal legal system under a government that was not emphasising legal formalities.

The second category of interviewees I sought consisted of the accused — those who had actual experience as targets of the criminal process broadly construed. I interpreted my task to include all those who had been punished by the regime, whether the sanction imposed was formally labelled “criminal”. Plainly, this included those who had been subjected to “reeducation through labor” or other supposedly “non-criminal” sanctions that possessed a variety of names for what were all too obviously some forms of incarceration.

The third category, the most important and hardest to find, was composed of those who took part in the administration of criminal justice, as I had defined it. I needed to meet police, prosecutors, judges, other relevant officials and, to the extent they were participants in the process, lawyers. This was a tall order, especially for an American academic with few Hong Kong connections who did not speak Cantonese — the local dialect — and whose command of Mandarin was a work in progress.

But my timing was good. I arrived in Hong Kong in early August 1963. In the spring of 1962, for a period of about 6 weeks, the PRC had suddenly let down the barriers that had made it difficult for Chinese to reach Hong Kong without official permission. This enabled roughly 60,000 people who, in an effort to escape the starvation and other miseries of the Great Leap Forward's aftermath, had been massing near Hong Kong's border with Guangdong Province, hoping to enter the Colony with the acquiescence, if not the authorisation, of the British government. Many more would have joined them had not the Colony eventually closed the border to prevent utter inundation by the refugee wave that had already overwhelmed its facilities.

Although most of these newcomers were rural people of lesser immediate interest to my project, by the time that I arrived, many of the

articulate, educated, urban members of the group had begun to assimilate and become known in Hong Kong. As I cast my net in the official, academic and business communities, I gradually began to meet intelligent newcomers who could explain life in China and where law fit in. They in turn sometimes introduced me to others who were of greater interest, such as those who had been the targets of the system.

Among the most interesting and pathetic in this second category of informants were those who had been condemned to long periods of “reeducation through labor” (laodong jiaoyang or RETL), usually enforced confinement, often in rural labour camps, that in practice was indistinguishable from the criminal punishment called “reform through labor” (laodong gaizao). Indeed, in that era, members of the two groups were frequently confined together.

Many of the offenders who had received RETL had been declared “rightists” in 1957–1958 during the infamous “anti-rightist” campaign that followed the campaign to “let a hundred flowers bloom, let a hundred schools contend” that had seduced them into expressing criticisms of the communist government. Listening to their sad tales of how their personal and professional lives had been ruined when Communist Party and police officials imposed RETL, without regard for either freedom of speech or fair procedures for defending themselves against unjust charges, was a sobering exercise.

Those who administered the criminal justice system — my third category of refugee informants — were much harder to find, but, when I discovered one, it was a veritable treasure trove. The first of such invaluable informants was introduced to me by American officials working at Hong Kong’s US Consulate General. It was their job to interview refugees in an effort to learn what was going on in China, from which Americans and their government were still excluded. Although the United Kingdom did have restricted diplomatic access to China through its embassy in Beijing, it too maintained a major official interviewing program in Hong Kong, where contacts with residents were much freer than in the Mainland, and I occasionally benefited from introductions by UK officials.

5. Invaluable Former Public Security Officers

British and American officials often shared with each other especially informative refugees, and, if memory serves, “Eddie” Chen (Chen Zhongwen) may have first been discovered by the Brits. He proved to be a wonderful resource. Not only had he been a young police officer in the Guangzhou municipal public security bureau during the early 1950s but

he also became a target of the system in the mid-1950s and was sent to a labour camp for a punishment that was the immediate predecessor to what, beginning 1957, became known as RETL.

Eddie had been born and brought up in Hong Kong by a communist mother during the years Chiang Kaishek ruled the Mainland. His parents had separated, and his father served in Chiang's Nationalist military. When the communists succeeded in "liberating" the country in 1949, his father left the Mainland, and Eddie, then 17, and his mother moved to Guangzhou, where, despite his youth, he landed a job with the police. He eventually was assigned to a unit responsible for investigating and supervising religious organisations. By 1955, however, growing doubts about the nature of his work led him to act in ways that made him suspect to his superiors. The last straw for the security apparatus apparently was their discovery of the manuscript for a novel Eddie had written about a Chinese soldier who married a Korean woman during China's involvement in the 1950–1953 conflict with America in Korea.

Despite the fact that Eddie had never attended college, I found him to be a wonderful person to talk with. He was highly intelligent, fair-minded and balanced in his view of the issues, and he spoke Mandarin well. He also had an excellent sense of humour. He did a great deal to help me understand the early days of the PRC's public security system and the thinking of those who staffed it. I was so impressed with Eddie that I told Ezra Vogel about him and introduced him to Ezra, who found him even more helpful than I did because Ezra was engaged in a much broader study of the city of Guangzhou that was ultimately published under the title "Canton Under Communism".

Eddie was not the only public security officer I interviewed. A British official later introduced me to one who hailed from Fuzhou, the capital of Fujian province. Although a few years younger than Eddie, who was in his early 30s when I met him, this fellow, whom I will call Zhou, had much more recent experience in handling criminal cases than Eddie had and was extremely helpful to my research on the criminal process. He was able to speak of developments as recent as 1962, since he left his job only when he decided to depart for Hong Kong. Interviewing him five mornings a week from 9 am to 1 pm, I totalled 120 hours with him, my all-time interview record.

Zhou was patient, indeed painstaking, in reviewing the details of every phase in the handling of every type of case then common to the criminal process. He was neither as brilliant nor as charming and insightful as Eddie, and it took me a number of hours to get used to his strongly accented Mandarin. It seemed every "fu" was "hu" and every "hu" was "wu". But Zhou was detached, professional and highly competent. He did not

volunteer long answers or unsolicited stories but was crisp and responsive and occasionally came through with a remark that was memorable.

In 1963, China had not yet promulgated a criminal code; therefore, one of the topics of great interest to me was to determine what conduct was deemed criminal and sufficient to warrant prosecution rather than handling by administrative or informal means. Obviously, murder, rape, arson and other major conventional offences that plague every society were deemed criminal and so too were the most serious political offences that were then often included in the vague and broad term “counterrevolution”. But how, in the absence of legislative guidance, was the borderline between criminal and non-criminal behaviour delineated in these cases in which various societies draw the line in different places in both law and practice?

I wanted to know, for example, whether adultery was treated as a crime in the PRC and, if so, to what extent and in what circumstances it was prosecuted. In many countries and many American states, adultery was still recognised as a crime but was seldom prosecuted. Zhou seemed a bit fuzzy in his initial response to the first question but on reflection decided that, at least in Fuzhou at that time, adultery in principle was regarded as criminal. I pressed him about the extent to which it was actually pursued by police and prosecutors. He then said, in an utterly sober vein: “Look, if we prosecuted all the cases of adultery, we wouldn’t have time for the counterrevolutionaries!”

Apart from the humour and social insight of this statement, as a former prosecutor familiar with the problem of limited resources confronting every jurisdiction’s justice department, I fully understood this practical problem.

Zhou was memorable for other reasons as well, especially because he focused my attention, as no other interviewee did, on the question of my obligation to my informants. They were indispensable to my work, helping me see how Chinese criminal justice functioned as a system. Indeed, after the year in Hong Kong, I published an article entitled “Interviewing Chinese Refugees Indispensable Tool for Legal Research on China”. But what duty did I have towards my interviewees? This was more than an ethical or academic question for Zhou and me.

My informants, whom I modestly compensated with “tea money” while we were interviewing, needed work once our collaboration concluded, and I felt a particular obligation to try to help those with whom I spent the longest time. They had become my friends, and I could not abandon them once they had met my needs. I didn’t have to worry about Eddie, who found a good opportunity with Ezra Vogel, who ultimately helped him go to the United States for study and an eventual teaching job. But Zhou

was different, and he wasn't easy to assist. He spoke neither Cantonese nor English, and I was his only substantial contact in Hong Kong.

Fortunately, his aspirations were realistic. He wanted a factory job. My business contacts were limited; however, I did my best to introduce him to potential employers. Zhou, of course, interpreted my initially unsuccessful efforts in light of his Mainland experience. When I told him on one occasion that someone else got the job because the employer thought him better qualified than Zhou, he was plainly sceptical. When, on the occasion of my next failure, I said that the successful applicant had been recommended by someone with a much closer relationship to the employer than I had, Zhou accepted the news without question. In his world, "guanxi" (connections) always trumped ability. I was much relieved when one of my few business friends finally agreed to take him on.

6. Peter Wang — A Judge Turned Lawyer

It had been profoundly satisfying to have the opportunity to interview two public security officers at great length, and I also enjoyed my briefer set of meetings with another former Guangzhou policeman. Yet, even though China's courts were not as important as its police, I had to find at least one valuable former judge and one able lawyer to fill out my necessarily scarce category of legal professionals. I never thought that I might find a single person who could meet both needs, and the first few months of headhunting were discouraging.

I met several people who, having heard that I could provide "tea money" for those who could discuss judicial matters, tried to convince me that they had worked in Chinese courts before leaving for Hong Kong. But interviews quickly punctured their stories. One man had plainly worked in local government but his attempts to describe how local courts were organised and staffed and how they operated were pathetic. Another tried to persuade me that he had actually gone to law school, but he fell apart when asked to name the courses he had studied. But not Peter Wang!

I stumbled upon Peter, whose name in Mandarin is Wang Youjin and Ong Yew-kim in Cantonese, through a weird combination of circumstances. By November 1963, I was coming to the view that I might never come across an experienced Mainland judge or lawyer in Hong Kong. Several friends who commiserated with me suggested that I should also try the Portuguese colony of Macao, then a four-hour ferry ride from Hong Kong. Chinese refugees found it much easier to enter Macao than Hong Kong because it was a much closer and less dangerous swim from the Mainland.

Macao in November 1963 was a charming, quiet continental European outpost. Its architecture reflected both Chinese and Portuguese traditions. Neither Joan nor I had ever visited Portugal and, by the time our ferry landed, we had discovered Ferreirinha Lacrima Christi in the ship's bar. Far smoother than any port wine we had previously encountered; it had quickly cured Joan's laryngitis and predisposed us to like the new and unique environment.

Friends had urged me to start my Macao search by seeking the cooperation of a well-known Catholic mission that welcomed refugees fresh out of the water. The local priests proved to be warm and understanding, but their current batch of guests contained no obvious prospects. One man, however, tried very hard to persuade me that he knew about China's courts. When I expressed scepticism, he boldly said that, if I doubted him, after returning to Hong Kong I should consult the editor of one of the Colony's many Chinese language newspapers, the *Tiantian Ribao* (the "Daily Paper"). He gave me the man's name and telephone number and assured me that the editor would vouch for him.

With little hope but no other options, I did call the editor on my return. To my surprise, he said that he had never heard of the Macao person who had referred me to him but that, if I wanted to meet a real Chinese legal professional, he would be glad to introduce me to someone on his staff named Wang. This was a golden moment for my work!

Peter Wang exuded credibility. He was quiet, thoughtful and careful in his judgments and expression and eager to help. He told me that, like many Southeast Asian Chinese, he had left his native Singapore in 1950 at age 18 to get a free university education in the new China that had only been established the previous year. On arrival in Beijing, he was assigned to study law at the new Beijing School of Political Science and Law, which later became the prominent China University of Political Science and Law, the training ground for so many of the government's legal cadres, past and present. When I asked him the courses he had studied at law school, without a moment of hesitation he rattled off all the right names, and I knew immediately I had a good catch.

With the aid of translated Soviet legal materials and some Soviet as well as Chinese instructors, Peter had received a fairly good legal education for that era. He finished law school in mid-1954, just as the PRC was publishing its first Constitution, one that was heavily influenced by Stalin's 1936 Constitution. Upon graduation, he was assigned to work at the special Railroad Court based in Harbin, capital of Heilongjiang province in China's industrialised northeast. He was the only court employee who had the benefit of a formal legal education, and court

officials, mostly former military men and police officers, came to rely on him for all technical legal issues.

He proved especially valuable in the court's newly required efforts to explain the judicial system to the masses and to win their support. The PRC had just experienced five years of revolutionary tumult, violent mass political campaigns and lawlessness, in the cities as well as the countryside, and the new Communist Party line increasingly emphasised stability and rule according to law rather than the cruel class struggle that was continuing but in a more minor key.

Peter told many interesting stories to illustrate the problems of legal education for the masses. In one case, for example, the court presented a carefully scripted and rehearsed criminal trial to several hundred workers in their factory auditorium. Things went according to plan throughout the proceedings until the court announced the predetermined judgment and sentence. At that point, when the presiding judge informed the defendant that he was entitled to appeal (*shangsu*), the bewildered crowd laughed because, due to the judge's accent, they thought he had told the accused that he could go climb a tree (*shangshu*)!

Not long afterwards, while China was still closely following the formal Soviet legal model, the leadership decided to introduce the role of lawyers. Many of China's pre-1949 lawyers from the Chiang Kaishek regime had fled the country or found other, less precarious work at home. In any event, the Party did not want to rely on bourgeois holdovers and decided to staff the newly established government "legal advisory bureaus", which resembled the Soviet "colleges of advocates", with young, recently trained talent. In 1956, at the height of Soviet legal influence in China, Peter was assigned to join one of the newest of these socialist law firms in Beijing.

That was an exciting period for law reformers. Many codes of law were drafted with Soviet assistance, including drafts of what were slated to be the PRC's first codes of criminal law and criminal procedure, and the legal advisory bureaus were expected to help experiment with and implement these drafts. Sadly, those drafts were never promulgated because this era of Soviet influence came to a sudden end in June 1957, when the outpouring of criticisms elicited by the Hundred Flowers Bloom Campaign stunned Party leaders and led Chairman Mao to unleash the "anti-rightist" movement that for two decades ended reliance on the Soviet legal model until after Mao's death in 1976.

Peter's government-sponsored law firm was promptly terminated, and, like many other legal officials, he was soon declared a "rightist". Because of his Singapore origin, however, he escaped severe mistreatment and, by 1960, was permitted to leave for Hong Kong. He hoped to return to Singapore, but Prime Minister Lee Kwan Yew's government, then fearful

of a resurgence of the communist influence it had just overcome in the course of establishing its independence from British rule, refused to permit the return of any Singapore citizens under the age of 45 who had lived in the PRC. Thus, Peter had to find a way to support himself in Hong Kong and was hired by a newspaper as a staff writer and commentator on Mainland affairs.

I interviewed Peter for a total of 85 hours, and he helped me understand not only the era of Soviet influence in which he had taken part but also the period that followed it. I was reluctant to halt our cooperation, and, for the rest of the year that I spent in Hong Kong, he continued to assist me in research concerning China's criminal justice system, research that eventually helped me publish my first book in 1968 *The Criminal Process in the People's Republic of China, 1949–63: An Introduction*. Joan said that Harvard University Press would have sold more copies had I titled it "Sex, Chinese Law and You!"

7. Establishing the Universities Service Centre

Peter also helped me in establishing the Universities Service Centre in Hong Kong. This task had not been on my initial agenda. In the early 1960s, foreign scholars who chose to make Hong Kong their base for the study of China were excluded from the few available facilities. Office space at the University of Hong Kong and other academic institutions was hard to come by, and their libraries had few current Chinese language research materials. In an effort to improve this situation, the Carnegie Corporation in New York decided to establish a research centre that would welcome and assist China scholars who come to Hong Kong for visits of not more than a year or two. Carnegie intended to cooperate with a local Chinese organisation, the Union Research Institute (URI), which had assembled an impressive collection of Mainland local newspapers that were an invaluable Chinese language resource for learning about daily life in China.

Establishing a research centre on the border of what was still called Red China or Communist China was a delicate undertaking. The British colonial authorities, always being concerned about offending the Mainland government, had been informed about plans for the Centre and were carefully scrutinising the preparations. They kept admonishing Bob Gray, a nice New York foundation executive who was not familiar with China but who had been sent out to set up the Centre, to move slowly. Actually, the Brits seemed to suspect that the Centre was going to be a Central Intelligence Agency (CIA) front or at least that a few American scholars might be connected to "the Agency".

Some of the newly arrived American scholars thought that Gray seemed rather inert and too intimidated by our suspicious hosts. He had rented a few temporary rooms for us in the Peninsula Court Hotel in Kowloon and hired a secretary. Yet he appeared to be taking forever to arrange the more permanent work space, library, research assistants, translators and other staff required by an adequate China centre and to initiate cooperation with the URI.

Somehow, perhaps through the late Professor Lucian Pye of Massachusetts Institute of Technology's political science department, who was the senior member of our small group of Western academics temporarily in Hong Kong and a veteran China hand with good foundation connections, word of our dissatisfaction got back to Carnegie Corporation. It decided to replace Gray with someone more accustomed to the Hong Kong political environment and someone who had not yet been selected. This created an administrative hiatus of at least six months. Someone already on the scene was needed to serve as an interim director. Although I was relatively junior and had had no previous contacts with Carnegie, it asked me to take on the job, which I did with some reluctance.

With the aid of URI, we soon confirmed the permanent quarters that had been tentatively retained on Argyle Street in Kowloon near the then Kai Tak airport and left the Peninsula Court. Before long the Centre began to hum. I found the URI files to be informative when gathering materials concerning the operation of China's legal system, and the Centre proved to be a more suitable place for conducting interviews with refugees who were not accustomed to visiting an international hotel or a foreigner's apartment.

Since for the winter and spring of 1963–1964 I served as the principal person responsible for the Centre, the Hong Kong Government showed a special, if informal, interest in my activities. I recall with some amusement, for example, a dinner party given in my honour by our new friend Solicitor General Denys Roberts, where to my surprise and pleasure I was seated across from the Colonial Secretary, who served as Hong Kong's *de facto* foreign minister. He seized the apparently prearranged opportunity to systematically inquire about the Centre, its sponsorship and my role. His attitude, in a sophisticated way, seemed to be: if you fellows are professors, why aren't you professing instead of taking so much time off to study China?

8. A Broad Range of Hong Kong Friends

Fortunately, through a bit of luck and the international legal "mafia", I had by then developed strong connections with not only Hong Kong's Solicitor General but also its Chief Justice (CJ), Michael Hogan. These

two high legal officials vouched for my good faith and good behaviour. In the spring of 1963, several months before setting out for the year in Hong Kong, I was one of the several Berkeley law faculty members who were invited to dinner to meet one of England's best-known judges. He was stopping in the Bay Area for a few days en route home from some Hong Kong lectures and full of excitement about the Colony. When he heard that I was about to live in Hong Kong, he volunteered to introduce me to Hogan CJ as well as Denys Roberts, who had looked after him during his visit.

Upon arrival, I promptly pursued both opportunities. Happily, Sir Michael loved tennis, as do I, and I soon found myself in a lively doubles match on the CJ's court atop the Peak of Hong Kong Island, which was inevitably dubbed "the highest court in the land". Michael and his glamorous wife Patricia invited Joan and me to dinner several times at their residence, where they frequently entertained. To us, Americans unaccustomed to official British society, the formalities of these occasions were interesting to observe but lacking in vitality. Too much time was consumed with making introductions among the relatively large group of guests: "You remember Wing Commander Jones, and may I introduce Commander of the Forces Smith" etc, and I always seemed to be seated between the wives of two local business tycoons who spoke neither English nor Mandarin. Even postprandial port and cigars with the men proved more stilted than stimulating, and there were too few occasions to have a serious talk with the CJ.

Denys Roberts, on the other hand, was a different cup of tea. Dynamic, witty, author of humorous books about the law, curious about Americans and, understandably, charmed by Joan, he seemed to regard us as welcome relief from his daily professional and social diet. We formed a friendship that endured during all his subsequent years in Hong Kong as Attorney General, Chief Secretary of the Government and then CJ and during his visits to us at Harvard after our departure from the Colony. Although he was discreet about revealing the interest of British intelligence in the establishment and operation of the Universities Service Centre, he managed to hint about it and to confirm that he had reassured the authorities that my colleagues and I were genuine academics and not fronting for the CIA.

Friendships with colonial officials were not the only thing that made Hong Kong social life especially interesting. We also enjoyed academic friends, local business people, American diplomats and international journalists.

We saw quite a bit of Ezra and Sue Vogel, who lived across the street and had children close in age to our own. We also liked Lucian and Mary

Pye, especially Lucian's humorous, if somewhat cynical, insights into Chinese politics and government that had been shaped in part by his early days growing up in China. Several of the non-American scholars who came to our new Universities Service Centre also became good friends, such as Kenneth Walker, the English economist who focused on China's agriculture.

I was also happy to see my former Berkeley colleague, Choh-Ming Li, in a new context. He had just become the first head — Vice Chancellor in the British system — of the newly established Chinese University of Hong Kong (CUHK), which had recently been formed from three previously independent local colleges. Although his tenure as a director of Berkeley's Centre for Chinese Studies had occasioned some grumbling, he was really in his element in Hong Kong and did an impressive job in an inherently sensitive post. He was also very gracious to me. When he invited me to visit CUHK in the New Territories, he personally came to pick me up in Hong Kong Central in his plushly upholstered Rolls Royce, with a look of considerable satisfaction. I too was suitably impressed by how far he had come from Berkeley!

Understandably, Choh-Ming and I continued to view some issues differently. A few weeks after my visit, I happened to meet a very nice former economist from China on a Kowloon bus. He had sat next to me and noticed I was reading the *People's Daily*, which led to a conversation in Mandarin. It turned out that this fellow was one of the tens of thousands of refugees who had entered Hong Kong the previous year. He was still jobless and living in the pathetic situation of the many recent arrivals still ensconced in hillside shanties awaiting government-constructed housing.

After my new friend and I met a couple of times, I decided to seek Choh-Ming's help in finding him an appropriate job. I was not surprised when the effort failed, but what took me aback was Choh-Ming's question about why I was spending my time trying to help one individual when there were difficult problems affecting huge numbers of Chinese who required the attention of foreign China scholars like ourselves.

By contrast, our wealthiest and most distinguished Hong Kong friends, Laurence and Muriel Kadoorie, who were major and imaginative donors to many worthy local charities, found it possible to help in individual cases while also tending to the needs of the broader community. No one could have been nicer to us than Muriel and Laurence, to whom we were introduced by Joan's London-based aunt, Viola Laski. Laurence and his brother Horace, scions of a leading family of Baghdad Jews who had emigrated to Shanghai a century earlier to make their fortune, were among the most prominent members of Hong Kong's business community, which at that time was still largely dominated by British moguls rather than the

Chinese tycoons who later replaced them. The Kadoories, who, despite their fabled wealth, had been interned in Shanghai by the Japanese military during World War II, had moved to Hong Kong after Chairman Mao established the People's Republic in 1949. There they operated China Light & Power, the Peninsula Hotel and many other businesses.

We loved our social outings with the Kadoories. Although they also entertained at their weekday residence in Kowloon, they seemed to prefer hosting guests at their large weekend house in Castle Peak in Hong Kong's New Territories, not far from the border with China and even closer to China Light & Power's coal-fired electricity plants that provided power to Kowloon and the New Territories.

I will never forget our family's first Sunday lunch with the Kadoories. They were kind enough to send a car, a Rolls Royce with a telephone, to fetch us. The Rolls made an impression on our sons Peter, Seth and Ethan, then aged 6, 4 and 2, especially since Joan and I had decided not to buy even a modest car for our Hong Kong stay but to rely on public transportation. What really fascinated the children, however, was the ability to use a telephone in a car, something they had not previously seen. We didn't even have a telephone in our apartment because, at that time, to get one without waiting for eight months, it was necessary to pay a bribe to a phone company official, which I regarded as conduct unbecoming a law teacher!

The Kadoorie mansion was expansive, as Peter noted immediately on arrival. As we rang the front doorbell, he shouted: "Hey, what is this, a hotel?" Lunch itself was also noteworthy, as it was our first exposure to the British colonial taste for well-spiced curries. I quickly developed what became a lifelong weakness for mango chutney, which I could have devoured even on cardboard.

Horace Kadoorie was a confirmed bachelor. Laurence and Muriel, however, had two children, Rita and Michael, who were considerably older than ours but whom we came to know and like as young adults. We saw a good deal of Rita that year and with high hopes introduced her to our dear tennis playing friend from Washington days, Harvey Leve, who had come to Hong Kong to serve as the US Treasury Department's agent charged with the challenging task of enforcing our government's ban on trading with "Red China". Rita, we soon learned, had already met Ronald Macaulay, a charming Scotsman to whom she soon became engaged and then married. Joan and I have retained our friendship with them over the years despite only occasional meetings.

I always enjoyed hearing Laurence Kadoorie, who was much more voluble than Horace, hold forth on China. Although the communists had confiscated the vast Kadoorie holdings in the Mainland and turned

their very large Shanghai residence into the city's "Children's Palace", he appeared to harbour little resentment and indeed liked to show an understanding of why the Revolution had succeeded and why closer Western cooperation with the People's Republic would be desirable.

Laurence also liked to recall stories from the old days. Although he and Muriel were slower to reveal details of the hardships of wartime internment, he often told other tales of pre-Communist Shanghai. For example, when I asked him about the effectiveness of Chiang Kaishek's legal system, he acknowledged its limited reach in Shanghai and the occasional need to resort to less formal methods to vindicate one's rights. A favourite anecdote concerned how he managed to recover a beloved rare chess set that he had left with a Chinese friend for safekeeping while the family was interned by the Japanese. When, after the war, the friend refused to return the chess set even after Laurence threatened legal action, Laurence took advantage of the opportunity presented when the leader of Shanghai's infamous Green Gang called upon him for a favour. Twenty-four hours after Laurence relayed his problem, the chess set appeared on his doorstep!

I many times urged Laurence to write his autobiography. His career, both in Shanghai and in Hong Kong, would have been of enormous interest to later generations. Yet he steadfastly resisted any claims made on behalf of history. He once told me, not long before his death when he was still driving his own car on Hong Kong's dangerous hills although well into his eighties and still full of ideas for new projects, that he was convinced that looking back would be the end of an active life.

In 1983, several years after Deng Xiaoping opened the Mainland to foreign business cooperation, I established a law office in Hong Kong for the American law firm Paul, Weiss, Rifkind, Wharton and Garrison. Laurence became our first local client. He asked me to represent China Light & Power in what promised to be long and complex negotiations to form a Chinese-foreign equity joint venture that would establish China's first nuclear power plant at Daya Bay near Hong Kong. It would become what was then by far the largest foreign direct investment in the country.

Howard and Elise Hoffman should also be mentioned as prominent among our friends from the 1960s business world. They were not part of the colonial elite but were long-term American residents who made Hong Kong their home as a base for trading operations throughout the East Asian area. They were enormously friendly and generous, even lending us one of their cars on occasion and introducing us to the possibilities of family fun in our new terrain.

1963-1964 also proved to be a good time for befriending American diplomats. Until then, although my mother hoped I might become

Secretary of State and during our 1955–59 Washington years Joan and I had enjoyed our friendship with my law firm boss Dean Acheson, a former distinguished Secretary of State, we actually knew few diplomats. Happily, in Washington, where our life focused on domestic matters, we had also come to know and enjoy one rising diplomatic star, John Gunther Dean, and his French wife Martine, a cousin of Joan's by marriage. But they were exceptions in our social life.

In Hong Kong, however, we met many young, dynamic and able American Foreign Service officers and spouses who shared our interests in China, especially Nicholas Platt and his wife Sheila, with whom we became closer after moving to New York many years later. During our year in Hong Kong, we were lucky to be closest to Heyward and Sheila Isham.

"Hey" Isham was a specialist in Soviet affairs who had been assigned to the US Consulate General in Hong Kong to analyse the Sino-Soviet split from that vantage point. Sheila was a very talented American artist who was working to incorporate elements of Chinese culture and calligraphy into her painting. Although Hey had preceded me by a couple of years at Yale College, where we both had studied international relations, the "old school tie" reinforced our common interests. Moreover, the Ishams not only had wonderful children who were kind to our slightly younger kids but they also had a boat, an invaluable escape from Hong Kong's circumscribed geography, and they were generous in sharing it.

Fortunately, we continued to see the Ishams on and off over the years during our mutually peripatetic adventures. Hey's booming laughter still rings in my ears, and Sheila's stunning calligraphy of a Tang dynasty poem against a bright yellow background has an honoured place at New York University Law School's US–Asia Law Institute, adding to the East Asian atmosphere that encourages scholarly research on the area.

Journalists were the other main components of our early Hong Kong social life, and we especially enjoyed Stanley and Annette Karnow. Stan was a wonderful writer and a shrewd political analyst who had worked for *Time Magazine* in East Asia for many years before discovering the greater satisfactions of doing popular books. After long covering America's Vietnam War, he did a splendid, highly readable study of it and then followed, years later, with a superb account of China's Cultural Revolution that even many scholars continued to rely on long after publication. He also produced an excellent book on the Philippines.

9. Some Lessons about Regionalism in China

We reluctantly left Hong Kong after a stimulating 11 months. We learned an immense amount there not only about China, its legal system, its

refugees and the interesting and varied British subjects and foreigners based in the Colony because of China, but also about the Chinese, principally Cantonese, people whose home it was.

One important lesson taught us how different Chinese, whatever their regional roots, were from Americans. Two incidents of many we experienced illustrated this.

The first concerned attitudes towards law and contract. I was surprised when our would-be Hong Kong landlord, who was to be our next door neighbour, required us to negotiate the terms of our lease with lawyers from one of the Colony's leading Chinese law firms. They insisted that we sign a conventional Anglo-American contract that obligated us to pay 12 months of rent even though we knew we could not stay for the final month. Paying the equivalent of US\$400 for a month's housing we would never stay to enjoy bothered me, a young academic to whom money was not irrelevant, and it seemed unduly legalistic, contrary to what I had learned about Chinese traditional practice.

But I was again surprised at the end of our stay when I went to the landlord's house to make the final month's payment, and he refused to accept it! I reminded him that I was legally obligated to make that payment. He replied that we had been good tenants and that it would be unreasonable to ask us to pay for a month that we would not use. That vividly demonstrated what I had studied about Chinese law and practice before arriving in Hong Kong, and I made good use of the experience when I taught my first students at Harvard Law School a few weeks later.

The second incident that illustrated how far we Americans were from some Chinese ways of viewing things concerned not law but social customary thinking. Towards the end of November 1963, Joan and I had invited three highly Westernised Chinese friends from URI with whom I was working to set up the Universities Service Centre to share a relaxing Saturday night dinner at home with a few Americans. Sadly, the tragic news of President Kennedy's assassination came that morning. Joan and I thought of calling off the dinner but decided that we needed to meet more than ever with this small group of friends in order to help us cope with the shock by talking things through. Our Chinese friends, however, thought of the dinner as a party and found it inappropriate, if not obscene, to carry on as planned. Our American guests, by contrast, felt our need for the solace of companionship at a bewildering time.

Another major lesson we absorbed in Hong Kong was that not only were Chinese different in many respects from Americans but that they were also rather different among themselves. Their distinctive regional characteristics seemed far more divisive than those that often separate Americans from different parts of our country. We were reminded of

regional frictions on many occasions during our stay. Indeed, our very last day in the Colony was marred by an unpleasant regional spat between our wonderful Shanghainese cook and amah, Xu and Wu, and our Cantonese landlord.

We were preparing to leave the premises several days before our eleventh month was to expire, but our Shanghainese couple needed to stay on until the end of the month, when their next job was to begin. Yet the landlord plainly mistrusted the couple, with no evident justification. Indeed, the suspicion was mutual and, to the extent I could understand their angry exchanges, seemed to be based on regional prejudices as much as social class differences. The landlord, who had been so amiable and generous about our family's departure, showed a very harsh side when I asked whether the couple could remain a few days longer. My efforts to mediate the dispute failed miserably. Although I had already done considerable research on traditional Chinese mediation and not long after published an extended essay in the *California Law Review* entitled "Chinese Mediation on the Eve of Modernization", I was amazed at how difficult it was to put academic findings into real-life practice! To our chagrin, our Shanghainese couple had to find temporary shelter with friends, souring what was slated to be our cordial departure after an extraordinarily memorable and pleasant stay in the Colony.

Nevertheless, we loved Hong Kong and vowed to return, as we did for many years beginning 1979.