

Protecting *the Weak*

Entangled Processes of Framing, Mobilization and Institutionalization in East Asia

Legal Irritants: How Unifying Law Ends up in New Divergences

Prof. Dr. Dr. h.c. mult. Gunther Teubner
Goethe University

Legal irritant explains the transfer of legal rules from one country to another better than legal transplant. When a foreign rule is imposed on a domestic culture, it is not transplanted into another organism, rather it works as a fundamental irritation which triggers a whole series of new and unexpected events. It irritates law's binding arrangements with other social sectors. Legal irritants cannot be domesticated, they are not transformed from something alien into something familiar, not adapted to a new cultural context, rather they will unleash an evolutionary dynamics in which the external rule's meaning will be reconstructed anew and the internal context will undergo fundamental change. As the example of the imposition of good faith on English law demonstrates, the concept of legal irritants has far-reaching consequences for the transfer of private law rules from one economic culture to the other. The imperatives of a specific Anglo-American economic culture as against a specific Continental one will bring about a fundamental reconstruction of good faith under the new conditions.

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Gunther Teubner is professor emeritus for Private Law and Sociology of Law at Goethe University, Frankfurt. Previously, he held appointments at the London School of Economics, the European University Institute in Florence, the International University College, Torino, as well as the universities of Bremen and Frankfurt. He has been visiting professor at Berkeley, Ann Arbor, Stanford, Shanghai, Beijing and several other universities. He is the author of numerous books, including *Constitutional Fragments: Societal Constitutionalism in the Globalization* (2012), *Networks as Connected Contracts* (2011), *Regime-Kollisionen* (2006), *Droit et réflexivité* (1994) and *Law as an Autopoietic System* (1993).

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Contact person: Prof. Heike Holbig, Faculty 03, Institute for Political Science,
Email: holbig@soz.uni-frankfurt.de

For further information: www.protectingtheweak.uni-frankfurt.de