

# Transitional Justice and the Hakka Society in Taiwan (Draft)

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## Abstract

Political prosecutions such as the February 28<sup>th</sup> Incident and the White Terror were rampant in Post-war Taiwan during its prolonged transition from authoritarianism to a democratic regime. The long-term dominance of Taiwan by the KMT following the end of the Second World War resulted in a series of political cases that seriously damaged human rights in Taiwan. In particular, President Chiang Kai-shek and his son, President Chiang Ching-kuo, imposed strict control over Taiwanese civil society by implementing the *Temporary Provisions Effective During*

*the Period of Communist Rebellion* for 43 years and the *Martial Law* for 38 years. It was not until July 15<sup>th</sup>, 1987, when the *Taiwan Martial Order* was lifted that Taiwan started the process of transitional justice. Two acts have been implemented to compensate for those who have suffered from political prosecutions so far. With the transition of power from the KMT to the DPP, the Government of Taiwan strives for transitional justice and efforts to redress those who have been wronged.

The purpose of this research is to understand how the KMT regime controlled Taiwan Hakka society by the White Terror ruling through Hakka social context. The question is, who are the most representative sufferers among all political cases involving Hakka people in the Post-war period. By combining the approaches of historical research and political science, this research analyzes the archival sources related to these issues and conducts interviews with relevant people. It discovers that few Hakka people were involved in the February 28<sup>th</sup> Incident, However, more Hakka people were prosecuted during the subsequent White Terror.

**Key Words: Transitional Justice, Taiwan, Hakka, Political Prosecution, Political Sufferers**

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## **I. The introduction to the background of research, purpose and importance**

### **1.1 The background of research**

Because the Formosa Strait was ceded to Japan in 1895 in the Qing dynasty, Taiwan and China have been in a state of division and are ruled separately, which has caused the estrangement of history and culture and differences of political substance and economics between Taiwan and China. Since World War II, Taiwan has been governed by the Republic of China, and the rift between Taiwan and China has burst out instantaneously in the island of Formosa. In 1947, from February to March uprising broke out all over the island culminating in the Massacre of February 28<sup>th</sup>. The reasons lie in the fact that the National Government of the Republic of China (or Nationalist Government) had executed the policy of Special Province, which suppressed the majority of Taiwanese' desire for autonomy, and that it connived with the governor, Chen Yi, (陳儀) in a retrogressive style of economic management, and also that it discriminated against local Taiwanese language and culture. After Taiwan experienced the February 28<sup>th</sup> Massacre, it became involved with the Chinese Civil War. The Nationalist Government announced plans to mobilise a rebellion against the Chinese Communist Party and resumed to implement "The Law of National Mobilisation" (《國家總動員法》).

In 1948 the first National Assembly passed "The Temporary Clause of the Rebellion Period of Mobilisation" (《動員戡亂時期臨時條款》) and froze parts of the articles of the Constitution. The former Chief of staff Chen Cheng (陳誠) received

instructions to host the military government of the Taiwanese Province for the purpose of the consolidation of the regime and of stabilising the rear. On 20<sup>th</sup> May 1949 Chen Cheng announced that all Provinces in Taiwan were to be subject to martial law, and on 24<sup>th</sup> May the first Legislature Yuan passed the “Acts of Punishment of Rebellion” (《懲治叛亂條例》).

In December 1949 the Central Government moved to Taipei. Then in 1950 it legislated the “Espionage Prevention Act during the Period for Suppression of Communist Rebellion”. In order to form a tight legal network, the Executive Yuan promulgated “Taiwan Province Rules Governing the Control of Newspapers, Magazines and Books during Martial Law” together with the “Organization Acts of the People’s Organizations in extraordinary times” (《非常時期人民團體組織法》) and “Law of Publication” (《出版法》) of Republic of China, which was applied in the period of discipline(陳儀深, 2000). The government strengthened the intelligence system not only to eradicate Communist spies, but also to purge dissidents.

After the chief of the government of the Taiwan Provinces and the commander of the Garrison, Chen Cheng, promulgated “Taiwan Martial Order” (《臺灣戒嚴令》) according to “Martial Laws” (《戒嚴法》), The Security Preservation Headquarters of Taiwan Provinces (國防部臺灣省保安司令部) and Taiwan Garrison Command (臺灣省警備總司令部), the Ministry of National Defense Department, promulgated successive administrative orders to restrict or to deprive people of their essential and staple rights. Under the national emergency policy freedom and human rights, the separation of powers, and checks and balances of the nation, which were ensured by the Constitution were mainly frozen or neglected in Taiwanese society (李鴻禧, 2000: 58-67). Martial law was enforced for more than thirty eight years in Taiwan under the rule of the Republic of China, and it was the longest period of martial law in any country in the world during that time.

After World War II the political incidents that happened in Taiwan society can be divided into two categories: the February 28<sup>th</sup> Incident and White Terror. The former occurred on 28<sup>th</sup> February 1947, which was during the period of martial law and of liquidation. The latter fell from 4<sup>th</sup> June 1948 to 1994, when the “Punishment of Rebellion” (《懲治叛亂條例》) was abolished and the article of “Criminal Laws” was amended. Although the reasons for each individual political case were different, generally speaking, all the cases occurred because of national violence, which was planned and systematised. The lives of victims were curtailed, freedom was infringed and national reputation was damaged.

Researches into Taiwanese political cases are fundamentally works in pursuit of

transitional justice and social reconciliation after Taiwan's accession to democracy. However comparatively little research focuses on the political cases of the ethnic Hakka. If the government wants to completely execute transitional justice, the political cases of the ethnic Hakka cannot be ignored and they should be investigated. This article enquires into not only the practical strategies and methods of transitional justice, but also interrogates ethnic Hakka political events, for example, the case of 張七郎 in Fenglin, Hualian (花蓮鳳林), or that of 吳鴻麒 in Chung Li, TaoYuan, to comprehend the overall situation of the political persecution of Hakka society, whereby this article can provide some valuable suggestions for the achievement of transitional justice in Hakka society.

## 1.2 The purpose of research

In this paper the definition of “ethnic Hakka” is in accordance with the stipulation of the second article of “Hakka basic Act”, which is “the ethnic Hakka refers to one who possesses Hakka blood or is of Hakka origin and whose self-identity is Hakka”. Hence, this thesis examines political cases specific to Taiwanese Hakka society after World War II and mainly concentrates on those persons involved whom themselves are Hakka, or those parties who are related to the person involved when the case occurred.

With regards to the phrase ‘transitional justice’, normally it refers to a country which lately became a democracy, which attempts to redress the detriment that was improperly or unlawfully imposed on the people by that nation in its authoritarian period. The thorough investigation and excavation of historical facts are the principal basis for the social blueprint of transitional justice. The scholar 吳乃德 holds that pursuit of historical justice is a complex task, because it always involves the reconstruction of social memories, and a final conclusion might never be reached, due to social memories being permanently rooted in conflicts between politics, society, culture and other interests. It is not an easy thing to reconstruct a social memory that can be accepted by all groups, races, ethnicities and classes (吳乃德, 2006: 29). Nevertheless, it is necessary to carry out such a task to satisfy the clamour for proper investigation into truth and responsibility. However, in any case truth needs evidence, which can be drawn from both national archives and testimonies of the person(s) involved. Taiwan has proceeded along the path of transition by means of peaceful revolution. Taiwan's democratic transition has been guided by the regime, which initially imposed national violence on its people; in other words, the regime changed its own process of ruling legitimacy. Therefore it is very difficult to demand the authority of the Chinese Nationalist Party (KMT) to reflect on and criticise its history,

let alone to admit its mistakes and to investigate its responsibility. In addition, the tangled factions, interests and personal disputes of the party itself may confound its legitimacy of rule and its vested interests. For example, President Lee Teng-hui (李登輝總統) himself might be an agent of the White Terror. During his regime he initiated the task of transitional justice, however, he was reluctant to initiate investigations into President Chiang Ching-Kuo (蔣經國總統), who promoted him. However, from July 1949 the Nationalist Party established the Political Action Committee (政治行動委員會) to coordinate and consolidate intelligence and the activities of the secret police. Chiang Ching-Kuo accepted the command of his father Chiang, Kai-shek (蔣中正) to be placed in post as leader of the secret organization. In December 1949 he came back to Taiwan to become leader of the Secret Service (特務情治機關) nationally. He remained in this position until his father passed away, when he became the sixth president. Transitional justice could not go so far as to look into the responsibilities of the chief perpetrator, because President Lee Teng-hui was unwilling to clear Chiang Ching-Kuo. His reluctance not only obstructed the advance of transitional justice, because the sufferers and victims themselves were aging or dying, and their memories fading, so that their stories stand not to be revealed, nor due redress awarded them, but also harms historical justice out of political consideration.

Taiwan has been experiencing a transformation to democracy for more than twenty years; and most of the injured parties or victims have passed away. Now we are racing against time to salvage the last of the historical memories of the victims. We do not have too much time left. In fact, the investigation into responsibility is possible only when the truth is uncovered, and then we can remember the historical lessons dispense historical justice and avoid committing the errors that our ancestors did. Only through this can we say farewell to the authoritarian times, end mutual suspicion and division among different ethnic groups, encourage ethnic reconciliation and live in a new united country.

This paper concentrates on discussion of individual cases involving the Taiwanese Hakka and holds that if we can cut into Hakkaness, then the execution of transitional justice can include consideration of the entire ethnic Hakka. In view of this, this paper inquires into the implementation and method of transitional justice, analyses political events in the Taiwanese Hakka community (such as the events of 張七郎 in Fenglin, Hualian and of 吳鴻麒, ChungLi, Taoyuan), to apprehend the whole situation of the political persecution of the ethnic Hakka, through which the accomplishment of transitional justice in the Taiwanese Hakka community can provide some valuable suggestions.

### 1.3 The importance of the research

The 1947 February 28<sup>th</sup> Incident impacted hugely on the Taiwanese national consciousness, due to the vindictive and draconian Nationalist Government (國民政府), which caused the massacre, as well as huge damage to property. Thereafter Taiwan enacted martial law from 20 May 1949 to 14 July 1987, lasting more than thirty eight years, with the article 100 of conspiracy to rebellion in “Punishment of Rebellion” (《懲治叛亂條例》) and “criminal law” (《刑法》) being extended to 1994. From 1947 to 1994 the majority of the rebellion cases under check and suppression in the Republic of China in Taiwan acted for the purpose of deterrent to society. And due to bias and the poor quality of legal investigators, countless mistakes and miscarriages of justice took place.

On 15 July 1987 Taiwan abolished martial law. The Legislative Yuan (立法院) passed the “National Security Law of the Rebellion Period of Mobilization” (《動員戡亂時期國家安全法》), of which article 9 restricted the civilian’s right of appeal in military cases, during the period of martial law. The judge in the Judicial Yuan (司法院) defined ‘Interpretation of Word No. 272’ (釋字第272號解釋) as “because the special situation between the imposition of martial law and the post-martial law period was separated by more than thirty years, and the sentences were for the purpose of stability and the necessity of maintenance of social order”, as “the person requiring a retrial or extraordinary appeal may do so as they please, under law. The rights of the people had been taken into account, there was no contravention of the constitution”.

However retrial and extraordinary appeal relies on the support of new evidence. The sufferers, especially political victims, who lack the assistance of public authorities, seem to be unable to retain their old evidence or to find new evidence if their experience under the rule of terror was more than ten years old. Thus the special legislation for this special case amounts merely to affirm the conviction of the victims, who had to accept the judgment of the courts-martial during the period of martial law. Because of this, we are not able to investigate the responsibility for the nationally-appointed authority or the agent of national violence, so the legislation only served to benefit security of judgement, not justice and truth.

As democracy unfolds in Taiwan, reconciliation of the February 28<sup>th</sup> Incident has been struggled with for many years; the government of the Nationalist Party has finally been forced to deal with the aftermath the political cases, post-war. It has to face bravely historical facts, to make a positive effort to resolve hatred with an

attitude of sincerity, to consider current democratic political life and the social situation in the light of reference to foreign cases and to balance law, reason and sentiment. In 1995 and 1998 “The February 28 Incident Disposition and Compensation Act” (《二二八事件處理及補償條例) and “Compensation Act for Wrongful Trials on Charges of Sedition and Espionage during the Martial Law Period”》(戒嚴時期不當叛亂暨匪諜審判案件補償條例) have been successively adopted. The government has to endow the victims of the February 28<sup>th</sup> Incident and those improperly convicted during the White Terror with appropriate and proper compensation with the help of victims’ evidence, after enquiries under both The February 28 Incident Disposition and Compensation Act and the Foundation for Compensation for Improper Verdicts on Sedition Cases During the Martial Law Period. The compensation would be paid according to the results of examination, which re-identified both the fact of and the level of victimhood and conviction. And the government has to issue them a certificate of restituted honour. However these two acts did not deal with problems between the victims and the perpetrators. The framework of Taiwan transitional justice thus encounters a bottleneck, there are the victims without perpetrators.

According to the report that was made by the Ministry of Justice to the Executive Yuan in 21 June 1989, “the total number of political cases that the courts-martial accepted and heard is 29,407. The victims are about one hundred and forty thousand. However, according to the judicial officer, political cases amount to sixty or seventy thousand. In this way each case involves, on average, 3 persons, so during the period of martial law the total number of the victims should be more than two hundred thousand (李禎祥等編撰, 2002: 24). Currently more than ten-thousand cases passed through investigation by the Memorial Foundation of 228 (二二八事件紀念基金會) and the Foundation for Compensation For Improper Verdicts on Sedition Cases During the Martial Law Period (戒嚴時期不當叛亂暨匪諜審判案件補償基金會). Of course accurate numbers cannot be gleaned from it, but the psychological pressures of the victims’ terror and fear are mirrored therein. Some of them cannot bare to reopen the wounds again, let alone to ask for compensation. In view of this, the importance of national responsibility is highlighted.

Transitional justice includes law (criminal law, human rights), political philosophy (the doctrine of justice) and comparative politics (democratisation). If our research begins with the prospect of peace, transitional justice embraces these three aspects: truth, the pursuit of justice and the desire for reconciliation, which are mutually compatible. We can even go on to say that only truth can possess true justice, i.e. the comprehension of truth is necessary for the assertion of justice (施正

鋒，2007: 4) .

As far as the convicted and their families are concerned, the pain of suffering is so great that some of them choose to escape and lose their memories. They are reluctant to mention and to remember it lest they are psychologically harmed again. Their response is understandable. From the viewpoint of transitional justice, the premise is that the nation should protect the victims, being capable of distinguishing rightness from wrongness in each case and taking them on. If the nation as perpetrator of violence harbours itself and is not punished, nor apologises for its cruelty to the victims and society, how can people be persuaded that the credibility of the country can be trusted and justice to be manifested? Therefore this passage of history cannot be forgotten and cannot be taken for granted. Previously the nation did not shoulder its responsibility, now intellectuals ought to remain hopeful for the judgment of historical justice and carry on their moral obligations conscientiously. It is held that the historical archive and history of national violence belong to the public domain, not to the sphere of personal data protection, because of the nation's culpability. It not only infringes the rights of man, but also the national and social rechtsgut. Therefore, no party has the right to make the record of these historical events their own private possession, nor furthermore, to destroy it. We expect that more and more the victims will be willing to stand up to certificate that passage of history by means written or oral, through which the truth can be revealed and the sufferings and the wounds can be soothed and healed.

In brief, the aim of this paper consists of creating a series of the special files of the Hakka political victims with regards to the ethnic Hakka of post-war Taiwan. The research accentuates the political cases of the post-war Taiwan Hakka community. Who are the representative figures of Hakka political victims in the February 28 Incident and in White Terror? In this paper there are two main points: the first is Taiwan Hakka and the difficulty of Taiwan transitional justice. The second is to illustrate the representative figures of political victims in post-war Taiwan Hakka community, including the political victims of the February 28 Incident and of the White Terror.

## **2. Literature Review**

### **2.1 The relevant research of Taiwan 'transitional justice'**

In the field of social science some style the term 'transitional justice' as

‘backtracking justice’ or ‘justice of change’. Its definitions and connotations are varied and not unanimously agreed. Generally the alleged status of ‘transitional justice’ means a new and developing democratic country has evolved from ‘totalitarian politics’ or ‘authoritarian politics’ into ‘democratic politics’, thereafter the new government will start to review the previous government’s illegality and to compensate the victims and the ‘convicted’ because of the conflict of political thoughts or the crimes of war, which led to the violation of justice. Therefore, ‘transitional justice’ has gradually become the pivotal ‘political project’ of emerging democratic countries.

With regard to ‘transitional justice’, here are some viewpoints of experts listed briefly as follows:

1. When Jiang Yi-Huah (江宜樺) discussed Taiwan’s transitional justice, he illustrated briefly the concrete contents of his findings. In his article ‘Taiwan Transitional Justice and its introspection’ (〈臺灣的轉型正義及其省思〉) he mentions that the experiences of the International Centre for Transitional Justice (ICTJ, 國際轉型正義中心), assisted countries to deal with transitional justice, and divided the task into seven items: Establishing the truth about the past (真相調查), Prosecution of perpetrators (起訴加害者), Reparation of victims (賠償受害者), Memory and memorials (追思與紀念), Reconciliation initiatives (和解措施), Reforming initiatives (制度改革) and Vetting for and removing abusive public employees (人事清查) (江宜樺, 2007: 69) .

2. Hsu Yung-Ming (徐永明) holds that ‘transitional justice’ was a concept of values centering around the early 1990s. After various communist countries in eastern Europe were transformed, they used the experience of democratisation in Latin America as examples from which to form some practical cases, and through comparison and analysis to progressively establish the concept of value (徐永明, 2008: 1) .The term ‘transitional justice’ highlights the co-existent values of ‘transition’ and ‘justice’, which fundamentally divides into two parts: political transition and the pursuit of the value of justice (徐永明, 2006: 27) .

3. Chen Tsui-lien (陳翠蓮) opines that ‘transitional justice is to purge and rectify the relevant persons, structure and ideology of the high pressure period of authority after democratic transition, through which the legacy and danger of the old regime can be eradicated and by means of which injustice can be done (陳翠蓮, 2007: 346 ; 城兆毅, 2014: 125) .

4. Chen Xian-Wu (陳顯武) believes that whether or not the practice of ‘transitional justice’ is a universal value, it is still not conclusive. It is unavoidable that the

theoretical bases of different opinions and doctrines are controversial, including the American theory of justice of John Rawls or the European theories of justice of G. Radbruch, J. Habermas or A. Kaufmann (陳顯武, 2007: 192-194; 城兆毅, 2014: 125) .

5. 城兆毅 thinks from the historical point of view, that transitional justice in practice is independent from the dispute about theoretical foundation. It can be accomplished in political, legal and social dimensions in some countries. Therefore, it is admitted that transitional justice from the perspective of political practice and democratic consolidation has its implementation and of necessity maintains the concept of justice in natural law. And the debate about theoretical grounds simply occupies the energies of academics, but is not able to satisfy the urgent needs of reality (城兆毅, 2014: 125) .

Furthermore, the enforcement of Taiwanese ‘transitional justice’ can be discussed from 1980 via the political development of Taiwan. Chiang Ching-Kuo’s late years declared an end to martial law in Taiwan (15 July 1987). His promotion of political freedom is a crucial ground of Taiwanese political democratisation, which paved the way for President Lee Teng-Hui to execute. In this process of Taiwanese political democratisation, Taiwan politics progressively transforms from ‘authoritarian to ‘democratic.

In 1995 the Legislative Yuan of the Republic of China (Taiwan) drew up ‘The February 28 Incident Disposition and Restitution Act’ based upon which it established the ‘Memorial Foundation of 228’ to deal with the relevant cases of the 228 Incident. Then in the period of President Lee Teng-Hui’s regime the Legislative Yuan passed ‘The February 28 Incident Disposition and Restitution Act’ (1995). In the period of President Chen Shui-Bian’s regime the Legislative Yuan modified and passed ‘The February 28 Incident Disposition and Compensation Act’ (2007), and modified the term “restitution” to “compensation”. Although only one term is changed and the amount of compensation is the same, the meaning is different.

Furthermore, in 1998 ‘The Compensation Act for Improper Verdicts on Sedition Cases During the Martial Law Period’ was legislated, thereafter ‘the Foundation for Compensation for Improper Verdicts on Sedition Cases During the Martial Law Period’ (abbreviation Compensation Fund) was further legislated to be responsible for restitution, restituted honour, and care and comfort of political victims during the period of martial law. On 8 March 2014 the Compensation Fund was closed and relevant concerns, such as property settlement, have been moved back to the responsibility of the Ministry of National Defense. The relevant documentary archive

has been transferred to the Preparatory Office of the National Human Rights Museum, Ministry of Culture. And follow-up business regarding the political case of the White Terror has been passed on to the Ministry of the Interior and entrusted to the 'Memorial Foundation of 228' to assist in processing.

It is a long road for Taiwan from 'authoritarian politics' to 'democratic politics'. In the process of political development post-war we don't know how many political victims sacrificed their lives for Taiwan, through which they have made their contribution. It is similar to some democratically-developed countries, in that after Taiwan propels the transformation of democracy it encountered the difficulty of 'transitional justice'. In addition, Taiwan's distinctive political situation during the process of transition sees it destitute of a complete and systematic strategy to promote the implementation of 'transitional justice', hence these years some political victims and human rights fighters have questioned, criticised and castigated the authorities. This phenomenon has to be considered and investigated (吳乃德, 2006: 3; 邱榮舉、謝欣如, 2007: 10).

In brief, according to the scholars' interpretation of the concept of 'transitional justice' above, the advocacy and accomplishment of it have become a global fashion. All democratic countries proceed to politically redress the injustice and violence of the previous authoritarian government and the political cases of the prosecution of human rights during the regime of authoritarian politics. In Taiwan the government progressively cooperates with local people to bring political redress starting from law and politics. How do we redress the political cases of the post-war 228 Incident and the White Terror? We have to refer to the research outcome and experience of the 'Centre of International Transitional Justice' (「國際轉型正義中心」) to fulfill the project of transitional justice.

### **3. The method of research**

This paper adopts an approach based on political and historical research coupled with analysis of available literature and in-depth interviews. As far as an analysis of literature is concerned, this thesis will initially collect relevant academic books, journal articles by involved experts and newspapers, which then will be reorganized, induced and analysed. Furthermore, the relevant historical data of these materials include Academia Historica and its relevant archives contain 'The Memorial Foundation of 228' and 'The Foundation for Compensating Improper Verdicts on Sedition Cases During the Martial Law Period' and oral records, publications and articles in journals of political cases concerning the post-war Taiwanese Hakka.

In qualitative research the in-depth interview is one of the most widely used

applications. Experts and scholars who have concentrated on the post-war Taiwanese Hakka communities, are the main focus of the colloquium of this paper, though of course, the Hakka political victims will be invited to interview, through which the relevant cases themselves will be exposed and manifested by piecing together forgotten or distorted historical fragments. The procurement of first hand material is crucial to the integrity of this paper.

To sum up, the research method of this paper mainly accepts the analysis of literature and employs the relevant books and articles, which are derived from Academia Historica, National Archives Administration, ‘The Memorial Foundation of 228’ and ‘The Foundation for Compensation Improper Verdicts on Sedition Cases During the Martial Law Period’ to analyse and study systematically, adding in-depth interviews. With these approaches, it is expected that the situation of Hakka political victims in post-war Taiwanese society can be presented in a whole and complete picture, enabling a clear view of history.

#### **4. The difficulty of Taiwanese Hakka and transitional justice**

If we want to investigate the political experience of the Taiwanese ethnic Hakka, it cannot be done in isolation, since at that time the Oriental west and east were in inverse relationship thanks to the widespread phenomena of the Red Terror and White Terror. The political story of the White Terror of the Taiwanese Hakka is wedded to the Red Revolution, or the Communist movement. It is necessary to fully understand the historical context if we want to examine the history of the post-war Taiwanese Hakka.

There is a long history behind the struggle of the post-war Taiwanese Hakka; and its initiator is Qui Fengjia (丘逢甲), whose contributions and achievement run through Taiwanese and Chinese modern history. After his defeat by the Japanese in Taiwan (in the 1890s) he fled to China, and became the pioneer of the Democratic State of Taiwan and participated in the earliest stage of Chinese Hakka Enlightenment to build Hakka consciousness, being especially instrumental in setting up a new educational initiative in the area of Eastern Guangdong to enlighten the ethnic Hakka. Although he was born into a traditional educated family, he was also an innovative revolutionary. He cooperated with the Hakka middle class to strive for their support in sending the cream of Hakka students to study in Japan. These students later became the springboard for the establishment of the Chinese Revolutionary Alliance after Sun Yat-sen (孫中山).

The ethnic Hakka supported the Rebellion of Taiping Heavenly Kingdom in the late Qing dynasty because of its geographic spread and economic influence, in addition to the ethnic social network. After the defeat of the Taiping Heavenly Kingdom many ethnic Hakka emigrated to Southeast Asia and its fighting, revolutionary characters fully erupted on the national revolution scene. They anticipated revolting against the existing social structure and hoped to have an opportunity to turn over the current situation, and they put all their efforts into this. This is one of the motive forces behind the Xinhai Revolution in 1911, for example. The Chinese diaspora has been styled as the mother of revolution, and one of its main strengths is the ethnic Hakka, who were forced to emigrate to Southeast Asia.

After the establishment of the Republic of China, the revolution of international communism was introduced into China after the May Fourth Movement, and Guangdong became an important centre, principally because Sun Yat-sen based the headquarters of the Constitutional Protection Movement (護法運動) in Guangzhou or Canton. Furthermore, he reorganized then rebuilt Chinese National Party (KMT) to form an alliance with Russia to endure the Communists, and was called the First United Front or KMT-CPC Alliance. For geographical reasons the ethnic Hakka and Cantonese became the main support for the revolution of Tridemism or the San-min Doctrine (新三民主義革命) of Sun Yat-sen. The area of Dongjian, in Guangdong, which harboured the Chinese Hakka headquarters, was the site of the first punitive expedition to the East of the Nationalist Government, Zhou Enlai (周恩來) being its administrator. Under his leadership and cover, the communist movement rooted itself in Hakka villages in western Guangdong and western Fujian to be developed remotely by the Chinese Communists to reinvigorate in Hakka territory. So the Hakka areas in modern China were to become the scene of revolutionary baptism of the earliest acceptance from the cities to the villages. The geographical location of distribution of ethnic Chinese Hakka made them cultivate the tradition of working hard in foreign places. For them, whatever revolution they espouse, it is a great opportunity to invert class hierarchy.

The 19<sup>th</sup> Route Army of the Army of the Nationalist Revolution, which consisted of Cantonese and Hakka soldiers, was successful in the war of resistance of the Shanghai Incident of January 28, 1932. In oppressive circumstances the ethnic Hakka have felt pride and honour, and always have supported the raising of Hakka consciousness; for example, the Taiwanese Hakka under Japanese rule drew inspiration from the Chinese revolution.

Fukusei Ra (羅福星), a leader of a rebel organization in northern Taiwan, was encouraged by the war of resistance of the Shanghai Incident and attempted an armed revolt in YongheShan, Miaoli. Chen Chao-Ying, in the memoir, *A Note of a White Terror Victim* (《一名白色恐怖受難者的手記》) mentions that the youth 廖天珠, who was born in SanWan Township, Miaoli, told her about the heroic deeds of the 19<sup>th</sup> Route Army, through which Hakka consciousness is further urged.

Under the support of International Communism and the influence of the Chinese revolution, the Taiwanese Communist Party became active in the Hsinchu Hakka area. The peasant movements of Miaoli and Chungli were supported and ruled by the Taiwanese Communist Party, which enlightened the Taiwanese Hakka. They started thinking how to strive for equal treatment under Japanese governance or else to overthrow it. In particular, the Hakka educators 鍾浩東 and 蕭道應 went to China, away from the shackles of Japanese rule to garner support for the defensive war. Because of this opportunity, the Taiwanese-educated Hakka and Chinese Hakka in eastern Guangdong formed an organized network of revolution. Chiu (Qiu) Nian-Tai (丘念台), son of Qui Fingjia, organized the 'Eastern Service Group' (「東區服務隊」) in Dongjing, Guangdong, to support the National Army in its resistance and to maintain a good relationship with the Communist Party. He cultivated many of the youth, who possessed socialist ideals and feelings.

After the February 28<sup>th</sup> Incident, the government of the Chinese Nationalist Party (KMT) invited Chiu (Qiu) Nian-Tai to go to Taiwan to be the Chairman of the KMT Taiwan Province Division for the purpose of using his reputation and provenance (two generations of Qiu) to soothe and heal social wounds. When Chiu (Qiu) Nian-Tai came to Taiwan, many of his loyal comrades followed him. The organized network of the Chinese Hakka Communist Party and socialist thought were also exported to Taiwan. Soon the central government of the KMT was defeated by the Communist Party during the civil war, and it fled to Taiwan. Chiu (Qiu) Nian-Tai's comrades were purged and eradicated by the KMT, because their loyalty was questioned.

The political events of the Post-war Hakka White Terror were tightly related to Chiu (Qiu) Nian-Tai's 'Eastern Service Group', which is the necessary context for understanding the 'Keelung Senior High School Event' and the 'Yi Ming High School Event'. But if we want to investigate further into the background of these events, the official materials available to us in Taiwan are not enough, especially with regard to

the state of affairs of the ‘Eastern Service Group’ and the inner culture of the Communist Party, including the development of the underground organization of the Communist Party in West Min, Fujian Province and in eastern Guangdong. We need to expand our research into Chinese materials in order to supplement what we have. For example, before they came here, nothing was known in Taiwan about the lives and families of the mainlanders 姚錦 and 黃賢忠, who were teachers, and who were prominent in the ‘Yi Ming High School Event’ (「義民中學案」). Generally, regarding the relationship between the Taiwanese and the Chinese Hakka, we confirmed that the political instances of Taiwanese Hakka White Terror were the legacy of the revolution of the Communist Party of Chinese Hakka in Dongjiang, Guangdong, for which the ‘Eastern Service Group’ paved the way. So it seems that it might be necessary to seek for research cooperation with Chinese scholars or collect relevant data in China.

With regard to the question of transitional justice, the destiny of some important protagonists at the later stages of the Provincial Working Committee (省工委後期) occasioned different turning points, because the Ministry of Justice Investigation Bureau and the Military Intelligence Bureau of the KMT government employed different measures to deal with the members of underground party. The chairman of the Investigation Bureau 季源溥 held that if some members of the underground party were willingly conscripted, they could be used in espionage against the Chinese. Under the protection of the Investigation Bureau, these loyal turncoats became members of the governmental bureaucratic system until they retired. A typical example was 曾永賢, who was arranged to be an agent of the Investigation Bureau in the fourth division. Ultimately he would promoted from clerk to director. Later he became the Chinese policies aide of President Lee Teng-hui and a senior advisor. After 曾永賢、蕭道應、林希鵬、黎明華、羅吉月 were recruited to governmental staff, they became members of the corruption-prone Structure. Their relevant archives would be cleared or even destroyed, so it became impossible for them to criticize the KMT government during the movement of transitional justice because it was disadvantageous to them. Hence it was a great challenge for them to see their own history.

The task of annihilating the remnants of the underground party in order to reorganize the Provincial Working Committee (省工委) in Hakka areas was handed over by the government to the Investigation Bureau, which enlisted a cadre of Hakka from the Provincial Working Committee, and most of the rest of them were killed. Because of the embarrassing situation of these elite Hakka survivors, they were not

able to found the trend of transitional justice, which might possibly be the reason behind the deficiencies in the archives of the Hakka White Terror. It is farcical that the difficulties for the process of transitional justice lie in the fact that once they or the persecuted joined the governmental system, they adopted a conservative attitude towards redress; for example, President Lee Teng-hui, Vice President Wu Den-yih and Wu Bo-xiong themselves are either victims or family of victims. They adopted an ambiguous attitude to the course of transitional justice and the movement of redress in these political cases of post-war Taiwan. Of course, it is embarrassing for China to assist Taiwan in investigating the truth of the political cases of the ethnic Hakka White Terror. Taiwan can redress the Communists; however, can the Communists redress the members of KMT?

The greatest challenge for transitional justice of the Taiwanese Hakka political cases is the search for the archives of the Investigation Bureau, Ministry of Justice and under pressure of time how to acquire the truth and how to face their comrades' graves in the valley of Fanlanshan, Liuzhangli (六張犁芳蘭山山谷), which requires the parties concerned to speak out or those who understand these events to interpret them. Hopefully these archives have not been destroyed by the relevant departments, and are willing to yield them. Otherwise it will be very difficult to carry out the transitional justice of the Taiwanese Hakka.

## **5. Some representative examples of Hakka political victims of post-war Taiwanese Hakka society**

There are countless events in post-war Taiwanese political history, but most particularly the February 28<sup>th</sup> Incident (1947) and the period of the White Terror (1947-1994) stand out. We don't know exact numbers of the victims as of today, but according to the special report of the Ministry of National Defence, which was submitted to President Chen Shui-bian on 31<sup>st</sup> July 2005, there were some 16,132. These people all fell foul of military judgement, and among them Hakka political victims form the higher percentage from the period of the White Terror, and it is to this that Hakka leaders and scholars pay particular attention.

Some ethnic Hakka participated in the discussions and investigations into the political cases of post-war Taiwanese society and have thus contributed to the political development of Taiwan and its democracy. Here are some examples:

### **5.1 Hakka political victims of the February 28<sup>th</sup> Incident (1947) of Taiwanese**

## **Hakka Society: 張七郎 and 吳鴻麒**

The February 28<sup>th</sup> Event (1947) is the major political affair of post-war Taiwan in that it was the first time the Taiwanese largely appealed for self-rule and for healthy political development and democracy. The family of 張七郎 is among the more high-profile of Taiwanese Hakka political victims. He came from Feng Li, Hualien and was a physician and representative of the constitutional National Assembly. 吳鴻麒 was an ethnic Hakka in Chung Li, Taoyuan, and was a judge in the law courts and an uncle of Wu Boxiong.

### **5.2 Hakka political victims in the White Terror in Taiwanese Hakka society<sup>1</sup>**

As to the political cases of post-war Taiwanese Hakka society, after the February 28<sup>th</sup> Incident (1947) there were no less than 20 prominent political events which were related to the ethnic Hakka, during the period of the White Terror. Particularly, from 1940 to 1950 these events, which were closely related to the Chinese Communist Party, were mostly cases of espionage, which were styled the ‘red hat’ cases, because they were concerned with the red regime and which pertained to the Working Committee of the Taiwanese Province of the Chinese Communist Party. From 1960 to 1980 cases of rebellion occurred because of the support for Taiwanese independence. For example, 宋景松 was involved with the Xiantai case (1962) and 魏廷朝 was engaged in the case of the ‘Declaration of Self-Help of the Taiwanese’ (1964), which was proposed by Peng Ming-min (彭明敏). In 1972 鍾謙順 and 黃紀男 were involved in the cause of Taiwanese independence. In 1987 許曹德 was also involved in Taiwanese independence, which was held by 蔡有全 and 許曹德. Furthermore, many ethnic Hakka, who played an important role, took part in the incident at Chung-Li in 1977 and the Formosa Incident of 1979.

During the White Terror the Hakka political cases of the post-war Taiwanese Hakka Communities can roughly be divided into four categories: 1. espionage, which pertains to the Chinese Communist Party and is called the red political case. 2. rebellion, which is related to Taiwanese independence, and belongs to the political case of Taiwan independence. 3. elections, for example, the Chung Li incident was related to an election dispute. 4. The Formosa Incident. As far as I can see, the Hakka political cases of the Taiwanese Hakka communities, appertaining to espionage by the Chinese Communist Party, are the most numerous, with those concerning the rebellion of Taiwanese independence, second.

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<sup>1</sup> 參閱邱榮舉(計畫主持人)、邱榮裕(協同主持人)、黃玟瑄(計畫助理/專案成員)(2010)。《戰後臺灣人權發展與客家政治案件》，「2010臺灣大學發展客家學術計畫：客家研究基礎建置、人才匯集及學術化」，子計畫一，臺北：行政院客家委員會。

### 5.2.1 鍾謙順

鍾謙順 was born in Longtan Township, Taoyuan. He was Hakka and was arrested and jailed three times for a total of 27 years under the regime of the dictator Chiang Kai-shek's family. At the beginning of 1950, he and 廖史豪 organized a special action group, which planned to rob an armoured cash vehicle of the Bank of Taiwan for the purposes of raising funds for revolution. They also planned to assassinate Chiang Kai-shek. They were arrested for possession of firearms and were jailed for 7 years. After their release they continued to propagandize for Taiwanese independence. In 1962 they were arrested again and were imprisoned now for 10 years because the government agent 張國坤 successfully infiltrated their movement, spied on them, and sealed their fate. In 1972, he and 黃紀男 were arrested for creating propaganda for Taiwanese independence after further infiltration by spies, and he was put behind bars for another 15 years. This was his third incarceration. In 1982 they were granted a reduction of sentence. In 1999, his book *The Rest of Life in Purgatory – Memoirs of Imprisonment for Twenty-Seven Year of Ancestor of Taiwanese Independence* (《煉獄餘生錄：臺獨大前輩坐獄二十七年回憶錄》) was published by 前衛出版社.

### 5.2.2 陳紹英

陳紹英 was born in 1925 in a Hakka village in SanWan Township, Hsinchu, under the rule of the Japanese government. In 1938 he studied at business school in Japan whilst also working at an ironworks in Osaka. In 1943 he studied at Senshu University night school, but was recruited to the military in 1945. After serving for only half a year he returned to Taiwan following Japan's surrender. When he was in Taiwan, he returned to the activities of the youth and to the movement of Cooperative of Sugar Production which appealed to his nationalism and sense of justice, learnt from social science studies in Japan. In 1950 he was arrested by the KMT during the time of the White Terror and was imprisoned for 13 years, being released in 1963. In 2005 his book *A Note of the victim of the White Terror* was published first in Japanese, then in Chinese. (邱榮舉、黃玫瑄主編, 2010)。

### 5.2.3 黃華昌

黃華昌 was born in 1929 in Mioli, southern Hsinchu. He was Hakka and was accepted by the School of Army Ground Forces in Ostu. In 1945 he was accepted to and trained with actual combat troops. After the Second World War he fled to

Nagasaki for a year, returning after the February 28<sup>th</sup> Incident. In 1949 he joined the underground organization, where he experienced the ‘Case of Committee of Working College Students’ (「學生工作委員會案」), before becoming a political victim himself in 1950 and was jailed for 10 years on Green Island. He was discharged from prison in June 1960. He wrote down the memoirs of the twists and turns of his life in Japanese. It was translated into Chinese and was published with the title *Rebellious Sky – the Memoirs of 黃華昌* (《叛逆的天空：黃華昌回憶錄》) in 2004.

#### 5.2.4 傅慶華、吳聲潤等

Regarding the political cases in the Hakka area of Liug Dui, south Taiwan, the most prominent were 傅慶華, who lived in Mino (美濃), Kaohsiung, and 吳聲, from Liug Gui (六龜), Kaohsiung.

傅慶華 was born in 1936 and was sentenced to death on 24<sup>th</sup> April, 1951 for rebellion, being executed at age 28. Victims in related cases include 林新貴 and 傅傳魁, who both came from Mino (美濃). As for a discussion and report of this event, a most valuable source is 《藤纏樹》, which was written by 藍博洲, and refers to relevant verdicts and other important archives, including witness interviews and other parties relevant to this event, for example 吳聲潤. 吳聲潤 came from Liug Gui and was born in 1925. In December 1950, when the family members of 傅慶華 and 傅慶華 himself were arrested, four or five relatives of 吳聲潤 were executed, and although he himself did not receive the death penalty, he was jailed for 12 years. He was the managing director of the Caring Association of Taipei Elderly Political Victims (臺北市高齡政治受難者關懷協會理事長), and the director of the Compensation Foundation for the Trial Case of Improper Rebellion and Espionage during the Martial Law Period (財團法人戒嚴時期不當叛亂暨匪諜審判案件補償基金會董事). He most recently became chairman of the Tung Yang Machine Industry (吳聲潤, 2009: 51).

There are three important books that 吳聲潤 wrote: *The Post-War Political Cases: The Victims of The White Terror – Entrepreneurial Note* (2009) 《白色恐怖受難者·吳聲潤創業手記》<sup>2</sup> (2009), *Native Country Awareness* (〈本土意識與轉型正義〉) (2009)<sup>3</sup> and *The Past and the Future of Taiwanese* (〈臺灣人的過去與未

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<sup>2</sup> 吳聲潤(2009)。《白色恐怖受難者吳聲潤創業手記》，作者自印。另有日文版專書，該書作者吳聲潤董事長於2011年5月7日受到日本自分史學會會長土橋壽的肯定與讚賞。

<sup>3</sup> 此文收入邱榮舉、黃玫瑄主編(2010)。《硬頭的客家臺灣知識份子：陳紹英先生(1925-2010)》，頁61-64。

來》) (2009), co-authored with 陳紹英. His brief and succinct political depiction vividly represents the harsh and miserable experience of the post-war Taiwanese political victims. His narrative expresses his political idea for action and care for them.

吳聲潤 was deeply influenced by 傅慶華, and sees him as the great teacher of his life. 傅慶華 looked after companions and protected them (including 吳聲潤) with his life. Sadly, 吳聲潤 was not able to find out the reason that 林新貴 was arrested and executed in 1951. In addition, 吳聲潤 regretted that 傅傳魁 was executed because a Mr. Lee reported on him over a case concerning cement in Jhudong Township (吳聲潤, 2009 : 54) .

### **5.2.5 The brothers 徐鑾枝 and 胡海基: Taiwanese private land donation and the establishment of the ‘Democratic Heroic Park’**

Regarding first of all 胡海基, he grew up in a Hakka village in Miaoli during the period of Japanese rule and accepted Japanese education, studying at some time in Taichung. He and some of his friends were jailed or killed, being accused of being involved with political unrest during the time of the February 28<sup>th</sup> Incident and the White Terror. His mother played an important role in his life, especially when her two sons suffered political persecution, and her perseverance deeply affected his political thoughts and actions. He not only enhanced and glorified his mother’s kindness and benevolence, but also established the ‘White Terror Democratic Heroic Park and Memorial’. He was the very model of Taiwanese and Hakkinese honour. Additionally he was very versatile, being fluent in Japanese, Hakka and Chinese, as well as being a songwriter.

### **5.2.6 鍾浩東 and 李南鋒等 : Taiwanese Hakkas in the Case of National Keelung Senior High School (1949)**

The prominent leader in this case was the head master 鍾浩東, who came from Mi Nung, Kao Hsiung, and who was born on 15 Dec. 1915. He was the son in law of the Taiwanese sage Mr. 蔣渭水 and the younger brother of Hakka author 鍾理和. During the time of Japanese occupation, their brutality goaded him into revolt against the Japanese government. In 1940 he, his cousin 李南鋒 and his wife 蔣蘊瑜 went to ShangHai. When they tried to go Huiyang, Guangdong through Hong Kong, they were arrested as traitors. They were released on bail with the help of Qiu Niantai (丘

念臺). During the last stage of the anti-Japanese war, he witnessed the corruption of the KMT, which turned his mind against them. He was the victim of the Incident of ‘Brightness News’ (「光明報」事件). His life and legacy was made into a film, *Good Man, Good Woman* (《好男好女》), by the famous director Mr. 侯孝賢.

### **5.2.7 范榮枝, 楊環 and 邱興生: Taiwanese Hakkas of the Case of Yi Ming Senior High School (1951)**

The victims in this case were the students and teachers of Yi Min Senior High School, plus the teachers of Chung Li High School, of Song-Wu Elementary School (宋屋國校) and NeiLi Primary School (內壠國校) and the staff of the Civil Affairs Office of Chung Li Township (中壠鎮公所). Generally, it came under the political upheaval associated with the White Terror incidents that we know as ‘Espionage’ and ‘Reading Group’. More than ten people were executed and jailed. Most of them were Hakka elites, for example, 楊環, teacher of Song-Wu Elementary School, and 邱慶麟, teacher of Neili Primary School.

### **5.2.8 魏廷朝: Taiwanese Hakka of the ‘Declaration of Self-Salvation of Taiwanese People’ (「臺灣人民自救宣言案」) (1964)**

Under Chang Kai-shek’s dictatorship, there were three prominent people who issued a political declaration for the purpose of pushing forward the movement of Taiwanese democracy. They were Prof. Pang Ming-min, Department of Politics, National Taiwan University, and two students, 魏廷朝 and 謝聰敏, from the law school in National Taiwan University.

魏廷朝 was born into a Hakka family in Taoyuan. He took his degree at Law School in National Taiwan University. After that, he became a high school teacher and a researcher with The General Staff for Military Intelligence Bureau and a research assistant at the Institute of Modern History, Academia Sinica. He and his classmate Roger Hsieh (謝聰敏) and the chief of the Department of Politics in NTU discussed international issues and the future of Taiwan. In 1964 they decided to issue the ‘Declaration of Self-Salvation of Taiwanese People’ and claimed that parliament should be comprehensively reelected and the future of Taiwan determined by the Taiwanese themselves. This declaration was written by 魏廷朝 himself. On 20 Sept 1964, they were summarily arrested and prosecuted for rebellion. On 8 April 1965 Roger Hsieh (謝聰敏) was sentenced to ten years in prison and 彭明敏和魏廷朝

eight years. After they were released in 1970, 魏廷朝 was falsely accused of being involved in the violence of Taiwanese Independence because of the incident of the explosion at CityBank. He and Li Ao were arrested and were sentenced to a further ten years behind bars. After release, he was arrested again in 1979 this time because of the Formosa Incident. Before Taiwan lifted its curfew, 魏廷朝 was politically jailed for a total of seventeen years and three months. In 1997 魏廷朝 completed the *Report of Taiwanese Human Rights 1949-1996* (《臺灣人權報告書1949-1996年》). He died of a heart attack on 28 Dec 1999 aged 65.

### **5.2.9 Hsu Hsin-Liang (許信良) : Taiwanese Hakkas in the Incident of Chung Li (1977)**

Chung Li is a famous Hakka Township in Taiwan and is known as the holy place of Taiwanese democracy. Under the guidance of 許信良, 魏廷朝, 邱奕彬, 張德銘, 張富忠 and 黃玉嬌, large-scale political events erupted from election disputes, causing Hakka areas in Taoyuan, Hsinchu and Maoli to experience gradual political changes, and which inspired fundamental political development in Taiwan. More and more people opposed the KMT, until finally the rotation of political parties came about.

### **5.2.10 The Elite of Taiwanese Hakka and the Formosa Incident (1979)**

In 1979 most of the core members of the Formosa camp were arrested in the Formosa Incident or Kaohsiung Incident, and were condemned to severe punishment. Huang Shih-chieh (黃信介) and Annette Liu (呂秀蓮) were sentenced under military law, whereas 周平德 and 魏廷朝 were sentenced by judicial trial; and their attorneys were 張德銘 and others.

A lot of socio-political upheaval has happened in post-war Taiwan. The majority of Taiwanese are not able to understand the context of overall political development here, let alone the turmoil post-war, and although there are some representative and influential events, such as the February 28 and Formosa Incidents, understandably, people do not possess a clear picture. They hardly have any knowledge of the contribution of Hakka elites to the democracy of Taiwan. Hence it is necessary for this thesis to delineate the important and crucial points and to explicate the

participation of Hakka elites in Taiwanese political development and their devotion and sacrifice for the democratisation movement.

## **Conclusion**

Transitional justice and Taiwanese Hakka societies are not only pivotal issues in the modern Taiwanese political democratic landscape, but also Taiwanese Hakka are essential to Taiwanese history and Taiwanese political history. Among the five Taiwanese ethnics groups, Taiwanese Hakka is the second largest, so they play a crucial role in Taiwanese society.

In the process of the development of Taiwanese democratisation, Taiwan has experienced a gradual move from 'authoritarian politics' towards 'democratic politics', and it is very important for the part of transitional justice to be fully played out if the Taiwanese want to fulfil the modern values of freedom of speech, human rights, integrity and social harmony, since Taiwanese governments of whatever stripe have never told us the true history of the February 28 Incident and the White Terror and never returned justice to the victims.