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Two China's

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SYMPOSIUM

TWO CHINAS: QUESTIONS OF LAW ARISING FROM THE RECOGNITION OF THE PEOPLE'S REPUBLIC

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Since January 1, 1979, the United States has acknowledged the government of the People's Republic of China (PRC) as the sole legitimate representative of the 800 million Chinese people. The normalization of relations ends a thirty year period of non-recognition during much of which the United States prohibited virtually all economic transactions with the PRC, often in an atmosphere of intense hostility. Recognition has reawakened the traditional American fascination with the Chinese market, just as the PRC is beginning to implement a major shift in policy toward modernization and economic development. The new policy is a radical departure from the principles of self-reliance espoused by Mao Tse-tung, and it has required the PRC to open its doors to expanded economic relations with the West. American firms have already entered into substantial transactions with the PRC, and negotiations for additional business opportunities are continuing. In this setting, greater knowledge about China's laws and its approach to legal questions, particularly those affecting commerce, is vital.

Recognition of the government of the PRC, by the nature of the act, entailed an immediate and equally radical shift in the relations between the United States and the Chinese Nationalist government. Although the Nationalists remain in *de facto* control of Taiwan, they are no longer regarded by this nation as legally representing even the people of that island. This change in relations raises perplexing and

equally important questions of law since the United States hopes to maintain its extensive commercial relations with Taiwan, but the status of Taiwan as an entity is at the time of this writing unsettled under both international and American law.

The Symposium which follows, "Two Chinas: Questions of Law Arising from Recognition of the People's Republic," includes three articles by recognized authorities in the areas of Chinese law and U.S.-China relations. Professor Jerome Alan Cohen analyzes the 1978 PRC Constitution, the basic document of the nation's formal legal order, and considers, among other matters, its effect on economic and political freedom within the PRC. Attorney Stanley B. Lubman explores the traditional Chinese attitudes toward formal legal institutions and their recent resurgence within the PRC and examines the significance of this development for commercial relations. Finally, Professor Victor H. Li considers the current legal status of Taiwan and analyzes how a coherent legal framework for continued economic relations can be erected.