

Tenth Conversation with Professor Wang
Toronto, March 13, 1992

RM: This is our tenth discussion on Friday, March 13, 1992. Our first topic then, will be the Hong Kong Commission.

TY: It was called the Hong Kong Committee. Originally, it was the Drafting Committee on the Basic Law of the Special Administrative Region of Hong Kong. That was the full title of that committee. It was started in 1985, appointed by the Standing/Extending Committee of the National People's Congress. We started work at the beginning of the plenary session until 1990, when the Basic Law had been considered by the Standing/Extending Committee, then afterwards also by the National People's Congress itself and the Congress passed it. That was April 1, 1990. After it was passed, the Committee was dissolved.

RM: What was the purpose of the Committee?

TY: We were to draft any Basic Law, which were to govern Hong Kong after 1997. In the joint-declaration between China and the United Kingdom, there was a provision stating that the Chinese side should enact a basic law to govern Hong Kong after 1997. All things are stipulated in the Basic Law, which was based on two things; one was the Chinese constitution, article 31, which provided the foundation for the Basic Law and the other,

was the joint-declaration. The joint-declaration set out policies of the PRC and also the agreement reached between the PRC and the United Kingdom.

RM: When were you appointed to the Committee? What were your duties?

TY: From 1985, I worked on the Committee for about five years until the beginning of April, 1990. My duty was to be a participant in the Committee. The Committee was comprised of five panels.

RM: Was it a large Committee? What was the total size?

TY: There were 59 people. 32 were from the mainland and another 27 were from Hong Kong. It was composed of businessmen, lawyers, judges - generally, the community leaders in a variety of fields. There was a drafting committee [panel?] which was very influenced by political forces, but also we had to approach the drafting from a legal perspective. In the very beginning, the mainland lawyers didn't understand what the Hong Kong lawyers were saying because they had two totally different legal systems. Gradually, after one or two years they had met several times and they understood each other better. Even the time they spent together didn't eliminate the fact that there were still difficult concepts raised by

the Hong Kong members which were not understood by the mainland lawyers.

RM: Were they using Mandarin?

TY: Yes. Mandarin only.

RM: How many meetings were there?

TY: Altogether over five years, we had over 100 meetings. At least 85-90 meetings.

RM: Did you travel from Beijing to the south of China for these meetings?

TY: Yes. Usually the meetings were held in Canton and Xiamen or Shenjeng. We met only once in Hong Kong.

RM: You were on the drafting committee.

TY: Yes and that committee was divided into five panels. One of the panels which was the most difficult was the one that dealt with the relations between the central authorities and Hong Kong. I was a member of that panel. It involved the relations and also included the problems of interpretation, implementation and court jurisdictions. Those subjects were

very difficult to deal with.

RM: Also very important subjects.

TY: Yes. Fortunately, there were some compromises made. Compromising meant that the drafting of the articles was not very definite, but anyway, we agreed by compromise.

RM: Were you generally pleased with the result?

TY: I think we made good compromises. Of course, according to my own ideas, I might have thought that some of the compromises weren't the correct choice, but we all realized that there must be compromise otherwise the basic law would never be passed at the International People's Congress, nor would it be supported by the people of Hong Kong.

RM: Did working on the panel occupy a lot of your time?

TY: Yes. We would have to travel outside of Beijing to attend the meetings and there was a lot of preparation involved. We would prepare for a specific subject each meeting which would be discussed. Sometimes the subject for the meeting would elicit a fierce debate amongst the members, so it did take a significant amount of time. Overall though, I think it was a valuable experience for us to make a contribution to the

drafting, because the National People's Congress () based on this drafting to pass the laws which govern Hong Kong after 1997. Basic Law could be equated with a constitution for Hong Kong - for at least 50 years.

RM: Were there any international law aspects or was it mostly domestic law?

TY: It did touch on some aspects of international law because it also included the external relations of Hong Kong. Essentially all of these questions were solved by the negotiations between the two governments. The agreement was clearly stated in the joint-declaration. As a result, we only discussed minor points with regard to international law.

RM: Our next main point, then, is the Cultural Revolution.

TY: The Cultural Revolution began very informally. It began with criticisms in the newspaper of the writings of some well-known people. It gradually evolved into the Cultural Revolution. At the very beginning, of course, no one realized that these small occurrences were hints of the upcoming revolution. There also weren't any official statements or official documents - no official explanation whatsoever. The only inkling we had of what was to come was the fact that if you read a newspaper, you would find very aggressive criticism of certain

viewpoints. Eventually, this trend spread to the universities. I was at a university when a young student got up one day to criticize the professors. Gradually, the trend gained momentum and it became a revolution, but at the beginning there were no indicators.

RM: How did it affect you personally? I know that you had to leave your house. You had to leave Beijing. How was this announced to you? Were you just sitting at home and somebody came?

TY: Initially, some people [authorities?] asked to hold meetings at the Faculty. Then they asked us to go to a place where we could concentrate and focus our minds on writing histories. They asked us to stay in the dormitory - originally a student dormitory - and we had to live there, eat there, and do anything they ordered.

RM: Eventually, you had to leave the city.

TY: Yes. Eventually, the government ordered that university people had to go to the country to work. It was a kind of mobilization. There were even rumours that there was a Third World War and the government wanted people to evacuate the city.

RM: So you had to leave everything in your house and go -

TY: Yes. And it was with a very short notice. Cai and I were told to go Jianshi Province, which is a long distance from Beijing.

RM: Were you able to take anything with you from your house or did you just walk away and close everything up?

TY: It wasn't necessary to take anything because you only needed your covers [bedding? or do you mean outerwear - such as warm clothing, etc.?] and very simple clothes. In the country, there were no luxuries.

RM: Did your daughters stay at home? what happened to them?

TY: At that time, my first daughter was a student, so she continued to go to school with the other students. She was not at home. The second daughter was a high school student and she also took care of our youngest daughter. They stayed at home alone for some time, but eventually, they were forced to leave the house and go to live with our maidservant for about two years.

RM: OK, our third topic for today is 'now' and 'then': the difference between your life as a young person and the

difference between the life your daughters had. What changes do you see in Chinese society?

TY: There have been great changes. During my youth, our family was isolated and very feudalistic. Young people were forbidden to go outside the house. We even were educated privately with a private tutor employed by my father to teach all of us. There were no social activities at all, unless there was a special festival and relatives would visit our house. That was the extent of our social activities - only on that kind of special occasion. Nowadays, young people are very free. They can make friends with fellow students as well as relatives. My children's education was quite normal - except the period during the Cultural Revolution. My first daughter had a normal education from kindergarden right up until she got to college. It was only after reaching college level that her education was disrupted by the Cultural Revolution. She had to drop her college education at that point. The other two were terribly affected by the Cultural Revolution. However, except for the time during the Cultural Revolution, all of my children had a normal education. As well, their lives were quite normal. They could make friends with their schoolmates, their relatives, their neighbors - quite normal. Of course, the economic situation was not so good, but anyway, they had many more activities available to them than I did during my youth.

RM: Life is a little easier, now.

TY: Yes, in the past twenty years, with the except of the Cultural Revolution.

RM: As you look back over your extraordinary life, what are the main themes that you would identify? It seems to me that one of them is that you have been a very dedicated and committed scholar of international law throughout a turbulent period of human history.

TY: Yes. I have devoted my life to the study and teaching of international law almost exclusively, and nearly without disruption. There were only two disruptions. During the war, the Ministry of Foreign Affairs for the Kuomintang government tried to persuade me to go into the Kuomintang Foreign Ministry to be Section Chief. I declined it at the time, because I didn't think the idea of working in an office everyday without academic life would have been good for me. T.C. Chen made a commitment to the Foreign Ministry for several years, but I didn't. I preferred to stay at the University. Another disruption was after 1949. The Communist Party Government invited me to go to the United Nations as a member of the Chinese delegation to the UN. I agreed, but my wife didn't! Cai wanted to stay in China and take care of our small baby. Anyway, I worked for them for some time. These

two examples were the only two disruptions to my academic life.

Real interruptions to my academic commitment were after 1949: the Anti-Rightist Movement and the Cultural Revolution. Because of these movements, I spent many years wasting my energy. During that time we weren't permitted to do any academic work. From 1957-1963 or '65, I couldn't do anything. Then again, from 1967-1977, I was entirely interrupted and separated from my academic work. Fortunately, after 1977 I was reunited with my academic life and I devoted that much more effort to my study and my teaching.

RM: As you look back, you must be very pleased and gratified at the tremendous contribution that you have been able to make. You have been China's leading international law scholar - one of the great ~~scholars~~^{figures} of international law in the world. Are you pleased that you made the decision to stay in the academic world, rather than go into politics?

TY: Yes. I do have an appreciation for my life and for my decision not to go into governmental service. The only thing I regret is the wasted time. When it is totalled, it amounts to more than twenty years that can never be reclaimed. If I would have had those years to enrich myself academically, then possibly my academic work would have been better too.

That is the one thing I regret very much. In this respect, I would like to tell you that at the bottom of my heart, I am a patriot.

RM: Of course!

TY: At the same time, I am an internationalist. I will never lead my thinking away from patriotism and internationalism.

RM: ~~No~~ The two are not incompatible.

TY: They aren't. You must have enlightened patriotism and you also must not have too-idealistic internationalism. If you have enlightened patriotism and realistic internationalism, it's the right combination.

RM: That's a perfect combination, isn't it? A very good way to put it.

Can we go to our next point? Cai's point-of-view. What was it like to be married to the most prominent professor of international law in China during all those years?

TY: When she married me, I was not a prominent professor, I was only a very young professor! - and also I was very poor. The first time I met her, I was dressed in old clothes, but you

know, she was a very decent lady, she didn't care about whether you were rich or poor. What she paid attention to was my work as a professor. I was introduced to her by a very intimate friend of her family's, so she had confidence in me. We married after seeing each other for two years.

RM: Throughout the years, life was difficult for her, wasn't it?

TY: Very difficult. Especially when I came to Chungqing and she was pregnant with our first child. Life was really difficult, then. We were very, very poor. Fortunately, as I mentioned, I got that chance to write the pamphlet, "The Status of [] in China", which was published by the Institute of Pacific Affairs. I never even saw it when it was first published; it was only many years later, it was in the archives of the Max Planck Institute. The \$500 I earned by writing the pamphlet supported us.

RM: Cai was also subjected to all the difficulties of moving around and the Anti-Rightist Movement and the Cultural Revolution.

TY: Yes. When I was isolated she was also isolated, because she was the wife of a Rightist.

RM: So they made no distinction between husband and wife.

TY: No. If your husband was Rightist, why wouldn't you be linked with him in every respect? Fortunately, she had relatives in Beijing, so she was not completely separated from her family.

RM: What sort of social activities did you and Cai have in Beijing?

TY: The social activities I had were mostly with my colleagues. I didn't have many relatives in Beijing; however, Cai did. You know, we lived in a large compound that contained more than ten families, so we often created our own social activities within the group - even sometimes dancing parties! Of course, not very often, but sometimes. We also played chess and Mah Jong during the weekends or during festivals. Most of the time, our social lives were interrelated with the social lives of our colleagues and their families. We had no contact with Westerners - only once - we were introduced to a person by Professor Chian. I occasionally received correspondence from the West, but that was not often.

RM: So it was a fairly active social life.

TY: Yes. And also the students. The students were very active. Of course, we were professors, so we could not entirely involve ourselves in the activities of the students, but sometimes we would be invited guests to give lectures or to

join discussion meetings - also join in their social activities. I have always believed in encouraging good relations with the students right up to today.

There was one occasion that was very important, just before 1949, the Communist Party was approaching and most of my students were progressive and were leaving for the liberated areas. One of the student leaders came to my house and hinted to me that if I and my family wanted, we could go with them. I wanted to leave very much, but we couldn't. Our first daughter was very young and we had a new baby who was less than a year old. It would have been not only very difficult, but also very dangerous, to leave. If we had been caught, we would have been punished by the authorities, so we gave up that idea.

RM: Our next subject, a different one. What influence did the USSR have on the teaching of international law in China and on you personally in your intellectual development?

TY: The influence of Soviet Russia in the field of international law was very strong. There was a university called "People's University".

RM: Which is still there. *WMA*

TY: Yes. It still exists. It was very much under the influence of the Soviet teachers and professors. In that university, there was a newly established law department which gave a course on international law taught by students with very strong Soviet influence. There was also a Department of Diplomacy. In that department, there was a special course taught directly by a Soviet professor. At that time, you could see that the publications [professors?] were almost completely influenced by Soviet lawyers. One came to my house [a soviet lawyer or soviet professor?] to talk with me. He had been teaching at People's University for more than two years. All the articles and books [used in the courses] were almost entirely under the influence of soviet scholars.

RM: Did they teach in Russian or in Mandarin?

TY: The classes were in Russian, but some young people had been trained as interpreters, so they translated the classes. The books that were written in Russian were translated into chinese. The only exception was my work. I did the translation of Oppenheim. It was quite a struggle to get it published. It was the only book published in Chinese during that time which wasn't under the influence of Russia. Even that book, however, we appended. We had to add some notes by the Russian scholars. You know, Oppenheim had been translated into Russian, too and the [credo?] made notes on that. We

incorporated those notes also into our Chinese translation. The motivation, of course, was so the publication would be approved by the authorities; they would say, "it looks like it's alright because it has been translated incorporating the notes added by Russia".

RM: Did the Russian influence affect your thinking on international law?

TY: No. The situation was that I was not permitted to teach international law. The law department at Beijing University had been abolished, as well as the Political Science Department. That was when I was transferred to the History Department from 1950-1957. Seven years I taught under the auspices of the History Department. I was not concerned with international law. Especially after 1957, when I was condemned as a Rightist, so again, I continued to be barred from international law. I had no chair in discussion or in lecturing.

RM: When did the Russian influence finally come to an end in the Law Faculty?

TY: *Handwritten: You know* the relations between the two countries broke down over time. Around 1959, that 'era' came to an end. We stopped taking Russian courses, we stopped using the Russian

definition of international law. Also, we stopped using Russian textbooks as our main references. Then, international law began another phase. There was no primary source to rely upon, so the young people at university were instructed by the authorities to view international law as 'only Chinese foreign policy'. International law then became, at that time, an instrument of Chinese foreign policy. It was all in an effort to avoid imitation of Russian scholars, but to create for yourself a political interpretation of international law. This lasted until the outbreak of the Cultural Revolution.

RM: Was our good friend T.C. Chen active at this point?

TY: T.C. Chen was ~~also~~ forced to discuss questions of international law which were raised in the relations between China and foreign powers. His articles written during that time were concerned with those current problems.

RM: ~~I see.~~ I know that he dealt with the border dispute.

TY: Yes, as well as a lot of other disputes which were current events. It was a pity that working on those problems left him no time to devote himself to his study of academic problems.

RM: At one earlier time, you told me about your daily routine at the University that was very demanding; you worked a six-day

week; you gave 8 hours of lectures per week; when you were the Chairman of the Department, you had to go in every day for 3 or 4 hours. Could you give a little more detail on what kind of a day you would have, from the time you would get up until the time you would go to bed?

TY: Usually, I would go straight to my office in the morning and discuss departmental matters with my assistants. I would also meet with my colleagues when they came to the office. This was also an opportunity for students to pose very complicated questions which they would come to discuss with me. Of course, if there were no meetings and such, I could bring books to the office to read. Usually we had two or three meetings a week on administrative affairs or academic affairs. In the afternoon, I would be at home to do my own work, uninterrupted and usually I would work into the evening. Sometimes a friend would contact me in the afternoon. You know it is a Chinese custom that it is not necessary to have a previous appointment - It is acceptable to contact a person without having an appointment. You just go to their house and knock at the door!

RM: So people would just appear!

TY: Yes! Also, I was working on articles not only for academic journals, but also for ordinary journals because friends who

were editors wanted me to make contributions.

RM: One last question for today. What was the war-time capital like?

TY: Chungqing. Well, at that time, there was not much cultural involvement. There was not much academic involvement either. The primary occupation was political. Also business. Anyone without political influence or without political involvement would become involved in business to maintain their life. It was also very dangerous to be there because the city was being bombed by the Japanese. During the year that I was in Chungqing, it was entirely destroyed by the bombing.

RM: Your house was destroyed?

TY: I didn't have my own house. I was staying in my office. All my belongings were in my office.

RM: This was your university office?

TY: No. During that period, you remember, I was working for the journal - before I went the university. It was 1939 to the early part of 1940.

RM: And that office was destroyed?

TY: Yes. Entirely destroyed.

RM: Were many people killed in these bombings?

TY: No, not many, because we had underground air shelters.

RM: Was it a big city then?

TY: It wasn't very big, but it was crowded. I think there were nearly 1,000,000 people. It was a mountainous city.

RM: But it was the seat of the government, of course.

TY: Yes. Chiang Kai-shek and his government were situated there.

RM: Did you feel nervous? Did you feel under pressure?

TY: You know, in the university where I taught, we were outside of the city, so I wasn't so nervous. There was no bombing in that area. That was Central University.

RM: What would an average day be like? You'd get up and have classes - regular classes?

TY: Yes. Usually we would have two courses offered - one course, three hours per week. That would mean six hours of classes.

Everything is the same at the university [now as it was then?
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RM: Presumably, there was not much of a library, was there?

TY: No. There was no library at all. We depended on our own books.

RM: People must have been ~~very~~ apprehensive. ~~wouldn't they?~~ Were they worried about the Japanese, about the war, about the future? It must have been a very tense situation. ~~wouldn't~~
~~it?~~

TY: We were confident about the future of China. We thought that the allies would win the war, so we maintained our hope for the future. We thought the Kuomintang government would not be able to hold out too long. Although our life at the time was very hard, we looked forward to the future and were hopeful.

RM: That has been the theme of your life, TY: hope and the future!

TY: Yes. Also, we weren't involved in politics. Even in the university, there were politics. Chiang Kai-shek had an appointee who became the president of the university, but we didn't care about him, we concentrated on our classes.

RM: So you were able to continue with your work fairly calmly.

TY: Yes.