

Table of Contents

| | |
|------------------------------------|--------|
| List of Major Activities | ■ 01 ■ |
| Preface | ■ 35 ■ |
| Table of Contents by Subject | ■ 55 ■ |
| List of Tables | ■ 79 ■ |
| List of Figures | ■ 79 ■ |

Part One Laws Arise From Causes And Conditions: Decisions & Opinions

| | |
|---|----|
| Interpretation No. 691 【Case concerning judicial remedies for denial of parole application by a prisoner】 | 1 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 4 |
| Interpretation No. 692 【Case concerning the availability of tax relief for adult children studying solely in ROC-recognized schools in the Mainland China Area】 | 25 |
| 〈Justice Dennis T. C. Tang's <i>Dissenting Opinion</i> 〉 | 29 |
| Interpretation No. 694 【Case concerning the availability of tax relief for individuals supporting those being unable to earn a living aged only below 20 or above 60】 | 51 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part and Dissenting in Part Opinion</i> 〉 | 55 |
| Interpretation No. 696 【Case concerning the mandatory declaration of non-salary incomes of man and wife】 | 73 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 78 |

| | |
|--|-----|
| Interpretation No. 697 【Case concerning the subject and object of excise taxes】 | 93 |
| 〈Justice Dennis T. C. Tang's <i>Dissenting in Part Opinion</i> 〉 | 99 |
| Interpretation No. 699 【Case concerning suspension of the driver's license, prohibition of (re)taking a driver's test within three years, and suspension of all driver's licenses possessed as a result of refusing to take driver's alcohol test】 | 109 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part and Dissenting in Part Opinion</i> 〉 | 113 |
| Interpretation No. 700 【Case concerning penalties for unreported business and underreported business tax】 | 131 |
| 〈Justice Dennis T. C. Tang's <i>Dissenting Opinion</i> 〉 | 135 |
| Interpretation No. 701 【Case concerning discrimination on itemized deductions of medical expenses for long-term health care】 ... | 151 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part and Dissenting in Part Opinion</i> 〉 | 155 |
| Interpretation No. 703 【Case concerning depreciation deductions for capital expenditures for fixed assets acquired by hospitals established as non-profit foundations】 | 167 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 173 |
| Interpretation No. 704 【Case concerning the status protection of military judges who apply to voluntarily remain in military service】 | 181 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 186 |
| Interpretation No. 706 【Case concerning offset of input tax in cases where a business entity buys court-auctioned goods】 | 203 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 208 |

| | |
|--|-----|
| Interpretation No. 707 【Case concerning compensating the faculty and staff of public schools by administration rules】 | 219 |
| 〈Justice Dennis T. C. Tang's <i>Dissenting in Part Opinion</i> 〉 | 222 |
| Interpretation No. 708 【Case concerning detention of foreign nationals pending deportation】 | 237 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 242 |
| Interpretation No. 709 【Case concerning the review and approval procedures of primary plans and implementation plans of urban renewal】 | 265 |
| 〈Justice Dennis T. C. Tang's <i>Concurring and Dissenting in Part Opinion</i> 〉 | 277 |
| Interpretation No. 710 【Case concerning the mandatory deportation and detention of people from the Mainland China Area waiting for deportation】 | 303 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 312 |
| Interpretation No. 711 【Case concerning restrictions on pharmacists' practice locations to no more than one】 | 327 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 337 |
| Interpretation No. 713 【Case concerning penalties on the belated filing of tax withholding certificate】 | 353 |
| 〈Justice Dennis T. C. Tang's <i>Dissenting in Part Opinion</i> 〉 | 356 |
| Interpretation No. 715 【Case concerning inadmissibility of persons who have a record of criminal conviction to the examinations for reserve military officers and sergeants】 | 359 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part and Dissenting in</i> | |

| | |
|---|-----|
| Part Opinion〉 | 364 |
| Interpretation No. 716 【Case concerning the prohibition of civil servants and their related persons from conducting business transactions with the offices which they are working in or supervising】 | 387 |
| 〈Justice Dennis T. C. Tang's <i>Dissenting in Part Opinion</i> 〉 | 393 |
| Interpretation No. 717 【Case concerning the mandatory reduction of the amount of public service insurance pension to be deposited at a preferential saving rate】 | 397 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 405 |
| Interpretation No. 718 【Case concerning the approval of urgent and incidental assemblies and demonstrations】 | 419 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 423 |
| Interpretation No. 720 【Case concerning judicial remedies for a detainee pending the revision of Article 6 of the Detention Act which have been declared unconstitutional by this Court】 | 433 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 435 |
| Interpretation No. 721 【Case concerning the constitutionality of the constitutional amendments providing the “Single Electoral Constituency with Two Votes System” for legislative elections, the definite total of seats of Political Party Representatives (PPR), as well as the 5% threshold for political parties to be eligible for PPR seat allocation】 | 439 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part and Dissenting in Part Opinion</i> 〉 | 443 |
| Interpretation No. 722 【Case concerning solo professional practitioners opting for accrual basis accounting to calculate income】 | 449 |

| | |
|---|-----|
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part Opinion</i> 〉 | 452 |
| Interpretation No. 723 【Case concerning the time period for declaring National Health Insurance medical service points for reimbursement】 | 461 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 464 |
| Interpretation No. 724 【Case concerning an administration action ordering the reorganization of a civil association within a specific time period】 | 467 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part and Dissenting in Part Opinion</i> 〉 | 470 |
| Interpretation No. 725 【Case concerning the effects of an Interpretation that declares a statute or regulation unconstitutional but only invalid after the expiration of a prescribed time period from the case(s) which result in the Interpretation】 | 485 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 489 |
| Interpretation No. 727 【Case concerning the nullification of the pertinent rights and benefits of military village residents who disagree with the reconstruction plan】 | 499 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part Opinion</i> 〉 | 503 |
| Interpretation No. 728 【Case concerning the equal protection of sexes under the Act Governing Ancestor Worship Guilds which provides each guild's charter shall regulate the qualifications for successors of ancestor worship guilds that had existed prior to the date when the Act became effective】 | 517 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 520 |
| Interpretation No. 729 【Case concerning the Legislative Yuan's power to request access to prosecutorial investigation files】 | 531 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part and Dissenting in</i> | |

| | |
|---|-----|
| Part Opinion〉 | 537 |
| Interpretation No. 731【Case concerning the starting date of application for compensation in land, rather than cash, in zone expropriation cases】 | 557 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part Opinion</i> 〉 | 560 |
| Interpretation No. 733 【Case regarding the election mode of the chairperson of a professional association】 | 575 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 578 |
| Interpretation No. 734 【Case concerning a local ordinance requiring advance approval for installing advertisement objects for the sake of preventing environmental pollution】 | 581 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part and Dissenting in Part Opinion</i> 〉 | 585 |
| Interpretation No. 736 【Case concerning judicial remedies for public school teachers against a particular measure taken by the employing school】 | 595 |
| 〈Justice Dennis T. C. Tang's <i>Concurring Opinion</i> 〉 | 598 |
| Interpretation No. 737 【Case concerning the accused and his/her attorney's right of access to dossier information during the process of detention hearing at the investigatory stage】 | 613 |
| 〈Justice Dennis T. C. Tang's <i>Concurring in Part Opinion</i> 〉 | 620 |
| Interpretation No. 738 【Case concerning the variant limitations on location distance for setting electronic gaming arcades imposed by the central and local governments】 | 627 |
| 〈Justice Dennis T. C. Tang's <i>Dissenting Opinion</i> 〉 | 634 |
| Interpretation No. 739 【Case concerning the review procedure for residents-initiated urban land consolidation】 | 655 |

〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 662

Interpretation No. 740 【Case concerning the legal characterization of insurance solicitor’s service contract】 675
 〈Justice Dennis T. C. Tang’s *Concurring Opinion*〉 679

Interpretation No. 741 【Case concerning the extraordinary remedies for the case(s) resulting in an Interpretation made by this Court declaring a statute or regulation unconstitutional but only void after the expiration of a prescribed period of time】 687
 〈Justice Dennis T. C. Tang’s *Concurring Opinion*〉 690

Interpretation No. 742 【Case concerning judicial remedies for urban plan modifications based on periodic comprehensive review】 697
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 702

Interpretation No. 744 【Case concerning prior approval of cosmetics advertisements】 711
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉716

Interpretation No. 745 【 Case concerning the constitutionality of disallowing earners of salary income to deduct the full amount of expenses in declaring taxes】719
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉725

Interpretation No. 746 【 Case concerning the constitutionality of imposing failure-to-pay surcharge and of imposing interest on both unpaid tax and said surcharge】 733
 〈Justice Dennis T. C. Tang’s *Concurring in Part and Dissenting in Part Opinion*〉 740

Interpretation No. 747 【Case concerning the landowners’ right to request expropriation of the land surface right as their land was

undermined by a highway】 749
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉755

Interpretation No. 749【Case concerning a taxi driver’s disqualification from professional practice for a fixed period of time, and revocation of all driving licenses possessed owing to conviction of crime while driving a taxi】 763
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 771

Interpretation No. 751 【 Case concerning the imposition of administrative penalties on top of a final disposition of conditional deferred prosecution】 779
 〈Justice Dennis T. C. Tang’s *Dissenting Opinion*〉 790

Interpretation No. 753 【Case concerning measures regulating breach of contract under the National Health Insurance Act】 813
 〈Justice Dennis T. C. Tang’s *Concurring in Part and Dissenting in Part Opinion*〉 825

Interpretation No. 754 【 Case concerning the imposition of administrative penalties for several instances of tax evasion via filing one import declaration form】 837
 〈Justice Dennis T. C. Tang’s *Dissenting Opinion*〉 842

Interpretation No. 755 【Case concerning judicial remedies for inmates against jail management】 851
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 859

Interpretation No. 756 【 Case concerning prisoners’ privacy of correspondence and freedom of expression】 867
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 876

Interpretation No. 757 【Supplementary interpretation to Interpretation No. 706】 881

〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 886

Interpretation No. 758 【Unification interpretation concerning the jurisdiction over cases where people claim, based upon the Civil Code, a land restoration from government】 891
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 894

Interpretation No. 759 【Unification interpretation concerning the jurisdiction over cases about survivors’ pension of employees in enterprises owned by the former Taiwan Province】 899
 〈Justice Dennis T. C. Tang’s *Dissenting Opinion*〉 903

Interpretation No. 760 【Case concerning differential treatment in the qualification for assignments in the Special Examination for Grade Three Police】 913
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉921

Interpretation No. 761 【Case concerning the recusal of judges and technical review officers at the Intellectual Property Court】 . 937
 〈Justice Dennis T. C. Tang’s *Concurring in Part and Dissenting in Part Opinion*〉 945

Interpretation No. 762 【Case concerning a defendant’s right of access to dossier information at the trial stage】951
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉957

Interpretation No. 763 【Case concerning the original landowner’s right to be periodically informed of the state of use of the expropriated land】 961
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 966

Interpretation No. 764 【Case concerning the seniority settlement for retained personnel of privatized former government-owned enterprises】971

〈Justice Dennis T. C. Tang’s *Dissenting in Part Opinion*〉 980

Interpretation No. 766 【Case regarding the application of survivors’ pension under the National Pension Act】 989
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 994

Interpretation No. 767 【Case concerning the exclusion of drug injury relief for frequent and predictable medication side effects】 1005
 〈Justice Dennis T. C. Tang’s *Dissenting Opinion*〉1011

Interpretation No. 769 【Case concerning the open ballot system for the election of county/city council’s speaker and deputy speaker】 1017
 〈Justice Dennis T. C. Tang’s *Dissenting Opinion*〉1022

Interpretation No. 770 【Case concerning the cash eviction merger and the recusal of shareholders and directors of board for conflict of interest under the Business Mergers And Acquisitions Act】 1041
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 ...1049

Interpretation No. 774 【Case concerning judicial remedies for residents neighboring a case alteration area under the Urban Planning Act】 1055
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 ...1059

Interpretation No. 775 【Case concerning imposing harsher punishments on recidivists and so doing even after the judgment has been finalized】 1063
 〈Justice Dennis T. C. Tang’s *Dissenting in Part Opinion*〉 1073

Interpretation No. 776 【Case concerning the map overlay regulation on installing parking lots on vacant neighboring land】 1085
 〈Justice Dennis T. C. Tang’s *Concurring in Part Opinion*〉 ...1093

Interpretation No. 777 **【Case concerning the criminal punishments for hit-and-run motor drivers】** 1107
 〈 Justice Dennis T. C. Tang’s *Concurring in Part and Dissenting in Part Opinion* 〉1116

Interpretation No. 779 **【Case concerning the collection and exemption of land appreciation tax on the transportation-used land in non-urban lands】** 1123
 〈 Justice Dennis T. C. Tang’s *Concurring in Part and Dissenting in Part Opinion* 〉 1132

Interpretation No. 781 **【Military servants’ pension overall cut case】**
 1141
 〈 Justice Dennis T. C. Tang’s *Dissenting in Part Opinion* 〉1181

Interpretation No. 782 **【Civil servants’ pension overall cut case】**
1255
 〈 Justice Dennis T. C. Tang’s *Dissenting in Part Opinion* 〉 1297

Part Two Carrying the Unfinished Review to the End: Three Supplementary Additions, Hopefully Leaving No Regrets

Interpretation No. 748 **【Same-Sex Marriage Freedom Case】**1369
 〈 Prof. Dennis T. C. Tang, *Legalizing Same-sex Marriage: An In-depth Analysis of Taiwan Constitutional Court Interpretation No. 748* 〉1383

Resolution of Denial of Petition (Certiorari) on October 5, 2018 for Case Hui-Tái No. 13398 **【Control Yuan’s Petition for Constitutional Interpretation on the Constitutionality of the Act for Confiscating the Properties Improperly Acquired by Political Parties Since August 15,**

1945, the flagship enactment of the so-called “Transitional Justice” agenda】1425
 〈 Justice Dennis T. C. Tang’s *Dissenting Opinion* 〉1437

Interpretation No. 793 **【Political Party Property Confiscation case】**
 1471
 〈 Prof. Dennis T. C. Tang, *Reviewing Once Again the Constitutionality of the Act for Confiscating the Properties Improperly Acquired by Political Parties Since August 15, 1945: A Critical Review of Interpretation No. 793*1495

Part Three Guided Readings by Topics: Analyzing Justice Tang’s Opinions Categorially

Standing on Constitutional Integrity: Justice Tang’s Eminently Outstanding Opinions
 Prof. Nigel Li1583

Right to Equal Protection of Law/ Equity Principle
 Prof. Ming-Hsin Lin1597

Freedom of Expression: Freedom of Speech, Assembly and Association
 Prof. Wen-Hsiang Kung1607

Human Rights Protection of Inmates and Privacy of Communication in Prisons
 Prof. Ming-Jhih Gao 1615

Economic Liberty (Property Right)
 Prof. Yun-chien Chang.....1635

Right of Access to Justice
 Prof. Hsiang-Yang Hsieh1645

| | |
|--|------|
| Right to Health Prof. Wen-Sheng Hsiao | 1659 |
| Statutory Reservation Principle Prof. San-Chin Lin | 1667 |
| Proportionality Principle and Prohibition of Excessive Punishment Prof. Jimmy Chia-Shin Hsu | 1679 |
| Vertical Separation of Powers: Checks and Balances among Central and Local Government Prof. Chwen-Wen Chen | 1687 |
| Administrative Due Process/ Due Process of Administration Prof. Cheng-Yi Huang | 1695 |
| The Function and Limit of Judicial Constitutional Review Prof. Chi-ting Tsai | 1703 |
| Jurisdiction Disputes between Ordinary Courts and Administrative Courts Prof. Chih-Kuang Wu | 1713 |
| There Are Things Gentlemen Would Not Do: Justice Tang's Deliberate Judicial Activism Prof. Bruce Liao | 1719 |
| For the Nation and the People, the Greatest of Chivalry—Justice Dennis Te-Chung Tang Prof. Ed Ming-Hui Huang | 1733 |
| Subject Index | 1771 |
| Case Index | 1891 |
| Statute/Regulation Index | 1931 |

Preface

Due to the kindness of the late Director and Professor Ling-Shiu He, I had the honor to start teaching “Seminar on Comparative Constitutional Law” at the Sun-Yat Sen Graduate Institute, the predecessor of the Graduate Institute of National Development, of National Taiwan University in the fall of 1989. A few years later, I began to teach “Constitutional Law” at the Law School of Soochow University and the Political Science Department of National Taiwan University respectively. In the meantime, I had been primarily doing legal research at the Academia Sinica, the supreme under law and most prestigious academic research institution in Taiwan. Before October, 2011 when I was coincidentally appointed as Justice of the Judicial Yuan (Constitutional Court), Republic of China (Taiwan) to practice constitutional interpretation, I had taught and conducted research on constitutional law for more than two decades. Nevertheless, I still spent around three years exploring and adapting my approach before fully familiarizing with the duties. This book collects my separate opinions, 70 in total, issued in my eight years of service on the Court, which rendered 90 decisions in total during the same period. It might therefore fairly be regarded as my own journey of learning and reflection of constitutional interpretation.

According to the Amendments to the ROC Constitution, the Judicial Yuan (Constitutional Court) is composed of 15 Justices in charge of interpreting the Constitution and uniformly interpreting statutes and regulations. As a collegial body, every constitutional interpretation or denial to petition (certiorari) for constitutional interpretation made by the Court has been deliberated by all justices together. The Constitutional Interpretation Procedure Act of 1993 requires that a constitutional interpretation, no matter the result of constitutionality or unconstitutionality, shall only be done with a special majority, i.e., the consent of two-thirds of Justices present, with a quorum of two-thirds of the total number of incumbent

Justices. To render a decision, therefore, deemed trade-offs and compromises amongst Justices as inevitable, which often prompts criticism of unsound or even contradictory reasoning within the constitutional interpretations. Fortunately, the system of separate opinions has existed since 1958 when the Grand Justices Council Procedure Act, the predecessor of the Constitutional Interpretation Procedure Act of 1993, was enacted. Each and every Justice who participated in the deliberation of an Interpretation is entitled to issue, with his/her signature, a concurring or dissenting opinion to be announced together with an Interpretation (including the Holding and the Reasoning, commonly known as the majority opinion) delivered by the Court. The separate opinions not only evidence the ideological diversity of a democratic society as well as of the Court, but also may broaden the viewpoints of constitutional interpretation and promote constitutional consciousness, thus consolidating constitutional democracy. In light of these reasons, I compiled all my separate opinions issued for publication, with the humble wish to rouse public comments.

The book consists of three parts. Part One, entitled “Laws Arise from Causes and Conditions: Decisions and Opinions,” contains the Court’s Interpretations and my corresponding Separate Opinions. For the present purpose, I reviewed all my opinions, and made typo corrections and minor modifications of words and phrases for the sake of clarity while keeping the original essence intact. To facilitate domestic students’ comprehension, I added an *abstract* (in Chinese), framed so that it would not be misunderstood as being part of the original opinions. Besides the usual *Table of Contents* arranging each Interpretation and my Opinions chronologically, I made a bold effort to facilitate search and use by rearranging each Interpretation and my separate Opinions in light of the major issue involved therein under the particular articles of the Constitution and the general constitutional doctrines, producing a *Table of Contents by Subject*. Part Two, entitled “Carrying the Unfinished Review to the End: Three supplementary additions,

hopefully leaving no regrets” faithfully narrates a critical review of the most politically controversial cases. To be a guardian of the Constitution, I deem it imperative to issue my dissenting opinion even at the risk of simply “baying at the moon” after the fact. The third and final Part is “Guided Readings by Topics: Analyzing Justice Tang’s Opinions Categorially” authored by fifteen prominent constitutional scholars attempting to analyze my individualized opinions in a categorical way to better grasp both the trees (each individual opinion) and the forest (big picture jurisprudence behind each case category).

As to the editing of the Interpretations collected in this book, I shall say a few words. Firstly, each Interpretation is identified both by a “number” and a “short title.” However, the Court only started to supplement the original “number” with a “short title” of an interpretation with the Interpretation No. 700 (decided on June 29, 2012). Therefore the “short titles” for Interpretations from No. 691 to No. 699 compiled in this book are my own creation. Secondly, each Interpretation published on the Website of the Court (the Website) includes a column for the “issue(s)”. However, the “issue(s)” had not been deliberated by the Justices until Interpretation No. 748 (same-sex marriage ruling, decided on May 24, 2017). In fact, the “issue(s)” of each Interpretation prior to No. 748 were identified by the Office of Clerks. For accuracy’s sake, I made some modifications to the “issue” of Interpretations from No. 691 to No. 747 indicated on the Website. As to the “issue” of each Interpretation after No. 748, I simply copied those shown on the Website.

I owe particular thanks to Prof. Bruce Yuan-Hao Liao of National Cheng-Chi University and Prof. Edward Ming-Hui Huang of National Taipei University for their enthusiastic efforts in inviting thirteen other experts and scholars to compose the “Guide Reading by topic.” I hereby sincerely pay my respect to these scholars for contributing articles to earnestly promote constitutional consciousness among citizens. I also wish to express my gratitude to

Mr. Tse-Yu Lin (undergraduate, Soochow Law School), Mr. Wen-Hau Hsu (graduate, Soochow Law School), Mr. Zhi-qi Lin (Attorney at law, graduate of Soochow Law School), Mr. Han-yong Qiu, Mr. Tsang- Shiuai Tsai, Mr. Chen-Ruei Yeh, Mr. Sung-Hao Ku (all undergraduate students, Soochow Law School) and Tse-Yao Lin (graduate of Soochow Law School; LL.M. candidate, University of Virginia Law School) for their enlightened and ceaseless works in editing. Finally, but not the least, I would like to thank especially my Harvard Law Classmate Mr. Todd Zagorec, Esq. (Legal Department Mentor and Counsel, UPL Limited) and Mr. Jonathan Chan (undergraduate, University of Chicago) for their strenuous efforts in proof-reading all English expressions in the book.

The past fifteen years are the golden age of my life. I am lucky to have been able to pursue my ideals in a world that has been changing rapidly in unpredictable ways. From July 1, 2004 to Sept. 30, 2011, I was assigned to found the Institutum Iurisprudentiae (Institute of Law) at the Academia Sinica. The ideal is to create a solid base for legal researchers, who are dedicated to conducting academic research on jurisprudence without worrying about their livelihood. Through dedicated collective efforts over the years, we aspire for jurisprudence to gain widespread recognition as a respected academic discipline within the domestic scholarly community. From Oct. 1, 2011 to Sept. 30, 2019, I had the honor to join the Constitutional Court to safeguard the constitutional structure and promote human rights, based upon the achievements laid down by former Justices. By the workings of fate, my mindset during these two periods was markedly different. In the former seven-year period, I felt as though I were an ascetic monk performing the arduous of digging a tunnel. Despite working relentlessly – digging day and night, step by step, I was never certain when, or even if, I would finally emerge again into the light of day. In the later eight-year period, I felt as though I were a player in a timed and unpredictable competition. On the one hand, I quite often sensed the urgency of the task as time would not wait as my fixed term of service was lapsing day by day; on the other hand,

given the unpredictable nature of cases reaching the Court, neither could I foresee the result of the deliberation of a particular case, I had to deal with every pending case cautiously and diligently as to deter any chances of regret. Now I have fought the good fight, with all my best. From now on, the merits and demerits of my efforts are for the comment and judgment of posterity, even if simply as the subject of conversation at leisure.

As time passed, I have now retired from the public sector after 34 years of service. Too many thankful stories to be recalled, I am deeply indebted to all who have helped cultivate my personality, who have taught me to become knowledgeable, and who have lent me a helping hand when I was at a low ebb. I appreciate all my colleagues with whom I worked, and students whom I taught, for helping me discover my ignorance. Above all, I am deeply grateful to my parents'¹ hard work in my upbringing. I hope I have done nothing to bring shame upon them.

First draft: August 2020
Last Revised: January 2025

¹ My mother, Tang, Huang Wen-li, passed away on July 6, 2023, at the age of 98. My father, Tang, Jian-fei, passed away on February 2, 2024, at the age of 105.