

## The Graduate School of Law, Soochow University, Republic of China

More than forty years ago, LL.B. and LL.M. degrees were regularly conferred in China. Few American law schools could boast of comparable programs.

The Comparative Law School of China, as it was then known, was located in Shanghai and formed part of Soochow University. Its graduates achieved such preeminence that it was generally conceded to be the leading law school in the nation. Two alumni are presently members of the Permanent Court of Arbitration in The Hague. Other graduates have occupied the nation's highest judicial positions, both on and off the mainland.

With the 1949 upheavals on mainland China the school's programs were discontinued. However, support from alumni and friends brought about its reestablishment in the city of Taipei, the capital of the Republic of China.

### Early History

The University was established in Soochow, China in 1900 when the Manchu dynasty was still in power. Initial resources and personnel came principally from institutions connected with the Methodist Church in America.

In 1915 the University organized a law school in Shanghai. Charles W. Rankin, an American lawyer and professor, was appointed the first dean of the new Comparative Law School of China. Charles Lobingier, a distinguished judge of the U.S. Court for China was also instrumental in the early development of the school. He had been a contemporary of Roscoe Pound on the law faculty of the University of Nebraska during the early years of the present century.

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\*LL.M., New York University. Professor Tindall is now in Taiwan where he is a Visiting Professor at the Graduate School of Law, Soochow University, under the auspices of The Asia Foundation. He is also completing legal research on a multi-national enterprise project under the direction of Dr. Clive M. Schmitthoff of the City University in London. Professor Tindall is on leave from the College of Business and Public Administration, University of Arizona.

The School's faculty was composed principally of leading judges and lawyers of the American, British, and consular courts in Shanghai. Most of them were specialists in commercial law and conflict of laws. One of the first Chinese professors, Dr. Wang Chung-hui, later served for an extended period on the bench of the World Court.

The first graduating class received LL.B. degrees in 1918. The LL.M. degree was not conferred until ten years later.

In the 1920s the LL.B. program was remarkably advanced. This was due to the efforts of W. W. Blume who came from Texas to be the dean of the school in 1921. He later became a member of the law faculty of the University of Michigan. The *China Law Review*, a quarterly published in Chinese and English, was started in 1922. Special interdisciplinary courses were given on Fridays and Saturdays by professors brought in from the Arts College at Soochow.

Before embarking on the three year law program students had to have a bachelors degree. Some students took advantage of an arrangement permitting them to earn an A.B. and an LL.B. in six years. Three were spent at the College of Arts at Soochow, and the remaining three at the Comparative Law School in Shanghai.

At the law school each student was required to attend classes fifteen hours per week, and to attend practice court sessions on Saturdays. The courtroom procedures of the practice court were unprecedented. Three forms of procedure were employed in rotation—Chinese in the Chinese language, Anglo-American in English and Mixed Court in Chinese and English.

The school's curriculum was also unique, consisting of subjects from three legal systems—Civil, Anglo-American and Chinese. This comparative approach provided the basis for the name of the school. Referring to the plan of study, Professor Manley O. Hudson of Harvard, later a World Court judge, in an address before the school in the early twenties, said: "Instruction in the national law is given on a basis of comparison with Anglo-American and Civil law and yours is the only school I know which really deserves the name of a comparative law school."

Starting in 1923 the case method of study was employed. Except for the few courses in Chinese law taught in Chinese, all courses were taught in English. The extensive use of English enabled a high percentage of graduates to earn advanced degrees with relative facility in England and especially the United States.

The school came under Chinese aegis in 1927, and was then headed by a Principal, assisted by a Dean of Studies. The first Principal, Dr. John C. H. Wu, an alumnus, was a professor of the school, having previously studied

in France and Germany and as a Research Fellow at the Harvard Law School. His articles on the jurisdic philosophy of Justice Holmes, Judge (later Justice) Cardozo and Rudolph Stammler were published in the U.S. and China in the nineteen twenties and were highly regarded around the world.

Dr. Wu had also served as a judge in Shanghai. He headed the school until the outbreak of the Sino-Japanese war in 1937. After the Second World War, he was for many years a law professor at Seton Hall University in New Jersey, and produced several volumes on jurisprudence. He is now in Taipei.

### **Temporary Interruptions**

After the outbreak of the Sino-Japanese war in 1937, there were various interruptions and changes of location. For several years the school functioned in Chungking, the war-time capital of China. Various leaders continued the struggle for the school's survival, often subrosa, on through the Second World War. The triumph of their efforts was demonstrated at the commencement exercises of 1946, attended by Dean Emeritus Pound of Harvard Law School. LL.B. graduates numbered 213 and the following year the first three post-war LL.M. degrees were conferred.

The Communist seizure of mainland China in 1949 brought about another cessation of operations, but Soochow had not come to an end.

### **Reactivation In Taiwan**

Reactivation of Soochow University began in Taipei, Taiwan, the new capital of the Republic of China. Again, extensive financial support came from the American Methodist Church, as well as from alumni in Hong Kong and elsewhere.

Taipei and other Taiwan cities became the new homes of alumni lawyers who had left the mainland and were resuming their professional activities. Because of their unique training today, nearly all Taiwan lawyers prominent in international business transactions are Soochow alumni. These men helped to make the school's rebirth a reality.

Since 1959, Soochow has occupied a new fifty acre campus in a beautiful valley designated for development into a cultural center for north Taipei. The campus buildings, situated in luxuriant foothills, overlook the Wei Shuang Hsi river opposite the famous National Palace Museum.

Although the law programs are still the University's standard bearer, there are now more than twelve university departments ranging from Chinese Literature to Sociology and the Computer Sciences.

The President, Joseph K. Twanmoh, J.S.D., is an alumnus of Soochow and the NYU Law School. After a long career of public service he became one of the most distinguished law practitioners in the Republic. Several years ago, he decided to place the former Comparative Law School programs in two separate departments. The Department of Judicial Service emphasizes the Chinese legal system to prepare graduates for roles as judges and lawyers in the local civil law system. The Department of Comparative Law introduces courses in foreign law, and in the field of international law and general jurisprudence. It is intended for those who want to pursue careers as legal scholars, diplomats or law professors.

The five-year undergraduate programs offered by both departments are the longest in Taiwan. This year, approximately 100 students will receive their LL.B. degrees. About 20% of the graduating class are women.

Studies begun in the undergraduate departments can be advanced further in the Graduate School of Law, which specializes in Comparative Law (primarily Anglo-American) and International Commercial Law.

### **The Graduate School of Law**

It is here especially that the university expects to regain and revitalize its mainland reputation. Inspiration and support for this effort came from The Asia Foundation, which has its headquarters in San Francisco and a permanent representative office in Taipei. In 1971 the Foundation agreed to a four-year plan of financial aid covering law chairs, visiting American professors, student fellowships, and the purchase of books on Anglo-American law. Additional assistance for law book purchases has come from the Commission for the Advancement of Christian Higher Education in Asia.

Dr. Liang Yuen-li was appointed the first dean of the Graduate School of Law in 1970. He was a Carnegie Teacher's Fellow in International Law at the Harvard Law School in 1930. His teaching career includes periods at the Comparative Law School of China, The Hague Academy of International Law, and twenty years as Adjunct Professor of Law at New York University. Other experience that he brings to the school includes diplomatic service in London, a judgeship in Shanghai, participation in conferences of the League of Nations and the United Nations, and the directorship of the Division for the Codification of International Law, United Nations Secretariat, 1946-1964.

Dean Liang has devised a two-year graduate program leading to the Master of Laws (LL.M.) degree. Candidates must possess an LL.B., score high on the entrance examination, complete 44 hours of seminar classes,

and pass an oral examination on an approved thesis. Generally speaking, the courses are the same as those in the United States (*e.g.*, Sales, Admiralty, Comparative Law, International Business Transactions), and in most cases the latest American casebooks are utilized.

All of the present faculty are prominent Taipei lawyers possessing LL.M.'s or J.S.D.'s from the United States. Continuing faculty recruitment is underway to meet the school's ambitious plans for expansion.

The overall future design calls for an integrated Law Center to house extended research projects, a reference library for judges and lawyers, and a Comparative Law Quarterly. A program for the J.S.D. degree will be made available for those interested in advanced research and teaching careers.

In 1972 the Graduate School of Law moved into a new seven-story, air-conditioned building in downtown Taipei. These quarters are shared with the Graduate School of Economics and the School of Commerce. The building is strategically located near the Presidential Office of Chiang Kai-shek and the judicial and legislative government complex. The first ten post-1949 LL.M. students will receive their diplomas in this building in June 1973.

In keeping with the earlier mainland tradition, the school hopes to attract visiting professors from the ranks of qualified lawyers, judges and law professors on sabbatical leave. American lawyers and law students interested in the LL.M. program, are sought for enrichment of the program. The school also welcomes assistance with its library acquisition efforts.

Anyone interested in participating in the renaissance may write to The Graduate School of Law, Soochow University, Wei Shuang Hsi, Shihlin, Taipei, Taiwan, Republic of China.