



Understanding Transitional Justice in Taiwan



Research Question

What are the reasons for putting transitional justice to action, and the implications of transitional justice in Taiwan?

Human rights abuses are an ever-present issue that affects societies worldwide, leaving a lasting impact throughout generations. This project aims to uncover the need and implications of transitional justice—over the last two decades—in Taiwan; why societies may desire transitional justice in the first place, and the implications of those changes.

Introduction

According to the International Center for Transitional Justice (ICTJ) in 2023, “Transitional justice refers to how societies respond to the legacies of massive and serious human rights violations. It poses some of the most challenging questions in law, politics, and the social sciences and grapples with numerous dilemmas. Above all, transitional justice centers on the experiences of victims.”

Additionally, Margaret Lewis, a professor of criminal justice specializing in East Asian culture, describes transitional justice as a “transition in the political structure of a nation, often involving a shift toward more liberal governance and away from historical authoritarian or conservative practices.” In essence, transitional justice serves as a means for governments to rectify the wrongs committed by their predecessors. Transitional justice is by nature an interdisciplinary subject within the law as it covers subjects that notably include history, law, sociology, geopolitics, ethnic studies, and more. It is not just about how a society recovers from human rights issues but how a society changes its mentality to implement such changes.

History

This perspective pertains to how the unique history of a place gives rise to the need for transitional justice and what is needed for recovery. The 228 Incident refers to a series of events that unfolded in Taiwan in February 1947, sparked by public discontent with the Chinese Nationalist government. The government's brutal suppression of protests and dissent led to widespread violence and loss of life, marking a tragic chapter in Taiwan's history. During the ensuing month of March, countless Taiwanese citizens fell victim to massacres and executions by KMT military forces, resulting in an estimated death toll of 18,000 to 28,000 people (Robert, 2022). The ‘228 Incident’ and the subsequent period of martial law in Taiwan would leave a lasting impact on the nation. It was only in 1987 that martial law was finally lifted, symbolizing a significant turning point in Taiwan's history. The end of martial law marked the first steps toward Taiwan's transformation into a fully functioning democracy, with the introduction of fair elections commencing in 1996.



A photo of killings during the month of March during the 228 incident

Sociology

Sociology asks about the relationship with a people and their governing institutions. During the ‘228 Incident’ the KMT largely targeted the benshengren population who were the majority of the people in Taiwan, the non-mainlander population. This persecution would divide, and still does, the benshengren and waishengren (Nien-Chung 2019). The KMT would pursue measures of restorative transitional justice despite perpetrating the injustice themselves. Restorative or prospective transitional justice is a type of transitional justice that attempts to arrange relations within society so aggrieved people are treated right going forward. This can be done through monetary compensation, the installation of monuments, apologies and memorials, and legal reform (Webber 2012). In 1995, the 228 Memorial Foundation was established, offering monetary compensation of up to US \$180,000 per person. Throughout its operations until 2014, 2,278 people applied for compensation, with 9,883 individuals receiving a cumulative compensation cost of US \$239 million (Hwang, 2016).



The Transitional Justice Commission building in Taipei

Geopolitics

Geopolitics plays a significant role in Taiwan's quest for transitional justice, navigating the intricate dynamics among Taiwan, the People's Republic of China (PRC), and the United States. Despite the United States' steadfast support for Taiwan and its democracy, the official recognition of Taiwan as a sovereign nation remains a delicate diplomatic tightrope due to the One-China Policy (Moriarty Amb. Ret.). The PRC endeavors to reintegrate Taiwan into its fold. In response, Taiwan strategically bolsters its ties with the United States, aligning itself with democratic-liberal principles, of which transitional justice becomes a significant component. Taiwan's pursuit of unification among its diverse ethnic groups converges with the philosophy of an "independent Taiwan." Here, the quest for truth and justice serves a dual purpose: “re-instill trust in its constituent populations but also reinforce alliances with foreign powers” (Rowan 2019), particularly the United States. Transitional justice becomes a means of consolidating power and unifying the populace under a shared vision (Fig. 1).



Ingrid Larson (my mother) pictured with Taiwan Vice-President Lai Ching-te and Ambassador Hsiao Bi-khim to the United States.

Conclusions

In conducting the literature search for this project, the consensus was unmistakable regarding the diverse disciplines entwined in Taiwan's transitional justice.

History plays a pivotal role in understanding the imperative for redress. Delving into historical accounts, not only elucidates the traumatic events like the tragic 228 massacre but also contextualizes the complexities arising from the prolonged period of martial law.

Sociology unveils the intricate social dynamics intertwined with transitional justice. It dissects how past injustices reverberate through social structures, impacting cohesion, identity, and reconciliation in Taiwanese society.

Geopolitics elucidates the international dimensions influencing transitional justice. It delves into the geopolitical intricacies surrounding Taiwan, including its relationships with the People's Republic of China (PRC) and the United States. Geopolitical insights reveal how transitional justice aligns with broader geopolitical objectives, influencing not only domestic governance but also international alliances.

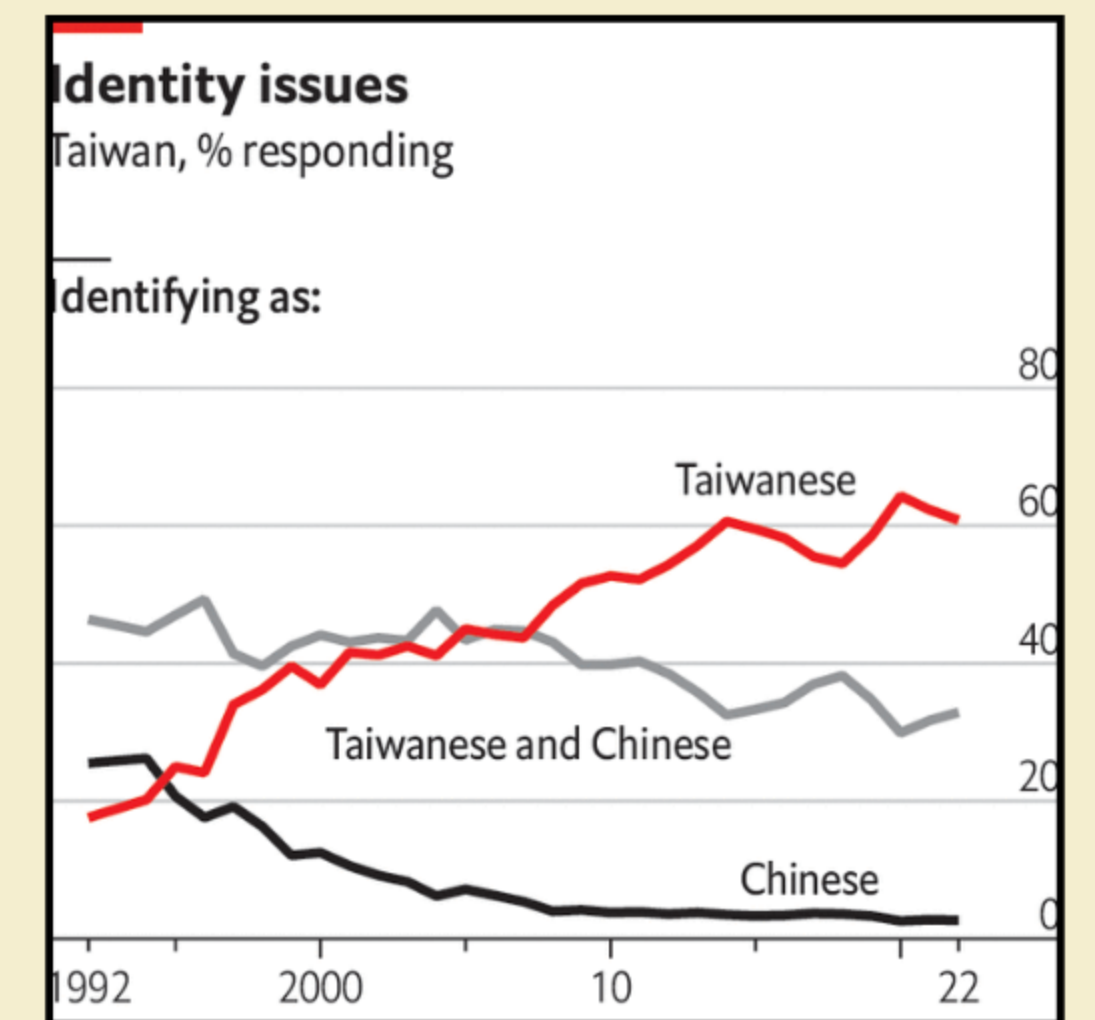


Fig. 1) A graph showing how people living in Taiwan identify over time

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