

“John C. H. Wu at the University of Michigan School of Law”

Huadong Zhengfa Daxue Xuebao [Journal of the East China University of Political Science and Law] No. 57, 2008: 2, pp. 139-148

by

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[Abstract] After graduating from the Soochow² Law School, John C.H. Wu traveled to the United States and the University of Michigan Law School for further study. In one academic year, he achieved superior grades in all of his courses and was awarded the Juris Doctor degree. In this period of study, he published his first article in the *Michigan Law Review*, which introduced China’s ancient legal codes and legal thought. It was also this article which ushered in his long-standing correspondence with Justice Oliver Wendell Holmes. As an outstanding alumnus of this Law School, the influence of John Wu at the University of Michigan is felt to this day.

[Keywords]

Wu Jingxiong [John C.H. Wu]

Juris Doctor

University of Michigan School of Law

¹ Li Xiuqing, Professor, East China University of Political Science and Law, Editor in Chief of this Journal [Journal of East China University of Political Science and Law]. When I took the post of Editor in Chief of this Journal several years ago I established a rule for myself – that I would never publish my own writing in a journal that I edit. Because there is limited space in each issue, I often feel regret and anxiety and the worry that I would be acting unfairly. However, after the last issue of this Journal carried the article entitled “John C.H. Wu and Soochow University” by Mr. Sun Wei of Soochow University, I felt publication of an article in this issue about John C. H. Wu’s study abroad at Michigan Law School might he effect a [descriptive] continuum. Thus, I have here broken my own rule, for which I ask the reader’s understanding and forgiveness.

² Translator’s note: The Chinese characters used here are “dong” and “wu”, forming the compound “dongwu” or “Eastern Wu” (Eastern Wu, or the “Jiangnan” (south of the Yangtze River) area centered on Nanjing, was one of the “three kingdoms” which fought for control of China after the demise of the Han Dynasty in 222 C.E.. It’s capitals were variously at present day Nanjing and Wuchang , but the area always included modern day Suzhou.) In connection with the Suzhou-based university, this compound has long been rendered “Soochow” in English translation. The present translation adheres to that convention, which represents two levels of variance with direct modern translation practice: First, as noted immediately above, the characters “dongwu” are rendered in English as “Soochow” per Soochow University and Soochow Law School’s own tradition (continued with transfer of the institution to Taiwan after the Communist Revolution in 1949). Second, the romanization “Soochow” is at variance with modern PRC *pinyin* romanization, which would rendered even the character combination of “su” and “zhou” as “Suzhou” – not “Soochow”. With respect to the latter variance, several PRC institutions, perhaps to maintain the goodwill associated with pre-Revolutionary brands, have reverted to pre-pinyin romanization practice, thus “Beijing University” is still “Peking University” and “Qinghua University” is still “Tsinghua University”. In the same way, “Suzhou University” in present-day Suzhou – nothing to do with the Soochow University transferred to Taiwan in 1949 – now uses the English name “Soochow University”.

Translated and annotated by Nicholas C. Howson, Assistant Professor of Law, University of Michigan School of Law.

Translator's Note:

The following is an English language translation of a 2008 Chinese language article on John C.H. Wu, Soochow Law School L.L.B. 1920 and Michigan Law School, J.D. 1921, by Professor Li Xiuqing of Shanghai's East China University of Political Science and Law. Professor Li is a specialist in Chinese legal history, with a focus on the transplant of Western and Japanese law into China during the late Imperial and modern era. She also serves as the Secretary-General of the China Legal History Association, and the Editor in Chief of the journal where this article appeared (Journal of the East China University of Political Science and Law). In 2006-7, Professor Li was a Fulbright Scholar at the University of Michigan Law School, where she followed in the steps of John Wu in researching and writing on early 20th century Chinese constitutionalism.

John C.H. Wu is one of the giants of post-Imperial Chinese law, philosophy, education and religion, who visited at law schools and universities throughout the United States and Europe -- including Paris (1921), Harvard (1923 and 1930) and Northwestern (1929). He engaged in a long correspondence with Justice Holmes between 1921 and 1935, founded *Tianhsia Monthly* (1935) as a bridge between Chinese and Western culture, and served as Vice Chairman of the KMT-era Legislative Yuan's Constitutional Drafting Committee starting in the early 1930s. In fact, he is well-known in China and Taiwan as the principle drafter of the 1946 Chinese Constitution, largely based on his June 1933 draft constitution (still described in Chinese as the "Wu draft"). In January 1927, he was appointed by the Jiangsu Provincial Government to sit as a judge on the new "Shanghai Provisional Court", a court with jurisdiction over all controversies in the Shanghai International Settlement, except those cases where the defendants were citizens of the Treaty nations. (As he exulted to Justice Holmes at that time, "I shall try to Holmesianize the Law of China!") He was later promoted to Chief Justice and then President of the same Court. He resigned from the Court in the Fall of 1929 to return to the United States as a Rosenthal Lecturer at Northwestern Law School (Winter 1929) and a Research Fellow at the Harvard Law School (Spring 1930). By the Fall of 1930 he had returned to Shanghai, where he practiced law until the Japanese invasion. After 1937 John Wu rediscovered his early Christian faith, only now as a Catholic and not a Methodist, and went on to an equally rich career as a Catholic intellectual and leader, translating the New Testament and the Psalms into Chinese, and serving as Chinese minister to the Vatican in 1947-8. (He later, in 1961, completed a still popular English translation of Laozi's Taoist classic, the *Dao De Jing (Classic of the Way)* -- see Jingxiong Wu, *Tao Teh Ching* (New York: St. John's University Press, 1961) (now: *Dao teh jing* (New York: Barnes & Noble, 1997)] (Boston: Shambhala, 2003)). In February 1949 he returned from Rome to Shanghai and was asked by the Guomindang Prime Minister Sun Fo (Sun Yat-sen's son) and Acting President Li Chung-zen (Chiang Kai-shek having "retired" to his home of Ningbo, prior to his transfer to Taiwan) to be China's Minister of Justice. The appointment was never formalized with the collapse of the Sun Fo cabinet, and in March 1949 -- after a final, melancholy, interview with Chiang Kai-shek at their shared

hometown Ningbo – John Wu departed China for the last time. After the 1949 Revolution, he was a long-time professor at the University of Hawaii and later still Seton Hall University in New Jersey. Readers interested in further English-language information on the Soochow Law School or John Wu's career and life may refer to: John C.H. Wu, *Beyond East and West*, New York: Sheed & Ward, 1951; and Alford, William P. & Yuanyuan Shen. "Law is My Idol: John C.H. Wu and the Role of Legality and Spirituality in the Effort to 'Modernize' China" in Wei-ming Tu (ed), *Essays in Honour of Wang Tieya*, Cambridge: Harvard University Press, 1994.

In addition to *Beyond East and West* and his translation of the *Dao De Jing*, John Wu's works include: *Juridical Essays and Studies* (Shanghai, China: Commercial Press, 1928) (Shanghai, China: Commercial Press, 1933); *Some Unpublished Letters of Justice Holmes* ([Shanghai, China]: s.n., 1935); *The Art of Law and Other Essays Juridical and Literary* (Shanghai : Commercial Press, 1936); *Essays in Jurisprudence and Legal Philosophy* ([Shanghai]: Soochow University Law School, 1938)(1981); *The Science of Love: A Study in the Teachings of Thérèse of Lisieux* (Huntington, Indiana: Our Sunday Visitor Press, 1941)(Hongkong: Catholic Truth Society, 1941); *Justice Holmes to Doctor Wu: An Intimate Correspondence 1921-1932* (New York: Central Book Co., 1947); *From Confucianism to Catholicism* (Huntingdon, Indiana: Our Sunday Visitor Press, 1949); *The Interior Carmel: The Threefold Way of Love* (London: Sheed & Ward, 1954)(Taipei, Taiwan: Huaguang Bookstore, 1975); *Fountain of Justice: A Study in Natural Law* (New York: Sheed and Ward, 1955)(London: Sheed and Ward, 1959)(Taipei: Mei Ya Publications, 1971); *Justice Holmes: A New Estimate* (Philadelphia: Brandeis Lawyers Society, 1957); *Cases and Materials on Jurisprudence* (St. Paul, Minnesota: West Publishing Co., 1958); *Chinese Humanism and Christian Spirituality* (Jamaica, New York: St. John's University Press, 1965); *Sun Yat-sen: The Man and His Ideas* (Taipei: Published for Sun Yat-sen Cultural Foundation by the Commercial Press, 1971); *The Four Seasons of Tang Poetry* (Rutland, Vermont: C.E. Tuttle Co., 1972); *Zhongguo Zhexue [Chinese Philosophy]* (Taipei, Taiwan: China Academy, 1974); *The Golden Age of Zen* (Taipei, Taiwan: United Publishing Center, 1975)(New York: Doubleday Image Books, 1996).

Early modern China produced many talented legal scholars. In their midst, one name is perhaps very difficult to forget – that name is Wu Jingxiong [John C.H. Wu] (1889-1986).³ In the very short period of the 1920s and 30s, perhaps no one measures up [to John Wu] in achievements or reputation for scholarship and research, legal education, legislative and judicial work, etc. One might go so far as to say that he was the most famous and outstanding [Chinese] legal personality of the time – and here it is appropriate not to use the qualifier “one of” [the most]. However, for various reasons, over a fairly long period mainland [PRC] scholars have all but forgotten the couple of decades when Chinese legal scholarship flourished -- a time when the history of law scholarship was prodded by movement towards a “new China” and everything was a “new frontier” – to the extent that personalities like John Wu, once of immense renown, are rarely mentioned.

Worthy of celebration is the fact that in the past ten years or so most legal history scholars have begun to turn their attention to early modern legal studies [in China]; jurisprudence and comparative law scholars – in their investigation of legal education reform, law transplants, Chinese and Western legal interaction, etc. – naturally focus their attention on developments over these critical decades for legal studies. Thus, sayings like “In the North: Chaoyang, In the South: Soochow”, and names like Wang Chonghui, John C. H. Wu, and Yang Zhaolong, are at last beginning to escape many years of historical obscurity. In the midst of this renewed attention, a flood of research on John Wu’s scholarly progress and life experience has appeared following the 2002 publication of a Chinese translation of his [English language] spiritual autobiography “Beyond East and West”.

For the past seven or eight years, a portion of my interest has been directed to examining the transplant of foreign law into modern China. With a focus of this kind, ranging far into history but studying the modern, occupied with both the Chinese and Western worlds, and in addition being exposed to the rich experience of such an out-of-the-ordinary personality, it is only natural that I was greatly intrigued. However, I never imagined I would write anything on [John Wu]. In October 2006, I was fortunate to be awarded a Fulbright Scholarship and travel to the site of the University of Michigan’s⁴ School of

³ Translator’s note: “Wu Jingxiong” is the modern PRC pinyin romanization of the Chinese characters for the subject’s name. As this article confirms, at some point before traveling to Michigan he adopted the foreign given name “John” (as in “John Wu” or “John C.H. Wu”), although as also shown in this article (see footnote 17), his name was romanized as “Wu Chin-hsiung” when he entered Soochow Law School in Shanghai. Each time the author refers to Wu Jingxiong in the original Chinese article it is translated into English as “John Wu” or “John C.H. Wu”.

⁴ In America’s State of Michigan, universities with the word “Michigan” in their names include the University of Michigan, Michigan State University, Eastern Michigan University, etc. Add to this the fact that “Michigan” is translated into Chinese [using the different character sets] “mi xie gen”, “mi xi gen”, “mi zhi an” etc., and confusion easily results. The University of Michigan is located in Ann Arbor. Whether for its level of scholarship or scholarly reputation, the University of Michigan is the strongest of these [Michigan institutions], not only in the State of Michigan, but among America’s public universities. Thus, I should note in passing that Mathias Christian’s “Rechtphilosophie zwischen Ost und West – Zine vergleichende Analyse der fruhen rechtsphilosophischen Gedanken von John C. H. Wu [“Legal Science Between East and West – A Comparative Study of John C.H. Wu’s Early Jurisprudential Philosophy”] (China University of Political Science and Law Publishing House, 2004) contains one inaccuracy: At page

Law, located in the Northern United States in the small city of Ann Arbor. This is the first place where John Wu studied abroad, and also the only place among his many experiences abroad where he studied for a degree. After reviewing a good deal of material, I slowly took the decision to write this piece; and after living and studying in that small city and campus for a year, I felt I had the duty to complete this writing. As this article is composed with real feeling and affection, I hope it adds something new and is not merely superfluous.

I. After Graduation In Law from Soochow, To Michigan Law School to Deepen His Study

To describe the opportunity John Wu had to travel to Michigan Law School after his graduation from Soochow University Law School (“Soochow Law School”), I must first start with the history of the two institutions and their interaction.

The University of Michigan was one of the earliest American universities to establish relations with China. In the first period, of the 11 students in the graduating class of 1845, one by the name of Judson D. Collins (1823-1852) was sent to Fujian as a Methodist missionary two years after graduation. He was probably the first Western missionary to reach Fuzhou. Although we [in China] have repudiated the activities of early missionaries, in America he is seen as the vanguard of those who went to China, and for that reason is one of the University of Michigan’s most famous early alumnae. And James B. Angell (1829-1916), for 38 years the President of the University of Michigan (1871-1909), was from 1880 to 1881 the Resident American Minister for the American Government in China. Because of this relationship, the University of Michigan was very well known in China at that time. When [Angell] returned to America, a number of Chinese students traveled to the University of Michigan to study abroad. In particular, when through the efforts of Angell and other enlightened people the surplus of the Boxer Indemnity was refunded for the support of Chinese education, the number of Chinese students traveling to America increased, as did the number of Chinese students going to Michigan.

According to statistical materials, between 1911 and 1917, there were 50 to 70 Chinese-origin students who studied at the University of Michigan.⁵

8, the statement “He [John Wu] went abroad to study in America in August 1920, registering at the Legal Research Institute of the University of Michigan” conflicts with what appears at page 22 “In the Fall of 1920 at Ann Arbor, Wu enrolled for a Master of Laws degree at Michigan State University.” Michigan State University is not in Ann Arbor, but in the [Michigan] state capital of Lansing. Translator’s note: the author, in referring to Mathias Christian’s book, is referring to a Chinese language translation of the volume, Tian Modi, *Dongxifang Zhijian de Falu Kexue – Wu Jingxiong Zaoqi Falu Zhexue Sixiang Zhi Biaojiao Yanjiu* [Legal Science Between East and West – A Comparative Study of John C.H. Wu’s Early Jurisprudential Philosophy], Beijing: Zhongguo Zhengfa Daxue Chubanshe [China University of Political Science and Law Publishing House], 2004. No effort has been made by the translator to determine the German language correspondences to citations recorded here.

⁵ Nancy Bartlett (ed), *The University of Michigan and China: 1845-2006*, Bentley Historical Library, The University of Michigan, p. 6.

The Michigan Law School was established in 1859, with halting progress during its initial period, but continued development, eventually achieving proud success. In particular, [such development accelerated] starting after Henry M. Bates (1869-1949) became Dean in 1910 and implemented a series of reforms, the most important of which included: 1910, with the start of the Juris Doctor degree (the name used for the degree of doctor of laws (Juris Doctor)); 1915, elevation of the law department to a law school; and at the same time, with the aim of establishing a law school of the first rank internationally, the appointment of several international law and comparative law specialist professors, and the restructuring of the curriculum and the library collection. By 1920, and after 60 years of development, the Michigan Law School had not only a high standing in America, but also an international reputation. Because of its own development, and also because the University of Michigan and China had already established an embrace and tradition of intimate connection, the Michigan Law School became one of the premier destinations for graduating Chinese law students. Thus, between 1909 and 1918 there were 12 Chinese students at the Michigan Law School.⁶

At the start of the Republican period in China, there were many legal political institutes; and many private universities (institutes) and missionary universities also had law departments (law institutes). It would seem that legal studies continued to flourish just as they had in the final decades of the Qing dynasty, even though the government continued to issue laws and regulations governing [legal education and the legal profession].⁷ The Soochow Law School was undeniably one successful establishment among them, and one of the fastest developing institutes.

Soochow University was a product of the American “Methodist Episcopal Church (or Mission), South”⁸ missionary effort in China, especially in Shanghai and the surrounding area. Formally established in 1901 in Suzhou, it was in the same year registered in the State of Tennessee, site of the “Methodist Episcopal Church (or Mission), South” headquarters. Thus from its very beginning, and like other missionary universities, it was deeply influenced by nationals of the country whence the missionary promoters came, including with regard to its faculty, the curriculum, the administrative model, etc. In 1915, and on the foundation created by merger of the same missionary group-established [Chinese-Western Institute]⁹ into Soochow University, Soochow Law School opened on Shanghai’s Kunshan Road with a catchy English language name – “The Comparative

⁶ Data shows that between 1896 and 1958, among the [Michigan] Law School’s foreign law students, the greatest number came from China (28 students). Although that number alone seems small, through this period the total number of foreign students numbered 161, from 40 countries. Aside from the largest proportion of Chinese students, the other relatively large cohorts of foreign students were from Germany (21 students) and Canada (14 students). See Elizabeth Gasper Brown, *Legal Education at Michigan: 1859-1959*, The University of Michigan Law School, 1959, p. 693.

⁷ See Wang Jian, “Modern Legal Education in China”, China University of Political Science and Law Publishing House 2001, Chapter 3 – “Law Schools”.

⁸ The “Methodist Episcopal Church (or Mission), South”, a branch of “The Missionary Society of the Methodist Episcopal Church”, an important denomination undertaking American missionary activity in China.

⁹ Translator’s note: this is a direct translation of the Chinese name for this missionary establishment, “Shanghai Zhong Xi Shuyuan”. It almost certainly had a different English language name, which neither the author nor the translator have been able to determine.

Law School of China”. Its faculty was led by a lawyer-missionary from the state of Tennessee, the main [Soochow] University’s political science professor C.W. Rankin, and it received wide support from Shanghai’s foreign and Chinese legal circles.¹⁰ From the English name it is clear that the Soochow Law School’s aim was to train academic experts in “comparative law”, and specifically require its students to study and grasp the basic principles of the world’s major legal systems. However, because the presiding professor C.W. Rankin and the majority of other professors had Anglo-American legal backgrounds, lectures and teaching were weighted towards Anglo-American law. Other than Chinese law subjects taught using Chinese, all other courses were given in English. At the same time, from its very inception, [the Soochow Law School] modeled itself on the methods already universally confirmed at the then-well-known American law schools: only students with two years of university level study could enter, with the course of study set at three years. At the beginning, not many students enrolled. The first class had seven students, who received LL.B.’s in 1918. The second class had two students, and the third class eight students. However, because of the diligence and efforts of the students, and the strong teaching administration, the Law School nonetheless acquired a relatively strong reputation. Moreover, because of the strong connection with the United States, it received recognition and support from some of America’s famous law schools, including the University of Michigan.¹¹ Among those, certain of the graduating students who had received the [Soochow] LL.B. degree were then recommended for travel to these [same] law schools in America to undertake Masters or Doctoral degree studies in law. Among the eight graduating students of the third class, six received degrees in America.¹²

¹⁰ Translator’s note: John Wu describes the earliest days of the Soochow Law School as follows in his autobiography: “The classes were held in the evenings, from five to eight. There were no regular professors except Rankin himself, but practically all the famous lawyers in Shanghai, including Judge Lobinger of the U.S. Court for China, were on the faculty as lecturers on particular branches of the law. ... Besides the courses on legal subjects, there was a class on religion, taught by Rankin. We were required to read the Bible, and I fell in love with it. Also, the edifying example of Rankin made me search for the living source of his spirit of purity and love.” John C.H. Wu, *Beyond East and West*, New York: Sheed and Ward, 1951 (hereinafter “JWBEW”), pp. 66-7. On the U.S. Court for China (established by an act of Congress in 1906, akin to a federal district court, with appeals to the 9th Circuit Court of Appeals and the Supreme Court, and exercising civil and criminal jurisdiction over U.S. citizens within the “District of China”), see Teemu Ruskola, “Law’s Empire: The Legal Construction of “America” in the “District of China”, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=440641.

¹¹ I have previously reviewed “A True Examination of the History of Privately-established Soochow University Law School (1915-1952)” [Shanghai Archives No. Q245-1-1] in the Shanghai Archives, and its tone and language is heavily impressed by the time [when it was written], such that reading it now seems a bit laughable. For example, it states: “Before the great revolution of 1927, the entire curriculum at the Soochow Law School was the English and American imperialist curriculum, without one course on Chinese law. All instructors used English, and the only study materials were Anglo-American cases. Other than formal courses, the Dean also often invited “American scholars” to lecture at the school, as a way to deeply implant imperialist political thought. At the same time, in order to create a cadre of slaves to serve them among the graduates of Soochow Law School, [graduating students] were permitted to enter American universities without taking examinations, and within less than a year they could receive the doctor of laws degree.” This description does not entirely accord with fact (especially the last phrase, as will be demonstrated below), but it does help us understand from another point of view the early success of the Soochow Law School and its very close connection with the United States.

¹² Wang Guoping (ed): “Soochow University – Scholarship in Tiancizhuang”, Hebei Educational Publishing House 2003, pp. 54-5 (the characters “Tainci” refer to the area where Suzhou sits).

John Wu was in the Soochow Law School's third class. He enrolled on September 12, 1917, and graduated on June 1, 1920. Before entering the Soochow Law School, he had previously studied science at the Baptist College of Shanghai,¹³ and spent a half-year studying law at Beiyang University.¹⁴ From the age of six he studied the Chinese classics¹⁵ with a private tutor, and started learning English at the age of nine in primary school. In the open [Treaty] coastal port of Ningbo he was exposed both to traditional Chinese education and a profound Western influence, such that even before he entered university John Wu already had a good base in both Chinese and Western learning. In particular was his English language -- as he himself said: "...I liked English from the very beginning" feeling "[i]t takes a great deal more memory to learn Chinese characters than to master the English ones", "... I loved English at the first sight", often "I *think* in English, but I *feel* in Chinese".¹⁶ With this foundation, he was very quickly able to demonstrate his potential and superiority after entering Soochow Law School, where the greater part of the curriculum was taught in English and focused on Anglo-American law. His academic transcript¹⁷ shows that in three years he took more than 40 courses, and in

¹³ Translator's note: traditional rendering of the Chinese form "Hujiang" University.

¹⁴ Translator's note: Scholars of modern Chinese literature will be interested in the close relationship between Wu and perhaps China's most famous poet in the 1930s, Xu Zhimo ("Hsu Tse-mou" in the romanization of the time): "In the spring of 1917, my old companion Tse-mou and I found ourselves in the Peiyang [Beiyang] University, studying law... One day, my fellow student Hsu Tse-mou and myself decided also to pick up some names for ourselves. Tse-mou chose for himself "Hamilton" because he aspired to be a great Constitutionalist and economist. Thereafter he was to be called Hamilton Hsu. But later he turned out to be a poet of no mean order; and I think that was the reason why he dropped his adopted name." JWBEW, pp. 65-6. Thus, just as American letters can thank the Harvard Law School for Henry James, modern Chinese literature can thank the Beiyang University law program for Xu Zhimo!

¹⁵ Translator's note: in Chinese, the "Four Books and Five Classics".

¹⁶ John C.H. Wu "Beyond East and West", Zhou Weichi (trans), Lei Libo (annotated), Social Sciences Academic Press (China) 2002, pp. 46-8. Translator's note: the author of this article cites to pages in Zhou Weichi's 2002 Chinese language translation of John C. H. Wu's "spiritual autobiography" *Beyond East and West*. This translation in turn re-inserts the original, English-language, phrases from Wu's English language text, and provides cites for John C.H. Wu, *Beyond East and West*, New York: Sheed and Ward, 1951 (as above, "JWBEW") in brackets following the cite to the Chinese translation. For the phrases in this passage, the citation is JWBEW, pp. 50-1.

¹⁷ Many thanks to Soochow University's Dr. Sun Wei for sending me this very valuable academic record for John Wu. With the exception of his name and residential address, the transcript is entirely in English. It is worthwhile to note in passing that according to this transcript the English form of his name used at the time of his study at Soochow Law School was not the name Wu says he used at that time in "Beyond East and West" (at p. 60) [JWBEW, pp. 65-6], "John Wu" -- but instead was "Wu Chin-hsiung". Translator's note: thus, John Wu's statement in his book that "In the fall of 1917 I registered myself [at Soochow Law School] as John Wu" (JWBEW p. 65) would seem to be inaccurate. John Wu's own description of how he took on the given name of "John" is interesting: "Nothing could be more casual than the way I came to adopt the name "John". Now in those days there was a vogue among Chinese students to adopt Western names.... I worshipped so many heroes that I could not decide upon any one. So I referred to the "Proper Names" section of Webster's Dictionary. I was running through the section alphabetically. When I came upon "John" I felt there was something arresting about it. I read it aloud many times, "John, John, John..." "Why," I said to myself, "this sounds exactly like my Chinese name *Ching-hsiung*!" The fact is, when my schoolmates called me Ching-hsiung, they said it so quickly that the two syllables were merged into one, sounding very much like John. Therefore, this name suited me like a glove. What if the glove was imported, so long as it fitted my hand? I did not care which John I was

more than half was awarded outstanding grades of higher than 90%. Although he was the youngest student in his class, from the second term of the 1917-8 academic year to graduation he was the class monitor [class president]; with a final average of 90.25% he was the only student in his graduating class awarded “First Honors”.¹⁸

In sum then: the Michigan Law School had a very good reputation internationally, and a strong connection with China; Soochow Law School was the product of American Protestant missionary efforts in Shanghai and its environs, directed by Christians and American [trained] lawyers, and based on the American legal education model – so that in a short time after its establishment it achieved great renown; John Wu was himself already well prepared academically, with excellent grades and an enthusiastic and diligent character. These several subjective causes acting together allowed John Wu to win the opportunity to travel to the Michigan Law School for further study, opening before him a completely new frontier of study abroad.

II. Earning a Juris Doctor Degree in One Year of Study

In the summer of 1920, newly graduated from Soochow Law School and only 21 years old, John Wu boarded the American ship “S.S. Nanking” and commenced his first trip outside of China. The long journey by sea did not find him bored, nor did the huge expanse of the Pacific Ocean make him feel diminished or exhausted, nor did the separation from his homeland and family make him feel sad or worried. Conversely, he “felt as free and happy as the birds of the heavens and the fish of the sea.”¹⁹ This was not merely the happy excitement of an earnest Christian, but the pure feeling of a youth filled with hope and expectation towards the immediate future.

Using the [English] name “John Wu”, he enrolled at the Michigan law School on October 5, 1920, and graduated on June 30, 1921, receiving the Juris Doctor degree. It was because of this degree that for ever after in his life he was called “Doctor Wu”, notwithstanding his subsequent receipt of several honorary doctorates from famous universities – these were only “honorary” and decorative.

following. Anyway there was John Marshall, John Keats, John Wesley, John Webster, John Falstaff, and King John. So I thought I was in fairly good company.” JWBEW, pp. 65-6.

¹⁸ According to “Relevant Materials Regarding The First to Eleventh Classes of Soochow University Law School”, in the first four graduating classes of Soochow Law School, each class had only one student awarded “First Honors”. See Sun Wei, “John C.H. Wu and Soochow University” (initial draft), which article, after editing, was published in “Journal of East China University of Political Science and Law”, 2008:1. Translator’s note: on John Wu’s relative youth, see his autobiography: “The students [at Soochow Law School] were mostly grown-up people who had work to do in the daytime.... I was the youngest. I remember an interesting thing happened on the day of my registration. I went to see the dormitory and met a sophomore student, who asked me, “What are *you* doing here?” I told him that I was just admitted. “What!” he said, “Look at these big textbooks and case-books. We have to read about a hundred pages a day. How can you catch up with the assignments, a young boy like you?” JWBEW, p. 67

¹⁹ John Wu, “Beyond East and West”, Zhou Weichi (trans), Lei Libo (annotated), Social Sciences Academic Press (China) 2002, p. 73 [JWBEW, p. 76].

Today, mainstream law schools in the United States primarily award three degrees: the Juris Doctor, the LL.M. [faxue suoshi] and the S.J.D. (or J.S.D. [faxue boshi]).²⁰ Among these, the latter two are primarily for foreign [non-U.S.] students studying abroad [in the United States]. The LL.M. is generally awarded after one year of study and completion of a required number of credits. The S.J.D. is often awarded to students who have already received the LL.M. and who apply to complete another year of course work under the direction of an academic advisor (some law schools do not have this requirement) and then continue with another two or three years of work finishing a dissertation. The Juris Doctor is the most important degree awarded, and it can be said is the [law] degree with the greatest American legal education specificity – not only do the greatest number of students apply to obtain this degree, but the application requirements and process are the most complex. Following the accelerating internationalization of American higher education, the number of foreign students going to the United States to work for the LL.M. and S.J.D. degrees has increased each year. Yet, even now the number of foreign students undertaking Juris Doctor study is limited. [This is because:] application requirements and conditions are fairly high, and complex; a three year program of study means high fees; and the special characteristics of the social science aspect of legal studies and the practical orientation of American legal studies. All these factors contribute to the idea that it is not easy to work towards and receive a Juris Doctor degree. Even for U.S. students, the receipt of a Juris Doctor degree after one year of study is unheard of. Add to this the fact that foreign students do not speak English as a mother tongue, the whole prospect is rather intimidating, unless they conform to special requirements.

At the time John Wu entered Michigan Law School during the Fall of 1920, Michigan only awarded two degrees:²¹ the Juris Doctor and the LL.M.²² As described above, the Juris Doctor degree was first awarded in 1910. The LL.M. degree was awarded earlier, starting from 1890. In the early period, those [working towards] the LL.M. degree had to take at least three courses in the offered curriculum, study under the direction of a faculty member and make frequent reports to the faculty member on research and study progress, take examinations at stipulated times to demonstrate their study and research capabilities, and finally submit a thesis on an already approved topic.

At the time John Wu commenced study, the Michigan Law School Juris Doctor degree was conferred upon students who had already received a degree from Michigan or another recognized university, and who then studied at Michigan Law School for three

²⁰ Translator's note: in Chinese, there are different but very similar terms for (i) J.D. and (ii) J.S.D./S.J.D. The former is rendered "falu boshi" in Chinese, and the latter "faxue boshi".

²¹ Translator's note: We are indebted to former Michigan Law School Dean Theodore St. Antoine for the following correction (June 2008): "Professor Li says that when John C.H. Wu entered Michigan Law School, it was awarding two degrees -- the J.D. and the LL.M. It was also of course awarding the LL. B. and continued to do so into the 1960s. At first the J.D. was reserved for students who had received another university degree before they entered the Law School. That was the rule in the John Wu years. Later the J.D. was granted in recognition of academic performance in Law School -- a "B" average. But the LL. B. remained the standard "undergraduate" law degree until it was supeseded by the universal J.D. in the 1960s."

²² Another degree [now] awarded by Michigan Law School, the J.S.D., was given from 1925.

years (or had studied at another recognized law school for one year with at least two additional years at Michigan Law School), and completed the basic number of credits, achieving superior grades in three quarters of the courses. This was the normal situation. In the same period, the LL.M. was conferred upon those who had already received a legal studies degree from the University of Michigan²³ or another recognized law school while achieving very high grades, and then completed a fourth year and the requisite number of credits at Michigan Law School. Outside of these, those who achieved especially superior grades could be awarded the Juris Doctor degree.²⁴

From the foregoing we can see that if after John Wu's mere one year of study he had received the LL.M. degree, then that would have been the normal situation. His winning the Juris Doctor degree was thus out of the ordinary. This is to say that John Wu, with a Soochow Law School degree recognized by Michigan Law School, and with good grades and conforming to application qualifications, was easily enrolled for the LL.M. degree.²⁵ Because his results were so good, he was [instead] awarded the Juris Doctor degree.

We know from his academic records reviewed at the Michigan Law School that John Wu was considered a third year law student at Michigan; thus he entered with the graduating class. As he had already completed three years at the Soochow Law School in Shanghai, this [additional year at Michigan] was very much like the required fourth year of study. In this one year of study, he took five courses: Political Theory, Constitutional Law, International Law, Roman Law, and Science of Jurisprudence, for 20 credits overall. Of these, the first three courses stretched over two semesters, for 4, 6 and 4 credits respectively. The latter two courses were single-semester courses – with Roman Law given in the first semester (the 5th semester [in the three year curriculum]) and Science of Jurisprudence in the second semester (the 6th semester), each carrying 3 credits. Between 1912 and 1925, the Law School stipulated that the basic requirements for one year of study were completion of between 4 and 6 courses, for between 20 and 24 credits. Thus, describing his program to this point, by taking 5 courses and receiving just 20 credits, John Wu only completed the basic academic requirements. What is startling however is that the grade he received for each of these five courses was an “A”, so that in the two semesters he received 8 “A” grades. In accordance with the grading system at that time (and still true today), there were five levels of grades -- A, B, C, D, E – with “A” being the equivalent of “Excellent”. It is very difficult to understand today the real situation for grading by professors at that time. However, according to this author's informal understanding during her year at the Michigan Law School, and according to information given to me by the former Dean of the Michigan Law School (Theodore St. Antoine) during his visit to the East China University of Political Science and Law at the time I was writing this article, those achieving “Excellent” (now including A+, A, and A-) normally do not exceed one fifth of the students in a given class. When students receive

²³ Translator's note: this would be the University of Michigan LL.B.

²⁴ See Elizabeth Gasper Brown, *Legal Education at Michigan: 1859-1959*, The University of Michigan Law School, 1959, pp. 746-47.

²⁵ On September 28, 2007, the author visited the University of Michigan's Bentley Historical Society and found the archive file for John Wu. In that file there was a light green card which was John Wu's “diploma fee” card filled about by John Wu. Handwritten into the box for “diploma” is “J.D. or LL.M.”

an A for one course, most would already feel very happy; receiving A's for all five courses, and by a Chinese foreign student, cannot have been easy and seems rather out of the ordinary. Thus, as a student with particularly superior grades, John Wu in the end was awarded a Juris Doctor degree.

John Wu was not in fact the first graduate of Soochow Law School to go to Michigan Law School for degree study. One year before, a student in the second Soochow Law School class (Wang Fubi) traveled to Michigan for study, and was awarded the LL.M.²⁶ Nor was John Wu the only Soochow Law School graduate to pursue degree study at Michigan Law School that academic year, as in that same year in his class were also Chen Tingrui [Ding Sai Chen] and Lu Dingkui [Ting Kwei Loh]. Each of the three classmates needed only one year to receive the Juris Doctor degree. We do not know the courses taken or the results of the other two students, but we can surmise that their grades were also particularly good. In the 1920-21 academic year, there were only five foreign students at the Michigan Law School, and a total of 98 students in the 3rd year class. Because of their excellent academic preparation, and their exposure to a completely Anglo-American training very much consistent American law schools, the achievements of each of these three black-haired, yellow-skinned youths in the Law School must have been well remarked. This was not only a point of pride for the Soochow Law School at the time, but also for those of us who work in the law today. Thinking back on that time and all of these circumstances, one cannot help but feel that such excellence will not soon manifest itself again.

Returning to the story: the fact that John Wu's academic excellence allowed him to receive the Juris Doctor degree may be attributable to the congenial living environment he found himself in and his wide circle of happy acquaintances. After his arrival at Michigan Law School his interest and faith in Christianity cooled; added to that was his revulsion at the materialism he found among the youth in America (once expressing the doubt, "is this the America of Washington, Lincoln and Emerson...?") Overall, however, it would seem that John Wu's student life was remarkably happy, and also rich. The following remembrance evidences this:

"My stay in Ann Arbor was among the happiest periods of my life. My teachers, Dean Henry M. Bates, Professor Joseph H. Drake, and Professor Edwin Dickinson, took a personal interest in me. They were so cordial and kind to me, and I was so intensely interested in my studies, that I had no time to feel homesick, although it was the first time that I was ever abroad. Professor Drake called me a "prodigy", and Dean Bates used to say to me, "Are you again working in white heat?" There was a certain homelikeness and coziness about Ann Arbor, and a warm sympathy about its people. There were also quite a number of Chinese students there, and a nice Chinese restaurant on the campus.

²⁶ Wang Guoping (ed): "Soochow University – Scholarship in Tiancizhuang", Hebei Educational Publishing House 2003, p. 55. I should note that in the Bentley Historical Library I reviewed a name list entitled "Catalogue of Graduates, Non-graduates, Officers, and Members of the Faculties: 1837-1921" and found on page 614 a listing for Ding Sai Chen [Chen Tingrui], and on page 615 a listing for Ting Kwei Loh [Lu Dingkui] and John Wu [Wu Jingxiong]. However, perhaps because of an oversight on my part, I did not see Wang Fubi's name.

My landlady, one Mrs. Hutchison, was very kind to me. Once she had a good laugh over my stupidity in handling the telephone. Someone wanted to talk to me over the phone, and she called me to it. I said “Hello” at the top of my voice for five minutes, but I did not hear a thing. She came down to see what was happening and found me talking to the listening end and listening to the talking end! It was the first time that I ever handled a telephone.”²⁷

The Dean Henry Bates referred to in this excerpt is the Professor Bates who became Law School Dean in 1910 already referred to above.²⁸ He was John Wu’s Constitutional Law professor. Edwin Dickinson taught John Wu International Law. Joseph Drake was his Jurisprudence professor. The fact that after graduation John Wu was immediately able to successfully apply for a grant to the Carnegie Endowment for International Peace, and then successfully go to the University of Paris as a visiting scholar, was due to the recommendation of Professor Dickinson.²⁹ Dean Bates, Professor Drake and his Political Theory professor Robert T. Crane also participated in providing recommendations for John Wu.³⁰ Thus from this angle it seems that John Wu’s reminiscences about the regard he received from his professors during his student days are not untrue. Moreover, only people who have wonderful memories of that period of time can, many years later, use such a soft and nostalgic tone in recapturing such a bright picture of life in an alien land.

III. First Article Published in The Michigan Law Review

During John Wu’s one year of study life at Michigan Law School, he not only achieved superior grades to comply with the requirements for the Juris Doctor degree, but he also published his first article in the March 1921 issue of the Michigan Law Review, entitled “Readings from Ancient Chinese Codes and Other Sources of Chinese Law and Legal Ideas” (hereafter “Chinese Readings and Sources”).³¹

²⁷ John C. H. Wu “Beyond East and West”, Zhou Weichi (trans), Lei Libo (annotated), Social Sciences Academic Press (China), 2002, pp. 94-5 [JWBEW, pp. 89-90].

²⁸ Translator’s note: the author makes this statement because the Chinese characters used to render Dean Bates’ name in the two places are different.

²⁹ Translator’s note: Wu’s description of this process is delightful: “Some time in May 1921, as I was reading in the library, Professor Edwin D. Dickinson, who was my teacher in International Law, approached me with an application form in his hand. He asked me, “Do you want a fellowship in International Law?” “Of course, I do!” I said. “Then fill up this form, which I have just received from the Carnegie Endowment for International Peace. It will be a traveling fellowship. You have a good chance of getting it, and you can choose any school in the world except this school.” I got the fellowship, and I chose to go to the University of Paris. When I was settled in Paris, I wrote a long letter to [Justice] Holmes... : “My Dear Justice Holmes: Last Spring I was in Ann Arbor; now, I am in Paris....” JWBEW, p. 90.

³⁰ See “John C.H. Wu: An Autobiographical Sketch” in Soochow *Niankan* [Soochow Annual]: *Wu Jingxiang Yuyan Ji Tici* [A Picture of John C.H. Wu: Preface and Tribute], Shanghai Archives, Archives No. Y8-1-206-4.

³¹ “Readings from Ancient Chinese Codes and Other Sources of Chinese Law and Legal Ideas”, Michigan Law Review, vol. 19, 1921, pp. 502-536. The specific content from this article related here is all presented in accordance with the original article, but [I have] at the same time [made] reference to Mathias Christian, “Rechtphilosophie zwischen Ost and West – Zine vergleichende Analyse der fruhen rechtsphilosophischen Gedanken von John C. H. Wu” [“Legal Science Between East and West – A Comparative Study of John C.H. Wu’s Early Jurisprudential Philosophy”] (China University of Political Science and Law Publishing House, 2004), Chapter Two: Section One – Jurisprudence Articles.

In the United States, from the time in 1887 that a Harvard Law School student organized the first student-run and -edited journal – the “Harvard Law Review” – some famous law schools followed Harvard’s lead and published their own “Law Reviews”, so that today these publications express the best product of legal research more than “specialist legal publications”. The Michigan Law Review was founded in 1902 and over time has ranked 6th among the hundreds of similar law reviews, making it one of the original authoritative law reviews. What makes the Michigan Law Review different is that, from the time it commenced publication to 1940, it was not entirely student-edited, and in fact was primarily administered and edited by Michigan faculty members – and this did not diminish the quality of the articles published or the Law Review’s reputation in the academy. That is because from the beginning of publication it was under the tight control of a famous and very capable cohort in the Law School.

During the time John Wu was at Michigan Law School, the Law Review published one issue every month of the academic year (from October to June) but not in the first month of the new academic year (October). In addition to the regular sections “Editorial”, “Recent Important Decisions” and “Book Reviews”, each issue carried just three or four articles. For the Volume 19 in which John Wu published his first article (No. 8 of the 1920-21 academic year), the Editor in Chief of the Law Review was the Law School’s well-known Professor Ralph W. Aigler (1885-1964).³² There were five Assistant Editors, including Law School Dean Henry Bates and Science of Jurisprudence Professor Joseph Drake mentioned above. In addition, there was a group of 21 students appointed by the faculty to participate and assist in publishing the Review. It cannot be said that this editorial board was not strong.

Looking at the articles published in that Volume 19, the first issue’s authors included Northwestern Law School professor and representative American analytical jurisprudence scholar Albert Kocourek (1875-1952); authors in the third issue included Oliver S Rundell of the University of Wisconsin School of Law and the Michigan Law School’s John B. Waite; and the fourth issue’s authors included Science of Jurisprudence Professor Joseph Drake alluded to above. With John C.H. Wu in the fifth issue was Pittsburgh University Law School Professor George J. Thompson. We will not comment here on the extent to which John Wu’s chosen topic (materials on ancient Chinese legal codes and thought) was appropriate, his translations were absolutely perfect, the logic of his exposition was disciplined, or his academic view was new and well-supported; [but we can say that] as a Chinese foreign student who had just arrived in America, publishing an article in a Law Review of such high standing, with his name appearing next to some of the United States’ most famous legal scholars in the same publication, this can only surprise people -- so that truly John C.H. Wu was “a dragon among men”!³³

³² Ralph Aiger graduated from Michigan Law School in 1907, becoming an Assistant Professor in 1910, and a full Professor in 1912. He retired in 1954 and was a celebrated property law and commercial law scholar. See Allan F. Smith, “Ralph W. Aigler”, Michigan Law Review, vol. 63, 1964, pp. 2-4.

³³ See John Wu, Jr., “Gentle Dragon”, Foreword for John C.H. Wu, “Studies in Legal Philosophy”, Tsinghua University Publishing House, 2005. Translator’s note: a part of the Chinese translation of the title of the footnoted writing (by John C.H. Wu’s son) is “A Dragon Among Men” (Renzhong Zhi Long).

There is in fact much to note in John Wu's article.

Chinese Readings and Sources excerpts, translates and introduces multiple legal texts from ancient China, a good portion of which include first translations by the author. John Wu's "ancient China" stretches from 2255 BC to 630 AD. The article is a full 35 pages, but apparently isn't finished because "To Be Continued" is written at the end of the article. It translates legal texts from ancient Chinese sources and [describes] the legal philosophy of important personages so as to track and outline the development of ancient Chinese law, and introduces special aspects such as blood revenge, joint and several [criminal] liability and the goals of penal law, etc. In the course of description and translation, he also explains why he has selected certain texts, and introduces the text's historical background and the author's thought, and explains certain very difficult to understand terms. Thus, from its structure to its analysis, the article certainly measures up to its title.

Before the seven sections of the article, there is a kind of preface.³⁴ In the first passage, John Wu opens up the topic by writing as follows:

"With the legal profession today there is a growing interest in the study of universal legal ideas. Legal ideas, it would seem, gain strength by extension both in time and in space. As *ius gentium* is necessarily more congenial to human reason than *ius civile*, so it may be said that the laws of all ages are more deep-seated in human nature than those of a particular generation. The scope of comparative jurisprudence, therefore, embraces all the length and breadth of legal scholarship, so that it cannot afford to ignore any materials that may give us light upon the legal notions of the ancient world."

This proclamation-like statement already indirectly expresses his pride for ancient Chinese legal culture. This can be seen also in the last sentence of the article's second section: "... and this article presents a translation of the Chinese law, by a Chinese bred under the genuine Chinese influence." The statement implies that the Chinese law translations done [at that time] by the well-known John H. Wigmore (1863-1943) are problematic, and clearly states that translations and description of Chinese law are more appropriately done by those – such as John Wu – with a Chinese upbringing. Moreover, this expresses John Wu's confidence that he -- as a Chinese scholar -- is willing to engage in an intellectual dialogue and exchange with Western scholars about the ancient Chinese legal tradition.

The other parts of Chinese Readings and Sources clearly demonstrate the author's wide reading and extraordinary efforts in the service of seeing similarities and identifying differences between the East and West. For instance, he: uses Professor Kocourek's theory of three stages of legal system development with respect to ancient Chinese legal history, pointing out ancient Chinese schools of legal philosophy that are similar to Western schools of legal thought; compares Roman law principles and ancient Chinese

³⁴ Translator's note: John Wu reproduces this in his autobiography, saying it "reflects faithfully the mental physiognomy of the young John Wu." See JWBEW, p. 89.

law principles; [states a] belief that Chinese legal philosophy is perfectly able to receive contemporary Western legal principles and theory; and stresses the importance of the spirit of a legal system, etc. Therefore, it is difficult to diminish the scholarly value of this published article with respect to the introduction of ancient Chinese legal culture and the enabling of contemporary Western academics to understand China's ancient legal codes and legal thought. Even though John Wu later expressed some unhappiness with this first article, it not only demonstrated John Wu's academic potential but also added luster to the extraordinary academic performance he achieved at the Michigan Law School, and created a basis for his further scholarly development. The other import of this article is that it provided for the introduction of John Wu, a Chinese youth just embarking on his legal studies career, to Oliver Wendell Holmes, Jr. (1841-1935), an already renowned and influential American Justice, for their more than decade-long intellectual exchange and correspondence. After publication of this article, "As I [John Wu] had so often heard my professors speak of Justice Holmes in the most laudatory terms, I sent him a complimentary copy of the *Review*. In the meantime I wrote him a letter telling him that I was sending the *Review*..."³⁵ From here, in a constant stream of exchanges, commenced an international intellectual relationship³⁶ which still brings us happiness to recall, and also initiated additional and even more fascinating interactions between John Wu and the legal academy's greatest personalities, including Rudolf Stammler (1856-1938), Roscoe Pound (1870-1964) and others.

IV. Though Long Gone, His Impression Remains

John Wu came to Ann Arbor in 1920 and the following year he left for Europe. In the years after he visited many American universities to do research and teach, yet he never

³⁵ John C.H. Wu "Beyond East and West", Zhou Weichi (trans), Lei Libo (annotated), Social Sciences Academic Press (China), 2002, p. 92 [JWBEW, pp. 87-8]. Translator's note: the remembrance continues "... and that knowing his interest in comparative jurisprudence I was sure he would be glad to read something on the legal ideas of ancient China, some of which were akin to his own views."

³⁶ There has been a great deal of scholarly writing on the correspondence between John Wu and Justice Holmes, and so there is no need to describe it here. John Wu's "Beyond East and West" quotes a great deal from their letters. For a [Chinese] translation of some of the correspondence, see Guo Lanying (trans), Li Jiexiong (annotated), "Xiangjiang Law Review", No. 2, Hunan People's Publishing House, 1998. Translator's note: Wu's description of how the correspondence started is fun: "Now it happened that my letter reached him before the *Review*, and he was so good as to answer me without seeing the article. That letter is dear to me, because it was the beginning of a lifelong friendship. ... As it is very brief, I want to quote it in full: [from Justice Holmes] "Your article in the Michigan Law Review is not within my reach at this moment, but I shall try to get a sight of it at the Capital tomorrow. What you want, I take it, is a word of sympathy. I only venture one bit of caution that very possibly you do not need, but some young men of generous ideas do need. One cannot jump at once to great ends. Therefore I hope you will not shirk the details and drudgery that life offers, but will master them as the first step to bigger things. One must be a soldier before one can be a general." When I received this note, I was already very happy, because it was a letter from a great man and was written in his own hand.... As to the advice, although it was couched in the most general terms, it was very sound anyway. In short, the response was more than I expected, and I thought that was the end of it. What was my surprise when I got another letter from him the next morning! It began with an apology. "Yesterday's letter," he said "evidently was written under a misapprehension. I thought I was writing to a beginner, as the heading of your letter was the Law School. I have now your article before me and have nearly finished reading it and perceive that I am addressing a scholar who already knows so much that he probably smiles at elementary counsels. I trust that you will take my ignorance in good part!" JWBEW, pp. 88-9.

returned to the Michigan Law School to study or take up an academic post. However, after leaving John Wu still kept up a written correspondence with Dean Bates and his other professors. Their appreciation and praise for John Wu never diminished even with his absence from their lives.³⁷

Now eighty years have passed, and there has been no trace of John Wu on the earth for more than twenty years. However, when I arrived at the same Law School where he lived and studied, I could still feel his presence. Perhaps because of his outstanding academic record, his rich and varied career as a person of the law; or perhaps it is also because of his life experience straddling religion and the law, his knowledge and influence which encompassed both East and West – all enabling him to be a famous alumnus of the Law School. To this day, the impression he left at, and the praise he won from, the Law School cannot be ignored.

As described above, when I was at the University of Michigan Bentley Historical Library looking through the John C.H. Wu archive, I found only several cards and a few reports on his translation of the Bible and other religious activities; however, in the Law School registrar's archives I found his academic transcript. And in the Law School Library, all of John Wu's writings in English and Chinese are available, as are the issues of the "China Law Review" [*Fa Xue Ji Kan*] bearing the imprint of his name as a contributor or advisor. One might say that being able to find his archive at the [Historical] Library and his academic record at the Law School indicates nothing other than the fact that the University of Michigan archives and academic record-keeping are complete. But, in fact, there are only a few files in the Historical Library on other graduates from more than 80 years ago, and it is impossible to find the academic records of all graduates of that time. Or, one might say that being able to review John Wu's writings and the issues of the "China Law Review" he worked on in the Law Library indicates nothing more than the richness of the Library's collection, or that the connection between Republican-era Soochow Law School and the Michigan Law School was a close one (in fact, this close connection is perhaps better credited to William Blume).³⁸ Yet, the Law Library does not have a similar collection of materials on authors from the same time, or [Chinese] scholars of far more impact than John Wu (including those writers who studied at Michigan).

Soon after the death of John Wu in 1986, the Michigan Law School "Law Quadrangle Notes" carried a special report on his passing. The Spring 1986 issue's "Alumnae - In Memoriam" section carried the news of John C.H. Wu's February 1986 death in Taiwan, calling him "a distinguished scholar, statesman, philosopher, and leading cultural

³⁷ In a May 26, 1924 letter by Dean Bates to then Harvard Law School Dean Pound, Bates specifically alluded to John Wu, praising him by saying "He has extraordinary ability." Pound in his June 2, 1924 reply added even more praise regarding John Wu, complimenting him by saying "he showed real capacity in everything he did, and I believe has a brilliant future." Many thanks to University of Michigan Law School Head Librarian Margaret A. Leary for sending [me] copies of these two letters on December 4, 2007.

³⁸ This is Michigan Law School graduate William W. Blume who between 1921 and 1927 served as the second Director of Soochow Law School, and afterwards returned to Michigan Law School as a professor.

figure”,³⁹ with several photographs of John Wu in his later years. In the next year, the Spring issue of the same magazine reproduced some of his correspondence with Justice Holmes, also attaching photos of the two (with the photo of John Wu being a photo from his student days at Michigan Law School), and setting forth a list of John Wu’s major English language works.

Even today, the name “John Wu” is often heard at the Michigan Law School. Among those at the Law School with even a slight interest in early modern [1911-49] Chinese law, or those with an understanding of the historical relationship between Michigan Law School and early Soochow University, there is not one who does not know of this outstanding alumnus. For example, [former Dean and] Professor St. Antoine referred to above, and Assistant Dean Virginia B. Gordan, Law Library Director Margaret Leary, etc. all know of John Wu; and my host professor, well-known Chinese law scholar Nicholas Howson, often invoked John Wu’s name to encourage me.

If the foregoing is not complete, then let me translate a part of the Law School’s “Chinese Legal Studies” webpage to evidence this:

“The University of Michigan Law School has perhaps the richest history of any U.S. Law School in interactions with China: ... In the 100 years between 1859 and 1959, more of Michigan Law School’s foreign students came from China than any other country in the world. One of the best known was John C.H. Wu (Wu Jingxiong) -- principal drafter of China’s 1946 Constitution and the Chinese side of a famed correspondence with Oliver Wendell Holmes -- who came to Michigan Law School as part of the exchange with Soochow Dongwu Comparative Law School....”⁴⁰

Only someone with the natural genius and open heart of John Wu could leave such deep traces at the Michigan Law School, with such a long-standing impression. He truly can be seen as a successful person who achieved his youthful ambitions. Whether or not the law is sufficient to comfort the soul,⁴¹ seeing law as his idol,⁴² and having a successful

³⁹ “Law Quadrangle Notes”, Spring 1986, The University of Michigan Law School, p. 24.

⁴⁰ See <http://www.law.umich.edu/centersandprograms/chineselegalstudies/Pages/default.aspx>.

⁴¹ Xu Zhangrun, “Wisdom of the Legal Scholar”, Tsinghua University Publishing House, 2004, Chapter 3, “When the Law Is Not Sufficient to Comfort the Soul”.

⁴² Translator’s note: One chapter of John C.H. Wu’s biography is entitled “Law is My Idol”. See JWBEW, pp. 107-32. The phrase alludes to Wu’s notion of judicial independence in opposition to very serious pressure brought to bear on him, as a sitting justice, when China’s Treaty Ports (and the Shanghai Settlement) were still under the (foreign powers-imposed) “extraterritoriality” regime. In his autobiography, he describes the phrase’s origins as follows: “In the summer of 1929, I tried the famous “Roulette Case” which stirred the whole population of Shanghai.... I will only reproduce an editorial from the British paper, the *North China Daily News*, on one of my remarks during the proceedings. The attorney for the defense, Dr. Fischer, had said that if I should be too severe with the foreigners, it would delay or impede rendition of extraterritoriality. This argument sounded a bit too political to my judicial ears. My answer is embodied in the editorial: “JUDGE JOHN WU ON LAW THE IDOL ... [O]ne cannot ignore a remark of Judge John Wu,... Commenting upon certain remarks of Dr. Fischer, Judge Wu said: “However, the facts you have outlined in your application may be taken into consideration as mitigating circumstances when the second charge is tried, but in my opinion your arguments, political arguments, if I may say so, are neither appropriate nor relevant. Law is the only idol of this court, not the rendition or abolition of extraterritoriality. I would rather do justice and by doing so constitute an obstacle to the rendition or

experience that has not been matched for such a long period, -- this kind of life is certainly enough to fill us with respect and admiration.

To this point, I have written a good deal, but have no confidence that I have fully or clearly portrayed many different facets of John C.H. Wu's year of study abroad at the Michigan Law School. I have moved innumerable times through the streets and small lanes of the little city of Ann Arbor bearing John Wu's footsteps, and [I even] found two of the places where he lived in Ann Arbor. Perhaps I have even without knowing it flipped through books in the Law Library which he himself opened. I have also been to two of the places he visited for shorter periods, the campuses of Northwestern University and Harvard University. In the course of my own return to China, I even made sure to visit the University of Hawaii where he was long a professor. I did all of this because of my incomparable respect for him, and the way in which this fired my strong ambition to try to understand his scholarly career. However, because we are so far apart in time, and most importantly because my own scholarly abilities and understanding are deficient, it does not matter how much energy I put into the task, I may not find a way to truly describe this [particular] "John Wu" at the Michigan Law School. Given his important life experience, and the full breadth of his scholarship, with even more words I would not be able to address adequately other more profound theoretical questions related to his life. And so the best strategy [for me] is to conclude here.

[Editor: Shi Zhou]

abolition of extraterritoriality than perpetrate a miscarriage of justice which might expedite or favor the abolition of extraterritoriality." JWBEW, pp. 118-9.