

Taiwan's Fight Against COVID-19 from the Perspective of Civic Constitutionalism

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Abstract

The Covid-19 pandemic has spread around the globe, testing the resilience and capacity of each nation states. While there are commonalities in facing the threat, constitutional democracies have shown a great deal of divergence in casualties and particularly in the measures taken to fight against the spread of the virus. One may concern possible impacts to the function of democracy, human rights and rule of law for most of the constitutional democracies in the midst of the pandemic. It is thus particularly intriguing to explore what constitutional order could function in the fight against the pandemic.

Constitutional discourse has been advanced traditionally in a limiting function, in a way to protect the rights, constrain the powers and mainly through judicial review, showing little engagement with the sudden spike of the pandemic globally. This paper seeks to explore the function of the constitution in action in the lens of evolving constitutionalism, including liberal, transnational, and civic constitutionalism, taking Taiwan as a case to exemplify the constitutional foundation in fighting the global spread of Covid-19.

While excluded by the WHO for decades, Taiwan nevertheless stands strong, upholding democracy, human rights and rule of law, in fighting the pandemic with a strong motivation to work with the international community. This paper finds

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Taiwan's impressive success in fighting the pandemic lies in a practice of civic constitutionalism, in which vibrant civil society is engaged and the government shows a great deal of confidence to democratic constitutionalism, particularly in openness, transparency and equality. A green-light thesis as shown by general trust of people to governmental control measures has been prevailing against the backdrop of democratic solidarity. This Taiwan model could be of great reference to other Asian democracies and beyond.

Keywords: global pandemic, liberal constitutionalism, civil constitutionalism, transnational constitutionalism, red light theory, green light theory, vaccine nationalism, civil society