



TAIWAN FOUNDATION
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Research Topic

Taiwan's Constitutional Court has played, and continues to play, an indispensable role in Taiwan's democratization process. On numerous occasions, the Constitutional Court has interpreted free speech and press rights in ways that have contributed to that process. Examples of decisions interpreting free speech and press rights include the seminal Interpretations No. 364 (involving the right of access to the media), No. 445 (involving, among other things, the right to assemble in public), and No. 509 (involving the constitutionality of the criminal defamation law).

Prof. Desai's project analyzes the ways in which American free speech and press jurisprudence has influenced Taiwan's jurisprudence.

Prof. Desai's tentative conclusion is that the Court has been influenced significantly by American jurisprudence, but that its incorporation of that jurisprudence into its own interpretations of Taiwan's Constitution has involved a complex interplay between American legal principles, jurisprudence from civil law jurisdictions (particularly Germany and Japan) and the Justices' own perceptions of the unique needs facing Taiwan.