

HOW I GOT THE STORY (AND WHY IT TOOK SO LONG): LEGAL HISTORY RESEARCH IN CHINA

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INTRODUCTION

Not long ago another law professor casually remarked to me how easy research has become now that “everything is on-line.” Since I was deeply engrossed in a long-term project involving virtually no computer work, I was taken aback. Of course I knew my students preferred the computer, but perhaps even my colleagues, however generous to me, wondered what I had been up to? My topic is a legal history one, and comparative besides, so I have chased after materials in libraries and archives in the United States, Hong Kong, Taiwan, and the People’s Republic of China (PRC). Hong Kong was my home when I began the project, and the United States is my own country as well as an unusually easy place to do research. In Taiwan also the research climate has become quite liberal, and my way there was smoothed at every turn by a friend whose students and classmates seemed to staff every library or archive I wished to use.

It all took plenty of time and I encountered a few obstacles, but they were trifling by comparison to the difficulties I faced in the PRC. Conducting research in China during the early 1990s was not a straightforward process, even if conditions had improved markedly since 1979, when the first Americans were permitted to study and pursue their research projects in the country. Cultural factors aside, the bureaucracy was intimidating, individual research was often restricted, working conditions could be hard, and the rules in many situations were far from transparent. Like everything else in China, much has changed in the academic world since then, with easier scholarly access to materials in general and a great deal of information now available on the web. But I wanted to write an account of my legal history research in China and the conditions under which I did it; perhaps this is now a kind of legal history too.¹

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1. However open things may now appear, political factors can still intrude, as the detention of Song Yongyi and other scholars illustrates. Song, a China-born research librarian at Dickinson

WHAT THE STORY WAS

The project was a history of Soochow University Law School (*Dongwu Daxue Faxueyuan*, or Soochow), which was founded in Shanghai in 1915 and known throughout its life as “The Comparative Law School of China.”² Soochow was one of the earliest and most influential professional schools of the Republican period (1912-49), and its graduates played an important role in the development of a modern legal profession in China during the twentieth century. The school’s founders were American, and despite many curriculum changes its specialty remained the teaching of comparative, especially “Anglo-American,” law. Although the original school in Shanghai was shut down during the PRC’s 1952 reorganization of higher education, its graduates succeeded in refounding it in Taiwan, and many older Soochow graduates resurfaced on the Chinese mainland after the beginning of legal reforms in 1979.

Soochow had caught my interest years before I began any serious research on the topic. When I first began living in China in the early 1980s, the PRC had hardly trained anyone in law for years and its newly revived legal education was still in its infancy. Yet I kept running across people with a sound understanding of foreign legal systems (a legal interpreter in 1982 Shanghai, a colleague in Nanjing in 1983, etc.)—and they were always graduates of Soochow Law School. Those legal experts spoke excellent English and they were still “amazingly good,” with a surprising knowledge of contract and property law.³ Although I had started

College, was detained in August 1999 while collecting documents—widely available in street markets and old bookstores—relating to the Cultural Revolution. He was formally charged with the vague “purchase and illegal provision of intelligence to foreigners.” Although he was eventually released without trial, it was only after a vigorous campaign by American politicians, media, and scholars brought public attention to his plight. The case was widely reported in the U.S. press. See, e.g., Elizabeth Rosenthal, *China Says Scholar From U.S. Admits Crime*, N.Y. TIMES, Jan. 26, 2000, at A9; Elizabeth Rosenthal, *China Frees Scholar Who Worked in the U.S.*, N.Y. TIMES, Jan. 29, 2000, at A3. Dr. Song was a U.S. resident (though not yet a citizen) at the time of his arrest. Many other examples could be cited. See also *Chinese-Born Scholars Avoid Homeland After Rash of Arrests There*, CHRON. OF HIGHER EDUC., Apr. 13, 2001, at A54. More subtle pressures are also at work. See Perry Link, *China: The Anaconda in the Chandelier*, N.Y. REV. OF BOOKS, Apr. 11, 2002, at 67.

2. Although the larger project is a book, I have published a series of articles on Soochow, including: Alison W. Conner, *Training China’s Early Modern Lawyers: Soochow University Law School*, 8 J. CHINESE L. 1 (1994); Alison W. Conner, *Lawyers and the Legal Profession During the Republican Period*, in CIVIL LAW IN QING AND REPUBLICAN CHINA (Kathryn Bernhardt & Philip C.C. Huang ed., 1994); and Alison W. Conner, *The Comparative Law School of China*, in UNDERSTANDING CHINA’S LEGAL SYSTEM (C. Stephen Hsu ed., forthcoming 2003).

3. According to an interview quoted in YVES DEZALAY & BRYANT GARTH, DEALING IN VIRTUE: INTERNATIONAL COMMERCIAL ARBITRATION AND THE CONSTRUCTION OF A TRANSNATIONAL LEGAL ORDER 260 (1996). Their source was almost certainly referring to Soochow graduates.

with a more general interest in legal education and the profession before 1949, sparked by the legal reforms being introduced in China, I was particularly attracted to Soochow because of my own experience. I had participated in the second year of the revived Fulbright program in China, teaching at one of the new law departments, I loved Shanghai and went there often, and I was based in Hong Kong, a city that was in many respects its successor. For years I also taught common law to Hong Kong Chinese students at an institution bearing at least a superficial resemblance to Soochow. Despite the many parallels to current legal reform, little had been written on pre-1949 legal developments, and it seemed to me that a history of Soochow might fill some gaps.

Although I did some serious (and essential) reading on the legal profession and its training, I had no desire to prepare an elaborate methodology to study the current profession.⁴ My training is in history and law, not sociology, and I was really more interested in the past: I wanted to recreate for myself and for others the world to which Soochow belonged. Why was the school founded and who were its teachers? Who wanted to study law, especially at Soochow, and what was it like to be a student there? What was the school's program, and why was it so successful in training its graduates in Anglo-American as well as Chinese law? What careers did they pursue? In short, I wanted to tell Soochow's story and I needed to find the documents that would allow me to do so.

I began my search in the late 1980s in Hong Kong, starting with my own institution, the University of Hong Kong (HKU), and in Taiwan, where many Soochow graduates had moved in the wake of the 1949 Communist victory on the mainland. I followed up with trips back to the United States, looking for Soochow's original publications and records as well as more secondary materials on Chinese and also American legal education, which had always been Soochow's model. I was amassing stacks of materials, both primary and secondary, and I already had some preliminary answers to my questions. But Soochow was founded in Shanghai and it was very much a Shanghai institution, so the bulk of its files, if they still existed, would most likely be found there. Moreover, most Soochow students sought employment in the Shanghai area after graduation, and if they had remained in China after 1949 and were still alive, were probably in Shanghai as well. I knew from maps where the

4. For an interesting collection of articles written by sociologists and lawyers on their methodology and history of research projects relating to the legal profession, see *LAW AND SOCIAL ENQUIRY: CASE STUDIES OF RESEARCH* (Robin Luckham ed., 1981) [hereinafter *LAW AND SOCIAL ENQUIRY*].

school's campus had been and I didn't think its buildings had been razed—but what had happened to the school's law library, “one of the best in the Far East,” with “more than 20,000 books purely in law subjects”⁵ It was clear I had to work in Shanghai or I wouldn't get the story.

THE WRONG PERMISSION

I was especially interested in a library at the Shanghai law institute to which many of Soochow's teachers had been re-assigned in 1952. The core of the law institute's campus had once belonged to St. John's University, another pre-1949 foreign-sponsored institution, and it seemed a likely place to begin the search for Soochow's own library, along with other books and journals from that period. A Chinese friend accompanied me on my first visit to the institute's library in 1989, but without formal permission to use the materials I wasn't allowed in, only rushed past the card catalogues with no chance to browse. I returned to Hong Kong, renewed my Hong Kong and American contacts for introductions to the law institute, was assured there would be no difficulty the next time and returned to Shanghai to try again. Once arrived, however, I discovered that the library I wished to use—though smack dab in the center of the law institute's campus—actually belonged to and was run by an entirely separate institution, from which I had no permission (“Oh, you want to use *that* library?”). The situation was a result of turf battles during the Cultural Revolution, I was told, when members of the other institution had wrested control over the building from the law institute and had ever since refused to give up possession.

More negotiations ensued, and I was finally granted limited access to the library's holdings on two short trips in 1990. Despite my temporary status, the library staff were eager to be of assistance, but the working conditions were less than ideal. The library itself was housed in an older two-story building dating from about the time Soochow was founded and, as a kind of irregular scholar, I was placed in a temporary reading area, a room on the ground floor with high tables but no chairs. My first visit was in the spring, when the weather should have been balmy, but unfortunately the temperature plummeted as soon as my plane landed in Shanghai. Although it was freezing, the building was unheated—I doubt it had been heated in forty or fifty years—and had stone floors. I had remembered to

5. Statement found on the inside cover of the CHINA L. REV. See, e.g., 7 CHINA L. REV. 1 (1934).

bring my research gloves, those little half-gloves with open fingers that allow you to turn pages, but had foolishly failed to pack warm shoes and socks. With no time for shopping during business hours (and not much available in local markets anyway), I decided to make do and just pulled airline socks on over my shoes. The library was only open for two three-hour sessions each day, and for once I was grateful for the limited access. Despite stamping my feet while I skimmed documents and periodically jumping up and down or running around the room, by the end of each session my feet were so numb from standing on those icy floors I could hardly walk.

When I returned to the library only a month or so later, my weather karma had not improved and an unusually early heat wave descended over the city. This time I conducted my final review of the card catalogues, which were located in the landing of the main stairwell, and once again there was nowhere to sit. Although the ceiling was high, the large windows were sealed shut and the temperature outdoors, where it was certainly cooler, was in the high nineties. The staff sat with tea and cooling fans, but for me there was no respite, and I stood for hours in that airless stairwell while sweat poured from my forehead. During the same visit, I was also permitted to read through old legal periodicals, which were stored in the basement of a nearby building, a windowless space even hotter and more claustrophobic than the stairwell. On this trip, I had forgotten my insect repellent, an absolute necessity for summer conditions in those old buildings. Each time the doors to the stacks were opened, clouds of mosquitoes emerged into the hallway where I stood reading periodicals, and the day's research brought me scores of mosquito bites—along with some rather good materials.

I APPLY TO THE SHANGHAI MUNICIPAL ARCHIVES

But there was no sign of Soochow's library, and I still wanted to read the school's own files, if only I could find them. I guessed that any remaining records were probably in the Shanghai Municipal Archives (SMA), which was known for its Republican-era holdings, reportedly including the files of many business and professional organizations. Of course I understood that the purpose and organization of archives in China were very different from their American counterparts. Chinese archivists learned their trade from Soviet specialists, who above all stressed the necessity of guarding the secrecy of archival materials. Their primary purpose has always been to serve the interests of the Communist Party and the state, not to facilitate independent research by individual scholars—

and certainly not by foreign scholars, who by definition are not subject to the same controls as Chinese citizens.⁶ Although the regulation of many Chinese archives has been liberalized since the 1979 reforms, even archives that are now open do not view their materials as being in the public domain. “Open” simply means that Chinese nationals with the right papers and introductions may use them.⁷ Under those circumstances, it is hardly surprising that gaining access, even to seemingly innocuous materials, can be a difficult process.

Although some valuable books and monographs about archival research in the PRC have now appeared,⁸ the best information was then gained by word of mouth. I began asking everyone I knew: What archives have you used and how did you apply? How did they treat you and how much did they let you see? What were the working conditions like? What do *you* think is in the SMA? A Chinese friend with SMA connections confirmed that they did indeed have Soochow materials, probably including its files (I wasn’t allowed in the door). Eager to see for myself what might be left of Soochow’s records, I submitted my first request for permission to use the archives in the summer of 1990—and was immediately turned down without explanation. A more formal application, this time sponsored by HKU and supported by letters of recommendation from a Shanghai university with which HKU had ties, was also rejected; the files were “not open.” It is possible that the materials I wanted had yet to be catalogued, or the SMA might already have begun packing for its impending move to a new building in another part of the city. (I was also making these applications in the aftermath of June 4, 1989, a very tight time politically, when an earlier and more open era had come to an abrupt end.) There was no way to know the real reason for the SMA’s refusal, but it was clearly going to be harder to gain access to the archives than to

6. YE WA & JOSEPH W. ESHERICK, *CHINESE ARCHIVES: AN INTRODUCTORY GUIDE* 15 (1996). I wish this excellent book had been available when I was first planning my research. Endymion Wilkinson also provides a very useful survey of Chinese archival materials, as well as many other sources. ENDYMION WILKINSON, *CHINESE HISTORY: A MANUAL* (rev. & enl. 2000).

7. YE & ESHERICK, *supra* note 6, at 19, 25-26.

8. For more general information on working and living conditions for American scholars, the several editions of *China Bound* written for the CSSC provided (and still provide) invaluable information. See KAREN TURNER GOTTSCHEG, *CHINA BOUND: A HANDBOOK FOR AMERICAN STUDENTS, RESEARCHERS AND TEACHERS* (1981). The guide was revised in 1987, and a second revised edition was published after I did my Shanghai research. ANNE F. THURSTON ET AL., *CHINA BOUND: A GUIDE TO ACADEMIC LIFE AND WORK IN THE PRC* (1994). (The three editions themselves provide an interesting history of changes in research and other conditions in the PRC during those years.) I would recommend the latest edition for anyone planning to teach or conduct research in China—though the pace of change is so rapid that you still have to rely on talking to other scholars for the latest information.

other Shanghai institutions. But at least a few foreign scholars were using those archives, so why shouldn't I be one of them?

I GET AN AMERICAN AND A CHINESE *DANWEI*

Back in Hong Kong, a local colleague speculated that the real problem was my anomalous status: I was an American, not a Hong Kong Chinese scholar, yet I was applying from a Hong Kong institution; what I really needed was an American “work unit” (*danwei*) to support my application.⁹ But how to get one? I worked in Hong Kong, and the University of Hong Kong was my employer and consequently my *danwei*. An American friend suggested that I apply for a grant from the Committee on Scholarly Communication with China (CSCC), which supplied funding for American scholars in China and administered the American side of the semi-official educational exchange program between the United States and the PRC. Although the stipends were not large (about \$1200 per month plus airfare), a CSCC grant would give me an American *danwei* of sorts and the official standing I needed to gain admission to the SMA. It would also make it easier to get a Chinese *danwei*, which would be necessary too.

So I set to work on the grant application, always a time-consuming activity but only one of many I have written for this project; I used to joke that I could soon publish a slim volume of my grant applications, but it is all too true.¹⁰ This application proved the most problematic, however, since it involved some difficult decisions and required much more advice and consultation. The English-language project description was one thing, but what about the Chinese version, which would be submitted to the PRC authorities for approval—how specifically should I describe the project and the materials I hoped to use (or was merely guessing might exist)? Too broad a statement might result in outright refusal to grant permission, but too narrow a statement could mean I would be denied access to anything the Chinese later deemed unrelated to my approved project. Although my various Chinese hosts might well reopen negotiations on the scope of my research or the nature of their duties after I arrived, it would probably be impossible for me to redefine the project or request different resources.

9. In China, the *danwei* was not only one's employer but also the provider of essential services, including housing, dining halls, and access to medical care—and of course a way for the government to exert control over people's behavior and lives. See THURSTON ET AL., *supra* note 8, at 48.

10. It was worth the effort. I would like to express my gratitude to the Inter-University Program, the Committee on Scholarly Communication with China, the Chiang Ching-kuo Foundation and the Woodrow Wilson International Center for Scholars for their support of this project.

The CSSC application also required me to name a Chinese *danwei*, the local institution with which I wished to be affiliated, and on which I would have to rely for introductions and access to other institutions, including of course the SMA. The choice had to be carefully made, since it too could not be changed after my arrival and it would certainly affect the outcome of my research. Although I had excellent personal connections with the law department of a good Shanghai university, I was unsure of their pull with the SMA, and their distant location really seemed to rule them out. Most American scholars using Shanghai archives had been affiliated with a major Shanghai research institute (Institute) and advised that, whatever its shortcomings, it was probably the best institution to support my application to the SMA. On that basis, I proposed the Shanghai research institute they suggested as my *danwei* and crossed my fingers on all counts.

HOUSING ARRANGEMENTS

To my great relief, I received a CSSC grant for 1992-93 and the Institute accepted me as a visiting scholar; despite a few disadvantages, my choice of a Chinese *danwei* ultimately proved to be the right one. But conducting research in Shanghai meant making living as well as institutional arrangements, no easy matter in China at that time. Foreigners had limited options for housing, as the Chinese government did not permit them to live with Chinese friends or to rent on the open market—actually, in those days there was no open market and foreigners were restricted to certain specifically allocated flats, all astronomically expensive. The only realistic choice for scholars was usually some form of foreigners housing provided by schools or institutes (e.g., “foreign expert” residences or foreign student dormitories), or rooms in designated Chinese or foreign hotels, none of them guaranteed to be both comfortable and affordable. Location was also a complicating factor. Shanghai’s traffic, now much improved, was then in a constant state of gridlock, and I eliminated several possibilities because I couldn’t face a two- to three-hour commute each way.

The Institute had its own housing in a relatively central location, but the accommodations were spartan, to say the least. Though an American friend had stayed there and pronounced them quite adequate, his well-traveled wife advised me against it: “I bawled like a baby when I saw that room.” I have lived in all sorts of places in China, but I had just spent a few weeks in the hospital and I didn’t think I could manage a lot of stairs or do without regular heat and hot water. More important, I had no desire

to conduct my research under the Institute's close supervision or to have my social activities monitored by its staff, a distinct possibility if I lived directly under their noses. So from Hong Kong I began negotiations by fax and phone with joint-venture (i.e., foreign-run) hotels in Shanghai. After some hard bargaining with four or five hotels ("Is that really your best price?" "Just what is your occupancy rate now?" etc.), I got an excellent long-term rate at the new and rather luxurious Holiday Inn, which was located in a reasonably convenient area not too far from the SMA.

DEALING WITH THE *WAIBAN*

Those negotiations proved easy compared to some others I now embarked upon, chief among them to get my new *danwei* to live up to its part of the exchange agreement. In the past, foreign scholars, like foreign business people, often arrived in China with everything agreed upon, only to find they had to begin negotiations all over again—and those days were not entirely over. Once my affiliation was settled, I dealt directly with the Institute not through its law or history department but through its foreign affairs office (*waishi banshichu* or *waiban* for short). As in most Chinese institutions, the *waiban* was charged with handling all relationships with foreigners, effectively brokering their interactions with other Chinese organizations. More specifically, it was the job of these "foreign handlers" to make arrangements for housing and research access, take care of the paperwork for my visa, provide the requisite introductions, perhaps engage in some general trouble-shooting, and even keep an eye on my activities if they thought it warranted.

In China, the relationship with one's *waiban* can be a good one, especially, though not necessarily, if one is a teacher or other such foreign expert and therefore viewed as a contributor to China's development. The *waiban* in my foreign expert days, for example, had been excellent and had our best interests at heart; we were as friendly as the times allowed, and even fifteen years later a former staff member ran down the street to greet me when he recognized me in Hong Kong. But foreign researchers are potentially irritants and troublemakers, and consequently they are rarely treated as well, unless they are unusually distinguished or well connected. Under those circumstances, the relationship with one's *waiban* may best be viewed as a business relationship with adversarial overtones: you must cultivate the *waiban* staff as best you can but realize that you are striving for very different goals.

In general, my *waiban*'s concerns were administrative and financial, not scholarly. I had resolved to disclose as little as possible about my

research plans in case anything proved “inconvenient,” but that was probably unnecessary, as once the *waiban* had made the initial arrangements for me they expressed only polite interest in my progress. I also resolved not to divulge any information that might lead them to raise fees for other foreign scholars, many of whom were graduate students. But my discussions with the *waiban* often involved very direct questioning about finances, something not rude or improper in China: How much are you paying for your hotel room? Aren’t salaries at HKU very high? How high are they? Well, exactly how much money *do* you make? I tried to deflect all money questions and produced plausible (or perhaps implausible) lies when I could not: “My sister works for the Holiday Inn and got me a special deal,” “my salary is paid directly to my parents, who are old and need the money;” “I can never remember how much money I make;” “my health isn’t too good so I can’t talk about those issues,” and so on. Later some Hong Kong colleagues, who were not trying to pursue their own research in China while creating no bad precedents for others, professed to be shocked by my dishonesty. However untruthful they may seem, such replies were politer than outright refusals to answer—and in the course of my research I was to hear plenty of untruths myself.

During that stay in Shanghai, I had a few harsh thoughts about my *waiban*, often, though not always, connected with money. Whereas Chinese universities charged foreign scholars in this exchange program no additional fees, the Institute charged \$300 per month for the privilege of affiliation. Such charges, a vast sum in China at the time, violated the spirit if not the letter of the scholarship exchange agreements and were neither approved nor funded by the CSSC—and I had done all of the groundwork myself. (Had the SMA imposed charges for access to their archives, it would have seemed reasonable, but that was not the system.) I also doubted that any of this money would find its way to funding the research of the Institute’s own scholars or supporting their library, all activities I would gladly have subsidized.

But one has to understand the *waiban*’s view of their role and the constraints under which they operated: None of them were scholars and research wasn’t their job. Moreover, most Chinese universities and research institutions were starved of funding, desperate for money to support even their most basic activities. Law departments had a great advantage, since their members had an increasingly marketable skill and they could open their own law firms. Other departments, such as history, where I had friends and contacts in Shanghai, were also pondering various businesses they might operate on the side. For the *waiban*, however, charging foreign scholars was apparently a simpler and easier way to make

money. Indeed, one member of the *waiban* staff emphasized how delighted they were to host so many foreign scholars—then immediately calculated for me how much money they collected every month by doing so.

In fairness to my *waiban*, they would cheerfully have met me at the airport and arranged housing for me, though at a state hotel with which they had a relationship and without any rate negotiation. It was my judgment (correct) that I could do better and my decision not to take advantage of their services in those areas. It was also my decision to pursue an independent course of research to the extent I could do so and to consult them as little as possible about my plans. My own handler (the *waiban* member assigned to me) always treated me cordially, but he quickly realized that I knew my way around Shanghai and required no interpreter. As he had plenty of other foreigners to attend to, further hand-holding would have wasted both his time and mine. Of course, the final test must be whether the *waiban* delivered value for money; since they provided the one introduction I had otherwise been unable to obtain, it is possible to believe that they did. Eventually I also decided that being left alone to do what I wanted in China was worth \$300 per month—actually, it was priceless—and I ceased my complaints.

I DO NOT GO DIRECTLY TO THE ARCHIVES

When I arrived in Shanghai on this research trip, I had waited well over two years and expended a great deal of effort trying to get into the SMA, even though I could not be certain of their holdings or whether they would all be open to me. I had already conducted interviews and collected materials in libraries and archives in Hong Kong, Taiwan, the United States, and even Shanghai. I had limited leave and financial support, and no idea how long it would take me to go through the archival materials or how much I would be permitted to photocopy. Not surprisingly, starting work at the SMA was my absolute top priority; I wanted to see that list of holdings and I wanted to get my hands on those documents. I would gladly have driven directly from the airport to the archives without pausing at the hotel.

But my *waiban*, it turned out, had made other arrangements. Because it would be “too soon” to begin reading documents in the archives, they had scheduled me at several other Shanghai venues for the entire first month of my stay. I protested immediately, but repeated phone calls, visits, and discussions advanced their timetable not a single day. Unfortunately, the *waiban* had collected my first month’s research fee before they divulged

their arrangements, so I had given up any leverage I might otherwise have had. In the end, however, it would probably have made no difference. When I later read the regulations of the State Archives Bureau, which had just gone into effect that year, I knew in an instant the real reason for the delay: According to those regulations, the host institution in these exchanges must submit its letter of introduction thirty days in advance.¹¹ Although the date of my arrival had been fixed for some time and the *waiban* had all the necessary papers well before I arrived in Shanghai, they had waited to submit the application, perhaps through some excess of caution, until I actually appeared in their offices.

As a consequence, I repaired first to the Shanghai Municipal Library (Library), which was one of the earliest libraries open to foreigners and had published partial catalogues even before the 1979 reforms.¹² Although I had already worked there, the Library had large holdings of historical materials, so I decided to make the best of the situation and recheck its catalogues. At least I enjoyed the atmosphere of the Library, whose main branch was then located in a handsome old building near the race course of the former International Settlement; before 1949 it had housed the Shanghai Race Club.¹³ Its reading area was a pleasant room with a high ceiling and ceiling fans whirring overhead, and (I told myself) my time wasn't entirely wasted.

THE PHOTOGRAPHS IN THE LIBRARY

I also returned to the Institute's own library, the site of my previous bad-weather karma. Now that I was formally affiliated with the Institute I could use it freely and was even entitled to borrowing privileges, a large factor in the fees I was paying, the *waiban* explained, and certainly nothing that could be taken for granted in China. The library staff greeted me warmly as an old friend and a place was now found for me to sit down. During this time I had begun thinking about photographs and was haunting the newly revived antiques markets in Shanghai for old books connected to Soochow. By now I had interviewed many graduates and former teachers, I knew who was important in the school's history, and I wanted photos of at least some of them in the book. Perusing the library's collection of old Soochow yearbooks, I carefully selected the photos I

11. YE & ESHERICK, *supra* note 6, at 26.

12. See THURSTON ET AL., *supra* note 8, at 50.

13. My thanks to Tess Johnston for reminding me. See TESS JOHNSTON & DEKE ERH, *A LAST LOOK: WESTERN ARCHITECTURE IN OLD SHANGHAI* (1993) for a photograph of the Race Club.

planned to have copied, but when I asked to borrow them I was promptly refused. Under the regulations, the staff informed me, those books could not be removed from the library. But why not, I asked; I now have borrowing privileges and these books have clearly been checked out before—why not by me? “You can take notes or photocopy them,” I was told. “Or borrow other books; we have plenty of them in the library and you can pick something else.”

I explained that the photos had to be rephotographed professionally, not photocopied, which meant removing them from the library at least briefly, but the staff were adamant; it was against the regulations. I tried a different tack. “May I read the regulations? Just let me have a copy of the rules, so I can see for myself what the problem is.” (Of course I was looking for a loophole or an exception of some sort.) Although they never actually told me the rules were *neibu* (“internal” or secret), a problem that used to bedevil foreign investors and their lawyers alike, the staff never produced any library regulations. Appeals to the *waiban* were also in vain, as they found it “inconvenient” to intervene (and this may really have been outside their jurisdiction).

After repeated discussions along these lines, mixed with pleas to *xiang banfa* (“think of a way,” i.e., to allow me to take the books), I was still getting nowhere and complained to an American friend: The library at my own *danwei* refused to lend me a couple of books and would not even show me the regulations that supposedly prohibited it. He expressed little sympathy. “Alison, if money is the answer, where is the problem? They want you to pay them and must be wondering why you are too stupid to take a hint. Just give them some money and put them out of their misery—and you’ll get the books.” I was shocked; although corruption by anyone’s definition was already rife in China, I was sure the staff could not be asking for money. They are just not that kind of people, I told him; something else is going on, perhaps they have misread the regulations, which is why I need to see a copy. Even if they were asking for money, how could I possibly pay it? It would set a terrible precedent for every scholar who followed me, it violated all the exchange agreements, and of course it was not the way a library should be run. Plus, my experience of bribing people, as opposed to thanking or cultivating them, was sadly deficient. “For heaven’s sake, ask if there’s some kind of fee or special charge, ask if you can pay a fine,” counseled my friend. But I was sure I would gravely offend them, as well as call down the wrath of all foreign scholars on my head.

Of course no Chinese person would have wasted all that time, and in theory I knew better myself, but legal training can be a real disadvantage;

perhaps the word “regulations” led me astray. I finally got smart and decided to use *guanxi* (i.e., connections), a more Chinese approach. I must know *someone* in Shanghai, I told myself, who knows someone at that library. So I began inquiring of all my friends in the city, and in no time this method had produced results: the classmate of a friend of mine had a friend who had once worked in that very library and still maintained good relations with the staff. They readily agreed to help, instructing me to stay away from the library and leave everything to them. A few days later they returned flushed with success. On the basis of their personal connections, they had indeed succeeded in borrowing the books for the day, after which they had raced over to the best photographer in Shanghai, had them copied and returned them safely—all (perhaps) without arousing any suspicion (“Strange, the only other person interested in these books is a foreign scholar”). From then on, I worked only through connections.¹⁴

THE SCHOOL AND ITS GRADUATES

As neither library had enough materials to keep me fully occupied for a month, I took the opportunity to return to the sites of Soochow’s history, something that has always helped me feel a physical connection to its past. It was my great good fortune to live and spend so much time in Shanghai before the building boom of the mid-1990s, when whole blocks were demolished overnight and even locals could lose their way in the city. I revisited the law school’s campus on a small street north of Suzhou Creek, in what had once been the American section of Shanghai’s International Settlement. The main buildings were still standing and indeed were still in use as classrooms for one of Shanghai’s universities. The campus had undergone few renovations since the day the school was closed, though the main building was later converted to offices and has probably since been torn down. I also tracked Soochow’s temporary wartime venues around Shanghai (the school was forced to move seven or eight times during the Japanese occupation) and made the pilgrimage by train to nearby Suzhou, where the main Soochow University campus had been taken over by the PRC’s Suzhou University in 1952.

During all my document hunting, I had also conducted interviews of

14. My friend had it wrong; that honest library staff was not asking for money, and I know no money exchanged hands when the books were checked out. The staff allowed it (and probably bent the rules) because a friend and connection made the request, not a relative stranger (me). I never saw any regulations, but of course if they existed and had been evenly enforced, I would never have got the photographs. The literature on *guanxi* is vast, but for a short discussion, see THURSTON ET AL., *supra* note 8, at 58-60.

Soochow graduates and teachers, and I hoped to continue that interviewing while I read through Shanghai materials. In Hong Kong and Taiwan, such interviews presented no special difficulties; Soochow graduates were proud of their school's history and delighted to introduce me to their former classmates and teachers. Many of the school's early graduates had been very successful and the university, including its law school, had even been refounded in Taiwan. But interviewing in the PRC proved much more problematic, largely owing to political conditions. Many Soochow graduates, the products of a Westernized training in general and a school with close American ties in particular, suffered greatly during post-1949 political campaigns. Most lost their positions or otherwise paid a price during the 1957 Anti-Rightist Movement, and few made it through the worst days of the Cultural Revolution (1966-69) unscathed. It is not surprising that during any uncertain political times they grew cautious about discussing their past with foreigners, and I worried about causing them further trouble.

On one of my preliminary trips in 1990, however, a Chinese friend arranged for me to meet with members of the newly revived Soochow Alumni Association (*xiaoyouhui*) in Shanghai. When he described my research to them, explaining that I was writing the law school's history, they expressed great interest in the project and even asked to meet me, he reported. I was elated, certain that this would mark the beginning of serious interviewing in Shanghai and would lead me to many other Soochow graduates. On the appointed day, my friend accompanied me to the alumni association's meeting room, where a handful of graduates were assembled to speak with me. After some opening pleasantries followed by a more general discussion, I began asking questions about the law school—none of which they could answer. It then emerged that they were all arts and sciences graduates from the main campus in Suzhou; not a single one of them had graduated from the law school or even studied in Shanghai. They deeply regretted it, but unfortunately they really knew nothing about the law school.

So I asked: Are any members of the alumni association law school graduates, and, if so, where are they? "We don't know if any members are graduates of the law school," replied their spokeswoman, whose shrill voice and small, dark-rimmed glasses were beginning to remind me of Jiang Qing (Madame Mao). "And we certainly wouldn't have any way to find that out," she added—both patently false statements, as the organization was officially sanctioned and at that time the authorities could find virtually anyone they pleased. "So then why did you want to meet me?" I asked, as my friend suddenly recalled a pressing engagement

we would both have to leave for immediately. (I reckon they were just conducting a little research of their own.)

In that climate, the only person willing to speak with me was the law school's former dean. A Soochow man all the way, he had graduated from both the university and the law school, and had served as its dean and then principal from 1927 until the new Communist government removed him in 1949. Ninety years of age when I met with him, he had long since lost his position and influence, and had little left to lose by speaking with me. He was still intensely proud of a school closed forty years before, and showed me how he had hidden his yearbooks (along with his wedding photos) in the roof of his house to save them from Red Guards during the Cultural Revolution.

Fortunately, by the time I returned to work in the Shanghai archives some two years later, the political climate had eased again, and I was able to interview more graduates and their students, beginning with members of my own Institute, which included a fair number of Soochow graduates among its researchers. The *waiban* provided the introductions and even arranged the initial meetings for me (here they performed a real service), but it was the graduates who were kind enough to give me their time.

Since the last class graduated from Soochow's Shanghai law school in 1952 and the era that most interested me was the 1920s and 1930s, none of my interviewees was young; the youngest were already in their sixties when I interviewed them and many were well into their eighties. Some aspects of my own law school experience already seemed a bit hazy, so at first I was concerned about the reliability of my interviewees. Could people accurately recall the details of their schooling some fifty or sixty years in the past? It seemed that they could. When I cross-checked interview information against the written sources, I was usually pleased to find what excellent memories they had. It is true they could go wrong on nonessential cultural details, but never on anything they really cared about. To my surprise, for example, one 1920s graduate described the school's official founder, an extremely devout and evangelical Protestant (the school itself was originally part of a missionary enterprise), as Jewish. But when that same graduate, who was not himself a Christian, told me the names of his casebooks and the amount of his tuition more than sixty years earlier—both details of great importance to him, since he enjoyed law study but had to earn his own way—he was right on the money.

In the end, of course, a school can only be judged by its teachers and graduates. Meeting so many Soochow graduates, wherever I found them, gave me a better feel for the school, the kind of students it attracted, and the quality of their training than I could otherwise have had. Those

interviews also confirmed my belief that Soochow had produced “real lawyers,” an impressive achievement since the school was founded only a few years after the enactment of the first Chinese lawyers regulations in 1912, and I couldn’t help feeling a professional affinity with them. I enjoyed meeting them all, including the 1920s graduate, a distinguished judge in his nineties who loved Chinese opera (he sang it when young); the three 1930s classmates, still friends sixty years after graduation; the famous artist and art collector who brought out his latest paintings because of my interest in modern Chinese art; the 1940s graduate, who had become separated from the rest of his family on the mainland and died before Taiwan’s travel ban was lifted; my own classmate, who studied in Taipei some twenty years before attending law school in the United States; and the dean of the school’s Taiwan reincarnation, now back teaching in the United States, among many, many others. I’m grateful to them for sharing their memories with me. I only wish that I could ask each of them a few more questions now that I know the school so well—but many of my informants, certainly the earliest graduates, have passed into history themselves.

IN THE ARCHIVES AT LAST

Despite the postponement, my principal research venue during the fall of 1992 and the following summer was the Shanghai Municipal Archives, which, armed with my introductions and a local *danwei*, I was finally permitted to enter—though in the meantime new regulations had been enacted and the SMA had probably liberalized its policies anyway. The archives had also moved into a brand-new building, which was already showing signs of wear and tear due to poor maintenance but was nevertheless a great improvement over its previous home. Researchers at the SMA worked in a large reading room, which was furnished with two rows of long, narrow wooden tables and chairs, with smaller desks for individual scholars next to the windows, all facing a workstation and counter for the service staff (*fuwuyuan*) at the front of the room. At its most crowded, the room held sixty or seventy researchers, and except during lunch or late in the day there were rarely fewer than twenty or thirty people present. Although some Chinese scholars (like me) pursued independent projects, many of them worked in groups, sorting or copying documents for their *danwei*.

The SMA had plenty of rules, but none of them required its users to work in silence or even in relative quiet, and as a result its reading room was probably the noisiest place I had ever tried to concentrate. The service

staff themselves listened to music, talked loudly on the phone, or just laughed and chatted behind their counter while drinking endless cups of tea. Scholars and visitors came and went in a constant stream, sorted materials and discussed which to photocopy and which not to photocopy, calling out to each other across the room. At midmorning, as soon as everyone had finally collected materials and settled down to their desks, one of the staff members would shout that meal tickets were available for lunch, and everyone would rush up to the counter to buy them. Later on in my first stay, however, the staff introduced something new: a tape-recorded announcement by a soft-voiced female announcer, first in Chinese and then in English (“Now is the time to buy your lunch ticket at the Shanghai Municipal Archives . . .”), all set against the background music of “I Left My Heart in San Francisco.” (Unfortunately they played it rather loud, which somewhat spoiled the effect.)

To escape this din, many foreign scholars worked with earplugs or listened to their own music on a Walkman; to get their attention, you had to remember to tap them on the shoulder because they couldn’t hear you. I hate earplugs, but my reading was absorbing, so I could usually tune out the distractions, and in the end I found it rather liberating. In such an atmosphere, I no longer had to worry about disturbing other people, because absolutely no one was worried about disturbing me. One day I looked up from my documents to see an old friend arriving in the reading room. I hadn’t seen him for some time and didn’t even know he was in town, so I leapt up to greet him and we began to catch up on all the news, laughing and talking loudly in English. The entire staff paused in their activities behind the counter to watch us pantomime “two friends meeting by chance after a long separation,” a theme on which great Chinese poetry has been written. Suddenly a more senior staff member bore down on us, and I shrank from the rebuke she must surely deliver for this noisy discussion. Instead she asked sweetly, “Why don’t you pull up another chair so your friend can sit down and you can visit more comfortably?”

Working in the archives was truly the “manual research” that Lexis representatives are always talking about, and it often required dressing for extremes of temperature as well as for dirt. The documents I read were sometimes so thick with dust that my clothes were filthy by the end of the day. The *fuwuyuan* sensibly wore old-fashioned sleeve-protectors and many of the researchers wore gloves; during the cooler weather I just tried to wear darker clothes and in the summer I rotated a series of cheap batik print dresses bought in a Singapore street market expressly for the archives, so I could carry documents or wipe my hands on my clothes without worrying. But this wardrobe also caught the eye of the staff. One

day as I was collecting documents at the counter, another foreign scholar told me, “the staff have been admiring your dresses—they think you are the best-dressed foreigner in the archives!” (People now dress very fashionably in Shanghai and I doubt anyone would be so easily impressed.)

During the first few weeks I spent in the archives, the weather was pleasant, but it soon turned chilly. I dreaded the approach of colder weather because in Shanghai, as in all areas south of the Yangtze River, public buildings have no heat, even though temperatures are often in the forties and fifties and during cold spells it goes below freezing. To survive such conditions, the Chinese dress in multiple layers of clothing, but I have never fully mastered the art, and despite wearing long underwear and a coat, plus a scarf and gloves, I was always chilly. Fortunately, the reading room had large windows facing south, so on sunny days the temperature was much more comfortable and at least I could take off my coat, which was bulky and awkward to work in. But the occupants of the smaller desks next to the windows controlled the blinds and the windows themselves. Since they were very warmly dressed, they lowered the blinds and opened the windows when the sun came in, leaving everyone else to sit in the drafty cold. Some long-term workers had clearly staked out those desks as their personal space; when the doors of the reading room were opened, they rushed across the room with their friends to grab them, then made themselves comfortable, (in my view) at the expense of other researchers. Finally, I decided it was every man for himself and raced to the windows to secure my own spot in the sun. Although at first I felt guilty for displacing another researcher, the feeling was short-lived; I raised the blinds for a little sun and worked away in relative warmth.

Despite such minor discomforts, I was delighted to be admitted to the regular reading room used by Chinese scholars instead of being banished to some “foreigners reading room,” a practice that ostensibly provided special treatment for foreign scholars but was actually intended to isolate and control them. One day several regulars came over to see what I was reading. “Are you collecting materials about Soochow Law School? So are we, on behalf of our *danwei*. You should come and meet the scholars we work for.” They proved to be copyists, reading and copying materials by hand for their *danwei*, a research institute that specialized in the history of Shanghai’s universities and colleges. Most of those materials, they told me, had once belonged to their institute, but had been removed from their possession and combined with other archival materials to form part of the larger SMA holdings. The education institute was trying to restore its former collection but could not afford the SMA’s photocopying charges; it

was cheaper to employ retired people to copy the documents by hand. (This they did very carefully as a team: one person copied the documents and the second person double-checked them, initialing every page.) I soon went to meet the scholars at their institute, which had its own set of offices on the campus of a university not far from my hotel, and I was impressed by their seriousness and dedication. They were engaged in collecting materials not only in Shanghai but throughout China, and in contrast to many institutions, welcomed others (including me) to use and copy them. Of course I realized that the institute's staff were looking for their own foreign contacts and connections, but they were serious researchers and archivists—and it was only by accident that I met them in the archives.

Other SMA changes in policy and practice also made a great deal of difference to my progress. First, and most important to anyone facing time limitations, the reading room no longer closed completely for the customary rest break (*xiuxi*), as all such institutions had once routinely done. *Xiuxi* meant a break of two or three hours to allow everyone to go home for lunch and take a midday nap; although a humane custom in many respects, it could spell disaster for anyone on a tight schedule. Under the older version of *xiuxi*, I would have been evicted from the reading room in the middle of the day with nowhere to go and nothing to do (since everything else would also have closed), while stacks of documents waited to be read. By the time I gained entrance to the SMA, however, this rule had been relaxed. Although the staff promptly vanished and no new materials could be requested for hours, I was free to remain behind and continue reading the materials I already had. Everyone else went to lunch and then home to sleep if they lived nearby, though a few people usually returned to the reading room for their naps, stretching out on the desks or chairs—while I worked on in a peace and quiet punctuated only by the occasional snore.

Equally important was a relatively liberal policy regarding access to materials and the amount I could request or retain at any one time. In past years, particularly during the 1980s, foreign scholars were severely restricted in the type and quantity of materials they could read. Some archives permitted them to request two or three items each time, for example, or to request materials only on certain days, or the staff just instructed them to spend more time on what they had, even if they had finished reading or needed to move on (“read it again”). Researchers might be informed that they could look at a total of ten items randomly selected by the staff when vastly more existed, or that only ten to fifteen percent of the holdings on any given topic in the archives would be open to them. Some scholars were told they could request items if they could guess the

archive's holdings (no catalogues). From the researcher's point of view, treatment by the staff was often capricious and unpredictable, and the whole experience could be intensely frustrating for anyone with limited time and resources but eager to proceed.

When I used the archives, however, the SMA had published a general guide to some of its holdings. The materials for many organizations, including the ones I was reading, were catalogued in published pamphlets, and a handwritten listing of specific items or sets of items for those categories was also available in the reading room. The catalogues might lack important details, and I was sometimes surprised, given the SMA descriptions, by the materials I actually received, but the staff allowed me to review the detailed list and to ask for materials from it pretty freely. Fortunately, most of the materials relating to my subject were "open," although a few were denoted "internal" and were therefore off limits, at least to me. One day, through some inattention, the staff gave me some of those internal materials, but something in my posture must have alerted them to their mistake and they soon rushed down the aisle to snatch them away.

The *fuwuyuan* generally allowed me to keep the materials for as long as I wanted or to return them as soon as I pleased, so long as I didn't bother them by requesting materials too frequently. Just before closing time the staff put away my materials in one of the wooden lockers lining the right side of the room, and first thing the next morning I retrieved them and set immediately to work. Since my greatest fear was running out of documents to read and being unable to get more, I asked for stacks of materials each time I made a request, never returned anything if it seemed "too soon," and always kept what I hoped was at least two or three days of work ahead of me. That could be hard to gauge, however, because I could never be certain in advance how large each file was or how useful it would prove to be. The materials also varied considerably in style and difficulty; whereas the earlier files were often at least partly in English, the later ones were all in Chinese. Printed materials were of course much easier for me to read, but some of the most interesting were handwritten and might be nearly impossible to decipher (my friends the copyists could also be baffled and sometimes left blanks). But the *fuwuyuan* hated to give me anything twice. If I asked for earlier documents to review or double-check something in light of later information, they sometimes refused ("you've already seen that").

During my stay, the SMA also permitted photocopying of documents, a great time saver and something that could not be taken for granted in China at the time. All photocopying was done by the staff, who could

reject any requests, and (as at all archives I have heard about) there was certainly a page limit for each researcher or project. Since the staff remained vague about those limits, I worried about exceeding them if I copied too liberally at the beginning and then discovered better materials later on. But the *fuwuyuan* approved most of my requests and I copied as much as possible, despite the high cost. As in other areas of official Chinese life, foreigners paid on a different scale, ranging from two to ten times the local rate, so copying charges could be very stiff indeed; even foreign students often ended up paying thousands of dollars for photocopying alone. I'm sure the relaxation of photocopying policies owed much to the realization that this too could be a source of revenue, and I would certainly have paid more for the convenience—though for the staff's benefit I generally expressed dismay at their rates each time I made a request.

A few SMA rules were more relaxed than those of other archives I have worked in. Taking in bags (actually *pibao*, or leather/plastic briefcases or satchels) was prohibited, an understandable rule that other research institutions sometimes adopt. But the SMA staff applied this to exclude even the smallest of handbags, which caused me some inconvenience. As a foreigner, I carried more money than most Chinese, as well as more identification—and I was reluctant to deposit my possessions in the hallway's flimsy wooden lockers whose locks even I could open. And what about pens, tissues, mosquito repellent, and other essential odds and ends? No use to argue that my tiny handbag could not really fall within the prohibited category (too small for hiding documents), and I wasted no time asking to see a copy of the regulations. But I soon discovered that plastic grocery bags belonged to the non-*pibao* category and were therefore freely permitted in the reading room, regardless of size, contents, or lack of transparency. The archives also permitted the use of pens (absolutely forbidden in many places) instead of pencils and even the use of notebook computers, which could be plugged into a wall outlet if you could find one. (In the past, Chinese libraries or archives would never have countenanced such a use of their electricity; the staff could hardly have been more outraged if you had brought along your own air-conditioner.) These may seem the most basic of conditions for conducting research, but I consider myself lucky that I could take advantage of them.

During the months I spent in the SMA, the staff were not unpleasant to me; they never yelled at me, for example, as they did at some Chinese researchers (I witnessed a few serious altercations at the front desk). Still, they appeared to hold a very different view of their jobs from the one I took. The *fuwuyuan* were not archivists or otherwise trained personnel,

and most had been assigned to the SMA and its reading room in the days when all urban jobs were assigned by the government, regardless of interest or talent, and assigned for life. As at many other institutions, the reading room was heavily overstaffed, although unfortunately that did not make them more available to researchers, and they clearly viewed requests for assistance as unwanted interruptions of their usual activities. Every research guide and all my informants had stressed the absolute necessity of maintaining this group's favor (if they refuse, even wrongly, to give you materials you are finished or will waste days dealing with their superiors), and I really did try to ingratiate myself. But one factor to some extent doomed my efforts from the start: I wanted to work hard in the reading room during its entire official hours (usually from 9 A.M. to 4 P.M.), or at least until shortly before closing time.

The desk staff, however, would obviously have preferred much shorter hours of operation. Since the Chinese researchers generally arrived in large groups just before the official opening hour and stood waiting outside the doors, the staff could not delay their entrance to the reading room for any length of time. But most of the Chinese also left by mid-afternoon to catch shuttle buses back to their *danwei*, allowing the staff to close the reading room early—if they could only rid themselves of stragglers. I had some sympathy for the *fuwuyuan*'s position, but I was also desperate to use every officially available minute in the archives: I arrived before the doors opened, never left for lunch (I just stood outside the reading room to gulp down crackers or a snack, then rushed back in), and I was determined to stay as long as possible no matter what. I hated to be the last one left, however, because I knew I would soon be the object of a campaign to drive me out as much as an hour or two before closing time. Although the staff never actually asked me to leave, they easily conveyed that message without words, sometimes by vigorously vacuuming all around me (with chairs up on the desks) while I tried to read documents, or by removing all the chairs in the room but mine, one by one. I never moved. But their final tactic usually defeated me: When all else failed, they used to play their tape of the "Beer Barrel Polka," gradually turning the volume louder and louder, until even I had to call it a day.

WHAT THE ARCHIVES HELD

Reader, was it worth it? All that effort unearthed a wealth of original Chinese and English materials, including course programs and schedules, student files, financial records, letters, news reports, bar association records, minutes of faculty meetings, exchanges with ministry officials,

yearbooks, law journals, books and articles by Soochow graduates and teachers, and miscellaneous biographical information. But by the time I succeeded in gaining entry to the SMA, I had already found plenty of good sources, and in the end not all the best documents came from those archives. Yale's Day Missions Library had shared photographs as well as its files on Soochow; the libraries and archives in Taiwan also had good archival records; and in the Shanghai Municipal Library, where I had been forced to cool my heels, I discovered some invaluable materials on Soochow career patterns. To my great disappointment, moreover, it seemed that many earlier records had been lost or destroyed during the school's wartime relocations, and consequently the bulk of the SMA's Soochow materials dated from 1949 to 1952, the school's final years, and related to its reorganization and closure.

Yet in the SMA I also found materials that were available nowhere else, including original student applications, handwritten information on faculty members and the minutes of many faculty meetings. The SMA files also held letters, personal accounts of important incidents in the school's life, news articles carefully clipped and pasted in scrapbooks, and two brief histories of the school in the former dean's handwriting, one of them actually a political confession made after his post-1949 detention. All these documents gave depth and life to the printed sources. In constructing the careers of the school's graduates, for example, I used later biographical dictionaries, but whenever possible read them against the information gleaned from student files, yearbooks, journal articles, school catalogues, bar registration lists, alumni lists, Shanghai Municipal Council reports, news clippings, and even law firm announcements in the newspapers. Those primary materials proved more reliable than later biographies, which often got the details wrong.

In the SMA, I read the files of every Soochow student graduating between 1918 and 1949, which provided me with a complete picture of who attended the school during those years and a good notion why. Many graduates suffered greatly after 1949, and it was a shock to see the young and hopeful faces in their application photos when I already knew their fates. As at any other school, minutes of faculty meetings could be boring and were often occupied with petty concerns, but they also reflected the upheavals Soochow endured and the administration's constant financial worries, later exacerbated by wartime hardship and spiraling post-war inflation. I read about the faculty's search for books in wartime Chongqing, the desperate student requests for transcripts so they could leave Shanghai during the last months of the civil war, and the dockside

send-off by a few teachers of the school's American founder not long before the Communists arrived in Shanghai. There's no thrill like discovering the piece of paper that fills a gap, answers a question or confirms an intuition, and the drama of the school's life was played out for me in those materials as I sat in the SMA.

In the course of my archival reading, I eventually came upon the official order closing Soochow and read the final inventory of the school's possessions, down to the last book and teapoy, along with the new work assignments for any of its teachers who survived the political transition. I was saddened to learn that the school's library, which its faculty and students had managed to preserve through years of Japanese occupation and civil war, had finally been dispersed—or, according to other accounts, packed up and left to rot in some basement. (I never found the library, the product of so much effort and the source of so much pride. Only once, at another institution did I open an old volume to see it stamped, "The Comparative Law School of China.") It was even sadder to contemplate the demise of the school whose program I had come to admire and whose students and teachers I really felt I knew. But I decided that my story was Soochow's founding and life, not its death.

I LEAVE SHANGHAI

The PRC used to conduct rigorous customs inspections on the way *out* of the country as well as on entry, and Shanghai was one of the toughest airports to pass through, as I knew from personal experience. Throughout the 1980s, foreign scholars fretted until the day they left China that they would be barred from taking their research materials and notes with them, despite official stamps and letters clearly authorizing them to do so. Such concerns were not unfounded, and it was impossible to avoid inspection by mailing materials out of the country; all packages, usually in a handsewn cloth bag, had to be inspected at the post office before they could be sealed and accepted for mailing (this is now a formality). But I also knew from frequent and more recent trips that things had loosened up considerably, so I lost no sleep over such possibilities, even though my *waiban* had decided it would be unnecessary to accompany me to the airport to ease my departure.

I was more worried about losing the results of all this effort. Although I had been entering data on my computer throughout my stay, most of my materials were photocopied or in my handwritten notebooks, and they weighed a ton. Still, I didn't dare pack anything important in checked luggage. I vividly recalled the experience of one British scholar who had

spent two years conducting research on the legal profession in Ghana. When in 1975 he was returning home to England he planned to carry the most valuable materials with him but, at the last minute, made the fatal decision to check the suitcase containing his handwritten chapter drafts, crucial historical notes, and an index to the historical sources. He never saw the suitcase or any of its contents again.¹⁵ With this cautionary tale in mind, I was determined never to be separated from my own materials, even during the short, nonstop flight to Hong Kong.

Although checked baggage was limited to twenty kilos, in Shanghai at that time you could take virtually anything onto the plane. So I struggled through customs and immigration with two carry-on bags full of documents, notes, papers and Chinese books I didn't think could be replaced, my notebook computer and a small backpack, plus a large painting on canvas, rolled up and tied in the ubiquitous pink raffia (impossible to check anyway), and a bag of my purchases in the antiques markets, all breakable. Though I was prepared for customs and each photocopied page bore an official stamp, no one asked to look at anything. The customs staff, mistaking me for a foreign teacher on my way home (good), failed to recognize me for the trouble-making researcher I really was (bad), and cheerfully waved me through with only a cursory inspection. But the airline staff treated me less kindly; despite my natural request for a seat in the front of the plane, they perversely—or perhaps mistakenly—assigned me to the very last row. When we landed in Hong Kong, overcome with relief as well as weighted down by my luggage, I simply couldn't get off the plane. Fortunately, two British businessmen came to my rescue and I exited, safe, with all my materials.

CONCLUSION

Comparative law requires fieldwork and historians need to hold the documents in their hands. But I never viewed my research as a “scientific enterprise” and I am glad that it has formed part of the “biography of my life” instead.¹⁶ I followed the materials wherever they took me, learned something of value wherever I went, and enjoyed it all more than I can say. In the course of my research, I made or renewed many friendships,

15. This dismal story is recounted in Robin Luckham, *The Ghana Legal Profession: The Natural History of A Research Project*, in LAW AND SOCIAL ENQUIRY, *supra* note 4, at 131. He had to return to Ghana to do the research over again. My thanks to my former HKU colleagues, Yash Ghai and Jill Cottrell, for reminding me of the citation.

16. John Flood, *Researching Barrister's Clerks*, in LAW AND SOCIAL ENQUIRY, *supra* note 4, at 186.

and despite the obstacles I have described, I also benefitted from the kindness of many librarians, archivists, and scholars in the United States and throughout Chinese Asia. They showed enthusiasm for the project and generosity to me, and in China they often impressed me with their dedication under difficult conditions.

Despite the ease of computer research and the wealth of information now available on the web—including in China—nothing can completely take the place of fieldwork for this kind of project. Everything I experienced while pursuing my research contributed to a deeper understanding of place as well as time. At the most basic level, I thought I knew something about Chinese bureaucracy, but I learned plenty more, mostly through the mistakes I kept making. The time I spent at educational institutions also provided insights on past conditions. The pre-1949 Chinese government, for example, though now a very different creature on Taiwan, was tough and controlling, harsh in its treatment of dissenting scholars and determined to tighten its control over education—rather like the PRC government today. Even the physical conditions had sometimes changed very little, as photos of Soochow students and faculty wearing coats in their classrooms and library clearly illustrated.

Whatever the effort I expended on this project, it has been returned to me many times over, both personally and professionally. Though Hong Kong in the 1990s was hardly the Shanghai of the 1930s, Soochow's experience suggested some parallels with my own Hong Kong institution. The more I learned about Soochow's students, the more I thought about my own students in Hong Kong and the shape their future careers might take. How should HKU's law department, where we taught mostly common law, face the 1997 transition, how much Chinese law should we really be teaching? Even in the United States, many American law schools are rethinking the role and importance of comparative and international law, which was always Soochow's specialty. In the meantime, mainland Chinese scholars have become more interested in the pre-1949 educational system and the Soochow model, which I believe still has relevance to Chinese legal education today. Finally, I have also had the pleasure of seeing my articles appear in Chinese—as well as knowing that a new version of Soochow has been reestablished in Shanghai.

Overall, I have few regrets, or perhaps only one: I wish I had been able to work on this project during a more concentrated period. But some projects can't be completed overnight, just as they can't be researched at a computer. My own thinking about Soochow has undergone some changes over the course of time; I don't think I got it wrong before, but my

understanding is surely deeper than it was earlier on. Of course, I know there are more materials out there, and I continue to interview and to make corrections to what I have written—but I'm pretty sure I got the story.