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5/30 Response Paper

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Three articles highlight the role of lawyers and social movements in the democratization process in East Asia. I've took a course about the relationship between law and social movements, and read classical works of politics of rights and legal mobilization. Legal mobilization scholarship cares about the process how people transform their needs or desires into demands on law system and rights, and constitutive meanings of law. However, the classical works usually taking place in the societies like the United States, which has relatively stable and reliable democratic governance. Therefore, I would mainly address questions for what's the difference of legal mobilization in a democratic society and an authoritarian one, and then discussing specific problems faced in the East Asia.

By definition, could legal mobilization happen in an authoritarian society? Are legal mobilization research basically Western-centered? The answer may apparently appear that legal mobilization could also help understanding authoritarian societies in East Asia, like the assigned readings shown. Through this model, we explore the resistance of marginalized groups and recognize their contribution to democratization of both governments and law, not just focusing on the dictatorship. Moreover, I think through the lenses of experience in East Asia, we could better understand the dynamics relationship between law and social movements. Because we could think about how different support structure and political, legal opportunity shape people's strategies. After reading the assignments, I wonder the judicial independence and the mechanisms of controlling judiciary in South Korea. In Taiwan, many legal history research has revealed that KMT hardly intervened in judges' training, appointment and promotion, and set up several spy organizations.

I also interested in the role of lawyers in the political democratization movement in East Asia. Law and social movements literature would care whether lawyers dominate social movements, distract movement momentum on litigations and deradicalize the movements. Based on the topics of assignments I could hardly find the answer. They

mainly introduce the contribution of lawyers and legal organizations in the political democratization rather than exploring a specific social movement. I also notice that they tend to use activist lawyering or right lawyering rather than cause lawyering, which is more common in law and social movements literature. Activist lawyering and right lawyering indeed are appearing more suitable in the context here, and I wonder what's the difference of the terminologies.

At last, I also wonder the difference in “law-oriented lawyering” and “political lawyering”. I think in most case they could not be clearly distinguished, depending on how we perceive law could separate from politics. Take examples in Taiwan, lawyering for the freedom of speech is “law-oriented lawyering” or “political lawyering”, or it could be both? And how about lawyering for Aboriginal rights and transitional justice?