

In Memoriam, Professor Hungdah Chiu (1936-2011)

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## Tribute by Professor David Bogen

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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. He created the international law program at Maryland, bringing an international reputation to the law school, publishing an extraordinary number of books and articles in both English and Chinese, and achieving 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 on Taiwan, including its current President, Ying-Jeou Ma, have been victims of Fluffy's assault. But Hungdah would hear no evil of 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 for Fluffy warrant some skepticism. In reality, it was proximity to Hungdah rather than his dog that promoted leadership in academics and politics. Certainly he personally has been 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 as well to be sure that they understand the law.

Professor Chiu did not just teach the courses, but he was recognized internationally as an expert in every field in which he taught. He co-authored *THE 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 the Republic of China, Taiwan and important reading on the mainland as well.

Hungdah brought the Jessup 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 who had an international or comparative law interest. 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*, (Quorum Books) 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 Hungdah Chiu at Maryland and produced books under the East Asian Legal Studies Program's auspices. After completing his graduate program at Harvard, President Ying-Jeou Ma was a research advisor to Professor Chiu at Maryland and wrote *LEGAL PROBLEMS OF SEABED BOUNDARY DELIMITATION IN THE EAST CHINA SEA*, 1984. The Maryland Series in Contemporary Asian Studies, the major publication of the East Asian Legal Studies Program, continues to bring out 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 has been 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 on the mainland China was reflected in his *AGREEMENTS OF THE PEOPLE'S REPUBLIC OF CHINA: A CALENDAR OF EVENTS 1966-1980* 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* (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. 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), and the American Association for Chinese Studies (1985-87), and president of the Chinese (Taiwan) Society of International Law [Chinese (Taiwan) Branch of the International Law Association] from 1993 to 2000). His reputation in the world of international law 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 10<sup>th</sup>), the date of 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 at 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 and no longer recognize the

Republic of China on Taiwan as the government of China, Hungdah was intimately involved in the efforts to retain Taiwan in the hands of the Republic of China.

Hungdah Chiu was born in China where his father was a member of the legislature. When Mao Zedong and the communists gained victory in 1949, he 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 district. 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 nineteen nineties.

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 hold an official position in 1993-94, however, 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 President.

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