



### IN MEMORIAM: PROF. BETTY MAY FOON HO

The editors of the *Tsinghua China Law Review* would like to respectfully dedicate this issue to Prof. Betty Ho, whom some of us have earned the privilege to call Betty.\*

---

\* Prof. Ho once explained to a new class of hers why students at Tsinghua call her Betty: "Normally I ask you to address me as Professor, but for students of Foundations One (*Editor's note*: The full course name is Common Law Foundations One, one of the courses she specially designed for her Chinese students with Civil Law background), they work so hard so they get to call me whatever they want!"

## IN MEMORIAM: PROF. BETTY MAY FOON HO

### TABLE OF CONTENT

WILLIAM P. ALFORD .....	2
JOHANNES M. M. CHAN .....	4
MAYO MORAN .....	7
MARIANA MOTA PRADO .....	11
ANTHONY SEBOK .....	13
ZHENMIN WANG.....	14

## IN MEMORIAM: PROF. BETTY MAY FOON HO

WILLIAM P. ALFORD\*

I consider it a great privilege to have known Professor Betty Ho. From the time I first met her many years ago in Hong Kong, it was apparent that she was someone who brilliantly exemplified what I admire most about education.

Professor Ho's dedication to learning, to the power of the truth, and, most importantly, to her students and their potential was immense. As an internationally recognized scholar of corporate, commercial and financial law, she was the rare individual who earned professorships on distinguished law faculties in several countries. And yet, though she took justifiable pride in her positions at the University of Hong Kong and the University of Toronto, Betty was not one to rest content on her laurels. Instead she felt an intense desire to do what she could to advance the rule of law in China by tirelessly dedicating herself to training a new generation of Chinese students.

Professor Ho was demanding of her students – not for its own sake – but because of her deep faith in them and their ability to rise to the challenges she posed, and her sense that nothing less would be true or fair to them and to the future they represented for China. I had the opportunity to bear witness to this in several ways. Betty never asked me for anything for herself nor any favors for any students, but she did one time ask if I would, on an informal basis, read several of her students' examinations (randomly selected and without their names on them) and grade them as if they were exams at my own school. Her goal in this request, she indicated, was to see if she was demanding as much from her students as my law school was expecting from its students. I was delighted to be of help in so worthy an undertaking and even more delighted when the papers turned out to be of a very high quality indeed.

---

\* Henry L. Stimson Professor of Law and Vice Dean for the Graduate Program and International Legal Studies, Director of East Asian Legal Studies, Harvard Law School.

Further evidence of Betty Ho's contributions can be found in the many superbly trained students from Tsinghua that we have been fortunate to have had at Harvard Law School and, in the midst of our sadness about her passing, we can take solace in knowing that she, even more than most teachers, lives on in and through her students. In the words of the Chinese saying 桃李满天下 – the fruits of her teaching are manifest throughout the world.

## JOHANNES M. M. CHAN, SC (HON)\*

The presence of many friends from different parts of the world today, some flying in from afar to pay this last tribute of respect to Betty, is probably the best testimony of how well respected Betty is - as a scholar, as a teacher, as a colleague, and as a friend. Despite her tiny physical stature, everyone who knows her cannot help but be impressed by her powerful intellectual strengths, her enormous energy and drive, and her passion for teaching. She taught at HKU for 14 years from 1988 to 2002. Indeed, she came to HKU in a rather unconventional way. Instead of responding to any advertisement for vacancy, she simply went to see Professor Ray Wacks, the then Head of the Law School, on one late afternoon in the spring of 1988, and offered to teach. She said the only reason she wanted to teach was to teach the students well. She even had devised a well thought out plan for her teaching. Without much thought, Professor Wacks delightfully accepted her proposal. That's how she began her brilliant career as a scholar and a teacher.

Students are always at the forefront of Betty's mind. Being a very demanding teacher, Betty sets a very high yet achievable standard. She is able to bring out her students highest potential, and to push them to achieve a higher level than they would ever think possible. In one of her notes on Mercantile Law examination to the then Head of the Department in 1989, when she has just started teaching, she criticized the old format of dividing the exam paper into sections on sale of goods, agency, and hire purchase as "unrealistic. Commercial problems come intertwined. A client tells you that he has a sale of goods problem, whereas in fact he has an agency problem et cetera. The old format does not test the students' ability to spot the problem." As a result of her comment, the format was changed, and her students rose to the challenge.

Demanding as she is, Betty is also a passionate and considerate teacher. We all prepare case abstracts for students to read. Betty prepared her case abstracts in such a way that she left a wide margin where she expected her students to think and to write down their thoughts as they read. Behind her stern and demanding appearance is a warm and kind heart. She knows her students well, and is always generous with her time for students, but mind you, if you

---

\* Dean, Faculty of Law, University of Hong Kong. Speech at Prof. Ho's funeral, September 9 2010, Hong Kong.

want to ask her any question, you had better prepare thoroughly for her piercing cross-examination. One of her students once wrote, "I am very glad I made the intelligent choice to study this course. It is as if my eyes were opened; now I know what university studies and legal studies mean." This sentiment is shared by many generations of her students.

Betty is always frank and honest. She will always tell you what she really thinks, whether you like it or not. One of my colleagues recounted an incident when she was a student at Beijing University and consulted Betty on her opinion of doing a SJD at the University of Toronto. Betty replied, frankly and unflatteringly, "I don't think enrolling in the SJD program would give you much opportunity to genuinely learn things, especially common law. It may not be worth your time. I'd suggest that you choose the LLB program." This was not quite what the student had expected, but this is Betty, one who always speaks her mind.

In the year 2000, I asked Betty to review our commercial law curriculum. She came back with a report of over a hundred pages, thoroughly researched and full of practical recommendations. It led to significant changes to our commercial law curriculum. Even though the report is now ten years old, I still find it helpful to consult that report from time to time. Betty always left a mark at every institution that she works, and on the people with whom she works.

Betty strongly believes that a good teacher would have to be a good researcher, and she soon established herself as one of the leading Chinese scholars in corporate, commercial and financial law. It was in Hong Kong that she completed her seminal works on the *Law of Contract*, the *Law of Agency*, and *Credit and Securities*. Her book on *Public Companies and their Equity Securities: Principles of Regulation under Hong Kong Law* soon became a classic, and not surprisingly, her work has made a profound impact on the development and reform of corporate and securities law in Hong Kong and in other common law jurisdictions.

Betty has a deep commitment to make an impact on the development of the legal system in China. Hence, she published all her major works in both English and Chinese. Instead of getting a translator, she meticulously translated all of her work on her own. She also translated Philip Wood's classic on *Law and Practice of International Trade* so that scholars and students in the Mainland would have access to that seminal work. In HK, she designed the first Use of Chinese in Law course when HK was about to embark on introducing a bilingual legal system. Her academic work in Chinese has enhanced the use of Chinese in Hong Kong at a most timely period when Chinese legal literature only began to emerge. In 2002, not satisfied with just teaching the cream of the crop in

Hong Kong, Betty decided to leave HKU to teach at Tsinghua University, as she believed that she could make a greater impact by teaching the future leaders of China in Tsinghua. She was among the first batch of academics who returned to China to teach on a full time basis before this was fashionable, it was done with a great sacrifice in remuneration terms, and when she could only speak broken Putonghua at the time. Betty is such a determined person. She devised an innovative program on common law and comparative commercial law at Tsinghua University, bringing to the students a new horizon in thinking and new challenges in learning. Shortly, she became one of the most respected teachers and scholars at Tsinghua University and in China.

A great scholar who has left a mark on the history of legal development; a passionate teacher who has inspired and changed the lives of many of her students; a person who lives true to her beliefs; and a friend whom you can always trust and rely upon for her frankness and honesty - this is Betty, whom all of us will dearly miss.

## MAYO MORAN\*

I am very touched and honored to speak to you today on behalf of the University of Toronto Faculty of Law, about my colleague and friend, Professor Betty Ho.

Five years ago, the Faculty of Law undertook a trailblazers' exhibit designed to recognize some of our most outstanding female graduates. We have thousands of outstanding women graduates, many of whom occupy the highest positions in the judiciary, law firms, businesses and important organizations. Out of those thousands of women, we had to select just 19 to represent all that our faculty holds dear. One of the 19 women that we selected was, of course, Professor Betty Mayfoon Ho.

Betty was a trailblazer in many ways. It was natural for us to select her as one of the 19 women that we would honor. She was brilliant, she was courageous, and she was deeply committed to the idea that the law could be used to make a better world. Her life symbolizes this in so many ways. One of six siblings, Betty decided not to work in the family's book publishing business. Instead, she immigrated to Canada at age 25 with a master's degree in Asian studies. However, Canada, in the early 1970s, was not well-equipped to recognize Betty's many talents. She was unable to find work with employers who told her she was over-educated and under-skilled. But perhaps this turned out to be a stroke of good luck, for as a result, and to our good fortune, Betty entered U of T's law school to ensure financial security and freedom. This decision itself was a tribute to Betty's intelligence and to her courage. Then as now, access to law school was incredibly selective and only the most academically gifted students were granted admission. But it was also an act of courage. At the time, that Betty entered law school, the law school population was dominated by white men. There were few women, very few non-Caucasian students and virtually no immigrants. But none of this seemed to daunt the indomitable Betty. She sailed through law school, then, as later, excelling in all she did. This alone would have been enough to make Betty a trailblazer. However, she went on after graduating with the same spirit of daring and pursuit of excellence. After graduating with an LL.B. in 1977, Betty practiced international commercial law, first in

---

\* Dean, James Marshall Tory Professor of Law, Faculty of Law, University of Toronto. Speech at Prof. Ho's funeral, September 9 2010, Hong Kong.



Canada and later in Hong Kong. Again, she excelled despite being one of the few women in a field dominated by men.

Then, to the great good fortune of the legal academy, in 1988 she decided to follow her true calling in the world of academia. She began teaching at the University of Hong Kong, where she quickly developed a reputation as one of China's most sophisticated scholars in corporate, commercial and financial law. Here again, she was inspired by a vision of what law could make possible. Fully literate in both English common law and Chinese law, she sought to bring these two worlds together. She worked tirelessly to develop a comprehensive and thoughtful account of Anglo-Saxon Law as a reference for the Chinese in drafting their new laws. As always, she accomplished what she set out to do, and she published groundbreaking books which helped build the foundations of an indigenous legal literature in China.

But Betty always saw law as a way to build a better world and for this reason she was deeply committed to the development of the rule of law in China. In 2002, she moved to Beijing to join the Tsinghua University Law School, where she believed that she would have the opportunity to teach the future leaders of her country. At Tsinghua, Betty designed and implemented an innovative program that uses Anglo-American legal methods to teach J.D. students common law and comparative commercial law—the first and only program of its kind in China. She considered her Tsinghua students to be the brightest and most promising in the country, and she wanted to provide them with a transformative legal education. Not surprisingly, they revered her. When I visited Beijing, I was fortunate enough to spend a great deal of time with Betty. One of the highlights of that visit was an amazing dinner that she hosted for us with some of her best students: they were brilliant, they were committed and they were totally in awe of the wonderful Professor Betty Ho.

We were extremely fortunate that Betty always maintained close ties with the University of Toronto Faculty of Law throughout her career. She had many fans at her alma mater, professors of hers who followed her brilliant career with great admiration and interest. Over the years, she came back to teach intensive courses in the Chinese Legal System and Chinese Banking Law. Then as dean of the law school, one of my greatest moments came in 2008, when we were able to persuade Betty to join the faculty as a full professor. She taught at the University of Toronto in the fall and winter and continued to teach at Tsinghua each summer. As always, she built bridges between her two worlds, bringing several members of my faculty to Beijing to teach and inviting Dean Wang of Tsinghua to teach at the University of Toronto. She threw herself into our

community with great enthusiasm, earning spectacular teaching reviews, serving on committees, participating in workshops, supervising graduate students and generally making us wonder how we had ever got on without her.

All of this, I think helps to explain why Professor Betty Ho was such a natural and obvious choice for us to make when we were selecting our trailblazers. But while this is incredibly important it does not, I think, go to the essence of Betty. For while she was brilliant, a courageous pioneer in the law who built bridges that no one else could between the Chinese and the western legal system, there was so much more to her. Let me give two illustrations.

I have known many wonderful committed teachers over the years. I personally love to teach and consider myself very dedicated to my students. But I have quite simply never known anyone who has had the commitment and indeed the love for her students as Betty did. I saw this when I visited her students in Tsinghua. I saw this when she told me in Toronto that the reason that she had bought such a large new home was so that her students who were studying in North America could come to stay with her and indeed I know that several of them visited her over the Christmas holidays. I saw this in the heartfelt emails and tears of the students who realized that Betty had suffered a stroke. My office and my email inbox were both flooded with messages of distress and of love and admiration. The simple words of one student put it better than I ever could. "In all my years as a student I have had many wonderful professors, but I have never had anyone else who even came close to Professor Betty Ho. She was, quite simply, by far, the best teacher I ever had". This message was echoed over and over again by countless students who contacted me to tell me what a difference she had made in their lives, in small and large ways, and to tell me how deeply indebted they were to her, and how much they loved her. One reason that I am very honored to be asked to speak today is to pay tribute on behalf of her students to Betty as an outstanding teacher who made a great difference in the lives of everyone she taught.

The other illustration comes from her colleagues. Though she was only a full time member of faculty in Toronto for a comparatively short period of time, she made an indelible impression on everyone who knew her. From the moment she joined the faculty, we were all dazzled by her thoughtfulness on all issues, by her seriousness as a colleague and a thinker and by her great love for the academy. When my colleagues heard what had befallen Betty, I was flooded with messages of respect and admiration and deep sorrow that someone so generous in the prime of her career would be taken away. University Professor and legal philosopher Ernest Weinrib described his deep admiration for Betty as someone

committed to legal principle and to the rule of law. Brand new professors spoke to me about the support and guidance that Betty generously provided to them as they began their teaching careers. And everyone told me of the incredible difference Betty made and how terribly and greatly she would be missed. It is telling that although it is the first week of school at the University of Toronto and I have never as dean missed the orientation week, my colleagues and students all felt that it was vital that I come here to be with all of you, Betty's friends, colleagues and family, to express on behalf of the University of Toronto Faculty of Law how greatly we were enriched by Betty's presence, how much we valued her boundless enthusiasm and commitment to law and legal education and just how profoundly we will all miss her.

## MARIANA MOTA PRADO\*

Betty Ho was a colleague, a mentor and a role model. It is a great honor for me to have the opportunity to show my appreciation for the important role she has played in my life and share my sadness for her passing.

I met Betty when she delivered a job talk at the University of Toronto. I remember being amazed and intrigued by her paper and her talk, where she suggested that bureaucracy in China did not – and could not – operate as the bureaucracy of many Western countries. Her claim was that China operated according to the "law of large numbers", if I remember the term correctly. It was empowering to see a researcher from a developing country who was devoted to understanding and improving the legal system of her own country. It was also very inspiring to see that she was developing her analysis without falling into the easy – and often misguided—solution that suggests that developing countries just need to look at developed Western countries and copy their legal systems. This is very much the type of research that I aspire to do, and Betty was showing to me not only that it was possible to do that, but also that this type of research has an important role to play in legal academia in a globalized world.

That very same night, when I had dinner with Betty, Dean Moran, and some other colleagues, I started to realize that she was much more of a role model for me than I had initially thought. She described in great detail how difficult it was to teach common law to students with civil law backgrounds, her Chinese students. As someone who received a law degree from a country with a civilian tradition, Brazil, and went on to pursue graduate studies in the United States, I could very much relate to the problems and obstacles she was describing. I was fascinated with the solutions she had found to deal with these problems. I was especially surprised with the fact that such a bright person and dedicated scholar could care so much about her students, to take the time and the patience to sit down and develop such strategies. The students who had a chance to be mentored and guided by her are very lucky students; and I could just wish I had had someone like Betty to guide me through the painful and difficult process of understanding the common law system. Betty was a trailblazer in many ways – as many as the

---

\* Assistant Professor, Faculty of Law, University of Toronto, Canada.

other pieces in this volume acknowledge – but I feel that this pedagogical contribution of her is not acknowledged as often as it should be.

Shortly after the talk, Betty was hired by our Faculty and became a colleague. More importantly, as a senior colleague, she quickly became a mentor to me. In many conversations we had, I received invaluable pieces of advice. Her support went beyond that. I had the opportunity to deliver a lecture on the idea of an "institutional bypass" at Tsinghua Law School in May 2009, thanks to an invitation of Professor Ho. I was deeply grateful to her for taking time out of her busy schedule not only to take care of the logistics of my talk, but also to carefully select an audience of law professors and top-law students to attend my talk and engage critically with me. After my presentation, Betty was the one who initiated the dialogue, leading an enlightening debate that shaped many ideas and helped me enormously in formulating my arguments in more precise ways. The comments I received at Tsinghua are very much present in my thinking and my research on this topic. I believe this is yet another example of Betty's commitment to mentoring young scholars, and also of all her invaluable support to junior colleagues (like me), who are still at the beginning of their careers. It was thanks to Betty that I could learn that institutional bypasses may have been a common development strategy in China. I truly hope to be able to explore this in greater depth in the near future, as a way of thanking her for opening me the doors of this often puzzling—but always fascinating – world that is China.

I am only one of the many people who had their lives changed by Professor Betty Ho. We will all miss her dearly, for the contributions that she brought to our personal lives, to our faculties, and to legal education. We can only hope that we will be able, in some way, to keep her legacy alive.

## ANTHONY SEBOK\*

I met Betty Ho by email in the autumn of 2009. Our friendship began through a happy accident — she was looking for someone to teach at Tsinghua University in the summer of 2010, and the friend of a friend referred her to me. Until I arrived in Beijing in July 2010 our entire relationship consisted of emails sent between us.

The wonderful thing about Prof. Ho is that even though we were taking care of the most quotidian matters — scheduling, copying, and other logistics — I could tell that she possessed a fierce and critical mind. Her little asides about my selection of readings were always polite but not always approving. She knew what she wanted her students to learn, and she insisted that I maintain the rigorous standards that she set for herself and them.

Once we met in Beijing in July 2010 I came to know Prof. Ho better as a friend and colleague. She was a generous and supportive host. The meals we spent together were full not only of fantastic food, but also of her wry observations about Beijing, Hong Kong, and Toronto. When we met together with students, I could see how much they respected her, and how seriously she took her responsibility as a teacher.

I did not know Prof. Ho for long, and her passing is a very sad occasion not only for those who knew her well, but for those, like me, who have lost the opportunity to get to know her better. I send my condolences to her students, colleagues, and family. Prof. Ho was a remarkable person, and I regret that my friendship with her was so short.

---

\* Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University.

## ZHENMIN WANG\*

Dear Gallant, Rebecca, dear family and friends of Betty,

Losing a loved one is the hardest thing in life. Today, with deepest sadness, we come together to mourn the loss of our beloved Betty. Even at this moment, I still could not believe it: our Betty is gone. . .

Betty joined Tsinghua Law School in the fall of 2002. She was a distinguished lawyer, an outstanding educator, a model professor, an excellent colleague and a great person. Eight years since then, she had been working so hard to train Chinese legal talents and to promote rule of law in China. The course she originated, *Foundations of Common Law (I to IV)*, for years was among the top 5% most popular courses in Tsinghua. Her unique way of teaching has inspired hundreds of students and enlightened them on their way to knowledge, legal methods, as well as the philosophy behind the law.

Betty loved students so much like her children. She was such a dedicated, smart, humorous and caring person. She devoted her everything to teaching and training students. She stayed up till midnight to review their reports. She was well known for quick response to students' emails. Thanks to her excellent education, many of her students have joined courthouses, government agencies, fortune 500 companies or transnational law firms around the world! Today, many of them flew all the way from around China, from America, Canada to join us in memory of Betty.

Betty's expertise was commercial law, which has made many lawyers rich. But she did not study commercial law to make money; instead she studied the law to save the country! Her last public speech at Tsinghua was: "Save the Country by Commercial Law". She told students, "the purpose to study the law is not for yourself, but to serve your country and your people". That's exactly what she had been doing. She once told Hong Kong friends that her research, her scholarship is for China. She translated all her books into Chinese and published in China, so that more Chinese people could afford to buy and read the books. In early 1990s, upon invitation from the Chinese government and the then Vice Premier Zhu Rongji, Betty helped China draft the legal framework and

---

\* Dean, professor of law, School of Law, Tsinghua University. Speech at Prof. Ho's funeral, September 9 2010, Hong Kong. Translated from Chinese into English.

policies on listing Chinese State companies at Hong Kong stock market. She made fundamental contributions to the rule of law development in China.

Betty already had a well established and successful career in Hong Kong before she joined Tsinghua. People were wondering why she would give up all she had and moved up north to Beijing alone? Though she never answered this question, she did tell friends that Tsinghua has the best students in China, and she hoped that the best Chinese students should receive the best education and training, and become outstanding lawyers that are most needed by the country and the people, maybe someone one day would become the national chief justice, top state leaders! I think they will, Betty!

Betty also helped me personally with my work as Dean of Tsinghua Law School. Even the day before she had the coma, she was helping me review an important contract to be signed by the President of Tsinghua that week. She also promised to assist me to design a brand-new 21st century LLB program. But from now on, for all these works, I don't know whom I can seek advices from.

Just recently, when a foreign scholar asked Betty which is the best law school in China, she said "Tsinghua". Betty, I am deeply touched by your compliments, encouragements and your years of hard work for Tsinghua. I know how much you loved Tsinghua and our students. On behalf of all colleagues, students and alumni I thank you, Betty, thank you for your years of selfless support to Tsinghua Law!

Betty cared a lot about students, colleagues. She cared about Tsinghua, China and the whole world. But she just cared too little about herself. Betty's passing away is a huge loss for Tsinghua, and for China! On September 4<sup>th</sup>, at a top-level meeting of Tsinghua University, all the leaders of the University, including the President, Vice Presidents, Party Secretary and deans of all schools, as well as top scientists in China, stood up and mourn for Betty in memory of her special contributions to Tsinghua! All are deeply touched by her stories. On September 11, we will have a memorial service at Tsinghua. All colleagues, students, alumni, China's best lawyers and senior government officials will attend to memory our beloved Professor Betty Ho! A memorial service will be held in Harvard. Hundreds of condolence messages from all over the world are pouring into our mailboxes.

"The song is ended, but the melody lingers on. . ." Betty, don't worry about anything you did not finish. I promise your class *Foundations of Common Law* will continue at Tsinghua. Hundreds and thousands of your students will carry on the great course you had been trying to accomplish, and they will succeed. Betty, we will work even harder in the way as if you were still with us.



Goodbye Betty, may you rest in peace in heaven!