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ARBEITSVORHABEN

The Legacy of German Law in Asian Developmental States

To see how the Weimar Constitution might operate in the 21st century, one can look to Taiwan, as its constitution was modelled upon the Weimar Constitution and still functions well today. The same can be said of other areas of law in Japan, South Korea, and China, all of which began to transplant the German laws as early as the late 19th century. These laws have constituted these countries' political and market spaces and powerfully influenced their ideas about state power, market force, and social welfare.

This project aims to unveil German law legacies in Asian developmental states. These countries are (or once were) characterized by authoritarianism and mercantilism and constitute this small cluster of countries that managed to grow rapidly and/or become part of the developed world within a few decades. Their experiences demonstrate an illiberal model of law and development, in that they all adopted the ideas of rule of law, constitutionalism, and capitalism, while remaining authoritarian during their modernization eras. To understand the rise of illiberalism in Asia, part of a worrying global phenomenon concerning multiple disciplines, this project of legal history explores the linkages between German jurisprudential legacies and Asian authoritarianism and state capitalism, including their convergence, divergence, and resistance.

Recommended Reading

Chen, Weitseng, ed. *The Beijing Consensus? How China has Changed Western Ideas of Law and Economic Development*. Cambridge: Cambridge University Press, 2017.

- "Twins of Opposites: Why China Will Not Follow Taiwan's Model of Rule of Law Transition toward Democracy." *American Journal of Comparative Law* 66, no. 3 (2018): 481-535. <https://ssrn.com/abstract=2922458>.

Chen, Weitseng, and Hualing Fu, eds. *Authoritarian Legality in Asia: Formation, Development and Transition*. Cambridge: Cambridge University Press, 2020.

Ironie, Illusion und Paradoxon: Warum begrüßen die autoritären Regime Asiens die weltweite Förderung von Demokratie und Rechtsstaatlichkeit?

Sobald autoritäre Regime die Idee der Rechtsstaatlichkeit akzeptieren und entsprechende Rechtsreformen durchführen, wird auf lange Sicht auch die Demokratie folgen – so die gängige Meinung. Diese Denkrichtung verweist oft auf Taiwan und Südkorea als Musterbeispiele für diesen Entwicklungsverlauf. Nach Jahren der Rechtsreformen und des Wirtschaftswachstums in ihrer autoritären Zeit haben sich beide Staaten in den späten 1980er Jahren einer Demokratisierung unterzogen. In diesem Kolloquium möchte ich diese geradlinige, optimistische These in Frage stellen. Indem ich die Rechtsgeschichte Taiwans und Südkoreas untersuche, zeige ich die Ironie, die Illusion und das Paradoxon der globalen Förderung von Rechtsstaatlichkeit auf, die die Befugnisse und Legitimität autoritärer Staaten in Asien eher gestärkt als geschwächt hat.

Chen, Weitseng (Rochester, NY,2020)

Adaptive authoritarian policing : a journey from China and Japan to Taiwan

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1765221706>

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Chen, Weitseng (Cambridge,2020)

Introduction : authoritarian legality, the rule of law, and democracy

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1765214513>

Chen, Weitseng (S.I.,2020)

Interactions between constitutionalism and authoritarianism in Asian democracies : a Japan-Taiwan comparison

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1765203686>

Chen, Weitseng (Cambridge,2020)

Student activism and authoritarian legality transition in Taiwan

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1765199662>

Chen, Weitseng (Cambridge, United Kingdom,2020)

Authoritarian legality in Asia : formation, development, and transition

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1669286568>

Chen, Weitseng (Rochester, NY,2019)

Asian hybrid regimes : constitutionalism and development

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1765222117>

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<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1765222117>

Chen, Weitseng (Oxford,2018)

Lost in internationalization : rise of the Renminbi, macroprudential policy, and global impacts

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1765201713>

Chen, Weitseng (Cary, NC,2018)

Twins of opposites : why China will not follow Taiwan's model of rule of law transition toward democracy

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1762482355>

Chen, Weitseng (Cambridge,2018)

The Beijing consensus? : How China has changed Western ideas of law and economic development

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1748143360>

Chen, Weitseng (Cambridge,2017)

Debating the consensus : the Beijing Consensus vs the Washington Consensus

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1765211093>