

# Preface to the Anthology in Commemoration of IIAS's Tenth Anniversary

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*Beneath the simple looks, a towering achievement lies;  
easy though it appears, the work is hard to come by.*

— Wang Anshi (1021-1086)

Institutum Iurisprudentiae, Academia Sinica (IIAS) celebrates its tenth anniversary this year! Compared to many venerable institutes and centers at Academia Sinica, IIAS is still young and developing; but it has made extraordinary achievements to become the nation's premier institution of legal research. It would not have been possible for IIAS to be where it is today without the support and devotion of the many predecessors, mentors, colleagues, and friends.

Sitting in the foothills of Nangang Mountain, alongside the bank of the River Sifen, IIAS has traversed a difficult path. The 'Institute of Law' in Academia Sinica first appeared in the Organization Act of Academia Sinica (Article 3, paragraph 1.13) in its 1943 Amendment (amended on 17 November

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1943 and promulgated on 13 March 1947), which laid the statutory foundation for IIAS. In July 1975, Professor Chung-Mo Han, masterminded the establishment of the Institute of the Three Principles of the People (ITPP, formally established in August 1981), sowing the seeds of IIAS. In 1986, the ITPP dedicated one of its research groups in legal studies. In 1987, with the lifting of martial law (imposed in 1949); the political environment in Taiwan became more liberal, and public law researchers were much needed. In April 1990, the ITPP was renamed as the Sun Yat-Sen Institute for Social Sciences and Philosophy (ISSP), and the Law Division was officially created afterwards.

At the time, the ISSP was a multi-disciplinary body, covering various fields of humanities and social sciences. The building designed by the master architect, Da-Hong Wang, allowed the fellows to conduct research in tranquility in their offices. Legal studies thrived in novel directions in this extraordinary environment. In the auspices of Professor Yue-Sheng Weng, member and convenor of the ISSP's Academic Advisory Committee from 1998, and Professor Albert HY Chen, the small number of legal scholars in the ISSP's Law Division gradually opened up space for legal research in Academia Sinica. In March 1997, following Director Shin-Min Chen's plans, Kung-Chung Liu and I convened the first Symposium on Constitutional Interpretation: Theory and Practice. Through the concerted efforts of everyone in the Law Division, we laid down not only a milestone in the interaction and dialogue between judicial practices and public law research in Taiwan, but also a base for legal researchers to conduct scholarly work in Academia Sinica.

In October 1999, Dr. Yuan Tseh Lee, the President of Academia Sinica at the time, commissioned a planning committee for the creation of the 'Institute of Law'. Convened by Grand Justice Herbert HP Ma, the committee submitted a Founding Proposal to the Council of Academia Sinica in June 2000, but was not approved by the Council. Despite the setback, Professor Ma's tireless support for IIAS will be gratefully remembered always. Looking back at all the important meetings and moments in IIAS, we can always recall the images of

Professor Ma and his blessings. His gifts to IIAS — the profoundly artistic calligraphies and paintings by his father, Judge Shou-Hua Ma — are the Institute's invaluable treasures.

In December 2003, President Lee commissioned a second planning committee for the 'Institute of Law', convened by Grand Justice Tze-Chien Wang. Following three intensive meetings, the committee produced a Founding Proposal in March 2004, which passed the review of the Council of Academia Sinica. The Preparatory Office of Institutum Iurisprudentiae was founded on 1 July 2004, headed by Director and Research Professor Dennis TC Tang, whilst the ISSP was transformed into the Research Center for Humanities and Social Sciences (RCHSS). With Director Tang's meticulous management and concerted efforts of all colleagues, the subsequent seven years led to remarkable advancement. In July 2011, IIAS was officially founded, and Professor Tang was appointed as its first Director. In October 2011, Director Tang took up the appointment as Grand Justice of the Constitutional Court. Professor Fan-sen Wang, the Vice-President of Academia Sinica, served as the interim director until 17th January 2012, when former Grand Justice and Distinguished Research Professor Tzu-Yi Lin succeeded as the Institute's second Director. During his seven-year tenure, Director Lin dedicated himself selflessly to leading the members of the Institute in the pursuit of academic excellence, facing and overcoming all challenges and difficulties, paving a smooth path for his successors. As we recall the many achievements of our predecessors, we owe them untold gratitude.

Every institute and center at Academia Sinica has an Academic Advisory Committee (AAC) and the convener of each AAC also serves on the Central Academic Advisory Committee, which is the most important academic advisory body in Academia Sinica. Since the time of the Preparatory Office, Professor Tze-Chien Wang has served as our AAC convener. Professor Yueh-Sheng Weng, Professor Geng Wu, Professor In-Jaw Lai, Professor Yih-Nan Liaw, Academician Chao-Cheng Mai, Professor Albert HY Chen, Professor

Cheng-Yi Lin, Professor Jyun-Hsiung Su, Professor Yu-Hsiu Hsu, Professor Chen-Shan Li, Professor Chang-Fa Lo, Director Norman Y. Teng, Professor Tay-Sheng Wang, Professor Chung-Wu Chen, and Professor Jau-Yuan Hwang have successively served in the first six terms of our AAC, making invaluable contributions to the growth and progress of IAS. Professor Wang's leadership and scholarly model is of particular importance. So too are Professor Yih-Nan Liaw and Professor Albert HY Chen's help with the founding of the Institute: they both served on the planning committee and our AAC since the time of the Preparatory Office. Their support for the Institute and the junior colleagues has been most admirable. Professor Yueh-sheng Weng even served on the ITPP's AAC, far before the founding of this Institute; his long-standing company and mentorship mean deeply to us. Over the years, we also lose people who were dear to us: Professor Jyun-Hsiung Su, Professor Geng Wu, and Academician Chao-Cheng Mai. Their personality and scholarly model are sorely missed.

The IAS Preparatory Office was first housed in the RCHSS. In November 2006, the Institute moved into the new Humanities and Social Sciences Building, thus acquiring its own permanent space. It may appear that the Institute left its multi-disciplinary habitat, but it did not stop exploring cross-disciplinary approaches to legal studies. In August 2010, the Center for Empirical Legal Studies was created, bringing together relevant research resources and material to boost the output of empirical legal research, and to offer a new path that differs from the traditional doctrinal study of law. In an era of big data, legal research is facing challenges from developments in the Internet, social media, digital technologies, and artificial intelligence. The conventional ways of thinking and doing legal research have to change time and again. Data can be collected and researched more quickly and in multiple dimensions. The Institute aims to address in a timely fashion the potential impacts of these developing technologies upon individuals, society, and the state. In July 2019, the Information Law Center was created to research on the topics of AI, information laws, free speech, media regulation and platform

governance, health and information, and intellectual property. Its cross-disciplinary explorations intersect with and strengthen IIAS's existing empirical legal scholarship.

Despite the uncertainty of our times and the ups and downs of lives, the Institute is committed as always — in the spirit of the proverb 'ten years forging a sword' — to setting a model of outstanding legal scholarship and leading Taiwan's legal community's participation in the international fora. The Institute continues to pay close attention to social context, recruiting talents from various fields to reinforce legal research and work on both fundamental and emerging problems. The papers in this anthology provide a fine record of the lively memories which transcend time and space, of the struggles throughout the years, and of the intellectual worlds of the legal minds. The heart of jurisprudence pounds between words and lines, invoking boundless energy of the intellects. This is truly the best way of recollecting the past decade.

The title of the anthology, *The Way to Law*, contains multiple meanings. The methods, functions and purposes of the law are of paramount importance. To discover the law, the research of law must follow the right ways; the law is a normative order to settle disputes and conflicts, for which purposes the laws are sought and discovered; the law is the art of fairness and justice, the lawful fulfilment of which guides the use of law. In short, easy though it appears, the work is hard to come by. This is a reminder for the faculty members of IIAS and my learned friends.

A handwritten signature in blue ink, appearing to be 'Cee', written in a cursive style.

9 September 2021

## Acknowledgements

For the completion of the anthology, I would like to thank first and foremost our colleagues and friends around the world for their generous contributions. While busy with research and other duties, they still resolved to give us their invaluable words. The book is inspiring because of them.

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