

## Development in Legal History in 2020-2022: A Dialogue Between Legal Practitioners and Legal Historians

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### Abstract

Rather than an exhaustive introduction of the current development of the study of Taiwan Legal History, this article delves into the dynamic dialogue resembling a “call and response” between legal practitioners (including judges, legislators, and policy makers) and legal historians in Taiwan. The focal points of this exploration include: What perspectives do legal historians bring to bear on the legal practical issues intricately woven into today's societal fabric? How do these perspectives help elucidate legal issues within their temporal and spatial contexts? How do they critically evaluate or strengthen legal arguments? And, perhaps most significantly, how might these perspectives potentially influence the direction of legal reform? In terms of its scope of discussion, the article centers on various topics, including indigenous law (such as cases related to the Indigenous Peoples Status for the Siraya People, the Indigenous People Status of Children of Intermarriage between Indigenous and Non-indigenous People, and the Lands Reserved for Indigenous People), Cases on Gender Equality in the Qualification for Successor of Ancestor Worship Guild, Case on Reforming Irrigation Association Organization, and transitional justice. These examples illustrate the

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dynamic interplay between legal history research and the development of judicial practice. Ultimately, this article advocates for an active recognition of Taiwan's social and legal realities throughout its legal history, thereby taking history seriously and “resisting amnesia”. We anticipate that this article will serve as a catalyst, stimulating further legal discussions that not only address contemporary societal issues but also embrace a “historical-thinking” approach.

**Keywords: Taiwan Legal History, Judicial Practice Development, Case on the Indigenous Peoples Status for the Siraya People, The Indigenous People Status of Children of Inter-marriage between Indigenous and Non-indigenous People, the Lands Reserved for Indigenous People, Case on Gender Equality in the Qualification for Successor of Ancestor Worship Guild, Case on Reforming Irrigation Association Organization, Transitional Justice**