

Transitional Justice and Collective Memory in Taiwan

How Taiwanese Society is Coming to Terms with Its Authoritarian Past

VLADIMIR STOLOJAN

ABSTRACT: Recognition of persecution during an authoritarian era is an issue that has arisen in every society that has undergone a successful democratic transition in the second half of the twentieth century. The manner in which each country has dealt with the question in many ways reflects the circumstances of its democratisation, and its past. In Taiwan, the development of transitional justice has mainly focused on the recognition of the victims of two distinct historic experiences. This article aims to analyse the dynamic that has led to the recognition of the victims of the party-state that governed Taiwan from 1945 to 1992.

KEYWORDS: transitional justice, Taiwan, Chiang Kai-shek, collective memory, White Terror, 228 Incident.

The importance of transitional justice became increasingly apparent throughout the 1990s, when the democratic transitions of countries Samuel Huntington designated as belonging to the “third wave” entered their final phase.⁽¹⁾ In 2004, attesting to its importance, the UN defined transitional justice as “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.”⁽²⁾ Whilst enumerating the different aspects covered by this type of public action, that is to say the mechanisms that enable light to be shed on past events, victims to be compensated, legal proceedings to be brought, and the introduction of institutional reforms accompanied by lustration laws to the detriment of the criminals, the UN Report also emphasises that they must be seen as a coherent whole. Indeed, the measures are interactive, and it is only by considering transitional justice from a holistic perspective that they can be fully effective. If, for example, the awarding of material reparation is not accompanied by an effort to expose the truth concerning human rights violations in the pre-democratic period that led to the condemnation of the authors of these acts, it is highly probable that the victims will perceive compensation as a second-best measure incapable of obtaining true justice for them.⁽³⁾ Two forms of recognition are required, since it is a question of returning to both the actions of the authoritarian regime and the unique experience of each of the victims.

Taiwan, a democracy that is both recent and stable, has experienced two movements for the rehabilitation of victims of the Nationalist dictatorship. The first demanded that the state shed light on the massacres committed by the Nationalist army in March and April 1947, commonly known as the “28 February Incident” or the “228 Incident” (*Ereba shijian*)⁽⁴⁾ and that it assume its responsibilities by attempting to make reparation for the wrongs committed. The second was in relation to the abuses committed by the police of the Nationalist regime during the authoritarian period, an experience known as the White Terror (*baise kongbu*).⁽⁵⁾

The White Terror began in 1948 with the adoption of the Temporary Provisions during the period of mobilisation for the suppression of the rebellion (*dongyuan kanluan shiqi linshi tiaokuan*), reinforced the following year by the Provisions for the suppression of the rebellion (*chengzhi panluan tiaoli*) and martial law (*jiuyan fa*), both implemented in 1949. In 1950, the

1. Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, Oklahoma, University of Oklahoma Press, 1991, p. 386.
2. United Nations Secretariat, *The Rule of Law and Transitional Justice in Conflict and Post Conflict Societies*, 2004, p. 4.
3. Pablo De Greiff, “Theorizing Transitional Justice,” in Melissa S. Williams et al., *Transitional Justice: NOMOS LI*, New York, New York University Press, 2012, p. 36.
4. After regaining control of Taiwan in 1945, the Nationalist government rapidly alienated the local population by excluding it from managing political affairs, by its corruption, by adopting a predatory attitude to economic affairs, and by various discriminatory measures, all on the pretext of the excessive “Japanisation” of the islanders. Against this problematic background, the beating up of a female contraband cigarette vendor by the police on the evening of 27 February 1947 degenerated the following day into anti-government riots in Taipei that rapidly spread to the whole island. Ad-hoc committees were created to negotiate with the authorities, made up mostly of members of the local elite. Whilst holding discussions with these assemblies, Governor Chen Yi requested reinforcements from Nanjing, which arrived in early March. From that moment on and for a little over a month, these troops gave themselves over to violent acts that resulted in between 18,000 and 28,000 deaths, including most of the Taiwanese elite. Source: Chen Kuan-cheng, “[Ereba shijian] siwang renshu de renkouxue tuiji” (Demographic estimate of the number of deaths in the 228 Incident), in *Xingzhengyuan yanjiu* [Ereba shijian] xiaozu, *Ereba shijian yanjiu baogao* (Study Report on the 228 Incident), Taipei, Executive Yuan 1992, fifth appendix. After 1947, the 228 Incident soon became a taboo subject, briefly mentioned seven times in the Island press from 1947 to 1987. Source: Chen Tsui-lien, “Lishi zhengyi de kunjing: zuqun yiti yu Ereba lunshu” (The impasse of historic justice: The ethnic question and statements on the 228 Incident), *Guoshi guan xueshu jikan* (Academia Historica Academic Journal), No. 16, 2008, p. 192.
5. Although it would be a mistake to try to estimate the number of victims of the White Terror solely from requests for compensation, the number that emerges – between 22,000 and 40,000 individuals – matches that found in the archives, open since 2000. However, although at an advanced stage, the archive collection nonetheless remains incomplete. By way of example, in March 2016, a collector declared that he possessed more than 1,000 documents relating to the White Terror. The conditions of access to the existing documentation are another fiercely debated issue. Source: Jason Pan, “Collector has over 1,000 White Terror Documents,” *Taipei Times*, 9 March 2016, <http://www.taipetimes.com/News/front/archives/2016/03/09/2003641139> (accessed on 9 March 2016). Moreover, the great majority of the victims of the White Terror were imprisoned, since 10.15 % of the compensation cases concern people condemned to death, then executed. Ni Tzu-hsiu (ed.), *Buchang jinjinhui shiwu zhounian chengguo jinian zhuanji: 1998-2014* (Report Commemorating the Compensation Foundation’s 15 Years of Results), Taipei, Caituan faren jiejian shiqi budang ji feidie shenpan anjian buchang jinjinhui, 2014, p. 37.

Provisions for the control of spies during the period of provisional mobilisation (*kanluan shiqi jiansu feidie tiaoli*) completed the existing punitive arsenal. These laws formed the backbone of a security system that authorised the arrest and trial by a military court of civilians under various pretexts, which in practice meant arbitrarily. Martial law was lifted in 1987, and the two other decrees in 1991. The reform in the same year of Article 100 (abolished in 1992) of the Penal Code, employed to legitimise the arrest of persons promoting the independence of Taiwan, marked the end of the White Terror.

Even though we are dealing with different historic experiences, the two dynamics are linked, since the adoption of a legal framework designed to obtain justice for the victims of the White Terror used the measures decided in favour of the victims of the 228 Incident as a model. Indeed, beginning in February 1987, a few months before the lifting of martial law, the movement for the rehabilitation of the 1947 victims emerged at the same time as the early stages of the democratisation of Taiwan. The symbolic force that was very rapidly invested in this memory in Taiwan elicited a swift response from the Government. As we shall see, this precocity can be explained by the central position occupied by the 228 Incident in Taiwanese nationalism. However, the differences amongst the former political prisoners then hindered the homogenisation of memories, a dynamic inherent in the emergence of a collective memory as envisaged by Maurice Halbwachs. Since they were not speaking with one voice, they were not able to assert their rights. It was not until the state had created a precedent in recognising the victims of 1947 that the rehabilitation of victims of the White Terror could really begin.

To this day, the compensation laws concerning victims of the authoritarian era adopted in 1995 and 1998 form an essential part of Taiwanese transitional justice. In March 2016, the elected members of the Democratic Progressive Party (DPP) presented a draft Act completing the existing framework. The fact that this motion was presented just three months after the historic victories of the DPP and its allies in the presidential and legislative elections of January 2016, shows that transitional justice remains a topical issue in Taiwan, as does its importance as a subject of political debate.

The aim of this article is to analyse the social conditions from which the personal accounts of the 228 Incident and the White Terror emerged. Given that local players seeking recognition for the experiences of the victims formulated their demands by mobilising categories of action related to transitional justice, it cannot be dissociated from the issues surrounding social memory relating to the authoritarian period, since it is, in a sense, the normative framework through which the "social memory currents" ⁽⁶⁾ reflecting the experiences of the victims of the nationalist regime were constituted.

I will study here the way in which these currents were constituted rather than their content, using academic research and the minutes obtained in the course of a survey on current representations of the former authoritarian nationalist regime carried out in Taiwan between 2012 and 2014.

The 228 model and its limits

Few subjects have been as frequently debated in Taiwan as the 228 Incident. Serving as the framework of numerous Taiwanese literary works, ⁽⁷⁾ the 1947 tragedy has also been the subject of many films ⁽⁸⁾ and the

background to songs by politically committed rock groups. ⁽⁹⁾ Invisible during the authoritarian period, the 228 Incident has since acquired the weight of memory and therefore carries an emotional charge stronger than any other. The 228 Incident was very quickly interpreted as being the founding event of the Taiwanese independence movement, since it was after the massacres that leading figures who were not on the island at the time founded the first independence group, a year after the events. Up until democratisation, the memory of the massacres subsisted in existing pro-independence associations in Japan, then in the United States and Canada. It was not until the movement had a solid foundation in Taiwan itself that the movement for the rehabilitation of the 1947 victims got under way. Although they were very different historic experiences, the measures adopted to obtain justice for the victims of 1947 were then adapted to those of the White Terror, so that it seems no exaggeration to refer to a "228 Model" for Taiwanese transitional justice as a whole.

The rehabilitation movement for victims of 228

The memory of the 228 Incident already occupied a central place in circles that opposed the Kuomintang (KMT), since it was already understood as the founding event of the Taiwanese independence movement. For example, the first independence organisation, the Formosan League for Re-emancipation (*Taiwan zai jiefang lianmeng*), was inaugurated on 28 February 1948, that is to say, a year after the events. Indeed, independence activists have always, in the various countries in which the movement developed, commemorated the 228 Incident, interpreted as the massacre of Taiwanese people by the troops of a foreign, Chinese-origin regime. Transmitted before 1987 mainly through pro-independence associations set up outside Taiwan, the memory of 1947, even today, still plays the role of "founding trauma" ⁽¹⁰⁾ in Taiwanese nationalism, since the massacres are considered to have demonstrated the ethnic "otherness" that separates Chinese and Taiwanese whilst at the same time attesting to the necessity of putting an end to the domination of the island by the Republic of China.

Already close to the democratic opposition before leaving Taiwan to pursue his studies, it was in Japan that Chen Yong-hsing first gained access to written first-hand accounts of the 1947 massacres before going to the United States and meeting Chen Fan-ming, a pro-independence activist in exile. Upon his return to the island in 1986, Chen Yong-hsing was appointed head of the Taiwanese Association for Human Rights. At the end of the year, together with several opposition intellectuals, the Association organised a

6. For a detailed definition of this idea, see: Gérard Namer, *Halbwachs et la mémoire sociale* (Halbwachs and social memory), Paris, L'Harmattan, 2000, pp. 118-123.
7. Amongst the first works on the subject: Lin Shuang-pu, *Ererba xiaoshuo xuan* (Collection of Short Stories on 228), Taipei, Ziliwanbao, 1989; and Lan Po-chou, *Chenshi, liuwang, Ererba* (Drowned, Exiled, 228), Taipei, Shibao wenhua, 1991.
8. Hou Hsiao-hsien, *Beiqing chengshi* (City of Sadness), 1989; Lin Cheng-shen, *Tianma chafang* (March of Happiness), 1999. The two films are amongst the two best-known films set against the background of the 228 Incident.
9. *Mushen Wudedian* (Defenders of Butik Palace), 2013, by the heavy metal group Chthonic, whose singer is now a member of the Legislative Yuan, also comes to mind.
10. Here I am taking up the now well-accepted observation made by Ernest Renan in *Qu'est ce qu'une Nation* (What Is a Nation?), where he remarks that "common suffering unites more than joy. In fact, national memories and periods of mourning are worth more than triumphs since they impose duties and require a common effort. A nation is therefore a great solidarity, built up from the feeling of sacrifices made and those one is prepared to make in the future." For the independence movement, the 228 Incident represents the pinnacle of "common suffering," its memory demanding opposition to all forms of Chinese nationalism and the promotion of a different, Taiwan-centred nationalism. The text of Ernest Renan's conference lecture is available online at <http://www.bmlisieux.com/archives/nation04.htm>.

conference dedicated to the events of February-March 1947, the first to be held on the subject in Taiwan. It was, however, not the first time that the subject had been tackled in public, since in 1985 Chiang Peng, an independent member, called on the government during a session of the Legislative Yuan, asking it to shed light on the murders of several opponents in the early 1980s and on the events of 1947. In his speech, Chiang Peng also requested that 28 February become a day of commemoration in honour of the victims.⁽¹¹⁾ Although it had no direct link with the memory of the 1947 massacres, the absence of a reaction from the police department after the creation of the DPP in 1986 shows that the regime accepted the opposition's hitherto severely repressed position. This new political openness, not seen since 1949, when Chen Yong-hsing, Cheng Nan-jung (whose magazine *Ziyou shidai* was the main channel of communication in the early days of the movement), and Lee Sheng-hsiung established the Foundation to Make 28 February a Day of Peace (*Ereba heping jinian ri cujinhui*), created a new window of opportunity. In 1987, thanks to existing pro-independence networks, the Foundation organised demonstrations in both north and south Taiwan that attracted the participation of 30 or so groups close to the opposition (such as chapters of the Presbyterian Church, the various sections of the DPP, newspapers, and associations promoting Taiwanese culture, etc.).⁽¹²⁾ The aim of its first initiatives was to commemorate the victims and to gather accounts from their descendants and other witnesses, tasks that were essential, since they were the only ones who could counter the historical perspective put forward by the regime. Hitherto, on the rare occasions when the Government mentioned the events of February-March 1947, it justified the violence of the time as a response to a Communist insurrection.

Although in February 1987, the demonstrators, in particular in the towns of Chiayi and Changhua, were in conflict with the police, the lifting of Martial Law in July of that year contributed to the growing number of participants from 1988 onwards. In 1989, the first public monument honouring the victims was inaugurated in Chiayi. The following year, President Lee Teng-hui asked the Executive Yuan to form an independent commission tasked with shedding light on the 228 Incident. Led by Professor Lai Tse-han, co-author of a landmark work on the events of 1947,⁽¹³⁾ the Commission was made up of several historians who, to compensate for the biases of the government archives (without, nonetheless, neglecting them, since to this day they are the principal source of available documentation), and in order to understand the reality of the massacres, carried out oral history surveys over the whole island.

Although it was not the first study on the subject since 1987, the research group's report marked a change of paradigm, since after its authors presented their conclusions to the government in 1992, the state agreed to recognise the abject nature of the 1947 massacres.⁽¹⁴⁾ In 1995, a national monument was erected in Taipei in a park that was subsequently renamed the Peace and 228 Memorial Park (*Ereba heping jinian gongyuan*) at a time when most of the districts in Taiwan were erecting commemorative monuments dedicated to the victims of the 1947 massacres, often adding plaques in memory of local episodes. The park also houses a museum, opened in 1997 by the Taipei town council, on the history of the massacres. Also in 1995, Lee Teng-hui presented excuses in the name of the state for the wrong done in 1947, shortly before the act governing the compensation granted to the families of victims of the 228 Incident was passed. It was also decided that 28 February should be a commemorative public holiday.

Three draft acts were filed in 1992 regarding compensation for the victims

of 1947. Though they differed as to the amount of compensation to be awarded and in the attitude to be adopted towards the authors of the massacres, they were put forward by representatives of both the KMT and the DPP, and no state institution displayed reservations as to the validity of compensation. The legislative framework for the compensation of victims of the 228 Incident (*Ereba shijian chuli ji buchang tiaoli*) was adopted on 7 April 1995. It determined the amount (granting a maximum of 6 million New Taiwanese Dollars [NTD], that is to say, 163,712 Euros, to the family of someone who lost their life in 1947) and the procedures for awarding compensation, responsibility for which was given to a public body called The 228 Memorial Foundation (*Ereba shijian jinian jijinhui*), also in charge of official commemorations.

Responsibility of the state or of the KMT?

Despite the consensus that emerged in the 1990s on the necessity of compensating the victims of the events of February-March 1947, there remain even today points of discord resulting from differing interpretations of the events, which reflect the positions on the Taiwanese political scene of the players concerned. Although the estimate of the number of victims has been the subject of much discussion,⁽¹⁵⁾ the responsibility of the former leaders in the 1947 massacres gave rise to a second deployment of transitional justice measures in 2007, initiatives that on this occasion did not meet with an inter-party consensus. The problem of the responsibility of the former elites quickly crystallised around the person of Chiang Kai-shek. On 28 February 1990, participants in the commemoration organised by the local section of the DPP attached a white banner to a statue of the former leader on which he presents his excuses to victims of the 228 Incident.⁽¹⁶⁾ To this day, each 28 February, effigies of Chiang Kai-shek still standing in public places have been daubed with graffiti or damaged, indicating the responsibility of this strongly nationalist man in the 1947 massacres.

Using the then-available sources, the 1990 Commission established that the Head of State bore a moderate degree of responsibility, and was above all guilty of placing too much trust in the Governor of Taiwan, Chen I. It concluded that Chen I and the officers on duty in Taiwan were the Nationalist officials who had played the most important roles in the massacres.⁽¹⁷⁾ Since Chen I was executed in 1950 for having established links with the Chinese Communist Party, few voices in the conservative

11. *Lifa yuan gongbao* (Bulletin of the Legislative Yuan), Vol. 74, No. 23, 1985, p. 36.

12. *Ziyou shidai* (Liberty time weekly), February 1947, No. 139, p. 21.

13. Lai Tse-han, Raymond H. Meyers, and Wou Wei, *A Tragic Beginning: The Taiwan Uprising of 28 February 1947*, Stanford, Stanford University Press, 1991.

14. Lai Tze-han (ed.), *"Ereba shijian" yanjiu baogao* (Study Report on the "228 Incident"), Taipei, Shidai wenhua chubanshe, 1994; with regard to work carried out before 1992, it should be pointed out that the historian Lee Hsiao-feng had, amongst other works, already published *Ereba xiaoshi de Taiwan jingying* (The Taiwanese Elite Lost during Ereba), Taipei, Zili Baoxi, 1990; similarly Lee Hsiao-feng, and Chang Yen-hsien (eds.), *Ereba shijian huiyi yi* (Compilation of Memoirs of the 228 Incidents), Taipei, Daoxiang chubanshe, 1989.

15. The estimate usually used is that taken from the 1992 Report giving the number of deaths as between 18,000 and 28,000. If we consider all existing publications, including the most partisan, we arrive at a minimum of 800 deaths and a maximum of 100,000. Stefan Fleischer, "Perspectives on 228: The 28 February 1947 Uprising in Contemporary Taiwan," in Gunter Schubert, Jens Damm (eds.), *Taiwanese Identity in the Twenty-first Century*, London, Routledge, 2011, p. 39.

16. Wu Nai-teh, "Écrire sur une blessure 'nationale.' Mémoire des événements du 28 février 1947" (Writing on a "national" wound. Memory of the events of 28 February 1947), in Samia Ferhat, Sandrine Marchand (eds.), *Taiwan, île de mémoires* (Taiwan, Island of Memories), Lyon, Tigre de papier, 2011, p. 69.

17. Lai Tze-han (Ed.), *"Ereba shijian" yanjiu baogao* (Report on the "228 Incident"), op. cit., pp. 410-412.

camp were raised in his defence. However, he was never blamed in his lifetime and the other officials implicated in the massacres were able to pursue successful careers within the Nationalist system. Although from the beginning of the rehabilitation movement, participants had requested symbolic sanctions against the officers of the troops implicated in the massacres such as the loss of any military honours they might have received, the KMT did not bow to these requirements when the Act was passed in 1995.

Set aside during the implementation of the framework designed to obtain justice for the victims of the events of February–March 1947, the question of the role of the various players of the time came to the fore in the public debate held at the end of Chen Shui-bian's presidency. The day following his victory in the presidential election of 2000, the DPP had set up a Program for the exhaustive collection of the archives relating to the 228 Incident (*Ereba dangan souji zhengli gongzuo jihua*) that was to lead to the creation of the documentation bank of the future National Archives Office (*guojia danganju*) as provided for in the National Archives Act (*guojia dang an fa*) of 1999.

In 2003, the public foundation in charge of compensating the victims of 1947 formed a team to seek out the truth about the 228 Incident (*Ereba shijian zhenxiang yanjiu xiaozu*). Its mission was to examine the entire decision-making chain that led to the massacres with the help of documents to which the first governmental commission in 1990 did not have access. The commission reported its conclusions in a report published in 2006, in which the third part of the third chapter was entitled "The principal person responsible: The nationalist head of state Chiang Kai-shek" (*Zui da zerenzhe: guominzhengfu zhudu Jiang Jieshi*).⁽¹⁸⁾ The sources examined by the Commission show, in fact, that the former head of state was fully aware of the situation in Taiwan and that the decision to send in the army seems not to have been a hasty one but rather the result of mature consideration.

The conclusions of the Report were taken up by Chen Shui-bian in a speech made in February 2007 where he first emphasised that "historic material and the government archives attest that Chiang Kai-shek was the principal guilty party in the 228 Incident" (*shiliao ji zhengfu dangan queren Jiang Jieshi shi Ereba shijian de yuanyin*) before calling for Taiwan to be made into a "normal country" (*zhengchang de guojia*) by expunging the last vestiges of the glorification of the authoritarian regime.⁽¹⁹⁾ Though fairly short, the speech included no fewer than five direct references to the events of February–March 1947, which were sufficient to symbolise nationalist repression as a whole. The most spectacular decision following this speech was the attempt to change the name of the Chiang Kai-shek Memorial in Taipei to the Taiwan Democracy Memorial (*Taiwan minzhu jinianguan*), which met with opposition from the KMT.⁽²⁰⁾ However, the Nationalist Party had the last word thanks to its victory in the 2008 presidential election. Despite the widespread media coverage it had benefitted from – the island's four main daily newspapers devoted 694 articles to it between January 2007 and the end of September 2009 – the low level of debate between the players discussing the justification for renaming the Memorial was such that it was more readily associated with a partisan scuffle between the KMT and the DPP than with reflection on the subject of the authoritarian past.⁽²¹⁾

Though it went virtually unnoticed compared to this affair, the change made to the title of the act compensating the families of the victims of 1947 was nonetheless significant. In March 2007, the term *peichang* (reparation) replaced that of *buchang* (compensation). From a judicial point

of view, *peichang* supposes compensation following an illegal action resulting from the deliberate desire to do harm on the part of the instigator, which raises the question of the responsibility of a third party in the wrongdoing committed, a problem that is avoided when one uses the term *buchang*. The name of the compensation act, now *Ereba shijian chuliji peichang tiaoli*, therefore signifies that the massacres did not result from an unfortunate series of events that were not initiated by central government, but that the latter was fully aware of the consequences of sending troops to Taiwan.

Despite this concession and the presentation of excuses each 28 February by Ma Ying-jeou when he was in power (2008–2016), commemorations of the 228 Incident reveal the differences in memories of the events of 1947 as well as the political weight they carry, rather than a possible calming of high-running passions. Take for example the commemorations organised in Taipei during the Ma presidency. Every year, the 228 Memorial Foundation organises a ceremony in the 228 Peace Park based on forgiveness, reconciliation, and remembrance that mainly focuses on the recognition of the victims' suffering. The same day, different civic groups close to the pro-independence movement and the National Chapter of the Taiwanese Association for Support of Victims of the 228 Incident (*Taiwan 228 guanhuai xiehui*), an organisation for the families of victims, organises a demonstration beginning at 2:28 p.m. in the place where the first riot took place on the evening of 27 February 1947. Held annually, this finishes in the 228 Peace Park. Leading figures in the DPP and members of other pro-independence associations take part, with the Party even organising its own demonstration some years.

The commemoration of the 228 Incident therefore brings together all the Taiwanese nationalists, from radicals advocating the independence of Taiwan in the medium or short-term to the cadres of the DPP, all united in their opposition to the Chinese nationalism defended by the KMT and CCP. The park itself is occupied by pro-independence activists, some of whom carry the banners of the groups they belong to, and others placards denouncing Chiang Kai-shek as the main guilty party in the 1947 massacres. The demonstrators occupy a different space from that of the official commemoration, although there is no tension between participants in the two ceremonies and anyone can move from one to the other without encountering any problems.

Finally, since 2013, for the whole day, various associations close to the pro-independence movement, working on societal issues other than the island's political status, have stands at the entrance of the Chiang Kai-shek Memorial, not far from the 228 Park. Concerts are held there that attract audiences of all ages whilst activists from the pro-independence groups tend to be elderly. Speeches by those participating in the non-official commemorations accuse the KMT of not being sincere in its repentance. As Chen I-shen, a researcher at the Modern History Institute of the Academia Sinica, pointed out in a speech made during the 2013

18. Li Wang-tai, Yang Chen-long, and Chang Yen-hsien (eds), *Ereba shijian zeren guishu yanjiu baogao shu* (Report on Studies on Responsibilities in the 228 Incident), Taipei, Caituan faren Ereba shijian jinian jijinhui, 2006, pp. 145–169.

19. *Jiang Jieshi xiang zhi 228 tusha shijian* (Chiang Kai-shek and the 228 Incident), *Ziyou shibao* (Liberty Times), 26 February 2006, <http://news.itn.com.tw/news/focus/paper/117507> (accessed on 29 April 2016).

20. For further details on this matter see Wu Nai-teh, "Écrire sur une blessure 'nationale.' Mémoire des événements du 28 février 1947," *op. cit.*, pp. 69–71.

21. Chen Yu-chun, *Quzhengzhi hua de zhengzhi: Taiwan zhengzhi shijian de xushi shehui xue fenxi* (Policy of Depoliticisation: Sociological analysis of Taiwanese political affairs), Master's thesis defended at the National University of Taiwan in 2010, p.78.



Photo 1 – Participants in the demonstration co-organised by the Taiwanese 228 Solidarity Association.

In 2014, pro-independence demonstrators occupied the space around the monument dedicated to the victims whilst the official commemoration took place near the museum. The demonstrator in the foreground is holding a banner on which is written "228 Massacre Garden." © Vladimir Stolojan.

demonstration, although Ma Ying-jeou as Secretary-General of the KMT has apologised several times, he also continues to visit the Chiang Kai-shek mausoleum to pay homage to Chiang on the anniversary of his death. If his apologies made in the name of the KMT are to ring true, the party must, in his opinion, mark a clear break with the former party-state. Ma's successors at the head of the KMT have, moreover, adopted the same attitude, attesting to the fact that the leaders of the Nationalist Party are incapable of cutting their links with their former leader. Even today, Chiang Kai-shek remains the "eternal leader" (*yonjiu zongcai*) of the KMT, a title conferred upon him after his death. He embodies the historical memory of the Party, which has long been the source of its legitimacy, and it is this that its leaders do not wish to tamper with. The inability of the Nationalist camp to reform itself can be seen in the manner in which the state has recognised the victims of the White Terror.

An unfinished task: Recognition of the victims of the White Terror

During a stay in Taiwan for the purposes of this survey, I was told by a former editor of *Ziyou shidai* that the magazine had tried, before 1987, to interview the families of the victims of the 228 Incident but that the great majority of them refused to speak.⁽²²⁾ It was only after the rehabilitation movement began that they broke their silence. The first associations of victims were created around 1992, and the national association around 1995. The victims of the White Terror, on the other hand, began to form groups before 1987. Between 1983 and 1987, family celebrations and the founding of the DPP served as the pretext for three meetings of former prisoners from all over the Island.⁽²³⁾ The possibility of creating associations was brought up.

As soon as martial law was lifted, the victims of the White Terror founded two groups. Members of the bigger of the two, the Association of Mutual Aid for Political Prisoners in Taiwan (*Taiwan diqu zhengzhi shounanren huzhui* or Mutual Aid Association), were Communists who wished for unification with China, whilst the Fraternal Association of Taiwanese Political Prisoners (*Taiwan zhengzhi shounanzhe lianyi zonghui*) promoted independence. After including the fight for independence in its charter, the latter association was immediately banned and certain of its cadres were sent to prison. It nonetheless continued to exist informally before being re-established in 2000.

An ambiguous compensation law

The vote in 1995 in favour of compensatory measures relating to the 228 Incident appears to have been an indispensable precedent in that it gave birth to public action norms that were then used in the rehabilitation of victims of the White Terror. In 1997, Hsieh Tsung-min, Member of Parliament and former political prisoner, submitted a draft Act that received the support of DPP members of parliament as well as a few elected members from the conservative camp. The prologue to this text ended with an appeal enjoining members of parliament to act "in accordance with the spirit of the measures structuring compensation for the 228 Incident" (*yi Eerba shijian chuli ji buchang tiaoli zhi jingshen*) by compensating the victims of the White Terror. This appeal was only partly respected, since there are notable

22. Survey carried out thanks to two grants, the first from the CEFC, the second from the Sociology Centre of the Academia Sinica. I would like to thank them here.

23. Chen Ying-tai, *Zaishuo baisekongbu* (Let us talk once more about the White Terror), Tangshan chubanshe, 2009, p.374.

differences in the tone of the 1997 debates and those preceding the passing of the 1995 Act.

Although since 1992 there had been a broad consensus as to the need to compensate the families of the 1947 victims, in 1997, the representative of the Ministry of Defence opposed the rehabilitation of all the victims of the White Terror. Although acknowledging that there may have been many who were convicted though innocent, and the severity of military justice, he asserted that martial law "had undeniable merits for the maintenance of national security in the face of pressure from Communist China" (*dan duiyu Zhonggong de yali, ji guojia anquan de weihu, qi gonglao bu ke fouden*). He also emphasised that "there can be no doubt as to the fair nature of the legal system [and therefore of military justice during the authoritarian era]" (*shenpan zhidu de gongzhengxing ying bu rongyizhi*), a system whose legitimacy he defended on several occasions.⁽²⁴⁾

The Ministry of Defence delegate was opposed to the draft under discussion for two reasons. His first objection was that the military tribunals were empowered to judge civilians on the basis of laws other than martial law and the various other measures relating to police repression during the authoritarian era, giving as an example those judged in the case of armed robbery, a crime covered by the military penal code during the period of imposition of martial law, or people prosecuted under the Measures relating to military secrecy (*Fanghai junji zhizui tiaoli*). Turning the request for justice against the defenders of the rights of the victims of the White Terror, he argued that only compensating the victims of laws that had allowed the detention of political prisoners would be unfair to other civilians who had passed before the military tribunals and would be a cause of disorder.⁽²⁵⁾ The second objection was formulated through a rhetorical question that saw the Ministry of Defence delegate return to the present.

Today, Communist China has not abandoned the use of weapons to threaten Taiwan, [...] the Mainland party wants to collect our military secrets using, for most of the time, civilians coming and going from one side of the Strait to the other, in these circumstances, should these people be convicted? And after they have been convicted, should they be given compensation?⁽²⁶⁾

He was targeting, without naming them, civilians convicted before 1991 for their participation in pro-Communist groups.⁽²⁷⁾ Their rehabilitation is impossible because it would open the door to compensating those who in 1997 were spying on Taiwan on orders from Beijing. He makes no mention of the fact that, although the Chinese threat was active both before and after the authoritarian era, Taiwan's political context is totally different.

In addition to these differences of opinion with the Ministry of Defence, the members of parliament behind the draft law disagreed with the representative of another ministry to which the former police system was responsible, the Ministry of Justice. This time, the debate concerned the revision of Article 9 of the National Security Law (*guojia anquan fa*), which stipulates that civilians judged under military law during the period of Martial Law cannot appeal against their conviction once martial law has been lifted. Despite the fact that this provision contradicts the text of martial law itself that grants civilians the right to appeal, since its adoption in 1987 it has prevented the review of any trial conducted by a military court between 1949 and 1987.

Hsieh Tsung-min had already attempted to abolish Article 9 of the National Security Act prior to 1997, without much success. It had been put

to him that since 90,000 people were thought to have passed before a military court during the period of martial law, the revision of such a large number of trials would clog up the courts and paralyse the entire legal system.⁽²⁸⁾ In the Legislative Yuan during the debates in 1997, the representative of the Ministry of Justice reaffirmed the constitutional nature of the National Security Act and refused its revision. Whilst recognising that it is impossible to have an idea of the number of people judged by the military courts, it continued to affirm that giving those formerly convicted the chance to appeal against former sentences would impede the smooth running of the legal system.

Promulgated in June 1998, the Measures for the compensation of false accusations of espionage and sedition during the period of martial law (*jieyan shiqi budang panluan ji feidie shenpan anjian buchang tiaoli*) include, to a certain degree, the reservations of the representatives of the two ministries. On the one hand, Article 9 of the National Security Act had not been amended, which meant that payment of compensation did not mean that the verdict formerly delivered by the military court was invalidated. In other words, the legitimacy of the authoritarian regime was not called into question. On the other hand, Article 8 of the Compensation Act excluded people "for whom the accusation of sedition or of preparing a foreign aggression remained valid under the terms of today's laws or after examination of legal proof" (*yi xianxing falu huo zhengju faze shencha, jing rending jiefan neiluanzui, waihuan zui que you shijuzhe*).

In theory, anyone belonging to a group affiliated with the CCP could not demand compensation.⁽²⁹⁾ With the exception of these two points, the 1998 Act reprises the measures decided upon during the formulation of the 1995 Law intended to obtain justice for the victims of the 228 Incident. The maximum amount of compensation is 6 million NTD,⁽³⁰⁾ the same as what was fixed for the victims of 1947. This evaluation does not take into account the fact that Article 8 of the Act for the suppression of the rebellion allowed the nationalisation of the possessions of people convicted of sedition. So the descendants of someone condemned to death who had already received the maximum compensation could not demand anything in respect of possessions previously seized. Lastly, as in 1995, the management of financial reparation was entrusted to a public foundation.

Placed under the jurisdiction of the Ministry of Defence, the Foundation's mandate began at the end of 1998 and was renewed three times. It was

24. *Lifa yuan gongbao* (Bulletin of the Legislative Yuan), Vol. 86, No. 42, 1997, p. 122.

25. *Ibid.*, p. 129.

26. "Muqian Zhonggong bingwei fangqi yi wuli fan Tai [...] dalu fangmian hui souji women de junshi jimi ziliao, qi daduo shi touguo fei junren laiwan liang an lai souji, yi zhe zhong qingkuang xia, zhaxie ren shifou gai yao panzui? Er zhaxie ren bei panzui hou jianglai shifou yao gei ta buchang?", *Ibid.*, p. 130.

27. *Ibid.*, p. 130.

28. Chang Yen-hsien et al., *Taiwan ziji xuanan: Xie Congmin xiansheng fangtan lu* (Declaration for the salvation of Taiwan: Interview with Mr. Hsieh Tsung-min), Xindian, Guoshiguan, 2008, p. 533.

29. In all, 2,138 people were convicted in cases linked to the Working Committee for Taiwan Province (*Taiwansheng gongzuo weiyuan hui*), which was founded by agents of the CCP sent to the island by Beijing after 1945 with the aim of creating an organisation pledging direct allegiance to the CCP, and 546 for their participation in the Democratic League for Taiwanese Auto-Determination (*Taiwan minzhu zizhi tongmen*), set up in Hong Kong following the 228 Incident by members of the Taiwanese Communist Party who had escaped the massacres. From 1948 onwards, the League had received the support of the CCP and is now one of the eight political parties recognised in the PRC. These two organisations were dismantled in the first half of the 1950s. Lin Cheng-hui, "1950 niandai qin gong huo zuoyi zhengzhi anjian" (The political affairs of Communist and Socialist sympathisers in the 1950s), in Chang Yen-hsien, Chen Mei-jung (eds), *Jieyan shiqi baise kongbu yu zhuangxing zhengyi lunwenji* (Compilation of texts on transitional justice and the White Terror during the period of Martial Law), Taipei, Wu San-lian jijinhui, 2009, pp. 137-188.

30. This corresponds to the sum paid to the family of a person executed by the regime. The calculation is then digressive.

wound up in 2014. The deadline for filing a compensation claim was fixed, after several extensions, at December 2010.⁽³¹⁾ In all, the foundation received 10,065 files. 1,940 were rejected for not relating to victims of the White Terror, as were 96 others under Article 8 of the 1998 Act, whilst 7,965 applications were accepted, and 20,340 people were compensated.⁽³²⁾ Article 8, which excludes certain victims from the compensatory measures, was admittedly applied but interpreted in a loosely way, since 95% of those convicted who were not compensated had been involved in incidents linked to the use or possession of firearms.⁽³³⁾ In most cases, a sum was deducted from the total awarded to a former prisoner to whom Article 8 might have applied if it had been strictly interpreted. Moreover, 1,500 other people eligible for compensation were identified but their cases were not dealt with, since their families had not filed an application.⁽³⁴⁾ Consequently, the reform of the National Security Law would not have resulted in the paralysis of the legal system, contrary to what had been suggested in 1997.

So that the compensation process was not limited to material compensation, a procedure was set up to provide those compensated, if they so wished, with a Certificate of Rehabilitation of Reputation (*huifu mingyu zhengshu*). Intended to provide psychological support and individualise the state's apology to each of the victims, the certificates were first issued for the victims of the 228 Incident before being granted to those of the White Terror. Though they attested to the innocence of the recipient, these certificates nevertheless did not invalidate the verdicts pronounced during the period of martial law, since the National Security Law guaranteed the legitimacy of the former military courts. Intended to occupy a central role in the rehabilitation of former prisoners, the certificates received a mixed welcome from victims of the White Terror, since only 4,055 of them were distributed between 2004 and 2014.⁽³⁵⁾ In addition to the annual commemorations, conferences, and several study projects, the Foundation also supervised the construction of a national monument, inaugurated in 2008 and dedicated to the victims of the White Terror. Since 2007, this has been the place where every year on 15 July, the date on which martial law was lifted, government ceremonies in memory of the persecutions of the authoritarian era have been held. The monument was erected a stone's throw from the presidential palace on Boulevard Ketagalan, in a corner of a park known as *Jieshou gongyuan* or "Chiang Kai-shek Long Life Park." It is therefore, rather paradoxically, a celebration both of Chiang Kai-shek and a homage to the victims of his regime.

The emergence of White Terror memoirs

The first biographies by victims⁽³⁶⁾ were published in Taiwan towards the end of the 1980s at the same time as the first initiatives organised either by former Communist prisoners or by those advocating independence. The rehabilitation of the victims of the 228 Incident was largely supported by former pro-independence prisoners from the other side, who whilst wanting justice for the victims of 1947 did not link themselves to the other players in the movement, since they did not share their ideology. Nonetheless, although their members were very active (those from the Mutual Aid Association founded the Workers' Party *Laodong dang* and cultural associations advocating socialism, whilst the former pro-independence prisoners worked for the establishment of independence after 1987), the demonstrations by prisoners' associations did not have at all the same impact as those organised in memory of the 228 Incident.

Although the 1947 massacres had found in the overseas pro-independence movement a vehicle enabling both the transmission of

memory and a way of adding meaning to the events of 1947, there was no social milieu that could help rapidly affirm a homogeneous memoir of the White Terror. In this respect, 1993 marked a beginning, since the discovery in May by a member of the Mutual Aid Association of the bodies of 265 political prisoners executed during the White Terror (most of them between 1950 and 1953 at a time when the regime was disbanding the Working Committee for Taiwan Province founded under the instructions of Beijing) led the Association to start a dialogue with the Mayor of Taipei, under the control of the DPP between 1994 and 1998, for the institutional recognition of the site.

Moreover, at the same time, the Association began to organise annual commemorations in the Youth Park (*Qingnian gongyuan*) formerly known as *Machang ding*, a place of execution in the 1950s. These two places were recognised by the town council in the months following the passing of the 1998 compensation Law, and the name of *Machang ding* was given back to the part of the Youth Park where the executions took place whilst a White Terror Memorial Park (*baise kongbu jinian gongyuan*) was created in Liu Zhang-li. Although linked more specifically to the persecutions of the 1950s, when the great majority of the victims were Communists, these two sites were the first to create a physical anchor-point for the memory of the White Terror as a whole. Nonetheless, over the same period, the Mutual Aid Association maintained an attitude of deep-seated defiance towards the DPP on account of their differing points of view on the island's status. Therefore, when the DPP town council of Taipei tried to mount an oral history project, the leaders of the Association prevaricated and refused to work with the Taipei town council, to the displeasure of certain of its members, and ultimately moved closer to the government of the province of Taiwan, headed by a member of the conservative wing of the KMT, Soong Chu-yu (James Soong).

In the end, two projects were mounted, one by the Taiwan Provincial Historical Research Committee (*Taiwan sheng wenxian weiyuan hui*) and the other by the Taipei City Historical Research Committee (*Taipei shi wenxian weiyuan hui*), with the Mutual Aid Association favouring the former. It nonetheless asked its members, when they were interviewed, not to mention other prisoners or talk about relations between the former Communist cells, and even not to talk about their own case.⁽³⁷⁾ The defiance of the cadres of the Mutual Aid Association and disagreements over the over-politicisation of the group led to the creation in 1997 of a third association, the Association for the Rehabilitation of the Trials of the White Terror of the 1950s (*Wu shi niandai baise kongbu anjian pingfan cujinhui*).

31. Ni Tzu-hsiu (ed.), *Buchang jinjinhui shiwu zhounian chengguo jinian zhuanji: 1998-2014* (Report commemorating the 15 years of results of the compensation), *op. cit.*, pp. 36-42.

32. The percentage of those condemned to death and executed by the regime in the total number of successful demands for compensation was 10.1 %.

33. Wu Nai-teh, "Guojia dui shouhaizhe de peichang/puchang" (Reparation/compensation on the part of the state to the victims), in *Taiwan minjian zhenxiang yu hejie cujinhui* (ed.), *Jiyi yu yiwang de douzheng: Taiwan zhuanxing zhengyi jieduan baogao* (The conflict between forgetting and memory: intermediate report on transitional justice in Taiwan), Vol. 2, New Taipei, Weicheng chubanshe, 2015, pp. 33-36.

34. *Lianhe bao*, 8 September 2014, A10.

35. Ni Tzu-hsiu (ed.), *Buchang jinjinhui shiwu zhounian chengguo jinian zhuanji: 1998-2014*, *op. cit.*, pp. 44-48.

36. Tsui Hsiao-ping, *Cui Xiaoping yuzhongji* (The prison journal of Tsui Hsiao-ping), Vol. 2, Taipei, Gengzhe chubanshe, 1989; Hsu Tsao-de, *Xu Caodehuiji lu* (The memoirs of Hsu Tsao-de), Taipei, Ziyoushidai chubanshe, 1989; similarly, as soon as martial law was lifted, Lan Po-chou, a Communist, conducted interviews with victims of the same ideological persuasion as himself, and these were published in the review *Renjian*.

37. Chen Ying-tai's blog, <http://blog.xuite.net/yingtaichen/twblog/150857799> (accessed on 22 April 2016).

This brought together members of the Mutual Aid Association for whom the rehabilitation of former prisoners was more important than the preservation of Communist purity, which would have gone against the idea of compensation. Moreover, after 1998, the existence of a motion excluding certain prisoners also contributed to a great deal of dissimulation on the part of former Communist prisoners.

Having begun his surveys in 2007, Lin Chuan-kai observed considerable differences between those accounts gathered in the 1990s and the accounts he was able to gather, since out of 231 interviewees imprisoned for taking part in the Working Committee for Taiwan Province, only one continued to assert that he had been wrongly convicted, whilst the others admitted having, in one way or another, belonged to this CCP-affiliated group, and in later documents all the interviewees denied having had links with the Committee.⁽³⁸⁾

Over and above these questions that relate more to Communist memory of the White Terror,⁽³⁹⁾ the 1990s saw the persistence of a stigma linked to the identity of the victim. This had its origins just as much in the language of the authoritarian era that presented political prisoners as "spies" (*feidie*) in the pay of foreign powers as in the surveillance they were subjected to after they were released from prison: visits from the police to the home of former prisoners and other humiliations suffered in their professional life or by their children at school. The type of thinking created by the former official ideology did not immediately vanish after the lifting of martial law but continued to influence the perceptions of a section of the island's population over the next decade. By way of example, when I asked the daughter of a prisoner if she had spoken to her friends about her father's experiences, she replied that when she was in secondary school at the end of the 1990s:

I once casually mentioned it to my best friend at the time, and she said "So you are a Communist spy?" And that left a mark on me, because you don't know what to say. And...no, it wasn't something I talked about.⁽⁴⁰⁾

The former prisoners also retained the habit of self-censorship. Wrongly convicted and with no particular political affiliations, Chen Hsin-ji managed to hide his past as a prisoner from his wife and children by coming to an agreement with the police that he would go to the police station himself in order to avoid visits to their home, only beginning to share his experiences with those close to him following a change of government in 2000.⁽⁴¹⁾ Although there have been examples of prisoners fully assuming their past in public, illustrating once again the diversity of the victims' experiences, they remain in the minority. The 1998 Compensation Law led to the emergence of freer speech, a tendency that grew with the change of government in 2000 and which was synonymous with the consolidation of the democratic process.

Moreover, although originally linked to the 228 Incident, the constitution of the Archives Office has greatly assisted research into the White Terror. Historians in charge of the collection have easily been able to convince Chen Shui-bian to include documents linked to the White Terror found in the various departments of the Ministry of Defence. They were also able to collect a certain number of letters and other private texts that had not been given back to the victims. The opening of its archives and the gradual restitution of these documents has led to many more discussions between former prisoners and victims' families from all sides of civil society, often in

conjunction with Taiwanese academics working on questions of collective memory. It was an initiative that led to a second wave of freer speech, mainly in the second half of the 2000s. I am thinking in particular of the interviews conducted by the Taiwanese Foundation for Truth and Reconciliation (*Taiwan minjian zhenxiang yu hejie cujin hui*). Between 2008 and 2013, its volunteers transcribed the words of almost 240 victims and descendants who had never before expressed themselves publicly. Still with the idea of transmitting memories, since 2008, the Chen Wen-cheng Foundation has organised a summer workshop called The Human Rights Path (*renquan zhilu*) at Green Island Prison, the main detention site for political prisoners. For three days, former victims of different political persuasions come to the detention centre to share their experiences with an audience of students. Seminars are also organised there to give the young participants extra information.

Interaction between members of civil society, prisoners' associations, and victims who do not identify with the political polarisation of the former prisoners' groups has facilitated the gradual emergence of an environment able to foster the construction and dissemination of a homogeneous memorial account of the White Terror. The work is nonetheless far from complete. Even though it quickly financed oral history work, for a long time the state seemed to be on the side-lines of the memorial recognition dynamic. Over and above the initiatives of the Foundation in charge of compensating the victims of the White Terror, from 1999 onwards, the state has been involved in the preservation of the prison on Green Island, which opened its doors to the public in 2002, and then of Jingmei Prison, another site where political prisoners were held. The two sites were placed together in 2011 in the National Museum of Human Rights (*guojia renquan bowuguan*). Although the setting up of the site reveals a lack of overall vision and ad-hoc management,⁽⁴²⁾ and major differences still exist between the museum's version of the account and the demands of the victims' groups,⁽⁴³⁾ the museum is now actively engaged in the publication of biographies of former prisoners and oral history surveys. It is nonetheless regrettable that this has come at a time when the generation of witnesses and victims is disappearing.

Conclusion

The 228 Incident and the White Terror, Taiwan's two most traumatic post-war experiences, have not solicited the same degree of memorial

38. Lin Chuan-kai, "Dazhong shanghen de [shi] yu [huan] tansuo 1950 niandai baise kongbu [jianzheng] de banbenqiyi" (The [reality] and [illusion] of mass wounding, investigation of the differences in [witness accounts] of the White Terror of the 1950s), *Lishi Taiwan* (Taiwan history), No. 8, 2014, p. 56.

39. As far as the pro-independence movement is concerned, first inquiries have tended to concentrate on well-known trials such as those held following the Kaohsiung Incidents of 1979, even if this has meant leaving aside less well-known cases.

40. Interview conducted in Taipei on 7 July 2013. Even though the father in question was imprisoned for a long time by the regime, the interviewee's parents sent her to a well-respected though very conservative school. It is possible that this scene might not have taken place if she had been in a different establishment.

41. Chen Hsin-chi, *Maanteng de chuntian* (Ipomoea Spring), New Taipei City, *guojia renquan bowuguan*, 2014.

42. Yeh Hung-ling, "Taiwan baise kongbu chuanshang jiyi de tizhihua guocheng: lishi zhidu lun guandian" (Institutionalisation of the traumatic memories of the White Terror in Taiwan), *Taiwan she-huixue* (Social sciences Taiwan), No. 29, 2015, pp. 1-42.

43. Despite their ideological differences, all of the associations are demanding the annulment of Article 8 of the Compensation Law and the use of the term *peichang* instead of *buchang* in the wording of the Law. Whilst participating in the official commemorations, the associations are all organising their own ceremonies.



Photo 2 – Several generations pay homage to those who died in Green Island prison. During its workshop, the Foundation tries to favour intergenerational dialogue by providing many opportunities for discussion. Here in 2014, former prisoners and young participants gather to reflect together at the tombs of guards and prisoners. © Vladimir Stolojan.

engagement. Although the 1947 massacres now occupy an iconic place in pro-independence thinking, the White Terror, a historic episode that covered a more varied range of experiences, does not have the same symbolic reach. It therefore seems difficult to attach the idea of collective memory to the accounts given by victims of the White Terror, since despite the existence of common suffering and the stigma endured by the families of victims from all sides, the work of homogenising memories into a collective memory is incomplete. It is nonetheless possible, even probable, that the passage of time will erase the differences that exist between the various accounts, which may lead to the emergence of a genuine collective memory.

Over and above these fundamental differences, the rehabilitation of the victims of 1947 and of the White Terror has met with resistance from the Nationalist camp, which cannot bring itself to completely disavow the former party-state. Although the sufferings of the victims have been recognised and form the main thrust of institutional accounts, political struggles during the White Terror, the experiences of the victims' families, and the point of view of the former torturers have tended to be somewhat eclipsed. Since memory is dynamic in character, it is possible that these accounts will change in the future even if it seems unlikely that the former officials of military justice will publicly repent, as has been seen in the truth and reconciliation commissions.

Another problem lies in the full recognition of the responsibility of the authoritarian state, and similarly the problem of being able, or not, to dissociate the KMT from the former party-state. To date, the Nationalist camp has opposed the full condemnation of the authoritarian regime, which would involve not necessarily declaring it illegal but at least understanding the period of martial law as an abnormal political framework and not a simple *pis-aller*, necessary during the Cold War. It would also involve revising judgments handed down by the former military courts and the withdrawal

of Article 8 of the 1998 Law that excluded certain victims from compensatory measures. Similarly, if we consider the KMT and the former party-state to be the same entity, it would be logical for the party to contribute to the payment of compensation, since it was solely responsible to the democratic state and therefore, ultimately, to Taiwanese tax-payers.

It should also be emphasised once again that the spoliation of the property of victims given heavy sentences was not included in the 1998 Law and was the subject of little debate in the decade that followed. In fact, it raised very awkward problems (how to calculate potential compensation, on what document should the value of the goods seized be estimated, who should pay for the restitution of the goods, etc.), which in the present state of knowledge make passage of a law governing the question very difficult. The draft Act filed in March does not tackle this problem. It is, however, very ambitious, since it targets four objectives: the opening of the archives, the restitution of goods wrongly acquired by the KMT (which is different from spoliation), the withdrawal of still visible symbols of the authoritarian regime, and the righting of injustices linked to the period of martial law, in an effort to progress towards justice and reconciliation. Although they raise different problems, the resolution of these questions should by and large put an end to the heritage of the authoritarian era. It only remains to bring the work of constituting a collective memory, which to date is far from complete, to a satisfactory conclusion.

■ Translated by Elizabeth Guill.

■ Vladimir Stolojan is PhD Candidate at CESSMA, Paris7.

Université Paris Diderot, Case courrier 7017, 75205 PARIS CEDEX 13.

Manuscript received on 30 May 2016. Accepted on 2 November 2016.