考 試 科 目	社會議題分析	系 別	法律科際整合研究所	考 試 時 間	2 月 23 日(六) 第 3 節

一、 網路上流傳一篇文章「台積十二廠的暴政文化」。其中第一段話如下:

「古代皇帝治國之道,莫過於讓人民安居樂業、民心歸順為依歸,這時候國家方能創造另一個豐功偉業的佳績,這仍是天道。張董在經營理念裡面常常提到「台積人是台積的資產」,『人』才是可以讓台積安然度過更多不景氣的根本。前任 CEO 在 2005 年上任卻只有強力要求 Cost down,並沒有把員工放在眼裡。Cost down 雖然讓台積在 2009 年第一季成功擺脫虧損的命運,可是卻不知他已經奪走了許多 EE、PE、TE 員工對公司的向心力。沒有了向心力,員工只當成這是工作的場所,是賺錢的場所,不是員工的家,不是家,就不會付出更多努力」。

請問你覺得這段話有沒有道理或疑義?請從「法治」的角度,討論「人」與「團體」以及「治理」與「人心」之間的關係。請詳細論證你的評論意見或理由。(35%)

二、 請以「士林文林苑都市更新爭議」、「行政院衛生署樂生療養院遷址爭議」、「交通部公路總局蘇花公路改善工程興建爭議」三項爭議案件於各種面向(例如,法規制度、權利保護、公共安全、生態維護、人文關懷、經濟發展、媒體角色等)呈現出之共通問題析論,並提出具體建議。(35%)

請注意:背面還有試題。

備 註	試 題 隨 卷 繳 交

三、Please read the following news report and provide three comments about this case from the perspective of conflicts between open access to information and the proprietary protection of information.（請以中文或英文作答，但請勿中英夾雜，佔 30%）

The New York Times

January 12, 2013

Internet Activist, a Creator of RSS, Is Dead at 26, Apparently a Suicide

By John Schwartz

Aaron Swartz, a wizardly programmer who as a teenager helped develop code that delivered ever-changing Web content to users and who later became a steadfast crusader to make that information freely available, was found dead on Friday in his New York apartment.........At 14, Mr. Swartz helped create RSS, the nearly ubiquitous tool that allows users to subscribe to online information. He later became an Internet folk hero, pushing to make many Web files free and open to the public. But in July 2011, he was indicted on federal charges of gaining illegal access to JSTOR, a subscription-only service for distributing scientific and literary journals, and downloading 4.8 million articles and documents, nearly the entire library. Charges in the case, including wire fraud and computer fraud, were pending at the time of Mr. Swartz's death, carrying potential penalties of up to 35 years in prison and $1 million in fines......

Mr. Swartz led an often itinerant life that included dropping out of Stanford, forming companies and organizations, and becoming a fellow at Harvard University's Edmond J. Safra Center for Ethics........But he also found trouble when he took part in efforts to release information to the public that he felt should be freely available. In 2008, he took on PACER, or Public Access to Court Electronic Records, the repository for federal judicial documents. The database charges 10 cents a page for documents; activists like Carl Malamud, the founder of public.resource.org, have long argued that such documents should be free because they are produced at public expense. Joining Mr. Malamud's efforts to make the documents public by posting legally obtained files to the Internet for free access, Mr. Swartz wrote an elegant little program to download 20 million pages of documents from free library accounts, or roughly 20 percent of the enormous database. .....The federal government investigated but did not prosecute.

In 2011, however, Mr. Swartz went beyond that, according to a federal indictment. In an effort to provide free public access to JSTOR, he broke into computer networks at M.I.T. by means that

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included gaining entry to a utility closet on campus and leaving a laptop that signed into the university network under a false account, federal officials said. Mr. Swartz turned over his hard drives with 4.8 million documents, and JSTOR declined to pursue the case. But Carmen M. Ortiz, a United States attorney, pressed on, saying that "stealing is stealing, whether you use a computer command or a crowbar, and whether you take documents, data or dollars." ......Mr. Malamud said that while he did not approve of Mr. Swartz's actions at M.I.T., "access to knowledge and access to justice have become all about access to money, and Aaron tried to change that. That should never have been considered a criminal activity."....................

備 註	試 題 隨 卷 繳 交