

A legal aide for East and West

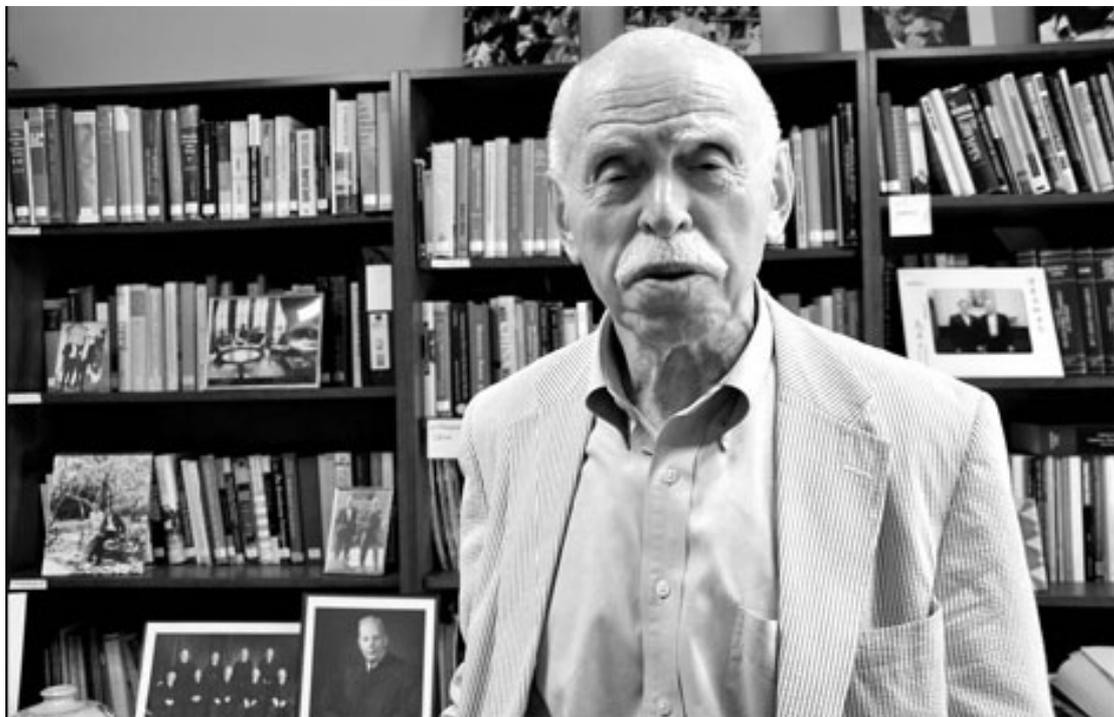
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Life> Profile

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Jerome Cohen says that the progress in China's social, economic and legal areas has been "fabulous and enormous" over the past decades. Chen Weihua / China Daily

Jerome Cohen was the first Western lawyer in Beijing and he has been a witness to the evolution of China's legal system over the past 30 years. Chen Weihua reports

In 1960 when Jerome Cohen, a young law professor at University of California Berkeley, was asked by the dean to find someone studying the Chinese legal system, he failed. As a result, he decided to study it himself.

"Many of my friends and colleagues thought I must be having a nervous breakdown. They wondered why I would want to study a country that I could not

even go to. That was right after my 30th birthday," said Cohen, who turned 80 on July 1.

Cohen said his mother wanted him to be the US Secretary of State, but he wanted to be a pioneer and do something irrational.

He started studying Chinese in 1960, but it would be another 12 years before Cohen got to visit the Chinese mainland.

"Chiang Kai-shek was wooing us to go to Taiwan, but I was interested in going to the mainland," he said.

In February 1972, Richard Nixon made his historic visit to China. Few people knew that Cohen and a number of other scholars had been instrumental in realizing this epic moment.

In a confidential memorandum drafted in 1968 by a group of MIT and Harvard scholars to Nixon's foreign policy advisor Henry Kissinger, Cohen, then a Harvard Law School professor, and others urged the then US president to move towards reconciliation with China.

Three months after Nixon's trip Cohen also set foot on the Chinese mainland. He went with a small delegation of Federation of American Scientists, including the well-known Harvard China hand John Fairbank.

"We had a four-hour meeting with premier Zhou Enlai. John Fairbank and I were sitting next to him, talking about the possibility of academic exchanges," Cohen said.

What surprised Cohen during the trip, however, was that the Chinese legal system he had been studying was not really there during the "cultural revolution" (1966-76).

"All you had to know about legal education in China at that time is that there wasn't any. There was really no law to speak of in those days," he said.

Still, Cohen was excited about the trip to China and he returned in 1977, when he accompanied senator Ted Kennedy to Beijing. It was during that trip he met with Chinese leader Deng Xiaoping.

He wanted to make more trips to China and the opportunity came in 1979 when Cohen was on sabbatical leave from Harvard in Hong Kong. He became the first Western lawyer in Beijing, providing sideline consulting at Coudert Brothers, a New York-based law firm, which was expanding in Asia.

In 1981, Cohen decided to leave Harvard to join the law firm Paul, Weiss, Rifkind, Wharton & Garrison so that he could stay in China.

A witness to the evolution of China's legal system over the past 30 years, Cohen said the progress in social, economic and legal areas has been "fabulous and enormous" and he believes more progress will be made in China's rule of law in the years to come.

For years, Cohen pushed aggressively for China's admission into the World Trade Organization (WTO), as he believed that China would follow the rule of law through international contacts, contracts and cooperation.

Cohen, a law professor at New York University for the past 20 years, has focused on the criminal justice system during the past decade.

With a lifelong career as a lawyer and educator, Cohen's students are now found everywhere in the legal system in the United States, the Chinese mainland and Taiwan. Current Taiwan "president" Ma Ying-jeou was a student Cohen admitted to Harvard Law School in the 1970s and Ma's wife, Chou Mei-ching, worked as Cohen's assistant.

Cohen, a founder of NYU's US-Asia Law Institute, is never shy in pointing out or criticizing problems in China or the US. He said his criticisms are only aimed at making the countries better. "I love China and the Chinese people," said Cohen, whose signature moustache moves as he speaks.

Besides his successful legal career, Cohen has long been an advocate of human rights, providing assistance decades ago to Kim Dae-jung who later became the president of South Korea, as well as Benigno Aquino Jr, the Philippine opposition leader.

Cohen has also been active in the human rights dialogue between China and the US. He described the first semi-official talk held late last year in Nantong, Jiangsu province, as a good one and said he is looking forward to the second talk.

He believes China and the US should continue to talk to each other on various issues. "You don't gain anything by being negative," he said.

While praising China's great progress over the last 30 years and describing the legal system as developing "from nothing to the establishment of a real legal system," Cohen said great progress brings great problems, such as the income gap between rich and poor, and added modernization was causing tensions.

But despite the problems, Cohen said he is optimistic about China. "I am an optimist and that's why I chose to study China," he said.

At 80, Cohen still teaches at NYU and works six or seven days a week. His wife, Joan, an artist and Silk Road scholar, hopes that they can travel more and is keen to visit Prague and Budapest.

But for Cohen, it's simply too hard to stop at this stage. "I bet on the horse 50 years ago when most people thought that horse had no chance of winning the race. Now the horse is coming down the track fast. Am I going to walk away?" he said.

"It's crazy. I am having a great time," Cohen said.
