

Early Graduate Legal Studies in America and Legal Transplantation: The Case of China's First International and Comparative Legal Scholar

Li Chen

I. Introduction

Jurist Wang Chung Hui has been celebrated as standing at the forefront of China's nation-building in the early twentieth century, serving as the first foreign minister of the new republic and rising to international prominence when elected as one of the inaugural cohort of judges of the Permanent Court of International Justice in 1921.¹ How he achieved this success amid political upheaval and revolutionary legal change reveals as much about the system that enabled his rise to prominence as it does his own talents. The concept of modern universities had only recently been introduced into China with the establishment of China's first modern university, Peiyang University (also known as Imperial University of Tientsin), toward the end of the Qing Dynasty in 1895.² Wang built on his achievement as one of the university's most-prized alumni and pursued his subsequent legal education abroad, where he acquired the legal tools that the new republic needed to join the ranks of sovereign, independent states in the international community. Although his intellectual odyssey brought him to the United States of America, the United Kingdom, and Germany,³ it was in the United States of America, where he earned the degrees of Master of Laws (LL.M.) and Doctor of Civil Law (D.C.L.) from Yale University in 1903 and 1905⁴ respectively, that he encountered

Li Chen is Associate Professorial Fellow, Fudan University Law School. The author wishes to thank the following: Yu Qianqian, David Konig, Margaret Woo, Judith Calvert, Monique Page, Scott Akehurst-Moore, Julie Lipkin. The author's email address is lichen@wustl.edu.

1. Ole Spiermann, *Judge Wang Chung-hui at the Permanent Court of International Justice*, 5 CHINESE J. OF INT'L L. 115 (2006).
2. See Li Chen, *The Founding of Peiyang University Department of Law: Oxford Style Legal Education in China (1895-1899)*, 9 TSINGHUA CHINA L. REV. 227 (2017).
3. Even though various online sources assert that Wang had received legal education in Japan, there appears to be no evidence to support this claim.
4. YALE UNIV., CATALOGUE OF YALE UNIVERSITY, 1905-06, at 588 (1905). Yale lists the name as "Chung Hui Wang".

and mastered those skills. Wang's journey, which began at University of California, Berkeley,⁵ took him to Yale, where he came of age intellectually and demonstrated the academic brilliance that laid the foundations for his achievements in China. While much has been written on Wang's life after his return to China from his studies abroad,⁶ the pivotal role of his graduate legal studies in America has not received the attention it deserves.

From the broader perspective of graduate legal education in the United States, Gail Hupper has performed a masterful job through her trilogy *The Rise of an Academic Doctorate in Law: Origins Through World War II*,⁷ *The Academic Doctorate in Law: A Vehicle for Legal Transplants*,⁸ and *Education Ambivalence: The Rise of a Foreign-Student Doctorate in Law*,⁹ shedding light on the history and development of academic doctorate in law programs at U.S. law schools. What was lacking as a much-needed, important addition to the existing literature was a detailed case study to concretely illustrate how graduate and research law programs were designed and conducted in the early twentieth century, and how that those programs contributed to the nascent globalization. This article uses Wang Chung Hui's graduate legal education as a case study to bring to life the details of early graduate legal education in America, in particular the graduate law programs in Berkeley and Yale during that period. Given that Yale was a pioneer institution in the provision of graduate legal education, an in-depth understanding of that program is undoubtedly significant in explaining the prototypical model of graduate legal education in the United States. As will be revealed, Yale's program had saliently borrowed key features from the German legal education model, which had then become "the most influential foreign model for U.S. legal scholars in the late 1800s and early 1900s."¹⁰

Since the late nineteenth century, Americans had tended to denigrate the Chinese as backward and barbaric.¹¹ This discriminatory inclination

5. Wang Chung Hui's academic transcript at the University of California, on file with the author.
6. See CAIHUA DUAN, *MIN GUO DI YI WEI FA XUE JIA: WANG CHONGHUI CHUAN* (1982), SHUGUANG ZHU, *FA GUAN WAI JIAO JIA WANG CHONGHUI* (2015), WEIXIONG YU, *WANG CHONGHUI YU JIN DAI ZHONGGUO* (1987).
7. Gail J. Hupper, *The Rise of an Academic Doctorate in Law: Origins Through World War II*, 49 J. LEGAL EDUC. 1 (2007).
8. Gail J. Hupper, *The Academic Doctorate in Law: A Vehicle for Legal Transplants?* 58 J. LEGAL EDUC. 413 (2008).
9. Gail J. Hupper, *Education Ambivalence: The Rise of a Foreign-Student Doctorate in Law*, 49 NEW ENG. L. REV. 319 (2015).
10. Hupper, *Rise, supra* note 7, at 9. Yale offered specialized courses in German Imperial Code and Roman Law, which were key features of German legal education tradition. Wang became particularly enamored with the study of German Civil Law, and took on the formidable task to translate the German Civil Code from German to English in addition to writing two highly praised international law and comparative law dissertations during his time at Yale.
11. See ANDREW GYORY, *CLOSING THE GATE: RACE, POLITICS, AND THE CHINESE EXCLUSION ACT* (1998).

culminated in the Chinese Exclusion Act of 1882.¹² There was widespread acceptance of the stereotypical view that foreign students were unsuitable for admission because of their lack of language proficiency and related social, cultural obstacles.¹³ For a period, it was even believed that “their presence was in tension with the schools’ scholarly aspiration for the doctorate.”¹⁴ Wang’s experience serves to dispel this belief, and shows that many law academics and students had refused to be led by such misguided bias; instead, they nurtured and embraced young Chinese law students like Wang.

As a foreign student, Wang’s year spent at Berkeley and his subsequent selection of Yale for his graduate legal studies offer a glimpse into how foreign students perceived the fledgling program at Berkeley and the relatively mature program at Yale, as well as their estimation of the usefulness and attractiveness of both law schools’ graduate law programs. Wang’s experience reveals the dynamics between professors and foreign students at American law schools, and also shows that foreign students who had been adequately exposed to a high standard of legal education and rigorous English language training at home could score glowing academic success in American law schools.

In the broader context, the legal education experience of Wang, though a foreigner in the United States, is arguably a representative first-hand account of the quintessential training that local American academics received in the early twentieth century. In this regard, it is noteworthy that Yale’s LL.M. and D.C.L. programs at that time were instrumental in training American law professors and legal scholars¹⁵ to “[spread] emerging conceptions of law...to a broader national audience.”¹⁶ Thus, it appears in the early years of program’s operation, the target students were home students, foreign students like Wang were the minority.¹⁷ In fact, while Wang was at Yale, almost half of Yale faculty themselves held LL.M. or D.C.L. degrees from Yale.¹⁸ Indeed, the advent and development of the graduate law degree programs in the early part of the twentieth century heralded the “law’s coming of age as an academic discipline.”¹⁹ Given that Wang had spent three years at Yale to

12. Chinese Exclusion Act, 22 Stat. 58 (1882).

13. Hupper, *Ambivalence*, *supra* note 9, at 326.

14. *Id.*

15. Hupper, *Rise*, *supra* note 7, at 4.

16. Hupper, *Vehicle*, *supra* note 8, at 419.

17. Foreign students accounted for a fraction of its student population from the program’s inception up to Wang’s completion of his studies. See YALE UNIVERSITY, CATALOGUE OF THE OFFICERS AND GRADUATES OF YALE UNIVERSITY IN NEW HAVEN, CONNECTICUT, 1701-1904 (1905).

18. Six out of thirteen of the faculty members held LL.M. (an alternative abbreviation for the Master of Laws degree at Yale was M.L.) or D.C.L. degrees from Yale. These faculties’ alumni status was determined by reference to YALE UNIVERSITY, CATALOGUE OF THE OFFICERS AND GRADUATES 1701-1904, *supra* note 17, at 572.

19. Hupper, *Rise*, *supra* note 7, at 60.

complete the LL.M. and D.C.L. programs there, this trajectory may be the most representative of the essential goal and experience of Yale's graduate legal studies program at that time. More importantly, in his eventual return to China to take on paramount roles in the establishment of a law program at Fudan University and the nation-building of new China, Wang's graduate law experience demonstrated the effective transplantation of legal ideas and philosophies of an American legal education system to the distant land of China.

II. Setting Foot on American Soil

A Stint at Berkeley

Since its inception, Peiyang University had envisioned that a select group of its most competent students, having undergone a comprehensive four-year higher education in the English language, would be sponsored by the Chinese government to receive advanced education abroad in the West upon their graduation to acquaint them with Western ideologies and methods.²⁰ The Chinese government selected the University of California at Berkeley as the preferred institution for these scholars because of the influence of John Fryer, a longtime English educator in China,²¹ who took up the inaugural Agassiz Professorship of Oriental Languages and Literature at Berkeley in 1896.²² Since his assumption of the chair at Berkeley, Fryer regularly returned to China in the summers to embark on the translation of English scientific works into Chinese.²³ As a result, Imperial Minister of Commerce Sheng Xuanhuai charged him with the responsibility of overseeing Peiyang students carefully selected for further education in America,²⁴ and gave Fryer extensive control over their education. Sheng made it clear that:

20. Occasional Correspondent, *Tientsin, An Educational Mission*, NORTH CHINA HERALD & SUPREME CT. & CONSULAR GAZETTE, Feb. 21, 1900, at 306; DORIS SZE CHUN, THE AGASSIZ PROFESSORSHIP AND THE DEVELOPMENT OF CHINESE STUDIES AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, 1872-1985, at 120 (1986). TIANJIN DAXUE XIAOSHI BIANJISHI, BEIYANG DAXUE - TIANJIN DAXUE XIAOSHI DIYIJUAN [THE HISTORY OF PEIYANG UNIVERSITY - TIENTSIN UNIVERSITY VOLUME I], 37-38 (1990).

21. CHUN, *supra* note 20, at 84. Fryer was born in Kent, England, on August 6, 1839. He graduated from the Highbury Government Training College in London in 1860. He was recruited as a principal of St. Paul's College in Hong Kong by the Lord Bishop of Victoria and remained in this position from 1861 to 1863. He traveled to Beijing to assume his appointment as professor of English at Tongwen College, a premium government school, to train interpreters and language specialists for China's newly established foreign office. Fryer went to Shanghai in 1865 to run the Anglo-Chinese School for two and a half years before being tapped by the Chinese government to run a bureau of translation attached to Jiangnan Arsenal.

22. CHUN, *supra* note 20, at 30.

23. *The Oddelt College Fraternity*, SAN FRANCISCO CALL, Oct. 13, 1901, at 5.

24. Ferdinand Dagenais et al., 3 THE JOHN FRYER PAPERS 75-76 (2010). The letter was dated July 7, 1901.

□he whole of the students' affairs whether great or small, shall be entirely subject to the direction and control of Professor Fryer. All of their studies, with the exception of time spent in travelling for experience, are if possible to be completed within four years as the limit, so that each student may then be able to graduate and be fully conversant with his profession ...²⁵

Sheng also made a very thorough arrangement for these students' education and training in the United States: "Of the remaining four students three are to study law, making commercial law their principal subject..."²⁶ As a pragmatic pro-business reformer, Sheng was interested in strengthening China's commercial law in light of the extraterritorial rights of foreign merchants in China and China's own expanding areas of commercial activities. These students were thus specifically instructed to seek opportunities to obtain practical experience that would enable them to carry out their work effectively on their return to China.²⁷

The selected students were originally slated to leave for America right after completing their degree program in late 1899 or early 1900,²⁸ but the anti-foreigners' movement—the Boxer Rebellion—disrupted the plan, resulting in a one-year postponement.²⁹ The program was resumed immediately following the calming of national turbulence, and eight students were sponsored by the Chinese government to study three or four years in the United States³⁰ before returning to render service to the Chinese government. Together with Chang Yu Chuan and Huseh Sun Ying, Wang was among the selected few to be sent off to America in 1901 to study law and diplomacy. Other students would take courses in mining and engineering.³¹

According to the Berkeley calendar, registration of upper-level classes and graduate studies for the first half of the year started on August 15, 1901,³² but

25. *Id.* at 76, 81.

26. *Id.* at 76.

27. *Id.* at 81.

28. *Id.* at 75 ("On account... of the disturbances in the north..."). See also Wang's Transcript, *supra* note 5. Wang's Peiyang's diploma was dated February 20, 1900, thus indicating a departure later in 1900. Apparently, such credentials were presented to the University of California at Berkeley on admission.

29. PEI-YANG UNIVERSITY, CATALOGUE OF THE PEI-YANG UNIVERSITY, KUANG-HSU THIRTY FIRST, A.D. 1905, at 1-2 (1905). When allied military forces launched a military expedition to counter the uprising in China, Peiyang University was ravaged by the allied military forces' destructive operation. They seized the modern university buildings, and effectively put a halt to the university operation until its rebuilding in 1903.

30. *Students for the United States*, NORTH CHINA HERALD & SUPREME CT. & CONSULAR GAZETTE, July 31, 1901, at 219.

31. Ferdinand Dagenais et al., 3 THE JOHN FRYER PAPERS 75-76 (2010). The letter was dated July 7, 1901.

32. UNIVERSITY OF CALIFORNIA, REGISTER, 1901-02, at 9 (1902).

the Chinese students completed their enrollment only on August 22.³³ Soon after, a journalist from the *San Francisco Chronicle* sought an interview with them to learn about their experience in the recent political upheaval in China and their prior educational background in Hong Kong and Tianjin:

Wang Chung Hui and Hsueh Sung Ying were graduated from the law department, and Chang Yu Chuan was a member of the senior class in law... All speak English with perfect idiomatic facility. They were prepared for the University at Queen's College and the Diocesan home in Hongkong and in the preparatory department of the Tien-tsin University.³⁴

The Chinese government had, through Fryer, procured a large house on Durant Avenue to house these government scholars. This handsome and spacious building, set on a well-mown lawn, doubled as their accommodation and the Chinese student club.³⁵ A *San Francisco Call* journalist visited their abode, noting that the young students had decorated the brick mantel in the parlor with photographs of their former schoolmates and professors in China.³⁶ The visitor also noticed a "particularly interesting" room where "thrown artistically across the bed was a gay quilt of patch work. In the centre of this quilt, arranged so as to come over the sleeper's breast, were the words in large, embroidered letters: 'The Lord is my shepherd. I shall not want.'"³⁷ This room was most likely occupied by Wang, who was a devoted Christian.

The University of California Chronicle, an official record of the university, also made a point to mention the arrival of these Chinese government scholars, with information most possibly supplied by Professor Fryer:

Three are to study law, primarily commercial law ... Practical completeness, and preparation for an active career, are to be the great aims of all. In their leisure time these young men are expected to continue their Chinese studies. All of their affairs are subject to Professor Fryer's direction and control.³⁸

However, when the Chinese students registered for classes, only Wang and his former schoolmate Chang Yu Chuan decided to engage in legal studies. Hsueh Sung Ying, a former law graduate of Peiyang University, changed his mind and signed up for only political science and history courses for the first year, a departure from the original plan conceived by the Chinese

33. *Chinese Students for Berkeley*, SAN FRANCISCO CALL, Aug. 23, 1901, at 4.

34. *Chinese Settled in College Home: Their Leader Tells of Experiences at Siege of Tien-Tsin*, SAN FRANCISCO CHRON., Aug. 26, 1901, at 5.

35. *The Oddelt College Fraternity*, SAN FRANCISCO CALL, Oct. 13, 1901, at 5.

36. *Id.*

37. *Id.*

38. University of California, *Foreign Students*, 4 UNIV. OF CALIF. CHRON. 304 (1901).

government.³⁹ This suggested that Chinese government did not exercise strict control over their subject of study.

Wang and Chang studied at the Department of Jurisprudence at the College of Social Science, where Wang was registered as a graduate student and Chang an undergraduate student.⁴⁰

This department was established at a similar time as Peiyang University Law Department; each had only a single faculty member. The University of California Regents passed a resolution about the foundation of this department that was sent to the president of the university on August 17, 1894: "That the branch of study now in charge of Professor Jones and constituting a part of the courses in the Department of History and Political Science, be separated from that department and formed into a new department..."⁴¹ During the initial years of the new department's operation, Professor William Carey Jones served as its sole faculty member until 1897.⁴² When Wang and Chang started their legal studies in 1901, the department was located in a small lecture room, and had only one small office. In reflecting on the acute lack of resources, the new department head, Jones, wrote to the president of the university in 1903: "The law students ought to be by themselves in a way, as well as to be surrounded by books, this is of much importance for the spirit of our work."⁴³ Because the department had only recently been established, Berkeley did not produce its first three law graduates until 1903.⁴⁴

By 1901, the department possessed a faculty of only seven teaching members,⁴⁵ three of whom having joined only that year.⁴⁶ In academic year 1901-02, Wang and Chang received instructions from three law teachers, William Henry Gorill,⁴⁷ then instructor in law, who taught the Law of Torts, Principles of Equity, and Common Law Pleading, was then a recent graduate of Harvard

39. Hsueh Sung Ying's academic transcript at the University of California, on file with the author.

40. Wang and Chang Yu Chuan's academic transcripts at the University of California, on file with the author. Wang was directly admitted to graduate student status, as the University of California deemed his credentials from Peiyang University to be equivalent to an undergraduate degree from an American institution. His fellow schoolmate Chang was registered as an undergraduate student.

41. SANDRA PEARL EPSTEIN, *LAW AT BERKELEY: THE HISTORY OF BOALT HALL* 31 (1997).

42. UNIVERSITY OF CALIFORNIA, REGISTER, 1896-7, at 91 (1897); UNIVERSITY OF CALIFORNIA, REGISTER, 1897-98, at 119 (1898) (consisting of Professor Jones, a joint Mathematics and Law Professor and an Honorary Lecturer).

43. SANDRA PEARL EPSTEIN, *supra* note 41, at 32.

44. UNIVERSITY OF CALIFORNIA, REGISTER, 1903-04, at 383, 399 (1904). These first three law graduates received their LL.B. degrees on May 12, 1903.

45. UNIVERSITY OF CALIFORNIA, REGISTER, 1901-1902, at 138 (1902).

46. UNIVERSITY OF CALIFORNIA, REGISTER, 1900-1901, at 137 (1901).

47. Gorill earned his Bachelor of Arts degree at the University of California in 1895 before going off to Harvard. He graduated with an LL.B. degree in 1899 and an M.A. in 1900.

Law School. Another tutor instructing them was Warren Olney, Jr.,⁴⁸ then lecturer in law, who taught the Law of Evidence; in 1919 Olney would go on to become an associate justice of the Supreme Court of California.⁴⁹ Wang and Chang's last tutor, who taught them the Law of Carriers, was Louis Theodore Hengstler,⁵⁰ a lecturer in law who had been teaching at the department since 1897.

Both Wang and Chang took a combination of courses, primarily in law, supplemented by political science and history courses. In general, students were not expected to do more than sixteen units during any semester.⁵¹ Wang and Chang studied torts, equity and evidence, as these courses had not been offered as part of the legal curriculum at Peiyang University.⁵² After four months' studies, they took their first midyear examinations in December 1901. The following January they began their second semester, and took their final examinations in April.⁵³ Wang's first-year academic performance was excellent: He scored the highest grade possible for several courses, and none of his marks was lower than the second-best grades. Chang's first year's academic performance was mediocre in comparison. He did not take part in the assessment for one course and received a conditional pass for the Law of Evidence.⁵⁴

The Chinese students' overall performance at Berkeley had left the university sufficiently impressed that they made mention in the university president's report of November 1, 1902, submitted to governor of California, Henry T. Gage.⁵⁵ "Their conduct in the University has been excellent," wrote President

48. Olney was born in San Francisco on October 15, 1870. He received two Bachelor of Arts degrees, from University of California in 1891, and from Harvard in 1892. He attended Hastings College of Law and received his LL.B. degree in 1894. Dissatisfied with his time at Hastings, he resigned from his teaching position and joined Berkeley in 1901 as lecturer in law. *In Memoriam. Honorable Warren Olney, Jr.*, 13 CAL. 2d 767 (1939).
49. UNIVERSITY OF CALIFORNIA, REGISTER, 1901-1902, at 140 (1902). *In Memoriam. Honorable Warren Olney, Jr.*, 13 CAL. 2d 767 (1939).
50. UNIVERSITY OF CALIFORNIA, REGISTER, 1901-1902, at 140 (1902). Hengstler was a German immigrant, who received his first degree from Stuttgart Polytechnicum in 1883. Then he came to the United States to pursue graduate studies in political science and mathematics at University of California, and received his Master of Arts degree in 1892 and Ph.D. degree in 1894.
51. UNIVERSITY OF CALIFORNIA, REGISTER, 1901-1902, at 107 (1902).
52. Wang Chung Hui's Peiyang University diploma and academic transcript, on file with the author.
53. UNIVERSITY OF CALIFORNIA, REGISTER, 1901-1902, at 11 (1902), Wang and Chang's transcripts at University of California, *supra* note 40.
54. Chang's academic transcript at University of California, *supra* note 40.
55. In the early twentieth century, it was customary for the president of the University of California to submit a biennial report regarding the operation of the university to the governor of California. The 1902 university president's report pertained to matters having taken place in the academic years 1900 to 1902.

Benjamin Ide Wheeler, “while their superior talents and abilities have won for them the respect and admiration of the student body and faculty alike.”⁵⁶

When these pioneer Chinese students completed one year’s study, the *San Francisco Chronicle* published a special article about foreign students on the University of California campus in July 1902.⁵⁷ The article posited a generally positive sentiment toward these foreign students.⁵⁸ The Chinese students were described as “men of high standing in the Tientsin University... [wearing] the regulation American dress and [speaking] the English language without a trace of foreign accent.”⁵⁹ The students were further quoted as saying, “We have been shown every attention by professors, people and president. There is no difference in treatment of the Chinese and the American student.”⁶⁰ Chang explained: “We came here to learn American ways. To do this we must mingle with American people. So we disbanded and scattered about the college settlement.”⁶¹ The article made it apparent that by then, at least three of these Chinese students had already made up their minds to transfer to the East (most probably Yale) to continue with their education, as would be the eventual outcome later that very year. In particular, Wang⁶² had said that his aim of coming to study law in America was to reform the code at home: “The laws of China need revising. We are centuries behind in our methods of meting out justice.”⁶³ He specifically added: “From here I will go to Yale because it is a better place to study the theory of law. Harvard is better for the practical lawyer.”⁶⁴ Yen Chin Yung,⁶⁵ another student from China at Berkeley, explained, “Three of us are going East because we find we can get a little better knowledge of politics in the Eastern College.”⁶⁶

56. UNIVERSITY OF CALIFORNIA, BIENNIAL REPORT OF THE PRESIDENT OF THE UNIVERSITY ON BEHALF OF THE REGENTS TO HIS EXCELLENCY THE GOVERNOR OF THE STATE, 1900-1902, at 32-33 (1902).

57. *Students from Afar at the University of California*, SAN FRANCISCO CHRON., July 6, 1902, at A2.

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.* The newspaper article uses the name Chan not Chang.

62. *Id.* Original text of article credited this quote to “Wang Chung-yu, who is studying law for the purpose of amending the code.” This must have been a typo, since Wang Chung Hui was the law student, and not his brother Wang Chung-yu.

63. *Id.*

64. *Id.*

65. Yen Chin Yung went on to become the first Chinese scholar to obtain a research doctorate degree in the United States and wrote an excellent thesis on constitutional law. Li Chen, *Shattering the Glass Ceiling: The World’s First Chinese PhD Graduate*, 53 THE L. TEACHER 321 (2019).

66. *Chinese Youths Hunger for Law, Feel They Have Absorbed Everything Legal at Berkeley*, SAN FRANCISCO CALL, Sep. 21, 1902, at 40.

From Berkeley to Yale

In September 1902, an article appeared in the *San Francisco Call* reporting “consternation around and in Berkeley University owing to a request sent to China by a Chinese student on behalf of himself and two others to be removed to Harvard.”⁶⁷ Although the three Chinese students probably had told the reporter that they wanted to transfer to Yale, some uncertainty still exists as to their intended destination. In Wang’s and his colleague’s petition to Chinese official Sheng Xuanhuai, archived in Shanghai library,⁶⁸ they did not name the institution they would like to transfer to. Nevertheless, the *Call* reported that “one of the three, either Wang, Yen or Chang”⁶⁹ had sent a petition to Sheng Xuanhuai to seek a transfer to Harvard to continue their legal studies, because “the law course at Berkeley was of a very limited character as compared to Harvard.”⁷⁰

His Excellency Sheng, the successor of the late diplomat, Li Hung Chang, was sure that when he intrusted on behalf of his Government the three youths, Wang, Yen and Chang, to the paternalism and educational lap of Uncle Sam they would sip from his tree of knowledge the very nectar of a high-class education.

But with all the fond hopes that his Excellency undoubtedly cherished he never for a moment dreamed that Wang, Yen and Chang would in the space of a twelve months’ study of law at Berkeley so far run ahead of their educational ticket as to feel within themselves that Berkeley had no more to teach them and it was time for them to pull up stakes on the Berkeley campus and hasten to the older Harvard University to pursue their legal studies.⁷¹

“Wang, Yeng [sic] and Chang are losing sleep waiting [for a reply from China]. They feel they have annexed everything that can be learned at the Berkeley university and that the foundation of knowledge at the foot of the great hills has been, from a Chinaman’s standpoint, pumped dry,”⁷² the article further reported.

For sedate Berkeley to be told by Chinamen that there is no more they can learn from it; that they have exhausted the legal channel of its teaching; that a degree from Harvard is needed for subsequent proud exhibition, and as the

67. *Id.* It contained very detailed information about their intended destination, but it is likely that the journalist had mixed their destinations up.

68. SHANGHAI TU SHU GUAN, SHANGHAI TU SHU GUAN CANG SHENG XUANHUAI DANG AN CUI BIAN 403-05 (2008).

69. *Chinese Youths Hunger for Law*, *supra* note 66.

70. *Id.*

71. *Id.*

72. *Id.*

necessary credential of superior attainments on the part of the holder of the precious parchment, has come as a shock to varsity men.⁷³

Fortunately, Wang and his colleagues' actual petition to Sheng survives in Sheng Xuanhuai's paper archives⁷⁴ and sets the context straight in relation to the circumstances reported. The petition was actually dated February 24, 1902, well before the articles in *San Francisco Chronicle* and *San Francisco Call* were published. It was not a petition purportedly penned by one student on behalf of three, but signed off by four students: Chang Yu Chuan, Hsueh Sung Ying, Yen Ching Yen and Wang Chung Hui.⁷⁵ No specific institution was named in the petition; instead, the request was simply for a transfer to a university "on the East Coast."⁷⁶ Contrary to the newspaper reports, they could not have intended to be transferred to Harvard, for none of the four signatories ever ended up at Harvard, and Harvard had yet to launch its graduate legal education program.⁷⁷

Moreover, the petition set forth their motivation for the transfer in great detail. The essence of their motivation was captured in a verse from the *Book of Changes*, an ancient divination text and the oldest of the Chinese classics, they quoted verbatim: "If you aim for the very best, you would have a high achievement; if you aim for the good, you would have only a mediocre achievement."⁷⁸ Pertinent portions of their statement read:

Berkeley is a young university with many disciplines yet to be completely established. This university's academic development paled in comparison with those founded in the eastern states. Berkeley is a hinterland in the Western part of the United States—this is like our obscure Gansu and Shanxi in terms of location. Evidently, this is not an ideal place for seeking education. In addition, the East coast of the United States is a place where literati, politicians and the powerful congregate. American students unless they have no other better choice, would not obtain an education at Berkeley⁷⁹

We are graduate students here. We had previously taken most courses offered by Berkeley at Peiyang University. Therefore, there are few new things to learn here.⁸⁰

73. *Id.*

74. SHANGHAI TU SHU GUAN, *supra* note 68 (2008).

75. *Id.* at 405.

76. *Id.* at 403-404.

77. HARVARD LAW SCHOOL COMMITTEE ON CURRICULUM, REPORT OF THE COMMITTEE ON CURRICULUM, HARVARD LAW SCHOOL, at 68 (1936). Harvard launched its Master of Laws program in 1923 and its Doctor of Juridical Science program in 1910.

78. SHANGHAI TU SHU GUAN, *supra* note 68 (2008), at 403-404.

79. *Id.* at 403. Author's own translation from Chinese to English.

80. *Id.* at 404.

Indeed, the Register of the University of California for 1901-1902 shows how, for students like Wang who had already completed a degree in common law jurisprudence, there was a very limited choice of courses at the Department of Jurisprudence. To begin with, only seven courses targeted graduate students, and Wang had already completed similar courses on western jurisprudence back in China. Foreseeably, after a year's study, Wang would have exhausted all courses offered to graduate students.⁸¹ Moreover, the students had in mind a clear understanding of the ultimate purpose and mission behind the expensive scheme on which they were sent to America—to gain useful experience that would aid their diplomatic careers upon their return to China. Hence, they unashamedly framed another compelling reason to persuade the Chinese government to allow their transfer:

It is very difficult to meet famous academics and people who are most respected in their fields here. When we return to China to engage in diplomatic work, because of our lack of exposure, we inevitably would be ill-equipped to perform our duties. To effectively discharge diplomatic work, it is imperative to get to know as many people as possible and establish a strong bond with them.⁸²

Ultimately, it appears Wang and Chang received permission from Sheng to initiate a school transfer in October 1902⁸³ and later that month received a certificate of honorable dismissal.⁸⁴ Wang and Chang then transferred to Yale Law School, while Yen went on to Columbia to inaugurate his own academic career as a constitutional law scholar,⁸⁵ and Hsueh decided to stay on at Berkeley.⁸⁶

81. UNIVERSITY OF CALIFORNIA, REGISTER, 1901-02, at 274 (1902).

82. SHANGHAI TU SHU GUAN, *supra* note 68.

83. *Id.* UNIVERSITY OF CALIFORNIA, REGISTER, 1901-02, at 12 (1902)., at the University of California, registration for upper-level classes started on August 14, 1902, but it appears that these students who eventually transferred out did not participate in the course registration exercises. It is unclear what activities these students undertook from the period from August 1902 (after their second semester at Berkeley) to October 1902 (when Wang and Chang transferred to Yale Law School and Yen transferred to Columbia University).

84. Wang and Chang's academic transcripts at University of California reflected honorable dismissal information. This certificate confirmed that the student was in good standing and had voluntarily severed the connection with the university, and was a necessary document for admission to another university.

85. Li Chen, *Shattering*, *supra* note 65, at 322.

86. Hsueh's transcript, *supra* note 39.

III. Soaring to Greater Heights at Yale

Yale Law School in 1902

Yale Law School established its graduate program in 1875⁸⁷ and awarded its first LL.M. degree in 1877.⁸⁸ The D.C.L. degree program was established with the vision of Theodore D. Woosley,⁸⁹ then president of Yale.⁹⁰ The first D.C.L. degree was granted in 1878.⁹¹ From 1878 to 1905, a total of twenty-nine D.C.L. degrees were awarded, with no more than three each year.⁹²

Until the enrollment and graduation of Wang and Chang, the only foreign students who earned LL.M. and D.C.L. degrees at Yale were from Japan.⁹³ In fact, Yale Law School was an exceptional training ground for Japanese jurists and diplomats in the late nineteenth century,⁹⁴ but the LL.M. and D.C.L. degree programs that these early Japanese students pursued at Yale had drastically different structures and requirements than those pursued by Wang and Chang in the early twentieth century. In 1877, the graduate program was still in its infancy, with a curriculum designed to supplement undergraduate studies by providing options for students to pursue further instruction in the courses taught at the undergraduate level. Initially, the LL.M. degree would be conferred upon examination at the close of the first year, and the D.C.L. degree was awarded at the end of the second year; both required a thesis.⁹⁵

87. HISTORY OF THE YALE LAW SCHOOL: THE TRICENTENNIAL LECTURES 65 (Anthony T. Kronman ed., 2004). Though, initially the graduate program was described as “a so-called graduate program...at its outset nothing more than a correspondence course for a handful of students... [that would not have] withstood a probe by modern consumer protection authorities.” Only by the second half of the twentieth century did the substance match the rhetoric.
88. CATALOGUE OF THE OFFICERS AND GRADUATES, *supra* note 17, at 235. This was conferred to Alexander Rieman Hack, an 1876 LL.B. graduate of Yale Law School, the only recipient that year.
89. HISTORY OF THE YALE LAW SCHOOL, *supra* note 87, at 64-68.
90. *Id.*
91. CATALOGUE OF THE OFFICERS AND GRADUATES, *supra* note 17, at 238. Awarded to John Howard Whiting, an LL.B. classmate of Alexander Rieman Hack’s, who also graduated from Yale Law in 1876.
92. *Id.* Based on calculation of number of degrees given in these years.
93. *Id.* One of them, Kazuo Hatoyama, was among the pathbreaking five students who received LL.M. degrees in 1878, the second instance since its first conferral in 1877.
94. *Id.* Fifteen Japanese students successfully completed their LL.B. studies and graduated with degrees during the period from 1885 to 1905. A calculation of degrees given from 1877 to 1905 shows that Yale conferred a total of 142 LL.M. degrees in this period, with ten going to Japanese students.
95. HISTORY OF THE YALE LAW SCHOOL, *supra* note 87. CATALOGUE OF THE OFFICERS AND STUDENTS IN YALE COLLEGE, WITH A STATEMENT OF THE COURSE OF INSTRUCTION IN THE VARIOUS DEPARTMENTS, 1878-79, at 88 (1878). There was no elaboration on the thesis requirements in all surviving materials consulted, save for a brief mentioning in the annual

By the time Wang and Chang entered Yale Law School, by contrast, the requirements had been expanded. To earn LL.M. and D.C.L. degrees, candidates had to first complete a series of courses before proceeding to writing up the thesis.⁹⁶ Moreover, a D.C.L. thesis required a high standard of achievement: “of marked excellence [that] evinces original research, and amounts to a contribution to legal scholarship,” preferably connected with the students’ major subject, was now required.⁹⁷ Moreover, in order to pursue D.C.L. studies, candidates had to demonstrate knowledge of Latin.⁹⁸ The faculty would not recommend anyone for the D.C.L. degree without the candidate’s having attained a high standard of proficiency in the studies pursued.⁹⁹

In 1902, when Wang entered the graduate program, Yale Law School boasted fifteen regular professors, supplemented by fifteen special lecturers and instructors.¹⁰⁰ The graduate-level courses were divided into six groups: (1) The Organization and Working of Human Society, (2) General Jurisprudence and Ancient Law, (3) Comparative Jurisprudence and Government, (4) American and English Constitutional Law and History, (5) American Jurisprudence and Legislation, and (6) International Law and Diplomacy.¹⁰¹ A total of forty-three courses relating to the above six broad groups were offered in 1902-1903.¹⁰² Each graduate student was required to select a major course of study and a number of minor courses as approved by the faculty. The major course was required to take up at least two hours a week throughout the year. LL.M. degrees would be conferred upon those students who successfully completed graduate courses and presented a satisfactory thesis on an approved topic.¹⁰³

catalogue noting: “Every candidate for a degree, both in the undergraduate and graduate courses, must also submit a written thesis on a given legal topic, which must be approved by the Faculty”.

96. *Id.* at 87-88. *See* Appendix. Students had the option of spending their whole time on specific branches listed without taking all of the courses. In such circumstances, a special course of reading and examination would be arranged.
97. YALE UNIVERSITY, CATALOGUE OF YALE UNIVERSITY, 1903-04, at 385 (1903). In 1903, the law school section of Yale University catalogue provided detailed information on the graduate program thesis requirements for the first time. It set out in great detail the various requirements for the thesis. It was also the first time that an original typewritten copy of the completed thesis was required to be filed with the faculty before April 30 for preservation in the library.
98. *Id.* at 381.
99. *Id.* at 390.
100. *Id.* at 471.
101. *Id.* at 477.
102. *Id.* at 477-79.
103. *Id.* at 486.

The main method of instruction in 1902, particularly for the undergraduate courses, consisted mostly of recitations.¹⁰⁴ The faculty believed that definite and permanent impressions concerning the principles and rules of legal science were best acquired through the study of standard textbooks and careful analysis of leading cases in private, followed by the examinations and explanations of the recitation room.¹⁰⁵ This unique style of law teaching was characterized as “concentric”¹⁰⁶ by Professor Charles P. Sherman, who had undertaken the graduate program at Yale a few years earlier than Wang and Chang.¹⁰⁷ He recalled this method of instruction as a combination of textbooks or lectures, followed by cases: “[T]he students first received a thorough drilling in the elements and principles of law, which was followed subsequently in the program of studies by the application inductively of what he had previously deductively acquired—in other words, he learned how to apply legal principles to states of fact.”¹⁰⁸ Under this pedagogical method, professors would assign required readings from a treatise for preparation in advance, then students would be called on to recite what they had learned and to answer questions in this connection.¹⁰⁹ This method also prevailed at Columbia, where the first Chinese law student at Columbia, Chang Hong Yen, was taught in this manner.¹¹⁰ This style of legal education was in stark contrast with the Langdellian case method, which originated and flourished at Harvard Law School; it employed adjudged cases and judicial decision as the sole pedagogical tool.¹¹¹ In 1902, the graduate program at Yale was designed to give the student a chance to “round out his legal acquirements and to make a fuller investigation of the philosophic principles of human law.”¹¹²

Yale Law School was able to provide more varied and valuable resources than Berkeley, boasting a library collection of about 20,000 volumes in 1903.¹¹³ Moreover, Professor Wheeler had made his own personal Roman law library of 1,200 volumes available for use by students.¹¹⁴ In addition, the law school

104. *Id.* at 480.

105. *Id.*

106. CHARLES P. SHERMAN, *ACADEMIC ADVENTURES: A LAW SCHOOL PROFESSOR'S RECOLLECTIONS AND OBSERVATIONS* (1947), at 89.

107. YALE UNIVERSITY, *CATALOGUE OF YALE UNIVERSITY*, 1899-00, at 454 (1899). Sherman, despite his brilliance, did not manage to obtain any honor for his degree.

108. SHERMAN, *supra* note at 106, at 90.

109. *HISTORY OF THE YALE LAW SCHOOL*, *supra* note 87, at 55.

110. *See* COLUMBIA UNIVERSITY AND JULIUS GOEBEL, *A HISTORY OF THE SCHOOL OF LAW, COLUMBIA UNIVERSITY* (1955).

111. *Id.* at 93.

112. *CATALOGUE OF YALE UNIVERSITY*, 1902-03, at 481 (1902).

113. YALE UNIVERSITY, *REPORTS OF THE PRESIDENT OF YALE UNIVERSITY 1903-04*, at 160 (1904).

114. YALE UNIVERSITY, *REPORTS OF THE PRESIDENT OF YALE UNIVERSITY 1901-02*, at 117 (1902). YALE UNIVERSITY, *LAW DEPARTMENT OF YALE UNIVERSITY 1903-1904*, at 28 (1903).

building was within walking distance of the courts of New Haven County, situated only two blocks away. This gave ample opportunity for students to observe actual trials in session and get a taste of the law in action.

The law school could not boast of its diversity, however: Only five Asian students attended Yale Law School in 1902.¹¹⁵ Wang and Chang were the only two Chinese students at Yale that year, and were in fact the first two Chinese students to make it there in the twentieth century.¹¹⁶ Of the nine graduate students enrolled that year, Wang and Takao Saito of Tajima, Japan, were the only two Asians.¹¹⁷ As for the undergraduate students, there were only two Asians—Chang, who was the only foreign student in his third-year undergraduate cohort of seventy-two students,¹¹⁸ and Reyu Kimura of Miyagi, Japan, a second-year LL.B. student.¹¹⁹ As a result, students received instruction in English law as part of their curriculum. Besides the four of them, there was also a fellow Asian from Manila by the name of Salvador Zaragoza, who was enrolled as a special non-degree student.¹²⁰

Settling into Yale

Wang and Chang arrived in New Haven in October 1902. By then, Yale's first term had already started, on September 25, 1902.¹²¹ Their late arrival meant that they had to obtain special permission from the Dean to arrange for their admission. Acting Dean Woolsey apparently accorded them with favorable consideration and promptly granted their admission.¹²² Wang was admitted to

115. CATALOGUE OF YALE UNIVERSITY, 1902-03, at 656-657, 660 (1902).

116. After the end of the Chinese Educational Mission to the United States 1872-1881, there were no longer any governmental schemes to send Chinese students to study in the United States. Yale, however, had always been very popular with Japanese students; in 1902, there were twenty-five Japanese studying there.

117. CATALOGUE OF YALE UNIVERSITY, 1902-03, *supra* note 115, A. Saito had received his prior education at Tokyo Senmon Gakko, now known as Waseda University, and graduated in 1895. He had come to Yale in 1901 to seek a graduate degree at the Law School, though, after two years of study, Saito gave up the quest and went home to start an impressive career in Japanese politics.

118. *Id.* at 657.

119. *Id.* at 660. Kimura had studied law in Japan before heading for the United States, and had received his first law degree from Tokyo English Law School, now known as Chuo University, in 1897.

120. *Id.* at 664.

121. *Id.* at 9.

122. YALE UNIVERSITY, REPORTS OF THE PRESIDENT, 1901-02, *supra* note 114, at 115-6, YALE UNIVERSITY, REPORTS OF THE PRESIDENT OF YALE UNIVERSITY, 1902-03, at 129-30 (1903). Theodore Salisbury Woolsey was only Acting Dean of the Law School in 1902, as the inaugural Dean Francis Wayland, who was already seventy-six years old and had held the deanship for thirty years, had not stepped down. Wayland had suffered from a protracted illness that had kept him from his duties as dean since late 1901; he passed away on January 8, 1904. *See* YALE UNIVERSITY, REPORTS OF THE PRESIDENT, 1903-04, *supra* note 113, at 150. Woolsey was a celebrated Professor of International Law. His father Theodore Dwight

the LL.M. program,¹²³ while Chang was admitted to the final year of the LL.B. program.¹²⁴

Before they could commence classes at Yale, Wang and Chang had to pay their tuition fees. Back in 1902, the yearly fees for tuition and use of libraries were \$150 for every student, payable in two installments of \$55 in the first term and the rest in the second.¹²⁵ This was a considerable sum for these foreign students, and it was to the fortune of Wang and Chang that they were supported by generous government scholarships. At the time of their enrollment, Wang and Chang had also procured lodgings at 254 Crown Street,¹²⁶ sharing the house with four American students: Dennis Joseph McCarthy of the law school,¹²⁷ Michael Edward Cooney of the medical school,¹²⁸ Fred Ackert of the college,¹²⁹ and Winfield Hazlitt Collins of the graduate school.¹³⁰ The estimated expense for board and lodgings was \$5 and upward a week per student.¹³¹ For Wang and Chang, such expenses would also have been covered by their scholarship moneys.

As Wang's academic records have not survived, there is no definitive means of ascertaining the individual courses pursued and grades attained. Fortunately, Wang's theses—master's and doctoral—are still preserved in Yale Law School's thesis collection. These form important primary texts that shed light on Wang's academic pursuit and accomplishments at Yale.

Woolsey was President of Yale College from 1846-1871. During the elder Woolsey's presidency, he admitted the first Chinese student Yung Wing to the College in 1850. In addition, Dean Woolsey's uncle Theodore William Dwight, also a well-known jurist, acted as Dean of Columbia Law School 1858-1891; it was he who accepted the first Chinese student Chang Hong Yen to Columbia Law School in 1884 and gave him substantial help when Chang fought to gain admission to the New York Bar after graduation. See Li Chen, *Pioneers in the Fight for the Inclusion of Chinese Students in American Legal Education and Legal Profession*, 22 *Asian Am. L.J.* (2015).

123. The admission requirements for the graduate program were straightforward: graduates from any law school in possession of LL.B., B.C.L., or LL.M. degree would be eligible for admission., at a minimum, it would take one year in residence to complete an LL.M. degree; no entrance examination was required except for those who intended to make Roman Law their major study.
124. CATALOGUE OF YALE UNIVERSITY, 1902-03, *supra* note 115, at 488. The Law School regulation prescribed that it was necessary for students like Chang to take examinations when seeking advanced standing status. Such exams were held toward the end of the Second Term, and at the beginning of the First Term. It appears Chang was directly granted admission to the senior class without going through this process.
125. *Id.* at 489-90.
126. *Id.* at 681,704.
127. *Id.* at 662.
128. *Id.* at 654.
129. *Id.* at 603.
130. *Id.* at 565.
131. *Id.* at 378.

Bearing in mind that Wang's principal mission in the United States was to study law and related international diplomacy disciplines with a view to tackling the extraterritoriality system that had afflicted China for many decades, Wang most likely focused his studies on international law and comparative laws during his days at Yale. Like many of his contemporary Japanese colleagues,¹³² he was very much interested in launching legal reforms upon his return to make a strong case for China to negotiate a successful abolition of the odious system of extraterritoriality with Western powers.¹³³ Throughout 1902 and 1903, Yale offered five courses in connection with the international law and diplomacy group each year.¹³⁴ These courses must therefore have captured Wang's attention, for his master's thesis drew substantially on knowledge acquired in these courses.

Wang's LL.M. Thesis on Diplomatic History between China and America

Wang wrote his LL.M. thesis specifically on the subject of international law and diplomacy with reference to China and America, producing an excellent piece titled *China and the United States, being a History of the Development of the Commercial and Political Relations Between the Two Countries*.¹³⁵ Wang's one-hundred and seven-page master's thesis consisted of eight chapters (nine chapters were listed in the contents page, but with the first expressly denoted as "omitted"). From the outset, Wang penned several preliminary yet pertinent observations about the

132. Chen, *Pioneers*, *supra* note 122, at 7. The early Japanese law students on the list eventually went back to Japan to participate in legal and political reforms.

133. *Roosevelt at Yale*, THE BALTIMORE SUN, Oct. 24, 1901, at 9. A year before the admission of Wang and Chang to Yale Law School, on the two hundredth anniversary of the founding of Yale College in October 1901, Kazuo Hatoyama, the first Japanese law graduate of Yale, received an honorary Doctor of Law degree on the recommendation of the law faculty. See ELIZABETH FORGEUS, THE HISTORY OF THE STORRS LECTURESHIP IN THE YALE LAW SCHOOL: THE FIRST THREE DECADES, 190-1920, at 68-73 (1940). Hatoyama was then principal of the Senmon Gakko, the predecessor institution of Waseda University. Among his many illustrious accomplishments after his Yale studies, he was a professor of law and Director of the Law Department at the University of Tokyo and Speaker for the Japanese House of Representatives. He was also instrumental in rendering impressive legal advice to government ministers on the revision of the unequal treaties that conferred extraterritorial rights upon Western powers until these rights were successfully abolished in 1911. JOHN OWEN HALEY, THE SPIRIT OF JAPANESE LAW 57, 201 (1998). Hatoyama was also invited by the Law School to deliver the Storrs Foundation Lectures for 1901-1902. In his first lecture, Professor Hatoyama (also known as Miruzo) addressed the factors that motivated Japan to enact the Japanese Civil Code; most of all, Japan sought to eliminate the shackles of extraterritoriality imposed upon it by treaties with the sixteen Treaty Powers. There was also a pressing demand to produce a comprehensive code as "the immediate wants of society arising out of social, economic, and political revolutions" and "the need of a systematic and complete code".

134. CATALOGUE OF YALE UNIVERSITY, 1902-1903, *supra* note 112, at 479. Yale's LL.M. program curriculum and prescribed courses of 1902-1903 can be found in Tables (B) and (C) of Appendix, respectively.

135. Chung Hui Wang, *China and the United States: Being a History of the Development of the Commercial and Political Relations Between the Two Countries* (1903) (unpublished LL.M. thesis, Yale University).

Chinese-American relationship, some of which have even come to realization a century later:

Indeed one would not be far from the truth in calling China the United States of Asia. The only thing which seems to mar this analogy is the wide difference in strength between the two countries. The objection, however, is more apparent than real ... No one who is at all conversant with Asiatic politics does not look with confidence to the future greatness of [China]. However wide, therefore, the difference in actual strength between these two nations may be, the potential energy of China—to borrow an expressive term from physical science—is at least equal to, if not greater than, that of the United States¹³⁶

The thesis then traces the origins of American trade with China up to the 1900 Boxer Rebellion, to give “an account of the, development of the commercial and political relations which have existed between them since the beginning of their intercourse with each other up to the present time.”¹³⁷ He delves into the two countries’ bilateral relations from as early as the year 1784, when several businessmen of New York and Philadelphia came together to conceive a plan to open trade with Guangdong, China.¹³⁸ However, the first bilateral treaty came into existence only in the aftermath of the First Opium War fought between Britain and China.¹³⁹ The Treaty of Wanghia concluded on July 3, 1844. Wang pointed out that while the United States was fair-minded and honorable in initiating its diplomatic intercourse with China, this first treaty also incorporated the practice of extraterritoriality by virtue of Articles 21 and 25, which exempted citizens of the United States from the jurisdiction of the Chinese government while in China.¹⁴⁰ Wang commented on this unjust practice and expressed fervent hope that China would eventually follow in footsteps of Japan to end extraterritoriality:

This anomalous practice of allowing foreigners resident in the Levant and certain other Oriental countries to be governed by the laws of their own country is known in international law by the queer name of “extraterritoriality”. In regard to this matter, Japan formerly suffered the same fate with the other Asiatic countries, but by the revision of the treaties, she is now exempt from the operation of this rule. It is to be hoped that before long China will be able to do the same.¹⁴¹

Chinese national self-esteem worsened in May 1859 after a military skirmish between the Chinese and the British. A British representative was determined to go his own way by sailing by battleship to Beijing to exchange

136. *Id.* at 1.

137. *Id.* at 2.

138. *Id.* at 3.

139. *Id.* at 20.

140. *Id.* at 28.

141. *Id.*

treaty ratification, but the Chinese authorities doggedly insisted that he take advantage of the overland passage arranged by them instead.¹⁴² When military engagement occurred near Daku, Tianjin, American Commodore Josiah [Tattnall] breached the rule of neutrality under international law on a flimsy pretext that “blood is thicker than water” by rendering military assistance to the British. Wang commented on the apparent violation of international law expressed by American representatives in China: “It is superfluous to say that according to the well-established rules of international law, a neutral is bound not to give any help to either of the belligerents. I am therefore at a loss to find either justification or excuse for [Tattnall]’s conduct toward the Chinese.”¹⁴³

Wang then stated: “Of all the questions relating to Chino-American relations, there is one which stands out so prominently among the rest as to dwarf them altogether ... It is the well-known ‘Chinese Immigration Question,’” Wang wrote.¹⁴⁴ Wang then allocated two chapters to discuss this “least satisfactorily resolved” issue, espousing a complete and thorough account of the historical evolution of the American government’s attitude toward Chinese immigration.¹⁴⁵ It appears that Wang himself fell victim to unjust and unfair enforcement of the Chinese exclusion law upon his arrival in 1901: “The outrages against the Chinese continue even to this day, while minor attacks and insults are almost of daily occurrence. The maltreatment of the Chinese in this country is an outrage to humanity, and will forever leave the blackest stain on the good name of the United States.”¹⁴⁶

Wang also commented on the American government’s high-handed way of seeking to revise the treaty with a policy of unilateralism to effect an amendment. When the American Congress enacted the Scott Act, he saw it as a blatant violation of its treaty obligation toward China. The Chinese minister, according to Wang, resorted to an international law argument to defend China’s position and asked for a redress, but to no avail:

In my country we have acted under the conviction that, where two nations deliberately and solemnly enter upon treaty stipulations, they thereby form a sacred compact from which they could not be honorably discharged, except through friendly negotiations and a new agreement. I was, therefore, not prepared to learn through the medium of that great tribunal (the Supreme Court) that there was a way recognized in the law and practice of this country whereby your government could release itself from treaty obligations without consultation with or consent of the other party to what we had been accustomed to regard as a sacred instrument.¹⁴⁷

142. *Id.* at 42.

143. *Id.* at 43.

144. *Id.* at 60.

145. *Id.*

146. *Id.* at 79.

147. *Id.* at 81.

Wang concluded his LL.M. thesis with his thoughts on the American attitude toward China over the years. He made it a point to portray the Sino-America relationship in a favorable light, and concluded that the turn of events throughout history had somehow pushed America to “become, consciously or unconsciously, one of the nearest neighbors of China.”¹⁴⁸ At one point, Wang even justified America’s unfavorable reply toward China’s plea for assistance to use its influence to aid the settlement of difficulties then pending between China and the European powers:

The reply, though not a favorable one, might be justified by the circumstances of the time, and the three conditions contained therein seemed to every candid mind to be very reasonable in themselves. The point, however, to be noticed is that the United States has, by her judicious conduct and fair dealing, won the confidence of the Chinese Government even in such a critical period.¹⁴⁹

Carrying off the Highest Honors at Yale

Wang’s carefully crafted LL.M. thesis of 154 notes and references, together with high grades he earned in courses completed, eventually helped him to graduate at the top of his graduate program in 1903. This was remarkable, because he competed against aspiring American legal academics and scholars. In fact, he not only became the first Chinese student to earn an LL.M. degree in America, but also established an unprecedented record in Yale Law School’s history by attaining the highest honor of *summa cum laude*.¹⁵⁰ The Latin honors had been sparingly awarded since the founding of the program—at the law school such honors were awarded only “in cases of students of unusual merit.”¹⁵¹ In fact, no one but he attained that accolade from 1886 to 1905.¹⁵²

At 3 p.m. on June 22, 1903, Yale Law School’s commencement began in the auditorium of Hendrie Hall.¹⁵³ The annual address was delivered by Whitelaw

148. *Id.* at 84-85.

149. *Id.* at 92.

150. See Appendix, Table (D) for a list of honors awarded in Master of Laws Degree 1892-1905. Yale College catalog provided degree lists only from 1886 to 1905, and within this period, no one received an LL.M. degree with the highest honor of *summa cum laude* except Wang.

151. CATALOGUE OF YALE UNIVERSITY, 1902-1903, *supra* note 112, at 489.

152. Twenty-nine LL.M. degrees and seven D.C.L. degrees were awarded before 1886, when Latin honor information is lacking. Excluding those students, apparently Wang was the only person out of 113 LL.M. graduates to obtain an honor of *summa cum laude* in twenty years prior.

153. *Class Day at Yale: Prizes and Honors Won*, N.Y. TRIB., June 23, 1903, at 1. Former Connecticut Supreme Court Justice Dwight Loomis presided over the event. Judge John H. Perry, also an alumnus, was the toastmaster. Several speakers gave speeches to the audience including Whitelaw Reid; Judge Henry H. Ingersoll, Dean of the University of Tennessee Law School; Dean-elect Henry Wade Rogers of Yale Law School; and Charles Davenport Lockwood, a graduating LL.B. student representative. No graduate student representative was selected to give a speech, and thus Wang did not get a chance to speak on this occasion on behalf of the graduate students.

Reid, editor of the *New-York Tribune*, on the topic of “The Changing Aspects of Some Old Points in Public Policy and International Law.”¹⁵⁴ The dominant theme of the address related to the Monroe Doctrine, the Polk Doctrine and the Doctrine of Anarchism.¹⁵⁵ This address must have been of interest to Wang, since the Monroe Doctrine was featured in his own LL.M. thesis.¹⁵⁶

That year, the school's highest prize—the Townsend Prize, an award established by James M. Townsend in 1873 to be given to a member of the senior class for the best-written speech and oration at the public anniversary exercises¹⁵⁷—was clinched by George Williamson Crawford, an African-American youth, for a speech titled “Trades Unionism and Patriotism.”¹⁵⁸ The distinguished honor of the student with the best academic record at the law school, as expected, went to Wang. This was announced by Dean Woolsey, who took the opportunity to openly commend Wang as “a most remarkable scholar.”¹⁵⁹

After taking home this extraordinary honor, Wang was interviewed by a journalist from the *Washington Times*. Wang told the reporter that his immediate plan was to continue legal studies for one year, then “probably” return to enter into Chinese government service.¹⁶⁰ He shared that he was present in the United States at the Chinese government's expense to undertake the studies and that he was well connected with the Chinese Legation in Washington, D.C.:

I am well acquainted with members of the Chinese Legation in Washington. . . and intend to spend part of my time there during the summer. The government pays all my expenses while here and I am not obliged to work for a living, though I should esteem it an honor if I were obliged to work my way through the university, if I were able to do it.¹⁶¹

From that last statement—a most tactful one indeed—it is not difficult to pick up Wang's tendency for diplomacy and his potential for greatness.

Wang's achievement at Yale became a highly notable event in a time when foreigners were met with suspicion and prejudice in America, attracting much

154. *Yale Law School Commencement, Address by Whitelaw Reid*, N.Y. TRIB., June 23, 1903, at 3.

155. *Id.*

156. Chung Hui Wang, *China and the United States: Being a History of the Development of the Commercial and Political Relations Between the Two Countries* 84 (1903) (unpublished LL.M. thesis, Yale University).

157. CATALOGUE OF YALE UNIVERSITY, 1902-1903, *supra* note 112, at 488. Wang was not eligible to take part in the competition, as it was open to undergraduate students only.

158. *Chinaman Leads at Yale, and a Negro Carries Off Highest Honors for Oratory*, BALT. SUN, June 23, 1903, at 2.

159. *Negro and Chinaman Are Yale's Honor Men, Win Law School's Highest Prize Amid Cheers*, WASH. TIMES, June 23, 1903, at 3.

160. *Foreigners Set a Pace at Old Yale*, WASH. TIMES, June 29, 1903, at 3.

161. *Id.*

commotion and divided opinions nationwide.¹⁶² One report titled “*Black and Yellow Honor Men*” dished an upbeat observation on the racial makeup of the award winners, saying, “Evidently there is no prejudice on account of race, color or religion at the Yale Law School, and it may be assumed that the negro Crawford and the Chinaman Chung Hui Wang fairly won the honors they have carried off in competition with representatives of the ‘superior race.’”¹⁶³ At the same time, however, another newspaper went rather far in the opposite direction, by running an editorial titled “*Civilization’s Disgrace*,” saying, “Yale and Harvard continue to discredit true American citizenship, by the honors they confer... A negro [George Williamson Crawford] and a Chinaman won the highest prize and the greatest honor respectively in the gift of the Yale Law School. This does not speak well for the blood and brains of New England white men...”¹⁶⁴ In another case, responding to an editorial hostile to unrestricted foreign immigration,¹⁶⁵ a reader by the name of Waclaw Persowski wrote back in protest on July 7, 1903 citing Wang as a persuasive example to drive home the point with sarcasm: “What a shock it must have been to these saviors of the United States from contamination with foreigners to learn that Chung Hui Wang (a Chinaman) was awarded the degree of Master of Laws, summa cum laude, in the Yale Law School, after a year of study in the school...”¹⁶⁶

Public opinion aside, Wang’s accomplishments no doubt left a deep impression on his professors during the initial year of his legal studies at Yale. Woolsey’s “*Historical Address*,” made on the occasion of centennial celebration of Yale Law School on June 16, 1924, alluded to Wang when he took stock of contributions he made during his stint as acting dean from November 1901 to July 1903:

I think my only contribution to the life of the school during that time, was the creation of what the students called the ‘midway pleasance.’ For years the Faculty had given the students a party once or twice in the winter. We contributed a mild punch and cigars and our willing pupils did the rest... A Japanese told us how much easier his language was than ours. A Chinaman made one of the best speeches given in any language...¹⁶⁷

Given that Wang and Chang were the only two Chinese law students at Yale from 1901 to 1903, most likely Professor Woolsey was referring to Wang.

162. This news was widely reported in America by various newspapers. See *Chinaman Leads at Yale*, THE BALTIMORE SUN, June 23, 1903, at 2.

163. *Black and Yellow Honor Men*, THE WILKES-BARRE REC., June 24, 1903, at 6.

164. *Civilization’s Disgrace*, DAILY ADVOCATE, July 09, 1903, at 2.

165. “Our prisons, workhouses, and insane asylums are largely the outcome of the general trend and tendency of foreign immigration.” Eugene B. Willard, *Immigration and Crime*, N.Y. TIMES, July 5, 1903, at 9.

166. Waclaw Perkowski, *Results of Immigration*, N.Y. TIMES, July 12, 1903, at 8.

167. Celebration of the Centennial of the School of Law, Yale University, 16 June 1924, at 15.

Pursuit of the Legal Education Apex

After completing his LL.M. degree, Wang proposed to stay on at Yale to undertake D.C.L. studies. To proceed to this advanced degree program, he had to successfully pass an examination on the outlines of Roman law and history,¹⁶⁸ as well as to demonstrate his ability to read Latin¹⁶⁹ and either German or French. Non-native speakers of English had the option to obtain a waiver of the French or German requirement; however, given that Wang had made the German civil code a principal field of his studies, it is unlikely that he exercised this option for waiver—in fact, he probably satisfied the German language requirements with ease.¹⁷⁰

In 1903, unlike previous years, D.C.L. students generally needed two years to complete all requirements for the award of the D.C.L. degree.¹⁷¹ Wang would have had two years to embark on a course of study and research in preparation for his dissertation. An analysis of Wang's doctoral thesis and other surviving records from that period sheds light on the courses and lectures that he may have attended during his two years of D.C.L. studies.¹⁷² A list of courses offered for the D.C.L. degree in 1903-1904 is appended at Table (E) of the Appendix. Given that Wang had elected to take on a comparative research into the concept of "domicil," he would have needed to delve into various courses exposing him to the study of laws from different jurisdictions.

During Wang's studies, Yale boasted a superb Roman law curriculum.¹⁷³ Wang's Roman law instruction was initially provided by Professor Wheeler, who had been suffering from poor health. In early January 1905, Wheeler had to step down from his teaching post because of his deteriorating health, and passed away shortly after.¹⁷⁴ In a February 8, 1905, letter informing the Reverend George Herbert Patterson of Professor Wheeler's death, Professor Simeon E. Baldwin wrote that Professor Wheeler's Roman "classes were small, and came into the closest possible contact with the professor. Two of his latest class I saw about his grave; one, a graduate of a Chinese law school [Wang],

168. CATALOGUE OF YALE UNIVERSITY 1902-1903, *supra* note 112, at 481.

169. *Id.* See also SHERMAN, *supra* note 106, at 105. Professor Sherman recollected the Latin examination he took for his entrance to the D.C.L. program a few years before Wang. According to him, every candidate was required to translate a passage from Justinian's *Digest*. Professor Wheeler selected this exercise to examine the students' grasp of Latin and general knowledge of law; if their knowledge was deficient, the translations would go awry.

170. CATALOGUE OF YALE UNIVERSITY 1902-1903, *supra* note 112, at 481.

171. *Id.*

172. A list of courses Wang took during pursuit of his D.C.L. degree is shown in the Appendix, at Table (F).

173. SHERMAN, *supra* note 106, at 107.

174. YALE LAW SCHOOL, ADDRESSES COMMEMORATIVE OF THE LIFE AND CHARACTER OF ALBERT SPROULL WHEELER DELIVERED BEFORE THE LAW SCHOOL OF YALE UNIVERSITY AT HENDRIE HALL, MAY 9, 1905 (1905).

and the other that of Harvard [Alexander Cumming, Harvard LL.B. 1902].¹⁷⁵ Professor Wheeler's Roman law class was taken over by Professor Sherman, who—having earned his own D.C.L. degree from Yale in 1899¹⁷⁶ and schooled with several Japanese classmates during his days at Yale¹⁷⁷—was no stranger to either Yale or to Asian students. The members of his Roman law class in 1905¹⁷⁸ included Wang, Chang, and Andrew Tew Bierkan.¹⁷⁹ The *Institutes of Justinian* and a substantial part of the *Commentaries of Gaius* were required readings for Professor Sherman's class.¹⁸⁰ Students took final examinations in June 1905, and apparently this was not an easy subject—one of Wang's classmates failed the Roman law exam as a result of his poor performance,¹⁸¹ but Wang passed and graduated with the *magna cum laude* honor awarded for his overall performance during his D.C.L. degree.

In addition to Roman law, Wang most likely took a course with Professor Simeon Eben Baldwin, a professor of American constitutional law and private international law then instructing the Conflict of Laws course at Yale.¹⁸² This course would have offered Wang an excellent overview of various laws across different jurisdictions, hence laying the necessary foundation on which he could set the bricks for his comparative law dissertation. According to a former student, during his attendance, Baldwin's Conflict of Laws class had only three students, who would meet in a “dingy-looking law office” for recitations that would last over one and half hours each.¹⁸³ The “recitations” were more of an in-depth grilling, and students had to devote two to four hours of preparation in advance to competently answer the questions put to

175. *Id.*

176. See SHERMAN, *supra* note at 106. Though Wang was the first person to receive a D.C.L. degree in the twentieth century, the last three D.C.L. degrees were awarded in 1899. No D.C.L. was awarded between 1900 and 1904.

177. *Secretary to the Premier of Japan*, 10 YALE ALUMNI WEEKLY 299 (1901). Professor Sherman was a classmate of Taro Yamada's in the Yale LL.B. class of 1899, and they shared membership in the secret society of Book and Gavel. Yamada was the son of Suetji Yamada, owner of the *Japan Times*, the only English-language newspaper with very wide readership. Professor Sherman fondly reminisced about his Japanese friend as “a true gentleman and loyal friend who stood for everything noble in Japanese life—Yamada died young, while secretary to the distinguished Japanese elder statesman Marquis Ito.” SHERMAN, *supra* note at 106, at 94-95.

178. SHERMAN, *supra* note 106, at 186.

179. CATALOGUE OF YALE UNIVERSITY 1902-1903, *supra* note 112, at 374, 472. Bierkan was an 1896 LL.B. graduate of Yale, holding an appointment as instructor in bookkeeping and accounts at Law School, and he gave regular instruction in bookkeeping and accounts, an optional course. Bierkan received his LL.M. in 1904 and D.C.L. in 1906 without any Latin honors. CATALOGUE OF YALE UNIVERSITY, 1906-07, at 33, 617 (1906).

180. SHERMAN, *supra* note 106, at 106.

181. *Id.* at 131.

182. CATALOGUE OF YALE UNIVERSITY 1902-1903, *supra* note 112, at 382.

183. SHERMAN, *supra* note 106, at 110.

students in such a small class.¹⁸⁴ Students were also sometimes asked to read extracts from Latin books such as *Pothier's Pandectae* or the *Leges Barbarorum* or French commentators' books on the codes,¹⁸⁵ and might be quizzed on them or be asked to perform translations of relevant passages from the *Corpus Juris*, French Codes, and other texts.¹⁸⁶

Wang also took courses with Professor Edward Vilette Raynolds, who would become his most admired and revered mentor, and the professor who introduced him to the scientific approach to legal studies. Professor Raynolds had studied at Yale and graduated with a Bachelor of Philosophy degree in 1880.¹⁸⁷ He initially had studied law at Columbia and received his LL.B. in 1882 before returning to Yale to undertake his graduate studies and researching comparative jurisprudence, receiving his LL.M. in 1884 and his D.C.L. in 1885.¹⁸⁸ In his subsequent career, he devoted substantial time and effort to the same research and took a special interest in the German civil code of 1900. Raynolds first offered a course on the German civil code in 1902-1903.¹⁸⁹ In the following years, he taught the German imperial code, the Spanish codes, and Spanish legal institutions, with special reference to Western powers' colonial dependencies.¹⁹⁰ Wang must have pursued these courses with Professor Raynolds. Most notably, that was when he began preparing an English translation of the German civil code under Professor Raynolds' guidance.¹⁹¹ In addition, Raynolds was appointed chair professor of comparative constitutional law and civil government in 1901,¹⁹² and was a member of *Société de Législation Comparée*.¹⁹³ He was very impressed with Wang and introduced him to this learned society. Wang was elected into membership in 1905 while still a student at Yale and became the first Chinese person admitted to this international legal comparativist society.¹⁹⁴

184. *Id.*

185. *Id.*

186. *Id.* at 112.

187. CATALOGUE OF THE OFFICERS AND GRADUATES OF YALE UNIVERSITY 1701-1904, at 246 (1905).

188. *Id.*

189. CATALOGUE OF YALE UNIVERSITY 1902-1903, *supra* note 112, at 382.

190. *Id.*

191. *News & Notes*, 1 AM. POL. SCI. REV. 100, 104 (1907).

192. CATALOGUE OF YALE UNIVERSITY 1901-1902, at 21 (1901).

193. SOCIÉTÉ DE LÉGISLATION COMPARÉE, BULLETIN DE LA SOCIÉTÉ DE LÉGISLATION COMPARÉE, TOME VINGT-QUATRIÈME 1894-1895, at 53 (1895).

194. SOCIÉTÉ DE LÉGISLATION COMPARÉE, BULLETIN DE LA SOCIÉTÉ DE LÉGISLATION COMPARÉE, TOME TRENTÉ-QUATRIÈME 1904-1905, at 118 (1905)., at the time of Wang's admission, there were five Japanese members, including Koichi Soughimoura, Japanese minister to Mexico; Motono Ichirō, Japanese minister to France; and Oumé Kendjiro, Ph.D. in law of Lyon University and professor of law at Tokyo University.

Wang must have also pursued several other classes during his two-year D.C.L. studies at Yale, such as general jurisprudence classes with Professor Walter Bernard Clarkson.¹⁹⁵ Aside from these regular classes, Yale Law School also welcomed the eminent British jurist Sir Frederick Pollock of Oxford University to deliver the William L. Storrs Foundation Lecture at Hendrie Hall from September 28 to October 2, 1903.¹⁹⁶ His lecture on the subject of “The Expansion of the Common Law . . . appealed to advanced students and to those interested in legal and historical research rather than to the average undergraduate law student.”¹⁹⁷ Given the small number of graduate students at Yale Law School, Wang and Chang would definitely have been among those interested.¹⁹⁸ Moreover, at Oxford, Pollock had taught Professor James Eames, who in turn had been the key faculty member who provided foundational legal education at Peiyang University in China.¹⁹⁹ Hence, Wang must have been predictably intrigued by Sir Frederick’s presence at Yale, partly because of his connection with their former law professor in China.

Wang’s D.C.L. Dissertation on Domicil

On top of Wang’s studies and extracurricular pursuits at Yale,²⁰⁰ he produced an impressive D.C.L. dissertation titled “Domicil: A study in comparative law.”²⁰¹ Wang’s single greatest contribution to this field of research was his proposed new definition of “domicil.” As there was yet to be any comparable concept of domicil in Chinese law, Wang had little, if any, materials in his mother tongue that he could consult; instead, he worked exclusively with various Western sources to develop his new definition. After conducting an exhaustive survey of all mainstream definitions offered by leading scholars and eminent judges from all major legal jurisdictions, Wang believed it

195. Walter Bernard Clarkson was, from 1902 to 1904, assistant professor of contracts, insurance and general jurisprudence at the Yale Law School. It was highly likely that he provided supplemental teaching in general jurisprudence because he explicitly stated in 1907 that he taught Wang a course on general jurisprudence. 12 *YALE L.J.* 55 (1902-03). In the relevant years’ catalogs of the university, the professor in charge of the course on general jurisprudence was professor Edwin Baker Gager.
196. *YALE UNIVERSITY, REPORT OF THE PRESIDENT OF YALE UNIVERSITY AND OF THE DEANS AND DIRECTORS OF ITS SEVERAL DEPARTMENTS FOR THE ACADEMIC YEAR 1902-1903*, at 163 (1903).
197. ELIZABETH FORGEUS, *supra* note 133, at 77.
198. SHERMAN, *supra* note 106, at 120-21.
199. Li Chen, *Founding*, *supra* note 2, at 238-43.
200. Frank Edward Bollmann, *THE YALE SHINGLE*, 58 (1905). “This native of Canton, China, has studied at the Imperial University at Tientsin in China, the University of California, and Yale University, and will complete the circuit of the globe and of legal lore at Berlin University and the University of Paris. He is a member of Corby Court, the American Political Science Association, the International Law Association, the Société de Législation Comparée, and the Yale Law School Political Club. . . .”
201. CHUNG HUI WANG, *DOMICIL: A STUDY IN COMPARATIVE LAW* (1905) (unpublished D.C.L. dissertation, Yale University).

was necessary to propose a new definition of domicile to cure inadequacies associated with existing definitions.²⁰²

For his thesis, Wang foraged through a series of source documents in several foreign languages including Latin, English, French, German, Italian, and Spanish as he explored the issues of Classification of Domicil, Lack of Domicil, Plurality of Domicils, and Domicil of Persons Non Sui Juris.²⁰³ Throughout his research, Wang demonstrated an impressive ability to maneuver adeptly through the available literature, extensively quoting English and American judicial decisions as well as similar interpretations from France and Germany in his work. Finally, he succinctly concluded his seventy-two-page D.C.L. thesis with the following six-point summary:

- (1) Domicil is the physical presence of a person in a place coupled with the non-existence of any present intention on his part to remove therefrom permanently or for an indefinite period.
- (2) Domicil admits of different classifications according to the standpoint from which we look at it.
- (3) Theoretically speaking, a person can be without a domicile, although as a matter of expediency, he ought to have at any time a domicile as a constant standard for the adjustment of his rights and liabilities.
- (4) A person cannot, logically speaking, and ought not, practically speaking, have more than one domicile at one and the same time.
- (5) In spite of the great diversities existing between the laws of the different countries respecting the subject of domicile, yet there is a general consensus in regard to the domicile of married women and minors.
- (6) The true theory on which the domicile of these two classes of persons is based is not that they have an independent domicile[sic] assigned to them by law, but that they share the domicile of the person on whom they depend: in the case of married women that of her husband; in the case of minors, if legitimate, that of the father, and if illegitimate, that of the mother.²⁰⁴

With that, along with his predictably outstanding performance throughout his two years of D.C.L. studies, Wang made history at Yale again by achieving the high honor of *magna cum laude* for his D.C.L. degree in June 1905,²⁰⁵ an

202. *Id.* at 23.

203. *Id.* at 2.

204. *Id.* at 71-72.

205. CATALOGUE OF YALE UNIVERSITY, 1905-06, at 588 (1905). Between 1886 and 1905, the only other occasion on which a Latin honor was awarded to a D.C.L. degree recipient was when a Japanese jurist received his D.C.L. degree in 1896. A list of honors awarded for the D.C.L.

unprecedented accomplishment for the time that once again placed him in the limelight of the news.²⁰⁶

IV. Conclusion

In the annual student publication by Yale Law School's senior class, Wang was featured in the annuals of 1904 and 1905.²⁰⁷ One had the foresight to call him a "Judge"²⁰⁸ while another prophesized his accession to prime minister of China to "become the most 'brilliant' member of the Imperial Council of the greatest people on earth."²⁰⁹ Throughout Wang's life, he would time and again prove his classmates right. All the while, Yale Law School held a special place in Wang's heart.

During his student days at Yale Law School, Wang had already started a project to translate the new German civil code into English. When his work finally came to fruition in 1907, he dedicated this very first book of his to the faculty of the Yale Law School "as a token of respect and esteem," and praised the law school's offering of the German civil code and stated his belief that Yale was the only school to offer a course in German civil law in the United States.²¹⁰ In the preface to this internationally acclaimed translation work, Wang acknowledged his special debt of gratitude owed to Professor Raynolds:

To all these authors, commentators and translators, I gladly acknowledge my indebtedness, but to no one am I under deeper obligation for the rendering of some of the technical terms and expressions than to my former teacher, Prof. E.V. RAYNOLDS, D.C.L., of the Yale Law School. It is he who had revealed to me the scientific value of comparative law, and who has, above all, taught me that the study of law is not merely a profession, but is a science in the truest sense of the word.²¹¹

degree in Yale from 1886 to 1905 can be found in the Appendix, at Table (G).

206. *Naughty-two in Kilts, Gorgeous Costumes of '02 Men at Yale Class Day*, THE MORNING POST, June 27, 1905, at 2.

207. Clearly, he initially intended to complete his D.C.L. degree in a year, but somehow stayed on for another.

208. J.N. Sulzberger, THE YALE SHINGLE 83 (1904). "Chung Hui Wang 'Judge' ... was the first ten-pound boy in the family of his father. Came to Yale at an early age that he might be impressed with the learning and inspiration of his classmates, and, perhaps, that of the Profs. His favorite sport is playing hookie. He has been giving special study to the status of a feme sole in the United States and it is thought that before long he will take up as a future study the feme covert. In June he will receive a D.C.L. (don't come longer) and will locate in some New English State."

209. *Id.*

210. CHUNG HUI WANG, THE GERMAN CIVIL CODE: WITH AN HISTORICAL INTRODUCTION AND APPENDICES iii, v, viii (1907).

211. *Id.* at vii-viii.

Indeed, Professor Raynolds was Wang's most influential mentor. When Professor Raynolds passed away on January 26, 1910, the Yale faculty meeting minutes on his sudden death recorded:

[The students] felt that they were working under the guidance of a master, and of one whose main ambition was to aid them and from whom they could rely on receiving the best he had to give. One of them, Dr. Chung Hui Wang, the first translator into English of the German Imperial Code of 1900, in his preface to that work, paid Professor Raynolds a special tribute of gratitude ...²¹²

When Professor Clarkson received news of the publication of Wang's English translation of the German civil code, he placed an order and attached the following note, which attests to Wang's academic brilliance while he was a student at Yale:

I take particular pleasure in sending this order, as Mr. Wang was one of my students when five years ago I was teaching at Yale Law School. Mr. Wang was a learned student, and in an examination of the subject of General Jurisprudence his papers surpassed all others in the class, so much as that it was a marvel to me at the time. Later I saw that Mr. Wang was Secretary to the Chinese Embassy at Berlin.²¹³

Wang also left a profound impression upon Sherman, who had taught only three Chinese students during his stint at Yale.²¹⁴ In his autobiography, written in 1944, Sherman recounted these Chinese students with racial stereotypes but recalled his stellar former student, Wang, in the most glowing terms:

I shall always remember beyond all others that first Yale law doctorate class of mine, graduated under my instruction. It contained one outstanding member: Chung Hui Wang. He not only received the highest mark in the course, but also was graduated with a D.C.L. degree *magna cum laude*. He was and is a fine jurist, he was and is an incomparable linguist (during his Yale student days under me he managed, with Chinese tenacity of purpose and efficiency, to find enough time outside of his difficult doctorate course to translate into English most of the new German Civil Code, effective in 1900); and his English translation is still the best extant.²¹⁵

By rediscovering Wang's graduate legal studies experience in America, this article has sought to throw some light upon the fledgling graduate legal studies scheme in Berkeley and the pathbreaking comparative law graduate

212. YALE UNIVERSITY, REPORTS OF THE PRESIDENT AND SECRETARY OF YALE UNIVERSITY AND OF THE DEANS AND DIRECTORS OF ITS SEVERAL DEPARTMENTS, 1909-1910, at 202 (1910). Report was dated January 31, 1910.

213. *A Chinese Linguist*, 3 LEGAL BIBLIOGRAPHY 4 (1909).

214. The third student was Hsiao Soule Lay, who received his Bachelor of Civil Law degree from Yale in 1917.

215. SHERMAN, *supra* note 106, at 130.

legal studies programs Yale in the early twentieth century. In particular, it is hoped that Wang's notable LL.M. and D.C.L. theses, both of which remain unpublished to date, will bring to life Wang's early showcase of academic brilliance as a budding legal scholar of his time.

Wang's experience upon his return to China also exemplified the prevailing view of the utility and significance of U.S. graduate legal studies—it being “a vehicle for the transplanted of legal norms and ideas between the U.S. and these countries....”²¹⁶ In 1913, when Wang joined Fuh Tan College, the forerunner of Fudan University, he helped to design a legal curriculum that was primarily modeled upon the courses offered at Yale. The curriculum had distinctive comparative law features, including courses in administrative law, international law, jurisprudence, civil law, criminal law, comparative constitutional law, Roman law, elementary law, research in Chinese law, and moot court.²¹⁷ The synopsis of the comparative constitutional law course bore a remarkable semblance to the one offered by the Yale graduate law program in 1914, for they both emphasized a comparative study of state organization and constitutional law and practice in the leading modern states as well as the historical development and practical structure of government.²¹⁸ This was also true of the administrative law course, which stressed an outline study of the administrative law of the United Kingdom, United States, Germany, and France.²¹⁹ The civil law and criminal law courses also espoused the comparative law approach, where the former explicitly stated that the study of Chinese law will be carried out “with reference to other countries’ [civil] laws as a frame of comparison.” The novel courses in research and in moot court bore hallmarks of Wang's U.S. legal studies experience.

In 1918, when Chang Fu-yun, a 1917 law graduate of Harvard, went to see Wang, according to Chang's recollection, Wang “launched into a monologue severely attacking and criticizing the case system ...”²²⁰ Evidently, Yale's recitation mode of instruction had left an indelible mark on Wang's thoughts and demeanor, and he had brought this mode of instruction back to China and was imparting it to his own students. Wang's case thus demonstrates the profound influence that U.S. graduate legal education in the early twentieth century had on its students, and is a vivid example of success of the U.S.

216. Hupper, *Vehicle*, *supra* note 8, at 415.

217. FUH TAN COLLEGE, FUH TAN COLLEGE CATALOGUE AND DIRECTORY 1915-1916, at 43-45 (1915).

218. CATALOGUE OF YALE UNIVERSITY 1914-1915, at 691 (1914). “A comparative study of typical forms of state organization and constitutional law and practice in the leading modern states. The historical development and practical structure of government in Europe and America is studied from the sources.”

219. *Id.* “The organization of the administration of the United States, England, France, and Germany, and the practical workings of the different theories of administrative law and organization of these countries.”

220. FU-YUN CHANG, REFORMER OF THE CHINESE MARITIME CUSTOMS: ORAL HISTORY TRANSCRIPT THE BANCROFT LIBRARY, REGIONAL ORAL HISTORY OFFICE, 1976-1983, at 78 (1987).

graduate legal education as a vehicle for transplantation of legal thoughts across borders.

Appendix**(A) Wang's course enrollment and corresponding grades at Berkeley, 1901-1902**

Code	Course Name	First Half Grade	Units	Second Half Grade	Units
Juris 12	The Law of Torts	2	2	2	2
Juris 22	Principles of Equity	1	2	1	2
Juris 19	Common Law Pleading	1	1	1	1
Juris 21	The Law of Evidence	2	2	2	2
Juris 26	The Law of Carrier	1	2	1	2
Hist 67	Comparative Constitutional Law	1	3		
Hist 83	Public Finance			2	3

At Berkeley, the results of examinations were reported in five grades: The first grade denoted marked excellence, the second grade indicated that the student's work had been thoroughly satisfactory, the third grade denoted a mere pass, and the fourth and fifth both signified failure (however the former would allow students to retake the exam and the latter would compel repeat of the course and exam).²²¹

(B) Wang Chung Hui's Likely Yale's LL.M. program curriculum, 1902-1903

Course	Instructor	Contact Hours
International Law	Professor Woolsey	One hour a week
History of Treaties, 1763-1815	Professor Arthur M. Wheeler	One hour a week
Diplomatic History of the United States	Professor Bourne	Two hours a week
Incidents in American Diplomacy	Professor Woolsey	One hour a week
Diplomatic Intercourse with Asiatic Nations	Professor Williams	Two hours a week

Each year five courses were offered in connection with the international law and diplomacy group.

221. REGISTER OF UNIVERSITY OF CALIFORNIA, 1901-02, *supra* note 32, at 88.

(C) Yale's LL.M. program's prescribed courses, 1902-1903

Administration of Estates	Prof. Wayland
English Constitutional History	Prof. Wayland and Prof. Wheeler
Maritime and Admiralty Law, and Patents	Prof. Robinson
Practice in the U.S. Courts, Railroad Law, and American Constitutional History	Prof. Baldwin
General Jurisprudence, Corporation, and Procedure in States having a Civil Code	Prof. Platt
Roman Law	Mr. A.S. Wheeler
International Law	Prof. Sumner

(D) Number of Honors awarded for the LL.M. degree at Yale Law School, 1892-1905

Year	Degree	Cum Laude	Magna Cum Laude	Summa Cum Laude
1892	LL.M.	2	-	-
1893	LL.M.	2	-	-
1894	LL.M.	1	1	-
1895	LL.M.	2	1	-
1896	LL.M.	2	-	-
1897	LL.M.	2	1	-
1898	LL.M.	2	-	-
1901	LL.M.	-	1	-
1902	LL.M.	1	-	-
1903	LL.M.	-	1	1
1904	LL.M.	-	1	-
1905	LL.M.	2	-	-
Total		16	6	1

(E) Yale's D.C.L. program's prescribed courses, 1903-1904

For the award of D.C.L. degree, a student had to satisfactorily complete the following courses:

Course	Instructor
Ethics	President Porter
Parliamentary Law, and Hermeneutics	Prof. Wayland
Early History of Real Property, Patent Cases, and Canon Law	Prof. Robinson
Conflict of Laws, Comparative Jurisprudence, Political History, and Roman Law	Prof. Baldwin
General Jurisprudence, and Principles of Legislation	Prof. Platt
Roman Law	Mr. A.S. Wheeler
Relations of Physical Geography to Political History	Prof. Brewer
Political Economy	Prof. Walker
Sociology	Prof. Sumner

(F) Courses pursued by Wang at Yale Law School during his doctoral studies

Course ²²²	Instructor	Contact Hours
Roman Law, Sources	Mr. Albert S. Wheeler	Two to three hours a week
The German Imperial Code	Professor Raynolds	One hour a week
French Codes	Dr. Morris	Two hours a week
Conflicts of Laws	Professor Baldwin	One hour a week

(G) Number of Honors awarded for the D.C.L. degree at Yale Law School, 1886-1905

Year**	Degree	Cum Laude	Magna Cum Laude	Summa Cum Laude
1896	D.C.L.	1	-	-
1905	D.C.L.	-	1	-
Total		1	1	0

**No honors were awarded for the years other than 1896 and 1905 in the period from 1886 to 1905.

222. CATALOGUE OF YALE UNIVERSITY, 1903-04, *supra* note 97, at 32 (1903)