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IN MEMORIAM

Memories of Professor Chiu

DAVID BOGEN[†]

It is appropriate for the *Maryland Journal of International Law* to honor Professor Emeritus Hungdah Chiu in this issue because he founded its predecessor, the *Maryland Journal of International Law and Trade* in 1975.[1] He created the international law program at Maryland, brought international prestige to the law school, published an extraordinary number of books and articles in both English and Chinese, and achieved eminence among scholars in international law societies. In Baltimore, Hungdah brought the Chinese community together, and abroad he served his nation, the Republic of China, Taiwan, with distinction.

I sometimes drove Hungdah to school from his home in Columbia. When I knocked at the door in the eighties, a small bundle of white fur, Fluffy, greeted me with his incessant yapping. The little Lhasa Apso would not shut up until long after Hungdah departed (he may not have quieted at all, but I couldn't hear him after we drove away). The old saying that "his bark is worse than his bite" was not true for Fluffy. His bark was just prelude to a nip at your leg or any other convenient body part. Indeed, many of the leaders of the Republic of China (Taiwan), including its current President, Ma Ying-Jeou, have been victims of Fluffy's assaults. But Hungdah would hear no evil about his beloved pet, insisting that being bitten by Fluffy brought good luck and was essential to success. (He made no such claim for Fluffy's successor Rosie, who barked almost as loudly but didn't bite.)

Hungdah's claims regarding Fluffy warrant some skepticism. In reality, it was proximity to Hungdah rather than his dog that

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1. Founded in 1975, the *International Trade Law Journal* was eventually renamed the *Maryland Journal of International Law and Trade* in 1984. After a decade-long hiatus, the school of law revived the *Journal* as the *Maryland Journal of International Law* in 2009.

promoted leadership in academics and politics. Certainly, he personally was a leader in many ways in those fields.

When Hungdah came to Maryland in 1974, there were only two courses on international law taught by different teachers as one-quarter of their teaching load. Hungdah took over these courses and added an international law seminar and courses in the Legal Development of Mainland China and one in Soviet, Chinese and Western Approaches to International Law. He also added a course on the law of the sea. He retained the thick accent during thirty years of teaching that made students work to understand him, and he made rigorous demands of them to be sure that they understood the law.

In addition to teaching the courses, he was also recognized internationally as an expert in every field in which he taught. He co-authored *People's China and International Law* with his colleague at Harvard, Professor Jerome Cohen; he served as an official observer to the Law of the Sea Conference and co-authored *The International Law of the Sea: Cases, Documents and Readings* with Gary Knight. His *Modern International Law* in Chinese has been the basic text through several editions for generations in Taiwan and important reading on the mainland as well.

Hungdah brought the Philip C. Jessup International Law Moot Court Competition to Maryland; created the East Asian Legal Studies Program, one of the first free-standing programs in the history of the school; and mentored numerous young scholars interested in international or comparative law. For example, Maryland's current program with Chinese environmental scholars had its antecedents in the work under Professor Chiu's guidance that Mitchell Silk did when he was a student, producing a book, *Environmental Law and Policy in China*, in 1987. Another former student, David Salem, wrote *The People's Republic of China, International Law and Arms Control*, published under the auspices of the East Asian Legal Studies Program in 1983. Graduate students from other schools across the country worked with Professor Chiu at Maryland and produced books under the East Asian Legal Studies Program's auspices. After completing his graduate program at Harvard, President Ma Ying-Jeou was a research consultant to Professor Chiu at Maryland and wrote *Legal Problems of Seabed Boundary Delimitation in the East China Sea* in 1984. The *Maryland Series in Contemporary Asian Studies*, the major publication of the East Asian Legal Studies Program, continues to publish issues under the leadership of Professor Chiu's

devoted assistant Chih-Yu T. Wu. It remains one of the best sources in the world for finding monographs on East Asian law and politics.

Hungdah was a first rate scholar with so many books and articles in both English and Chinese that it staggers the imagination. His annual scholarly output in his first years outpaced the rest of the faculty combined. Besides the casebooks on international law, the law of the sea, and Chinese law, he wrote or edited an enormous number of other books, including two with Professor Shao-Chuan Leng of Virginia, *Criminal Justice in Post-Mao China* and *China: Seventy Years after the 1911 Hsin-Hai Revolution*. His focus on international law in mainland China was reflected in his works *Agreements of the People's Republic of China: A Calendar of Events 1966–198*0 and *The People's Republic of China and the Law of Treaties*. Professor Chiu also edited twenty-two volumes of the *Chinese (Taiwan) Yearbook of International Law and Affairs* with the assistance of Mrs. Wu and others. He also edited *China and the Taiwan Issue* in 1979, *The Future of Hong Kong: Toward 1997 and Beyond* with Y.C. Jao and Yuan-Li Wu, and numerous books and articles in Chinese. In total, he authored over one hundred and thirty articles in English and Chinese.

But Hungdah never squirreled himself away in an ivory tower. The number of co-authored works suggests his collegiality. He was president of the Association of Chinese Social Scientists in North America (1984–86), the American Association for Chinese Studies (1985–87), and the Chinese (Taiwan) Society of International Law (1993–2000). His reputation in the field was reflected in his selection to the presidency of the International Law Association. He brought the Chinese community in Baltimore together with a celebration of Double Ten Day (October 10th), the date of the Chinese Revolution ending imperial rule. Baltimore had its own place in Chinese history because Dr. Sun Yat-Sen, the founding father of the Republic of China, lived on Marion Street in Baltimore for several months in 1902 while raising money for the revolution. Hungdah and Mrs. Wu made sure that faculty friends were also invited to the Double Ten Day dinner and I remember well the children's piano performances at the gala celebration.

Hungdah and his wife Yuan-Yuan have been gracious hosts for their friends and many visitors coming and going to China—as long as you could avoid Fluffy and then Rosie. Some years ago, a number of his friends from the school were invited to join him as he was

honored as Ambassador-at-Large at Twin Oaks Estate, home to the Taipei Economic and Cultural Representative Office. When President Carter announced that the United States would recognize the People's Republic of China as the government of China, Hungdah was intimately involved in the efforts to retain Twin Oaks in the hands of Taiwan.

Hungdah was born in China where his father was a member of the legislature. When Mao Zedong and the communists attained victory in 1949, Hungdah went to Taiwan with Chiang Kai-shek. On Taiwan, the legislature claimed that it continued to serve as the rightful government for all China. As a result, legislators elected on the mainland retained their seats for as long as they lived because new elections could not be held in their original districts. Thus a democratically elected body became a very undemocratic government. Hungdah participated in the drafting and adoption of amendments to the Constitution that reflected the new reality and restored democracy in the early 1990s.

The Republic of China (Taiwan) and the People's Republic of China refused to officially recognize each other, so official meetings were impossible. As an American academic and scholar of Chinese law, Hungdah could bridge the official gap and engage in delicate diplomacy with no damage to the official positions of the two. He did, however, hold an official position in 1993–94 as minister without portfolio of the Executive Yuan (essentially the cabinet) in Taiwan. He also did his best to maintain the international position of his nation—holding the first regional meeting of the International Law Association (ILA) in Taiwan in 1995 and holding the full meeting there in 1998 when he was President-Elect of that association. These were glorious occasions, with dinner meetings and receptions held at the major offices of the government. The only sad note was that Hungdah suffered the first event of a serious arterial problem that prevented him from attending his own installation as ILA president.

Professor Chiu has brought distinction to this school and I hope that his contribution to the development of what has become an extraordinary program in international and comparative law will long be remembered.