

Eine Zusammenfassung (auch in engl. Übersetzung) und ein umfassender Anhang schließen das Buch ab, das insgesamt - und nicht nur wegen des Umfangs - eine akribische Dokumentation und Analyse des Verfassers darstellt, freilich mit deutlicher Ausrichtung auf die lateinamerikanisch lokalisierbare Bedeutung des Themas. Erhellend (weil eindeutig Stellung beziehend) ist zudem die Sprache des Autors, die überhaupt die Darstellung prägt. Ein Beispiel (S. 53): "Inländergleichbehandlung darf kein Persilschein für jegliches willkürliche Verhalten gegenüber Ausländern werden."

Niels Lau

Dae-Kyu Yoon

Law and Political Authority in South Korea

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The death of the North Korean leader Kim Il-sung has perhaps brought closer the unification of the world's last nation divided by the Cold War. As in the case of Germany, and unlike that of Viet Nam, the non-Communist South is likely to lead in a transformation of the newly unified country. The constitutional order of this senior partner in the unification process will thus be the political mould of a future united Korea. Although divided Korea is a product of the East-West confrontation, South Korea, albeit 'Western' by virtue of its anti-Communism, is at the same time the inheritor of a regional tradition that is distinctly non-Western. The merger of North and South will probably entail a vast effort to modernise the former Communist régime but might at the same time lead to a resurgence of earlier, non-'Western' political traits.

Dr Yoon's study of law and political authority in South Korea thus gains renewed relevance as a background picture of future evolution of a united Korean Peninsula. The book traces the historical, Confucian-inspired foundations of traditional law in Korea, the impact of Japanese colonial rule and the advent of modern, Western-style law in contemporary Korea. Chapters on law and bureaucracy, law enforcement, legislation and the judicial system provide a detailed description of the role of law in the modern South. A final chapter on legal reform highlights the areas where the author sees the most urgent need for change. Tables of cases and statutes provide further reference on jurisprudence and legislation.

The impression emerging from Dr Yoon's book is one of an uneasy marriage between traditionally minded, bureaucratic government and the trappings of Western-style constitutionalism; the pressures of the North-South confrontation only heightened the difficulties of safeguarding democratic rights and processes in the South in the face of dominant authoritarian tendencies. Law, as in imperial China whence much of Korea's traditional

legal philosophy has been transmitted, was, and is still today, considered a tool to aid the exercise of power rather than an arrangement designed to prevent abuse of authority. Thus the separation of powers, the paramountcy of legislation in relation to executive action, judicial independence and freedom of expression exist all but in name only. Yet, the nominal recognition of these institutions in South Korea's constitutional order permits to base claims for reform on these concepts never formally disavowed by the powers that be. A future rapprochement between an increasingly prosperous and globally connected South and a North at the end of its political and economic tethers will pose questions of political legitimacy in both parts of the country more starkly than before. The South should then be able to make good use of the constitutional assets which have hitherto been largely neglected.

Wolfgang Keßler