

A World of Ideas

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Over the last decades, I have been fortunate enough to do a great deal of traveling and speaking, often focusing on human rights, democracy, freedom, freedom of speech, extremism, and behavioral economics. I cannot recall a more inspiring and productive visit than my trip to Institutum Iurisprudentiae, Academia Sinica (IIAS) in 2015, when I was truly honored to deliver the Lei Chen Memorial Lectures on Democracy and Human Rights. At IIAS, there is a unique combination of creativity, brilliance, originality, and human kindness.

Much of that visit was purely academic. The first of my Lei Chen Memorial Lectures explored extremism and freedom of speech — a topic that was lively and relevant in 2015, and that is even more lively and relevant today. The second of the Lectures discussed deliberative democracy. The audience on both occasions were exceptionally engaged, emphasizing the importance of freedom of speech to many social goals (including economic growth) and also the risk of extremism, which often grows when like-minded people speak and listen mostly to one another, or when some people are silenced and others are given a large megaphone.

A deliberative democracy helps to counteract extremism. It delivers a number of other goods as well. Deliberative democracy prizes reflection and reason-giving, and thus combats arbitrariness, autocracy, and foolishness — the deliberation part. It also prizes accountability to the people, and thus insists

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<http://publication.iias.sinica.edu.tw/62917012.pdf> (Chinese version).



on the grant of power to the people — the democracy part. (It was extraordinary to give my lecture on deliberative democracy in a cultural heritage, a dancing house whose owner, I was informed, had been a political prisoner.) The grace, kindness, and wisdom of the IAS faculty and students on those occasions were unforgettable. They showed that even though different challenges manifest themselves in different ways in different countries, we are all human beings, and what unifies human beings is far more important than what separates them.

I was quite excited to be asked to give some additional lectures in Academia Sinica, one on behavioral law and economics, and another on autonomy and freedom of choice. In 2015, the area of behavioral law and economics was relatively young (it still is), and it was known mostly to specialists; for this topic, I had some trepidation, thinking the audience would be unfamiliar with it. I was entirely wrong. The audience at Academia Sinica was astoundingly well-informed. The questions were brilliant, raising issues and problems at the frontiers of international thinking. Focusing on the nature and limits of human rationality and on altruism, and the implications of the answers for policy and law, members of the audience pushed toward and even past the boundaries of existing understandings. They raised wonderful issues and made highly original points about “nudging” (a set of behaviorally informed tools designed to help people to make better choices).

Ever since that time, I have often thought about those superb questions, which have informed and improved my recent work. And in the midst of the many health, safety, and other challenges that nations face, it has seemed to me, from afar, that Taiwan has used behavioral economics, and behavioral sciences, to excellent effect, and with some excellent results, not least in responding to the COVID-19 pandemic.

During the trip, I was greatly honored to meet with President Ma Ying-Jeou, with justices of the Constitutional Court, and with the then-opposition leader, Ms. Tsai Ing-Wen (now of course the current president). With both the

former and the current president, I discussed lessons learned during my time in the White House with President Barack Obama, exploring the uses and limits of regulation, the importance of analyzing costs and benefits, and also the uses of “nudges” to promote health and safety.

Surprising but true: At the time, I was also thinking a great deal about Star Wars (I did a book on that topic, with reference to constitutional law and democracy), and I was excited to see a large number of books about Star Wars, and posters too, at the Eslite Bookstore. The spirit at the Bookstore — a combination of wit, humor, intense curiosity, an appetite for learning, and sheer delight in life — stays with me today.

It is truly an honor to write these words, as we commemorate the 10th anniversary of the IIAS, and congratulate the IIAS on its remarkable achievements. My visit was six full years ago, but it feels as if it were just last week, even yesterday. I will forever be grateful to IIAS and my extraordinary hosts — my lifelong friends — for their generosity throughout. And I hope to be fortunate enough to return, well before the 20th anniversary.

