

Alice E-S Tay & Conita S C Leung, *Greater China Law Society and Trade*, Sydney: Law Book Company, 1995

This book is a compilation of six essays on law, society and trade in "Greater China". The blurb identifies "Greater China" as the People's Republic of China, Hong Kong and Taiwan. The majority of the contributors are academics from the Law Faculties of various Universities in Australia, Hong Kong and Taiwan. The Editors, Professor A E-S Tay and Miss Conita S C Leung are Director and Associate Director respectively of the Centre for Asian and Pacific Law in the University of Sydney.

Although the book's sub-title indicates that this is about Greater China's law, society and trade it can be argued that a preponderance of the issues discussed is on "trade". As stated in the blurb, "detailed analysis of the relationship between law, society and trade" can be discerned in almost every essay. However, it seems that issues concerning trade enjoy a "plurality" if one is to decide which particular issue is given more focus.

There are two essays on the People's Republic of China (PRC), two on Hong Kong and one on "Taiwan-Republic of China".

The introductory essay "Introduction: The Relationship Between Culture, Commerce and Ethics" is written by the Editors. This short essay is instructive (at times in the manner of giving "instruction") on certain aspects of ("Greater") Chinese culture and especially about the role of language as well as "expression" and communicative aspects of "Chineses" and Chineseness. However the cultural aspects of the essay is mainly directed towards the foreigner doing trade with or in Greater China.

Non-Chinese businesspersons would find useful hints on approaches and methods of negotiations to be adopted when dealing with "Chineses". There seems to be one cliché though, in this introductory chapter. It reads: "A fool does not acquire wisdom by quoting without understanding from Confucius; one does not quench thirst by thinking about sour plums". Is this a Chinese adage or the authors' own invention?

The essay "Capitalist Bull in the Socialist China Shop" by Robin Hutcheon and "China: Constitutional Changes and Legal Developments" by Jianfu Chen should be read conjointly. The first part of the essay by Hutcheon contains some historical and cultural perspectives about mainland China. Hence, Hutcheon elaborates on the themes mentioned in the introductory essay. The second part of the essay deals with how "socialist China" copes, adapts and changes in the presence of the "capitalist bull".

Jianfu Chen elaborates this theme in his essay of how the constitutional and legal developments "catch-up" with the extensive and indeed radical changes in the economy and the economic system ("from planned economy to 'socialist market economy'") that had taken place in Mainland China during the past fifteen years or so. Chen's essay is the most academic of the lot with over 250 foot notes. In discussing "constitutional changes and legal developments", Chen concentrates almost exclusively

on the laws concerned with and changes affecting the economy. Chen explains that in "China today, law is to serve as a means both to consolidate the achievements of economic reform and to promote further development of economic reform...". The "economic rationalists" have gained the upperhand in (still economically "socialist" ?) China too.

"Democratisation and Human Rights" are mentioned as "the missing ingredients" in China's constitutional developments in the last three or four pages of Chen's essay. The reviewer would like the author to have discussed, even if briefly, the arguable development of administrative law in China in recent years in juxtaposition with his claim concerning lack of democratisation and human rights in contemporary Chinese legal thought and practice.

The Editors state in the Preface that among the two essays on Hong Kong written by Jocelyn Chey and Peter Wesley-Smith, Chey's piece takes a "quietly optimistic" view of Hong Kong's future. On the other hand Wesley-Smith's "is less optimistic about the future of the legal system [of Hong Kong] and the continuance of the protection through law [of its residents]" (after 1997). Jocelyn Chey writes that the current Hong Kong Bill of Rights which is based on the International Convention (sic for Covenant) on Civil and Political Rights (ICCPR) which the United Kingdom ratified and extended to Hong Kong, might be annulled by China. The reason? The Chinese government argued that "human rights are fully guaranteed under the Chinese constitution".

In this regard, though one is by no means equating the legal and political systems of the two countries, one notes that the United States also has, for a long time, refused to ratify the ICCPR. In not ratifying the ICCPR, the United States argued, among others, that its constitution fully guarantees human rights.

The essay on Taiwan "A Profile of Recent Constitutional Changes and Legal Developments" by Michael C H Kwang is perhaps the most topical one. This is so because China has given, through its recent military exercises off the coast of Taiwan, "a clear warning" to Taiwanese pro-independence elements. China is aware of and is unhappy that such pro-independence candidates might increase their number of seats in the Taiwanese Legislature in the aftermath of the Legislative elections that are being held in Taiwan in early December 1995.

The not so "trade-oriented" reader might find Kwang's essay to be more stimulating than Chen's. Both essays deal with the same subject matter and indeed parts of their headings are identical: "constitutional and legal developments" in Taiwan and PRC respectively.

Even though *Greater China: Law, Society and Trade* would be useful to academics, general readers, traders and businesspersons alike perhaps the last category of readers may find the book most useful and efficacious.

Myint Zan