

presenting a well-arranged mixture of authors' commentaries, a compilation of historical facts and 43 of the most important documents from both the Chinese authorities and the students' movement.

What at first sight seems to be a somewhat problematic mixture of different and incompatible text elements, turns out to be the major asset of the book: it allows for a critical synoptical reading and thus helps to enhance the understanding of the complexity of events leading to the massacre and beyond. The reader is also grateful for a German-Pinyin glossary of institutions involved and a personal index which, in addition to four maps, provides quick and direct access to relevant information.

Although this study by Cremerius, Fischer and Schier is certainly not compiled just for informative reading, it comes close to a political thriller in some passages due to its presentation of cascading events in the critical days of early June 1989. In sum, it is a book which is characterized by a balanced and objective presentation of different positions and competing assessments and allows - as far as is possible today - for an almost complete reconstruction of events. Therefore, the reviewer is convinced that it will stand the test of time.

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LUTZ-CHRISTIAN WOLFF, *Der Arbeitsvertrag in der Volksrepublik China nach dem Arbeitsvertragssystem von 1986*. (Mitteilungen des Instituts für Asienkunde, 189). Hamburg: Institut für Asienkunde, 1990. 344 pp., DM 36.-

The author provides a systematic survey of labour legislation in the People's Republic of China. He especially emphasizes the role of the newly introduced labour contract system, which he considers a step towards a more statutory regulation of relations between the Chinese workforce and their work units.

The first chapter deals with the status of Chinese labour legislation within the framework of the Chinese legal code. It discusses the difference between Chinese and Western - i.e. German - concepts of the role of law in society. The author describes the Chinese concept of labour as ideological because, on the one hand, it propagates the workers' status in society as that of the master of state, while, on the other hand, it grants them guaranteed labour, wages etc as a kind of individual right.

According to Chinese sources, labour legislation is a distinct law of its own. In particular, it is not part of civil law. This conception has certain consequences for the role of natural persons and legal entities when regarded as

contractors of a labour contract. The natural person's individual right of employment is based on his ability to work (*laodong nengli*). Persons from sixteen years upwards are regarded as being able to work. On the other hand, persons older than eighteen have legal capacity (*quanli nengli*) and the capacity to contract (*xingwei nengli*). Between the ages of sixteen and eighteen, Chinese law does not distinguish between labour and civil law. Also with respect to legal entities there is a difference between labour and civil law. Civil capacity to contract begins with the formation of the legal entity; as for labour laws, their legal capacity is based on their formal recognition by the responsible authorities. Unfortunately, the author has ignored the fact that there is no stringent separation of powers in the Chinese political system, particularly between executive and legislative power.

The second chapter deals with the economic background of the labour contract system and is of minor interest for those familiar with the economic situation in China.

The third chapter explains the Chinese labour contract system. Because of the distinct character of Chinese economic, labour and civil law, the Chinese authorities have difficulties in promulgating a coherent concept of contract. So far, there is no obligatory definition. According to common opinion, a labour contract (*laodong hetong*) establishes labour relations between a worker and the employing unit. The difference between the labour contract and other kinds of contracts, like the contract of manufacture (*chenglan hetong*), the service contract (*fuwu hetong*), the responsibility contract (*zeren chengbao hetong*) and others, is also discussed.

The fourth chapter discusses the labour contract in the context of the 1986 reforms of the labour system. The new labour contract system allows state-run enterprises a more flexible response to market restrictions, and the introduction of limited labour contracts is a remarkable deviation from old-style lifetime jobs. This system was first introduced and widely used in the Special Economic Zones. It became more widespread by the mid-eighties, when the Communist Party tried to extend economic reforms to all state-run enterprises. They are now allowed to contract newly employed workers for a limited period of time and may even dismiss them.

Of major importance is the fifth chapter. It deals in detail with the implications of the labour contract system for employers and employees. It explains the process of employment from the juridical point of view. The author examines the concrete juridical consequences of the new appointment system, asking whether the appointment proceedings establish an obligation for the employer on the one hand, to employ the best of all candidates, and for the candidate on the other, to accept the job. He also examines the conditions

under which an appointment becomes effective and establishes a legal relation between employee and employer. According to German legislation a contractual relationship is the result of an agreement between both partners. In China, however, the labour contract becomes effective only from the first working day.

The last two chapters briefly discuss the appointment proceedings in non-state-run enterprises and give a summary of the labour contract system within the framework of the Chinese economy.

Also included is an extensive appendix, which provides a translation of the 1986 regulations on the reform of the labour system and other related items.

The book provides a sophisticated presentation of the Chinese labour contract system and is useful for readers interested in encyclopaedical knowledge in this field. Unfortunately, it does not refer to the relevance which theoretical discussions of law have to everyday life.

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CONRAD ANDERS, *Korea*. München: Prestel-Verlag, 1988. 412pp., 67 photographs (40 in colour), 5 maps, DM 48.-

RÜDIGER MACHETZKI/MANFRED POHL (eds.), *Korea. Wirtschaft, Politik, Kultur, Gesellschaft, Natur, Geschichte, Reisen, Sport*. (Ländermonographien des Instituts für Auslandsbeziehungen Stuttgart, vol. 16). Stuttgart/Wien: Thienemanns Verlag, 1988. 392 pp., 62 photographs, maps and charts, DM 68.-

With the Olympic Summer Games of 1988 in mind, authors and publishers have gone to some pains during the past two years to provide wider information on Korea. Almost all of the authors involved are academically trained, many of them still being in the groves of Academe. This is why it is justified to review publications of theirs that are meant for the so-called ordinary reader, in a journal that is primarily devoted to scholarly writing.

Many of the works are scarcely worth reading, only three or four of them providing more reason for satisfaction than for displeasure. A fundamental shortcoming of such books is that they are written on the basis of what I would call the "view through the inverted field-glass". Things are reduced to an almost droll size, and the number of objects viewed is much larger than one would perceive when looking at them with the field-glass held in the proper way.