

中國法研究學刊

JOURNAL OF CHINESE LAW

VOL. 9

SPRING 1995

NO. 1

CONTENTS

SYMPOSIUM ON CONSTITUTIONALISM IN CHINA

SYMPOSIUM ON CHINA AND CONSTITUTIONALISM:

INTRODUCTION

R. Randle Edwards

Louis Henkin

J. Paul Martin

& Andrew J. Nathan 1

THE "CONSTITUTIONAL TRADITION" IN CHINA

Wm. Theodore de Bary 7

CIVIL-MILITARY RELATIONS IN CHINA. AN OBSTACLE TO CONSTITUTIONALISM?

Jeremy T. Paltiel 35

COMMENTARY

CHINESE LEGAL REFORM: ACHIEVEMENTS, PROBLEMS AND PROSPECTS

Jiang Ping 67

FINANCING THE CHEK LAP KOK NEW AIRPORT: A CASE STUDY IN AMENDING THE SINO-BRITISH JOINT DECLARATION ON THE QUESTION OF HONG KONG

Michael S. Bennett 77

NOTE

A SLEEPING GIANT AWAKENS: THE DEVELOPMENT OF INTELLECTUAL PROPERTY LAW IN CHINA

Michael N. Schlesinger 93

ACKNOWLEDGEMENT

The *Journal of Chinese Law* gratefully acknowledges the generous grant from the Parker School of Foreign and Comparative Law which made the establishment of the *Journal* possible.

EDITOR'S NOTE

The *Journal of Chinese Law* commenced publication in 1987 under the auspices of the Columbia University School of Law and the Parker School of Foreign and Comparative Law. The *Journal* provides a forum for legal practitioners and scholars from China, the United States and elsewhere to discuss the broad range of issues that relate to law in China. The *Journal* welcomes multidisciplinary, historical and comparative manuscripts, as well as those describing and analyzing aspects of contemporary Chinese law and practice.

It is normally the policy of the *Journal* to follow the *pinyin* system of transliteration, which is the system currently in use in the People's Republic of China. The Wade-Giles system is used for articles written by Taiwan authors and for sources originating in Taiwan. The *pinyin* system will continue to be used for all other names and sources.

The *Journal* welcomes your financial support. Contributions can be sent, in care of the *Journal*, to the Center for Chinese Legal Studies, Columbia University School of Law.

JOURNAL OF CHINESE LAW

VOL. 9

SPRING 1995

NO. 1

Editor-in-Chief

R. RANDLE EDWARDS

Executive Editors

PATRICK J. TANGNEY

WALKER WALLACE

Articles Editors

LANDON PRIEUR

CHARLES EDWARD SMITH, III

YANG YAN

XIANWU ZENG

Managing Editor

SUEYOUNG MIN

Business Editor

ELIZABETH WONG

Notes Editors

MARISA LAU

FRANCES F. MI

Submissions Editor

ZHU WEIYI

Senior Editor

VALERIE DEMONT

Editors

LELA BRISTOL

BRIAN CHUNG

ANDREA GOODMAN

WARREN SZUTSE HUANG

JIN TAO

JONG C. LEE

LAURA SUZANNE SARAH

MICHAEL N. SCHLESINGER

ALAN SEEM

YOUNGJIN SOHN

CHRISTINE TAM

Board of Advisors

MYRON COHEN

LORI F. DAMROSCH

E. ALLAN FARNSWORTH

RICHARD N. GARDNER

WALTER GELLHORN

HARVEY J. GOLDSCHMID

JOHN N. HAZARD

LOUIS HENKIN

OSCAR SCHACHTER

HANS SMIT

RALPH WANG

MICHAEL K. YOUNG

MADELEINE ZELIN