

## Taiwan

Since the lifting of martial law in 1987, state institutions and private organizations have repeatedly attempted to address the atrocities committed during the Japanese colonial period (1895–1945) and the Kuomintang government (1945–1987). Taiwan's international status is disputed and domestically challenged by those supporting unification with the People's Republic of China and those favoring an independent Taiwanese state. The political polarization has prevented a united attempt to address past atrocities. Moreover, the current rapprochement with China undertaken under President Ma Ying-jeou of the ruling Chinese Nationalist Party (Kuomintang) has seriously undermined Taiwan's democratic development and reversed almost all previous transitional justice efforts.

### The Repressive Past

In April 1895, the Treaty of Shimonoseki brought an end to the Sino-Japanese War, which had erupted a year earlier. According to the treaty, China ceded Taiwan to Japan (see a separate entry on Japan). Under the Japanese, the Taiwanese endured harsh cultural and political policies. Native languages were banned and businesses were required to hire only applicants proficient in Japanese. Death sentences were carried out for minor offenses. During the first decade of Japanese rule, more than 5,000 Taiwanese were executed. A surveillance network (*baojia*) was set up in 1898 to detect opposition members. Each ten households formed an administrative unit (*jia*). A *bao* (consisting of ten *jia*) was administered by Japanese officials who reported suspicious behavior to the police. A crime committed by one family member led to the punishment of all families of that *jia*. Aboriginal tribes suffered most under Japanese rule. Approximately 1.5 percent of the 3 million inhabitants of Taiwan (registered by the census of 1905) were aboriginal. The Japanese established a special government agency for "barbarian" affairs, which committed several massacres of aborigines. Those who survived the atrocities were subject to forced labor on plantations.

Starting in the early 1920s, the Japanese government enforced assimilation policies that considered Taiwan an extension of Japan and required that the Taiwanese be educated to understand their role and responsibilities as Japanese subjects. As a consequence, the Taiwanese were given more political and social rights. Many Taiwanese were elected or appointed to local councils. The educational system was gradually liberalized and finally desegregated in 1941. Taiwanese students were also allowed to pursue university studies in Japan.

With the start of the Second Sino-Japanese War in 1937, the Japanese intensified the promotion on the island of the philosophy of the Japanese spirit (*yamato damashii*), which held that all the Taiwanese people were subjects of the Japanese emperor, in preparation for the forced conscription of the Taiwanese into the Imperial Japanese Army and Navy. Some Taiwanese soldiers were recruited to fight in mainland China against the troops of Chiang Kai-shek and Mao Tse-tung. Others remained in Taiwan and worked as prison guards in fourteen camps where 4,350 Allied prisoners of war were interned from 1942 to 1945. Prisoners were under constant threat of death and subject to torture, forced labor, malnutrition, and severe beatings. One-fourth of the inmates were killed, many after digging their own graves. Some 800 Taiwanese women were forced to work as comfort women (see separate entry) for the Japanese army during World War II.

At the end of the war, the United States, as the principal occupying power of Japanese territory, authorized the Chinese President Chiang Kai-shek to administer Taiwan. At the time, the Chinese Kuomintang government promoted Han nationalism with the aim of establishing a Han nation, consisting of one state, one people, and one language. As part of this attempt, the Kuomintang government sought to assimilate the native population of Taiwan through social control and education. The Han nation-building process severely affected the native population. Regulations forbade the use of Japanese, aboriginal, and Sinitic languages other than Mandarin. Ethnic origin and the ability to speak Mandarin allowed one to qualify for public and political positions and became instruments of social control. The Kuomintang government purged state institutions of the Taiwanese, and within a few years the Mainlanders held most key positions in government and state-run industries. In official government documents, the purges were justified with the claim that the “primitive prostitute culture” of the “local population” lacked the ability to govern the island.

Social and political injustices caused by the Han-nationalists’ dogma of racial superiority and widespread bureaucratic inefficiency led to public protests and culminated in a massacre of February 28, 1947 (known as the 2–28 Massacre), in which Chiang Kai-shek’s troops brutally killed thousands of Taiwanese civilians. Two years later, the Han nationalists lost the civil war on the Chinese mainland and retreated to Taiwan. Martial law was imposed from 1949 to 1987.

The defeat on the mainland and Mao Zedong’s subsequent proclamation of the People’s Republic of China as the *de facto* and *de jure* successor state of the Kuomintang’s Republic of China caused a crisis of legitimacy for the Chiang Kai-shek regime. On the international stage, the United States assisted Chiang Kai-shek in maintaining that the Kuomintang government was the sole legitimate government of China. Domestically, this position, while untenable from a juridical point of view, was kept alive by promoting Han nationalism and persecuting opponents. At the end of the 1980s, socioeconomic consequences of rapid economic growth, such as a growing middle class and labor disputes, and pressure from the international community, especially from members of the U.S. Congress and organizations such as Amnesty International, forced the Kuomintang regime to initiate political reforms. Martial law was lifted in 1987. Subsequent constitutional amendments paved the way for democratization.

During the authoritarian period (1945–1987), several laws restricted political rights and civil liberties. The National General Mobilization Law, promulgated on March 29, 1942, authorized the government to restrict freedom of speech, publication, writing, correspondence, assembly, and association. Articles 100 and 101 of the Criminal Code of 1935 (also known as the Sedition Law, promulgated on January 1, 1935) were the most feared pieces of legislation because they prohibited committing and planning acts that endangered the state. Given that any opposition to the Kuomintang regime could be interpreted as a threat to the state, the law provided a legal basis to persecute political opponents. Political rights and civil liberties were further restricted in 1949 with the proclamation of the martial law. It gave the military the right to prohibit religious activities and strikes by traders, students, and workers and allowed military courts to try offenses against the internal and external security of the state and other offenses punishable under the Criminal Code, such as sedition.

The military, the police, and a Kuomintang network of informers protected the authoritarian state. The most feared state agency was the Taiwan Garrison Command (TGC),

a secret security body founded in 1945 under the Ministry of Defense. The Garrison Command was responsible for suppressing activities viewed as promoting communism, democracy, and Taiwan's independence. The Kuomintang also used informers to persecute political opponents at home and abroad. Once blacklisted, opposition figures and their families were systematically harassed by Garrison Command officers and/or disappeared overnight.

Several detention centers and military prisons operated between 1949 and 1987. The largest were the Chingmei Detention Centre and the Ankeng Military Prison situated in northern Taipei County. Two other major facilities were located on Green Island. First, the New Life Correction Centre, which operated from 1951 to 1965, housed up to 3,000 political prisoners. The Green Island Reform and Re-education Prison (Oasis Villa), opened in 1972, became the home of Taiwan's prisoners of conscience until 1987. Between 1965 and 1972, most political prisoners were held at the Taiyuan Prison in Taitung County. Prison conditions were inhumane. Prisoners of conscience were subject to forced labor and systematic torture. They were reportedly tied up and beaten, had pepper-water and gasoline forced through their noses, received electric shocks, and had their teeth removed without anesthetics and their fingernails plucked out.

The total number of victims of the Kuomintang terror is unknown, because many executions were extrajudicial and not recorded. According to declassified information, most extrajudicial executions were carried out in the 1950s, when 130,000 people went missing. Torture and (extrajudicial) executions were widespread and systematic until the late 1970s. Reports by the Ministry of Justice, parliamentary interpellation, and other government sources suggest that 30,000 political trials involving more than 200,000 individuals were held in military courts. About 20 percent of the accused were sentenced to death or punished with lifelong imprisonment. Some 60 percent received prison terms between one and fifteen years. Others had to undergo reformatory education.

### **Transitional Justice**

Since martial law was lifted in 1987, there have been several different approaches to dealing with the crimes of the Kuomintang regime. The first attempt to address the past occurred between 1988 and 2000 under the presidency of Lee Teng-hui, a native of Taiwan who succeeded Chiang Ching-kuo after his death in 1988. Lee had a close relationship with the former dictator, whom he considered his political mentor.

#### *Compensation and Apology (1988–2000)*

The immediate post-martial-law years saw several large-scale protests demanding political and social reforms. Although human rights activists and victims of the Kuomintang atrocities called for transitional justice, in 1988, President Lee started his term in office with a press conference merely stating that the people of Taiwan should look forward and forget the past. Lee's long career in the repressive regime and his close friendship with his predecessor prompted his refusal to address the past. Political realities, however, forced Lee to rethink his transitional justice policies. Unlike his predecessors, Lee was neither a Mainlander nor a staunch supporter of Chinese nationalism. Senior party leaders aware of his support for Taiwanese nationalism repeatedly attempted to oust him from the party leadership and the presidency. As his conflict with the conservative wing of the

Kuomintang intensified, Lee saw in public support the key to his political survival, and thus presented himself as a statesman who listened to the people. Consequently, Lee readjusted his transitional justice policies to neither neglect public opinion nor endanger his political career. During his presidency (1988–2000), he pursued a policy of apology and compensation without investigating the role of the Kuomintang government in the atrocities.

In 1990, the government set up a committee of historians (officially named the Executive Yuan 2–28 Incident Committee, after the executive branch of the Taiwanese government, known as the Executive Yuan) to conduct research on the causes and scope of 2–28 Massacre. Its final report was published in 1992. Three years later, President Lee publicly apologized for the massacre and declared February 28 a national holiday. That same year, the 2–28 Memorial Foundation was established to provide monetary compensation to the victims of the massacre. Applications were accepted until 2006. The Foundation analyzed more than 2,000 cases. In about 30 percent of the cases, the victims were killed in the massacre. About 10,000 victims or heirs received monetary compensation totaling US\$218 million. Individual compensations were proportional to the victim's suffering and limited to US\$180,000. In 1998, pressure by victims' organizations and the Democratic Progressive Party (DPP), Taiwan's largest opposition party, led to the creation of the Foundation for Compensating Improper Verdicts on Sedition and Communist Espionage Cases during the Martial Law Period, which compensated victims of the White Terror (1949–1987) and their heirs. Again, individual compensations depended on the victim's suffering and were limited to US\$180,000. Four categories of injustices were recognized: death sentences, imprisonment, reformatory education, and property confiscation. The Foundation accepted applications until December 16, 2010, and provided monetary compensation to more than 7,000 applicants.

Apart from the crimes committed during Kuomintang rule, there was pressure from supporters of Chinese nationalism and women's groups to investigate the human rights abuses during the Japanese occupation of Taiwan (1895–1945). In 1992, the Taiwanese Comfort Women Investigative Committee was established by different government agencies, the Academia Sinica (Taiwan's National Academy of Sciences), and the Taipei Women's Rescue Foundation. The committee was tasked with identifying former comfort women who were still alive and gathering historical information about the comfort women system in Taiwan. In total, fifty-six former comfort women were found. Since July 1995, the government has offered a monthly subsidy to them on humanitarian grounds. In 1997, a parliamentary resolution urged the government to demand that Japan apologize and compensate the former comfort women. The Taiwanese government increased the monthly subsidy from US\$200 to US\$500, but refrained from pressuring Japan for political and ideological reasons (see later discussion).

In 2001, nine former comfort women filed a lawsuit against the Japanese government demanding an official apology and 10 million yen (US\$95,000) each in damages. The case was dismissed by the Japanese Supreme Court in 2005, on grounds that all wartime compensation issues had been settled by international and bilateral treaties.

### **Identifying the Perpetrators (2000–2008)**

In 2000, President Lee's policy of apology and compensation was abrogated by his successor, Chen Shui-bian, who believed that all previous government policies failed to

address the question of who was responsible for past crimes. Chen Shui-bian was the first Taiwanese president who was not a Kuomintang member. During the martial law era, the Kuomintang persecuted Chen for his opposition activity. As a former human rights lawyer, Chen supported the improvement of Taiwanese democracy. His transitional justice initiatives and other measures designed to improve human rights standards encountered institutional and political obstacles. According to the constitution, for example, the president is the head of state but not the chief executive with veto powers. He thus lacks the means to push through legislation when his party does not enjoy a majority of parliament seats. During Chen's mandate (2000–2008), the Kuomintang and its supporters controlled parliament and transitional justice became tied to national identity. As the key perpetrators of Kuomintang atrocities were Chinese nationalists, demands for transitional justice have come mostly from supporters of Taiwanese nationalism, while resistance to it has come from Chinese nationalists. President Chen's calls for transitional justice have thus been interpreted as racial persecution. During the 2004 presidential election, the Kuomintang compared President Chen with Adolf Hitler in official campaign advertisements and asked the people to end Chen's dictatorship.

### *Rewriting History Textbooks*

Although the Taiwanese were subject to human rights abuses during the Japanese colonial period, they still support Japan. Some of the most important Taiwanese nationalist leaders hold degrees from Japanese universities and are well connected with right-wing politicians there.

The almost deifying attitude of Taiwanese nationalists toward Imperial Japan and Japanese right-wing intellectuals like writer Kobayashi Yoshinori, who denies the existence of the Nanjing Massacre and other crimes committed by the Japanese in the 1930s and 1940s, makes it difficult for ideologically polarized Taiwan to pursue transitional justice. The polarization is reflected in almost any discourse on transitional justice, including the debate on the content of school textbooks. Taiwanese nationalists support detailed descriptions of Kuomintang atrocities in textbooks, whereas Chinese nationalists complain that Japanese war crimes are not properly addressed. The textbook controversy has prevented any significant changes in the content of high school textbooks. Textbooks list the gross human rights violations committed by the Kuomintang and the Japanese military as historical facts without discussing the severity of the crimes or raising the question of responsibility; there are victims but no perpetrators in most textbooks.

### **Memorialization**

Supporters of President Chen's transitional justice efforts attacked the Kuomintang for refusing to accept responsibility for the 2–28 Massacre and the White Terror. The KMT does not deny that the 2–28 Massacre took place, but refuses to acknowledge its active role in it. In official statements, party leaders claimed that the massacre was caused by language barriers and corrupt local government officials. Thus, the Kuomintang and Chiang Kai-shek cannot be held responsible for killing thousands of civilians. Kuomintang officials have either kept silent or have justified the human rights abuses of the White Terror by claiming that they were lawful and necessary to protect Taiwan from communist

infiltration. They further note that the Kuomintang under Chiang Kai-shek and his son turned Taiwan into an economic miracle. The former dictators should therefore be considered heroic leaders who deserve a special place in world history. The state should protect places commemorating their political, social, and economic achievements. Any attempt to close, remove, or rename those historic sites amounts to an act of treason.

The Taiwanese nationalists disagree with the Kuomintang interpretations of these two tragic historical events and the positive appraisal of the Chiang family. In their view, Chiang Kai-shek and his son were brutal dictators who do not deserve heroic status in a modern democratic state. During Chen's presidency, dozens of statues were thus removed, the former dictators' mausoleums closed, and public places renamed.

### *The 2–28 Memorial Foundation Truth Division*

President Chen was determined to challenge the Kuomintang's interpretation of the 2–28 Massacre and asked the 2–28 Memorial Foundation in 2001 to set up a special division, the Truth Division, to investigate the KMT's role in the massacre. In 2004, the Truth Division began to research the question of legal and political responsibility for the massacre.

The final report, released in February 2006, concluded that Chiang Kai-shek was the prime culprit of the 2–28 Massacre. The findings of the committee of historians and jurists proved helpful in the new Democratic Progressive Party government's attempt to gain more public support for its transitional justice policies. As a consequence, two important public places were renamed. In 2006, Taiwan's main international airport was renamed the Taoyuan International Airport, after the name of the locality where the airport is situated. A year later, the Chiang Kai-shek Memorial Hall in Taipei became the National Taiwan Democracy Memorial Hall.

The Kuomintang and its supporters, who controlled the parliamentary majority, could not accept the final report and responded by freezing the budget of the foundation during a parliamentary budget screening session. In 2006, John Chiang, a grandson of Chiang Kai-shek and high-ranking Kuomintang member, sued the foundation and the historians who had authored the report for libel and demanded US\$150 million in compensation. Libel is a criminal offense in Taiwan. The Taipei District Public Prosecutors Office, however, argued that the report was a public judgment of historical events and refrained from indicting the historians.

### *Return of Property Illegally Confiscated by the Kuomintang*

Since the Committee released its report, there has been growing support for legislation demanding that the Kuomintang return property it had obtained illegally or by improper means during the White Terror. Lacking a parliamentary majority, the government decided to hold a referendum on the return of the "stolen assets" in January 2008.

The Kuomintang urged the people of Taiwan to boycott the referendum on the return of Kuomintang property to the state. Consequently, only 26 percent of the voters cast ballots in the January 2008 referendum, well below the required 50 percent of eligible voters needed to validate the result of the referendum. About 91 percent of those who cast votes supported the passing of legislation that would return the Kuomintang assets.

Since the return of the Kuomintang to power in 2008, the topic has not been discussed again.

### *Chinese Historical Revisionism (2008–present)*

In May 2008, President Chen was succeeded by Ma Ying-jeou (representing the Kuomintang). An outspoken supporter of Chinese nationalism, Ma is known for his ambivalent view of democratic institutions and transitional justice. Ma won 58 percent of the vote, although only 20 percent of the population is made up of Mainlanders or their descendants; the results reflected widespread protest voting rather than popular support for Chinese nationalism. Soon after his inauguration, most of the previous government's transitional justice policies were reversed without public consultations. The former dictators' mausoleums were reopened. The National Taiwan Democracy Memorial Hall was renamed the Chiang Kai-shek Memorial. Museums and other places commemorating the Kuomintang atrocities were "sanitized," in the sense that important exhibits illustrating the reign of terror were removed from the Taipei 2–28 Memorial Museum and two important memorial parks were built on the grounds of the former Chingmei detention center and the Green Island Oasis Villa. Moreover, the Kuomintang government has tried to repurpose commemorative sites, such as the Taiwan Human Rights Chingmei Cultural Park, by renaming and turning them into cultural centers with art performances that no longer commemorate the victims.

### **Conclusion**

Since 1987, transitional justice in Taiwan proceeded in three main stages. First, between 1988 and 2000, President Lee Teng-hui of the Chinese Nationalist Party promoted a policy of compensation and apology. Second, from 2000 to 2008, his successor, Chen Shui-bian of the opposition Democratic Progressive Party, made transitional justice a priority. His transitional justice policies aimed to remove the historical legacies of the Kuomintang dictatorship by distinguishing the party from the state, to investigate the responsibility for past atrocities, to make people aware of the wrongfulness of the atrocities, and to establish legal and institutional mechanisms preventing the reoccurrence of political persecution. Third, since 2008, President Ma Ying-jeou (Kuomintang) and his government have reversed almost all previously adopted transitional justice policies. President Ma's rapprochement with communist China and his unification policies are likely to minimize future transitional justice initiatives.

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Cross-references: Japan.

### **Further Readings**

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