

A fresh start with a firm commitment

by Professor Emeritus, Korea University Law School Lee Sik Chai

Dear fellow colleagues, distinguished guests, especially the delegation from UC Irvine who have travelled a long way from the USA, and ladies and gentlemen, we assemble today to mark a special occasion, the opening of a new venue. I am honored, as a long-standing member of the law faculty of Korea University, though now retired, to be given this opportunity to welcome all of you in the opening of this first conference on behalf of the Korea University Law School.

Korea University was founded 112 years ago with two departments, law and commerce. Ever since, the University has prided itself on the outstanding reputation of its law faculty, who unwaveringly stood fast in the forefront of the development of the University and consistently suggested the direction and goals the University should strive for. I am very proud of the role and achievement of the law faculty, of which many of us here today are members.

Looking back at the time when the University was first founded, it is not difficult to grasp why the founders chose to set up a commerce department. At that time, all of Korea lived in poverty, and commerce was then considered to be fit only for untouchables and the meanest social members. Our founders must have thought that, with new flourishing commercial activities, the country could soon be rebuilt as a modern nation. It is, however, not easy to comprehend why they also decided on a law department. Furthermore, in ranking the order of the departments, they put law before commerce. By this deliberate ordering, they must have taken the view that law and order that is to be achieved on a long term basis is more important for a new country than material prosperity that could quickly ameliorate onerous economic conditions. They were right and their wisdom has been subsequently vindicated. Modern Korea is now an accomplished fact. Not only has it quickly industrialized but also it is one of the safest countries in the world. This fact is not very well known to the outside world. In attaining this

achievement, the Korea University Law School played a key role by producing so many important figures, not only those working in the legal service, but also those in political and business arenas.

Although pursuing in this course, Korea lacked well-trained lawyers and scholars and it had to rely on those trained in Japan. Under Japanese colonial rule at that time, we did not have many choices. Even after our independence in 1945, many lawyers trained under Japanese rule played key roles in the judiciary as well as in private legal practice. Legal education was no exception. Many professors were educated and trained either in Japan or in Korea under Japanese rule. This resulted inevitably in a heavy Japanese influence on Korean law and legal education. Japan on the other hand was heavily influenced by German legal practice and education. This tradition still subsists and its influence across a broad range still persists. Over the years, many Korean students undertook legal study beyond Japan to Germany itself. Many of our current faculty members, reflecting this trend and tradition, also studied at one point in Germany, unlike the faculty of many other departments in the arts and humanities. Even today, the number of scholars who studied and trained under the so-called Anglo-American legal system is very limited, and they are still considered as standing outside the mainstream. The Korea University Law School long exhibited this tendency and preference in the past and adhered to this longstanding trend and tradition. Perhaps it must have been due to its satisfaction with the status quo as the leading law faculty in Korea.

However, it may be time now for the Korea University Law School to lead Korean legal education in a different direction. We in Korea adopted, a few years ago, a law school system modeled on the American law school system. Under the new system, we should at least try to learn the advantages of the Anglo-American legal system over those of our traditional Continental legal system by incorporating it into our existing system and allowing the next generation to benefit from it. I am well aware of the wisdom that we will soon fall behind should we fail to keep learning from other legal systems with their more refined rules and novel ideas, regardless of

the nation they derive from. On this occasion, we are fortunate that this time we are given such opportunity to learn from someone who led the world in terms of legal system and education.

The opportunity is now before us for us to grasp. Without any perspiration or even endeavor from our side, it is given to us gratis. The Korea University Law School is in a special position in Korea. It is positioned more advantageously than either **Seoul National University** Law School or Yonsei University Law School in collaborating with an American law school and materialize its ideal in both Korea, because a secular, private law school while **Seoul National University** Law School is a government sponsored law school, and Yonsei University Law School is a law school with a religious heritage. I was involved, for many years in the past, in the management and administration of the Korea University Law School. I learned from my involvement that the Korea University Law School is highly privileged in the sense that any endeavor and hard work expended for its development and improvement is always quickly and richly paid off when we are well motivated with a goal and we continue to pursue the goal. I am aware that many other law schools in Korea are not in such an enviable position, and they have no choice but to follow the current practice and cannot alter the pre-existing course of their legal education. A successful result, however, is not inevitable as a matter of course. Sometimes, tremendous efforts are required to bear fruit. I witnessed on many occasions in the past that agreements with law schools outside Korea were solemnly signed and followed by a spectacular ceremony. But the subsequent follow-up to put the agreed scheme into practice was not so rigorously pursued as when it was first signed. In fact, many co-operation agreements ended up with a few documents. I am glad to hear on this occasion that we would start even at the initial stage with small research institutes on both sides. The presence today of so many important figures from UC Irvine vividly exudes determination and commitment from their side. It is exceptional by any standard.

From here onward, long term success of today's agreement and conference depend on the response coming from and measures taken by the Korea University Law School. I learned that the main

Korea University administration is committed to a long term and solid relationship between the two law schools based on today's agreement. I sincerely hope that, as a sign of its seriousness, the commitment of the main University administration is buttressed by financial support, regardless of its size. In the end, we know that the pivotal role should be performed by members of our two law faculties. For such success, it is absolutely essential to have many dedicated members. I know that our main university administration has been parsimonious in the past in rewarding such service. Sometimes it even compelled unbearable personal sacrifices. On this occasion, however, on seeing many members of the faculty ardently striving to organize this conference, I feel certain that, at least in the near future, many active measures can be confidently envisaged to take place with regard to co-operation. I emphasize, however, that success in the long term requires ardent steadfast commitment to ensure persistent interest and involvement on the part of our law faculty for the enhancement of mutual cooperation and assistance. At this stage, my advice to our Law School and University is clear. Be quick to take up this generous offer. Think positively, and come up soon with a positive, welcoming response.

Before I leave I wish to make one small point, especially to those who have come from UC Irvine. I have occasionally met in the past many professors and practitioners coming to Korea for the first time who believe that Korea is a newly created nation, like many in Africa after World War II. The Korean peninsula was first united as one nation about 1100 years ago. Ever since there existed always a strong central government governing the whole peninsula. It always had a sound bureaucratic apparatus coupled with a legal system, although not completely separate from administrative functions. Reflecting on this history, it is not extraordinary to see that Korea now has a sound, solid modern legal system. It must therefore possess something interesting and worthy of listening to and noting, at least for the personal interest of those faculty members from UC Irvine. I sincerely hope that their journey to Korea on this occasion will be of some help in understanding Korean law and its legal system.

In closing, I again reiterate my warmest welcome to all participants. May I especially mention our special gratitude to the faculty members from UC who have traveled far and contending with jet-lag, it must be a stiff challenge for most of them. We will do our best for all of them so that you all have a very pleasant experience while you are here in Korea. Please rest assured that, while you are here, we are ready to rush to your aid. Please do not hesitate in requesting whatever you need. That is all I want to say now. I thank all of you once again.