VU Research Portal

The Museum of White Terror, Taipei

Vos, Renske; Han, Owen Zong-Syuan

published in

International Law's Collected Stories
2020

DOI (link to publisher)

[10.1007/978-3-030-58835-9_7](https://doi.org/10.1007/978-3-030-58835-9_7)

document version

Publisher's PDF, also known as Version of record

document license

Article 25fa Dutch Copyright Act

[Link to publication in VU Research Portal](#)

citation for published version (APA)

Vos, R., & Han, O. Z-S. (2020). The Museum of White Terror, Taipei: 'Children, don't talk politics'. In S. Stolk, & R. Vos (Eds.), *International Law's Collected Stories* (pp. 115-136). Palgrave. https://doi.org/10.1007/978-3-030-58835-9_7

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal ?

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

E-mail address:

vuresearchportal.ub@vu.nl

The Museum of White Terror, Taipei: 'Children, don't talk politics'

Renske Vos and Owen Zong-Syuan Han

The Jing-Mei White Terror Memorial Park and its accompanying National Human Rights Museum in Taipei are the site of the former Xindian military prison¹ and military court for political dissidents, in use during the period of 'White Terror' which marked Taiwan for over 40 years and lasted until the early 1990s.² We visited this former prison now turned museum as part of the course Transnational Law taught at National Taiwan University (NTU) in the final days of the winter of 2020. As a class we set out to see how we could connect the story of the museum to the theme of

¹ See: 'Xindian Military Prison', 'Historical Sites of injustice', National Human Rights Museum, visited 22 May 2020, <https://hsi.nhrm.gov.tw/home/en-us/injusticelandmarks-en>.

² 'Info', National Human Rights Museum, visited 22 May 2020, <https://www.nhrm.gov.tw/en/>.

R. Vos (✉)
VU Amsterdam, Amsterdam, The Netherlands
e-mail: r.n.vos@vu.nl

O. Z.-S. Han
National Taiwan University, Taipei, Taiwan
e-mail: r07a21100@ntu.edu.tw

our course: Would it be possible to view this museum as a transnational legal actor of sorts? And what, if anything, could this museum show or tell, that international law cannot? From the reflections this visit evoked, we pick up on one in particular: where the international legal status of Taiwan remains uncertain, we view the story of this museum as a plea for Taiwanese sovereignty and ultimately independence.

The literary genre this chapter seeks to engage with is that of the museum, and specifically the museum guided tour.³ We view the guided tour as a moment of encounter in which the museum presents its carefully designed story, and we as a group of students can ‘absorb the story, but also ignore it, misunderstand it, criticize it, or be distracted by the surroundings’.⁴ The object here is ‘to pause to reflect on what it means to find ourselves in this encounter’.⁵ This exercise is situated explicitly within the research project Legal Sightseeing,⁶ which opens up from a sense of wonder at the spectacular yet trivial manifestation of international law in encounters with a plurality of audiences in the usual as well as unexpected places, such as in ‘the school trip to the human rights museum’. The question posed by the research project is: What is international law doing here? In the context of this visit to the White Terror museum, we use this question to ask what lights up for us when we bring international law to this encounter.

We encounter the museum and specifically this guided tour as a group of relatively informed visitors, with some more informed than others on the subjects of human rights and Taiwanese history. Beforehand we, as teacher and teaching assistant, spoke with the students about how their participation would be input for this chapter, and they were invited to co-create it. Up front, the brief was to look around, to see what would stand out, to notice details.⁷ Students were asked to take photographs during

³Taking inspiration from the fields of museum studies, transitional justice, memory law, and (dark) tourism, see, for example, Joyce Apsel, *Introducing Peace Museums* (London: Routledge, 2016); Janine Clark, “Reconciliation through Remembrance? War Memorials and the Victims of Vukovar,” *International Journal of Transitional Justice* 7 (2013): 116; Uład Belavusau and Aleksandra Gliszczynńska-Grabias (eds.), *Memory: Towards Legal Governance of History* (Cambridge: CUP, 2017); John Lennon and Malcolm Foley, *Dark Tourism: The Attraction of Death and Disaster* (London: Thomson, 2000).

⁴Sofia Stolk and Renske Vos, “International Legal Sightseeing: *Leiden Journal of International Law* 33, no. 1 (2020): 1.

⁵Ibid. at 3.

⁶About the research project: www.legalsightseeing.org.

⁷For methodological inspiration see: Debbie Lisle and Heather Johnson, “Lost in the aftermath,” *Security Dialogue* 50 no. 1 (2018): 20–39.

the tour, and to select one photo that they felt captured their visit and that they would discuss afterwards. Following the discussion, they would write down their thoughts in a short reflection, producing a postcard to accompany their picture.⁸ We posed a sequence of three questions: What do you see in the photograph? What does that mean to you? How can you connect this to transnational law? Holding these questions in our mind and note cards in our hands, we set out on our museum tour.

As students of international law, it is as much us who bring the law along as it is the museum's doing in calling on human rights. Moreover, our lens is wider than the museum's focus on human rights. This broader lens allows for a meta-perspective on the narrative that the museum presents. Though the museum itself does not mention the question of Taiwan's independence, our perspective makes visible the possibility of the museum's taking ownership of Taiwan's past as a means of establishing Taiwan's sovereignty and independent place in the world. This argument gains strength in light of the support that the Taiwanese government has given to the opening of the National Human Rights Museum. We interpret this support as all the more significant in light of competing views of Taiwan's history and future that the two rival political parties seek to advance, as we will explore towards the end of the chapter.⁹

In this chapter we contend that because of the uncertainty that persists under international law as to Taiwan's independent status, other means of establishing an international rapport and of fostering international support are sought and advocated by the current government. Where formal diplomacy is not possible due to Taiwan's status, creative alternatives are pursued.¹⁰ The museum as popular with school visits and as a loved

⁸ For students' photos and reflections see: "The Museum of White Terror, Taipei," *legal sightseeing*, <https://legalsightseeing.org/2020/05/26/white-terror/>.

⁹ See 陳齊奐 (Qi-Huan Tan), "景美人權文化園區的導覽敘事與人權教育初探 [Study on the Narrative Structure and Human Rights Education of the Jing-Mei Human Rights Memorial and Cultural Park]," *Museology Quarterly*, 28, no 3 (July 2014): 87–110, [https://doi.org/10.6686/MuseQ.201407_28\(3\).0006](https://doi.org/10.6686/MuseQ.201407_28(3).0006).

¹⁰ Such as a '[Face]Mask Diplomacy' following the global COVID-19 outbreak, Nicole Jao, "'Mask Diplomacy' a Boost for Taiwan," *Foreign Policy*, 13 April 2020, accessed 22 May 2020, <https://foreignpolicy.com/2020/04/13/taiwan-coronavirus-pandemic-mask-soft-power-diplomacy/>; Hsin-yu Wang and Joseph Yeh, 'Crowdfunded 'Taiwan can help' ad published in New York Times', *Focus Taiwan* (CNA English News), 14 April 2020, accessed 25 May 2020.

destination of tourists from Taiwan and abroad¹¹ is a space to present Taiwan as a progressive democracy, worthy of inclusion in the international community of States, with and through the first human rights museum in Asia.

‘WALKING INTO THE MEMORY OF WHITE TERROR’¹²

A group of us huddled together under cover of the Law Faculty entrance as it rained heavily on the morning of our visit. We had opted to travel to the museum together by bus and laughed as we alighted at the sensation of a true ‘school trip’. Some more students knew the way and joined us at the museum directly. We were now a group of 15, a mix of Taiwanese and foreign exchange students, their teacher and teaching assistant. Those who were not from Taiwan originated from Singapore, Indonesia, Japan, Germany, France, Spain, Sweden, and the Netherlands. This was our last of six classes together, taken over the course of two weeks as an intensive course.

There were no other visitors at the museum during our time there. This could have been due to the poor weather, the early hour, or self-precautions related to Covid-19. As the rain came down around us, one of the students remarked how visiting this place in bright sunshine would be more eerie still.

Before our guided tour we were shown a video to introduce the museum.¹³ ‘Recalling the past and looking into the future’, it began. A Taiwanese student later noted the significance of this moment to her: ‘when watching the video clip together, it’s interesting to find out foreigners are interested and willing to know what happened. The similar feelings we hold toward the tragic event makes me feel kind of warm’.¹⁴

¹¹ For the ambiguities involved in simultaneously communicating legal values to an internal and external audience, see Roodenburg and Stolk in this volume. Specifically for the Taiwanese context: Anya Bernstein, “The Social Life of Regulation in Taipei City Hall: The Role of Legality in the Administrative Bureaucracy,” *Law & Social Inquiry* 33, no. 4 (2008): 925.

¹² Jing-Mei White Terror Memorial Park, information booklet (on file with authors).

¹³ “國家人權博物館白色恐怖景美紀念園區簡介 [Introduction to the White Horror Jingmei Memorial Park of the National Museum of Human Rights (EN)],” video zone, National Museum of Human Rights, accessed 24 March 2020, https://www.nhrm.gov.tw/en/movie_85_3874.html.

¹⁴ Student written reflection, on file with authors.

Fig. 7.1 Students gathered around the tour guide. (Photo: Renske Vos)

After the video screening, we set out with the tour guide. All of us were given headphones tuned to our guide's microphone, so that she would not have to raise her voice over the sound of the rain. This also allowed us to walk around quite freely, whilst still being able to hear the tour narrative. Students responded by listening to the tour attentively, reading information signs and asking questions, but also and perhaps mostly by carefully observing the spaces and displays, looking around, and taking photographs—though taking photographs was of course also part of their assignment (Fig. 7.1). We stopped first at an exhibition space and then at the detention zone to view the guard station and attorney interview room, infirmary, shop, visiting room, prison cells, and yard. We also visited, housed in different buildings, the Military Court and First Court. The tour lasted for just under 1.5 hours and was conducted in English.

There were various interactive elements to the tour that students participated in. They experienced being inside a prison cell and having to

crouch to move through an intentionally small door. A student reflected on her conflicting feelings, by showing a picture of a sign: 'It invites you to use shackles as if they were fun. It was conflicting for me to be excited to try them on and have fun, while doing it when I was there to learn about the horrible period of white terror'.¹⁵ It is not easy, another student commented, to enter the museum with your critical glasses on ready to look beyond the narrative of the museum, when actually you are a European with little knowledge of the history to be critical.¹⁶

Some exchange students were reminded of the history of their own countries. 'In a way, even though our history is very different, Spanish and Taiwanese share approximately 40 years of repression. And although we are from different countries, similar chapters of our different history build a link between us'.¹⁷ A student from Germany selected a picture of the exotic fruits on display in the prison shop. She explained that she chose it because it was the only thing different, everything else was 'eerily similar to Hohenschönhausen prison in Berlin, Germany (...) the exotic fruit [would have been] unthinkable in the former GDR. Terror regimes and political persecution might vary by motivation, but rarely in execution'.¹⁸ Especially as law students, they were affected by seeing these courts as places not 'where rights are recognized and protected, but where rights can be completely disregarded, an instrument to legitimate unjust and discretionary decisions and judgements'.¹⁹

Beginning the leap of connecting the museum narrative to transnational law, a student reflected: 'Without international law (such as the discourse of human rights), it's impossible to have such a human right museum in Taiwan'.²⁰ Another student added how the museum 'cleans up the memory of those innocent people who were convicted unjustly. It works as an ambassador of human rights because when we visit a place like this, we realise why human rights are important and why it is important that they are worldwide recognised'.²¹ Connecting the museum narrative to Taiwan, they continued:

¹⁵ Student written reflection, on file with authors.

¹⁶ Author's discussion notes, on file.

¹⁷ Student written reflection, on file with authors.

¹⁸ Student written reflection, on file with authors.

¹⁹ Student written reflection, on file with authors.

²⁰ Student written reflection, on file with authors.

²¹ Student written reflection, on file with authors.

the museum recalls the international relations of the 1980s. At that time, the KMT began to liberalize Taiwan in order to gain support from the US to prevent military attacks from China. So, I think that international law was used as a kind of bargaining chip to gain an ally. Also, I found that recently the Taiwanese government likes to use the discourse of “First in Asia” to brand Taiwan as the friend of the international community. For example, as the introductory video says, the Human Rights Museum is the first human rights museum in Asia, and it also aimed at educating the values of human rights and democracy to the visitors. (Another example is the legalization of same-sex marriage in 2019).²²

TAIWAN AND THE WORLD

We view the National Human Rights Museum as a form of alternative diplomacy geared towards advancing Taiwan’s self-determination. Even so, the museum and guided tour did not mention the issue of Taiwanese independence explicitly themselves. Instead, we place the narrative of the museum within a longer trajectory of Taiwan appealing to the international to safeguard its place in the world. Very moving was the articulation of the message of the museum by one student: ‘we need to do our best and work hard to show we are part of the international community. It is ironic that this happened when we were a UN Member, and now we are not, but we do much better. To prove ourselves worthy of the international community is the big charge of Taiwan’.²³

It is said that ‘Taiwan exists in the between’: in between competing discourses of unification on the one hand and ambivalent expressions of independence on the other.²⁴ The KMT government of the Republic of China (ROC) retreated to Taiwan at the end of the Chinese Civil War in 1949, leaving the Communist Party of China on the Chinese mainland where it founded the People’s Republic of China (PRC).²⁵ Famously, the ROC had a seat at the UN until 1971, when they were replaced by the

²² Student written reflection, on file with authors.

²³ Author’s discussion notes, on file.

²⁴ Funie Hsu, Brian Hioe and Wen Liu, “Collective Statement on Taiwan Independence: Building Global Solidarity and Rejecting US Military Empire” *American Quarterly* 69 no. 3 (2017): 465–568.

²⁵ See, for example, F. Gilbert Chan (ed.) *China at the Crossroads: Nationalists and Communists, 1927–1949* (New York: Routledge, 2018).

PRC.²⁶ Whilst the status of Taiwan to this day remains uncertain, the PRC maintains a ‘One China’ policy, which includes the goal of unification. The status of Taiwan is further complicated by the PRC, which refuses diplomatic relations with countries that recognise the ROC.²⁷ As a consequence, only 14 UN Member States officially recognise Taiwan.²⁸ This further complicates international relations for Taiwan, which is largely barred from membership to international organisations. Yet, de facto, many States do maintain various ties with Taiwan under different names.

In international law, there are traditionally two theories of recognition of statehood.²⁹ The first is a declarative theory specifying that an act of recognition of one State by another State is simply to affirm the one State meets the requirements of statehood following from the 1933 Montevideo Convention. The second is a constitutive theory, meant to account for the political element of recognition. With the latter, the emphasis lies with the acceptance of the aspiring State by existing States as member of their political community. Without such recognition, the actual conduct of international relations is seriously complicated. In this sense, recognition is constitutive. The more States recognise an entity as a State, the more likely it will come to constitute one.

In the above, the two theories of recognition stand in opposition. To put this into relief: either an entity is recognised as a State based on objective criteria of statehood, or such recognition depends on the whims of existing States. This distinction can, however, also be questioned, as Rose Parfitt asserts in paraphrasing Hans Kelsen: ‘if states are the only “competent authority” available to establish the “fact” of international

²⁶ UNGA resolution 2758 (XXVI) “Restoration of the lawful rights of the People’s Republic of China in the United Nations” 25 October 1971. Available: <https://digitallibrary.un.org/record/192054?ln=en> accessed 7 April 2020.

²⁷ Ministry of Foreign Affairs Republic of China (Taiwan), “Instances of China’s Interference with Taiwan’s International Presence, 2020,” <https://www.mofa.gov.tw/en/cp.aspx?n=AD8BA59033D4F35C>.

²⁸ Belize, Eswati (formerly Swaziland), Guatemala, Haiti, Honduras, Marshall Islands, Nauru, Nicaragua, Palau, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Tuvalu, as well as Holy See.

²⁹ James Crawford, *The Creation of States in International Law* (Oxford: OUP, 2007); Rose Parfitt, “Theorizing Recognition and International Personality,” in *The Oxford Handbook of the Theory of International Law*, ed. Florian Hoffman and Anne Orford (Oxford: OUP, 2016).

personality, then it runs counter to the principle of sovereign equality that recognition [...] could be anything but constitutive'.³⁰ This is because recognition would always depend on an act of existing States over an entity that is thus not yet a State.

Moreover, Parfitt adds, in the history of would-be States seeking international recognition, 'the short straw seems always to be drawn by the Other'.³¹ Conforming to a perceived 'standard of civilization' may help with achieving recognition, even if it is by no means a guarantee. In this light, Taiwan's bid to appear as little 'Other' as possible, presenting itself instead as a liberal and progressive candidate to the international community, seems to be a strategic move in pursuing international recognition, which we see here played out in the theatre of the museum.

Moreover, in the specific context of Taiwan, a strategy of a subtle 'fitting in' seems a less risky route than, for instance, provoking a statement from the international community and particularly from the PRC, with a unilateral declaration of independence. Such a possibility exists insofar as the International Court of Justice (ICJ) notoriously opined that 'the declaration of independence of Kosovo (...) did not violate international law',³² even if the ICJ in this advisory opinion did not consider the legal consequences of the declaration as these relate to the achievement of statehood, or the validity or legal effects of the recognition of Kosovo by other States.³³ The point to stress here too is that international law itself is uncertain as to when a State is recognised sufficiently to indeed constitute a State.

In international law there are thus different theories of sovereignty and statehood, but in Gerry Simpson's words, it also pays to have a certain 'sleight of hand'.³⁴ Where international law cannot bring certainty on Taiwan's current status, alternative means of diplomacy are pursued to

³⁰ Ibid. Parfitt, drawing from: Hans Kelsen, "Recognition in International Law," *American Journal of International Law* 35 (1941): 605–617.

³¹ Ibid. Also on the Eurocentric nature of the concepts of sovereignty and civilization: Anthony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: CUP, 2004).

³² International Court of Justice, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo ('Kosovo Opinion')*, Advisory Opinion 22 July 2010 (I.C.J. Reports 2010), para. 123(3).

³³ Ibid, para 51.

³⁴ Gerry Simpson, "Something to Do With States" in ed. Hoffman and Orford *supra* note 29.

communicate a message from the Taiwanese government. In addition to welcoming representative offices as *de facto* embassies or consulates in Taiwan, and participating with an observer status or on a non-state basis in international organisations, the government of Taiwan promotes cultural diplomacy. Such cultural diplomacy may take the shape of educational exchange programmes, which many in our study trip are part of—including the teacher. It also takes shape through the communication and remembrance of historic events. As a favoured destination of tourists, museums can be venues for reaching an (international) audience, and for communicating a carefully designed narrative to them.

Complicating matters further, Taiwan remains internally divided on the issue, with its two main political parties differing on a future course towards reunification (KMT) or towards independence (Democratic Progressive Party—DPP). Depending on which political party is in power, the message presented through (alternative) diplomacy may vary.

We view the Museum of White Terror in the light of this alternative diplomacy of sorts, as a way of playing into this ‘sleight of hand’. In view of the political agenda of the DPP government that is currently in power and that has explicitly supported the opening of the museum, we understand the message of the museum to be part of an appeal to the international community for a (*de facto*) recognition of Taiwan. To articulate independent and progressive ownership of Taiwan’s political past is part of that appeal.

CHILDREN DON’T TALK POLITICS

Taking ownership of Taiwan’s political past, our guided tour through the National Human Rights Museum recalled the history of White Terror. The tour tells the story of ‘White Terror’, denoting national and systematic action to suppress communist or left-wing activists and political

protesters.³⁵ This period of White Terror lasted for over 40 years, starting in 1949.³⁶

After entering the first exhibition room in the prison building, the guide showed us a model of an old detention facility, the Taipei Military Prison. This prison had been so overcrowded after mass arrests in the 1950s that political prisoners were relocated to the Xindian Military Prison in 1968, our current site.³⁷ Students were shocked by the number of political prisoners held in narrow cells and interrogated here in what is now downtown Taipei.

When the KMT arrived in Taiwan in 1949, they began implementing various kinds of restrictive legislation, including *Martial Law*, *Temporary Provisions Effective During the Period of National Mobilization for the Suppression of the Communist Rebellion*, *Statutes for the Punishment of Rebellion*, and *Statutes for the Detection and Eradication of Spies During the Period of Communist Rebellion*.³⁸ Such statutes extended the authority and presidency of President Chiang Kai-Shek, expanded the elements and punishment of the rebellion under Criminal Law, and enlarged the power for ‘public security authorities’ to investigate reported communists.³⁹

At first, the KMT prohibited people from contacting the Communist Party of China (CPC) and discussing communism. ‘Everyone shall protect national security information and counter-espionage’ was the political

³⁵ 臺灣白色恐怖時期相關史蹟點調查案總結報告書 [Summary Report on the Investigation of Related Historical Sites during the White Terror Period in Taiwan] (New Taipei: National Human Rights Museum Preparation Office, 2015), 3, https://issuu.com/nhrm/docs/_2f46568fbf7b64; Wakabayashi Masahiro, 戰後臺灣政治史: 中華民國臺灣化的歷程 [The “Republic of China” and the Politics of Taiwanization: The Changing Identity of Taiwan in Postwar East Asia], trans. 洪郁如 (Taipei: National Taiwan University Press, 2016), 58.

³⁶ “White Terror Period: Background”, National Human Rights Museum available: https://www.nhrm.gov.tw/en/content_88.html Some mentioned Taiwan entered White terror after the 2-28 incident in 1947, See Tsung-Kuang Lin, *The Taiwanese Identity Question and the “2-28” Incident, An Introduction to 2-28 Tragedy in Taiwan: For World Citizens* (Taipei: Taiwan Renaissance Foundation Press, 1998), 105.

³⁷ “Historical Sites of Injustice: Taipei Military Prison”, National Human Rights Museum, accessed June 3 2020, <https://hsi.nhrm.gov.tw/home/en-us/injusticelandmarks-en/301298>.

³⁸ 李筱峰 and 薛化元, 戰後台灣史 [Taiwan’s Post-war History] (Taipei: Taiwan Intermedia Publishing, 2019), 65–66.

³⁹ 李筱峰 and 薛化元, *Post-war history*, 83.

Fig. 7.2 'Keep Silent' propaganda message. (Photo: Owen Zong-Syuan Han)

propaganda of the government from the 1950s.⁴⁰ White Terror propaganda messages are displayed in the National Human Rights Museum (Fig. 7.2). A student reflected:

The big words mean “keep silent”, and this accurately reflects how human rights violation perpetuates and worsens where there is silence. Silence leads to stagnation, and even regression at times. Non-silence is important for it is active discourse and discussions about it which changes the situation.⁴¹

The aim of suppressing communists turned into mass oppression of political dissidents and Taiwan independence supporters.⁴² People were

⁴⁰ 陳世昌, *戰後70年台灣史* [70-year history of the post-war Taiwan] (Taipei: China Times Publishing, 2015), 100.

⁴¹ Student written reflection, on file with authors.

⁴² Wakabayashi, *Politics of Taiwanization*, 58.

accused for merely exercising freedom of expression, or for advocating their rights. Sometimes people suffered from being wrongly reported. As a result, more than 10,000 people were detained, tortured, and sentenced to prison by military courts of the KMT regime.⁴³ All of this happened here at Jing-Mei, the site of the present-day White Terror Memorial Park and National Human Rights Museum.

The students' notes bear frequent references to their shock at the unfair trials and inhumane treatment of the prisoners. 'The idea that the military prosecutor, while using a smaller chair than the judges is still on the same bench is unnerving. This highlighted the lack of a judicial process', one student wrote.⁴⁴ Students also noted how in the prisons at Jing-Mei, people's movement was limited, their food was cut apart for examination, and the only source of water in the cells was from the toilet.⁴⁵ One student notes how prisoners could not talk about their cases and treatment in the jail, 'but they still tried hard to convey messages to the outside, calling for international support. [...] International law helps pull up the human rights standards in Taiwan, and helps Taiwan to gradually move to democracy'.⁴⁶ Getting a message out was crucial, as at the time, people did not know that Jing-Mei was a political prison.⁴⁷ Even now, not all archives have been opened.⁴⁸

'Children don't talk politics' is what parents and elders still admonish youth in Taiwan.⁴⁹ In Taiwan, the generations born after the 1990s, the period during which the democratisation process of Taiwan rapidly

⁴³ 胡慧玲, *百年追求: 臺灣民主運動的故事卷三-民主的浪潮* [A Century of Pursuit: The Story of Taiwan Democracy Movement Volume Three: The Wave of Democracy] (New Taipei: Acropolis, 2013), 23–26.

⁴⁴ Student written reflection, on file with authors.

⁴⁵ Taken from three student written reflections, on file with authors.

⁴⁶ Student written reflection, on file with authors.

⁴⁷ See the oral history of Tsai Tsai-Yuan: 蔡財源, "坐黑牢也爭正義 [Sit in jail and fight for justice]," in *走過長夜: 政治受難者的生命故事*, 輯二, 看到陽光的時候 [Walking Through the Long Night: The Life Stories of Political Victims, Part Two: When I See the Sunlight], ed. 周佩蓉 et al (New Taipei: National Human Rights Museum preparation office, 2015), 189–193.

⁴⁸ The Political Archives Act was passed in 2019, and the declassification of files is still ongoing by administration; Yu Hsiang, Wang Yang-yu and Emerson Lim, "Taiwan's parliament passes bill on declassifying political files", *Focus Taiwan CNA English News*, July 24, 2019, <https://focustaiwan.tw/politics/201907040022>; see also "Political Archives Act", National Archives Administration, last modified July 24, 2019, <https://www.archives.gov.tw/English/Publish.aspx?cnid=103930>.

⁴⁹ 簡永達, "尋找政治隱傷者 – 那些受難者、他們的家人, 還有我們 [Looking for Political Victims – Those Victims, Their Families, and Us]", *The Reporter*, February 27, 2017, <https://www.twreporter.org/a/228-political-victims-families>.

unfolded, typically have a very different perspective on history, memory, national identity, and political ideology than more senior generations who lived through the experience of White Terror. This division between younger and older generations is reflected in the support for the two main political parties, the KMT and the DPP, for whom the interpretation of history and the status of Taiwan are high on their agendas. The National Human Rights Museum itself, supported by the DPP, which in turn is largely supported by the younger generation, delivers a strong message on both these issues.

Four decades of ‘White Terror’ cast a profound spell on people, who became silent about political and social issues.⁵⁰ The historical memory instilled a fear of discussing politics and views on the Taiwanese status in older generations in Taiwan. By contrast, generations born after the end of the ‘White Terror’ period are willing to participate in politics and increasingly identify themselves as Taiwanese. From 1991 to 1994, President Lee Teng-hui gradually led the KMT to abolish the repressive laws of the White Terror period, and in 1996 he implemented the first direct presidential elections.⁵¹ This ‘quiet revolution’ laid the foundation for Taiwan’s democratisation.⁵² The generation born after 1990 has been educated and grown up in a democratic environment and has enjoyed freedom of speech and political participation. In addition, this younger generation is no longer instilled with the ‘Chinese’ identity.⁵³ Instead, 83% of people aged under 30 see themselves as ‘Taiwanese’.⁵⁴ In Taiwan, they

⁵⁰ See “White Terror Period,” National Human Rights Museum, accessed April 2, 2020, https://www.nhrm.gov.tw/en/content_88.html.

⁵¹ Wakabayashi, *Politics of Taiwanization*, 218–222.

⁵² Lee Teng-hui, *The Road to Democracy: Taiwan’s Pursuit of Identity* (Tokyo: PHP Institute, Inc., 1999), 125–126.

⁵³ See the Taiwanese government report: Presidential Office Indigenous Historical Justice and Transitional Justice Committee, Subcommittee on Languages, “中華民國政府漢化政策下不當限制族語使用的歷史真相：政府文書、口述訪談初探 報告文稿 [The Historical Truth of Improperly Restricting the Use of Ethnic Languages under the Chinization Policy of the Government of the Republic of China]”, September 28, 2019, 3.: “The KMT government published the “strengthening the implementation of national language project” which forces all ethics in Taiwan into speaking Mandarin instead of their own dialect in order to “inculcate the motherland’s culture and enhance national identity.”

⁵⁴ Kat Delvin and Christine Huang, “In Taiwan, Views of Mainland China Mostly Negative,” *Pew Research Center*, May 12, 2020, <https://www.pewresearch.org/global/2020/05/12/in-taiwan-views-of-mainland-china-mostly-negative/>.

are known as the ‘born independence’ generation.⁵⁵ For them, speaking out on Taiwan’s past and forging an independent status for Taiwan are key issues.

The very uncertainty over Taiwan’s legal status offers room for different interpretations on these key issues and leaves the consensus open as to how history is presented. This is reflected in the fact that the national status and interpretation of history are the main controversies of the two major political parties. The KMT and its supporters play down the emphasis on White Terror and instead commemorate and commend the former leader Chiang Kai-shek for combating communism. They advocate that the ROC regime represents the ‘whole China’, that is, Taiwan as part of China, yet ideally under KMT rule. Their rival party, the DPP and its voters, emphasise the need for transitional justice after the authoritarian era and the value of the history of democratic transformation, and take the stance of a Taiwanese national awareness and ultimately independence.

In advancing their respective political agendas, both parties have resorted to exerting power over and through symbols, memorials, and education. The magnificent Chiang Kai-shek Memorial Hall in the centre of Taipei changed names to ‘Taiwan Democracy Memorial Hall’ in 2007 under the DPP.⁵⁶ The name change was reverted in 2009, when the KMT took office again.⁵⁷ In 2015, the KMT government adjusted the history curriculum to the Chinese interpretation of history,⁵⁸ which triggered large-scale protests by high school students.⁵⁹ After DPP’s Tsai Ing-wen

⁵⁵ Anna Fifield, “Taiwan’s ‘Born Independent’ Millennials are Becoming Xi Jinping’s Lost Generation,” *Washington Post*, December 26, 2019, https://www.washingtonpost.com/world/asia_pacific/taiwans-born-independent-millennials-are-becoming-xi-jinpings-lost-generation/2019/12/24/cel1da5c8-20d5-11ea-9c2b-060477c13959_story.html.

⁵⁶ Under DPP President Chen Shui-bian. See: Jimmy Chuang, “Name fight set for CKS Memorial Hall,” *Taipei Times* May 10, 2007, <http://www.taipeitimes.com/News/front/archives/2007/05/10/2003360233>; Jenny W. Hsu, “Inscription goes up at Democracy Hall,” *Taipei Times*, November 7, 2007, <https://www.taipeitimes.com/News/front/archives/2007/12/09/2003391782>.

⁵⁷ Flora Wang, “Chiang Kai-shek plaque to return to memorial hall,” *Taipei Times*, January 22, 2009, <http://www.taipeitimes.com/News/taiwan/archives/2009/01/22/2003434392>.

⁵⁸ Under KMT President Ma Ying-jeou. See: Loa Iok-sin and Jake Chung, “Ministry approves new ‘brainwashing’ curriculum,” *Taipei Times*, July 28, 2014, <http://www.taipeitimes.com/News/front/archives/2014/01/28/2003582309>; Sean Lin, “Curriculum Protests: No extra emphasis on China: MOE,” *Taipei Times*, July 25, 2015 <http://www.taipeitimes.com/News/taiwan/archives/2015/07/25/2003623857>.

⁵⁹ Sean Lin, “Students rally against altered curricula,” *Taipei Times*, July 6, 2015, <https://www.taipeitimes.com/News/front/archives/2015/07/06/2003622364>.

was elected president in 2016, she immediately withdrew the KMT version of the history curriculum.⁶⁰ President Tsai Ing-wen also established the Transitional Justice Committee in 2018 to reflect on history and promote transitional justice.⁶¹ This is just to show how historical interpretation and national identity are still highly controversial and entangled issues in Taiwan. The memorial park too has gone through several naming disputes between the DPP and KMT, alternately emphasising and watering down the ‘human rights’ element.⁶² Though a preparatory office was formed in 2011,⁶³ the National Human Rights Museum was not formally established until the DPP took office again in 2016.

After our tour of the museum, one student shared her picture of a display showing a shared meal laid out in one of the prison cells. There is a humanity in sharing dinner, she said, and to do so under these circumstances fosters a bond that lasts beyond this prison.⁶⁴ Her statement is of special significance for the DPP. The DPP first took power in 2000, with the election of President Chen Shui-bian and Vice President Lu Xiu-Lian.⁶⁵ Their connection to the Jing-Mei prison is very personal. Ms Lu herself was detained here and⁶⁶ at that time Mr. Chen had been her lawyer.⁶⁷ At the end of President Chen’s administration in 2007, he

⁶⁰ Sean Lin, “Guideline changes to be undone,” *Taipei Times*, May 22, 2016, <https://www.taipetimes.com/News/front/archives/2016/05/22/2003646821>.

⁶¹ “President Tsai presides over inauguration ceremony for Transitional Justice Commission,” Republic of China (Taiwan) Office of the President, News Release May 31, 2018, accessed April 15, 2020, <https://english.president.gov.tw/NEWS/5418>.

⁶² Loa Iok-sin, “Activists mobilize to stop changes to Jingmei park,” *Taipei Times*, April 24, 2009 <http://www.taipetimes.com/News/taiwan/archives/2009/04/24/2003441903>.

⁶³ “副總統出席國家人權博物館籌備處揭牌活動 [Vice President attended the unveiling of the preparatory office of the National Museum of Human Rights],” Republic of China (Taiwan) Office of the President, News Release December 10, 2011, accessed April 15, 2020, <https://www.president.gov.tw/NEWS/16179>.

⁶⁴ Student written reflection, on file with authors.

⁶⁵ Erik Eckholm, “Taiwan’s New Leader Ends Decades of Nationalist Rule,” *New York Times*, May 20, 2000, <https://www.nytimes.com/2000/05/20/world/taiwan-s-new-leader-ends-decades-of-nationalist-rule.html>.

⁶⁶ Following the Kaoshiung Incident in 1979. See: 陳世宏 和 何靜茹, “紀念美麗島事件30週年影像史 [A video History Commemorating the 30th Anniversary of the Kaoshiung Incident],” in 美麗島30週年研究論文集 [Collection of Research Papers on the 30th Anniversary of Kaoshiung Incident], ed. 張炎憲 和 陳朝海 (Taipei: 吳三連台灣史料基金會, 2010), 60.

⁶⁷ 陳世宏和何靜茹, “A video History,” 63.

reorganised the former Jing-Mei Military detention centre into the Jing-Mei Human Rights Park.

CONCLUSION

Going through the guided tour was just like walking through the history and struggle of Taiwan's democracy. Our tour ended in the courtroom where the trial of Ms Lu concerning the Kaohsiung Incident had taken place in 1980. Our guide told us that the trial was symbolic in that it gained international attention, promoted the democratic activists, and accelerated the end of the authoritarian period.

Preparations for the opening of the museum have been closely linked to Taiwan's process of democratisation. Through the exhibition at the museum, the government demonstrates support for transitional justice and democracy. The museum not only preserves the country's historical memory but also conveys a message to the international community and to foreign visitors with the support of the government. On the occasion of International Human Rights Day 2016, DPP president Tsai Ing-wen asserted in Jing-Mei Memorial Park:

In addition to recovering the historical truth, we must also present our findings publicly via publications, art, films, and other media, so that more people will understand the White Terror period. And, most important of all, critically examining the system of oppression and thinking hard about justice ought to become a mass movement in our society, so that we can build up a set of shared values and goals.⁶⁸

Through guided tours and exhibitions, visitors, whether native or foreign, can feel the message delivered from here: Taiwan is independent in democracy, human rights, and transitional justice.

Looking at the Museum of White Terror as a transnational legal actor of sorts posits its historical narrative presented through specifically its guided tour within a complex political landscape. We contend that where international law cannot resolve the question of Taiwan's status, the museum becomes a means of alternative diplomacy in pursuit of an answer. Placing the narrative of the guided tour within the prominent wider

⁶⁸ "President Tsai attends activities to mark International Human Rights Day 2016," Republic of China (Taiwan) Office of the President, News Release December 10, 2016, accessed April 12, 2020, <https://english.president.gov.tw/NEWS/5043>.

context of Taiwan's self-determination, we view the story of the museum as a way of establishing Taiwan's sovereignty over its past and future, and therefore ultimately as a plea for independence.

We have encountered the narrative of the museum as a group, and we have reconstructed it based on our own reflections and those of our students. We close the story with a reflection and photograph collected by our group.

I chose this picture because of the guide emphasising the ironic decision of putting a lion, symbol of strength and freedom, in front of the entrance of a political jail. This also symbolizes the relationship between past and present and of the important duty of memory. At the transnational law level, it also has an impact under the actual Taiwan political situation perspective. Because Taiwan has lived through such trouble to gain the democracy it has today, it would be great to recognize it as an official state everywhere in the world.

Fig. 7.3 Students pass the statue of a lion created and donated by a former prisoner standing in front of the prison entrance. The characters on the prison façade read: ‘collaborate & fight the enemy’. (Photo: Renske Vos)

This combined with the message sent here which is also to memorize traumatic events at the international level is what this picture tells me.⁶⁹ (Fig. 7.3)

BIBLIOGRAPHY

- Anghie, Anthony. 2004. *Imperialism, Sovereignty and the Making of International Law*. Cambridge: CUP.
- Apsel, Joyce. 2016. *Introducing Peace Museums*. London: Routledge.
- Belavusau, Ulad, and Aleksandra Gliszczynska-Grabias, eds. 2017. *Memory: Towards Legal Governance of History*. Cambridge: CUP.
- Bernstein, Anya. 2008. The Social Life of Regulation in Taipei City Hall: The Role of Legality in the Administrative Bureaucracy. *Law & Social Inquiry* 33 (4): 925–954.
- Chan, F. Gilbert, ed. 2018. *China at the Crossroads: Nationalists and Communists, 1927–1949*. New York: Routledge.
- Chuang, Jimmy. Name Fight Set for CKS Memorial Hall. *Taipei Times*, 10 May 2007. Accessed 15 April 2020. <http://www.taipetimes.com/News/front/archives/2007/05/10/2003360233>.
- Clark, Janine. 2013. Reconciliation Through Remembrance? War Memorials and the Victims of Vukovar. *International Journal of Transitional Justice* 7 (1): 116–135.
- Crawford, James. 2007. *The Creation of States in International Law*. Oxford: OUP.
- Eckholm, Erik. Taiwan's New Leader Ends Decades of Nationalist Rule. *New York Times*, 20 May 2000. Accessed 14 April 2020. <https://www.nytimes.com/2000/05/20/world/taiwan-s-new-leader-ends-decades-of-nationalist-rule.html>.
- Fifield, Anna. Taiwan's 'born independent' Millennials Are Becoming Xi Jinping's Lost Generation. *Washington Post*, 26 December 2019. Accessed 15 April 2020. https://www.washingtonpost.com/world/asia_pacific/taiwans-born-independent-millennials-are-becoming-xi-jinpings-lost-generation/2019/12/24/cel1da5c8-20d5-11ea-9c2b-060477c13959_story.html.
- Hsu, Funie, Brian Hioe, and Wen Liu. 2017. Collective Statement on Taiwan Independence: Building Global Solidarity and Rejecting US Military Empire. *American Quarterly* 69 (3): 465–568.
- Hsu, Jenny. Inscription Goes Up at Democracy Hall. *Taipei Times*, 7 November 2007. Accessed 15 April 2020. <https://www.taipetimes.com/News/front/archives/2007/12/09/2003391782>.

⁶⁹ Student written reflection, on file with authors.

- Jao, Nicole. 'Mask Diplomacy' a Boost for Taiwan. *Foreign Policy*, 13 April 2020. Accessed 22 May 2020. <https://foreignpolicy.com/2020/04/13/taiwan-coronavirus-pandemic-mask-soft-power-diplomacy/>.
- Delvin, Kat, and Christine Huang. In Taiwan, Views of Mainland China Mostly Negative. *Pew Research Center*, 12 May 2020. <https://www.pewresearch.org/global/2020/05/12/in-taiwan-views-of-mainland-china-mostly-negative/>.
- Kelsen, Hans. 1941. Recognition in International Law. *American Journal of International Law* 35: 605–617.
- Lee, Teng-hui. 1999. *The Road to Democracy: Taiwan's Pursuit of Identity*. Tokyo: PHP Institute, Inc.
- Lennon, John, and Malcolm Foley. 2000. *Dark Tourism: The Attraction of Death and Disaster*. London: Thomson.
- Lin, Sean. Guideline Changes to Be Undone. *Taipei Times*, 22 May 2016. Accessed 15 April 2020. <https://www.taipetimes.com/News/front/archives/2016/05/22/2003646821>.
- . Students Rally Against Altered Curricula. *Taipei Times*, 6 July 2015a. Accessed 15 April 2020. <https://www.taipetimes.com/News/front/archives/2015/07/06/2003622364>.
- . Curriculum Protests: No Extra Emphasis on China. *Taipei Times*, 25 July 2015b. Accessed 15 April 2020. <http://www.taipetimes.com/News/taiwan/archives/2015/07/25/2003623857>.
- Lin, Tsung-Kuang. 1998. *The Taiwanese Identity Question and the "2-28" Incident, An Introduction to 2-28 Tragedy in Taiwan: For World Citizens*. Taipei: Taiwan Renaissance Foundation Press.
- Lisle, Debbie, and Heather Johnson. 2018. Lost in the Aftermath. *Security Dialogue* 50 (1): 20–39.
- Loa, Iok-sin. Activists Mobilize to Stop Changes to Jingmei Park. *Taipei Times*, 24 April 2009. Accessed 16 April 2020. <http://www.taipetimes.com/News/taiwan/archives/2009/04/24/2003441903>.
- Loa, Iok-sin, and Jake Chung. Ministry Approves New 'brainwashing' Curriculum. *Taipei Times*, 28 July 2014. Accessed 15 April 2020. <http://www.taipetimes.com/News/front/archives/2014/01/28/2003582309>.
- Ministry of Foreign Affairs Republic of China (Taiwan). Instances of China's Interference with Taiwan's International Presence, 2020. *Policies & Issues*. Accessed June 5, 2020. <https://www.mofa.gov.tw/en/cp.aspx?n=AD8BA59033D4F35C>.
- National Archives Administration. Political Archives Act. <https://www.archives.gov.tw/English/Publish.aspx?cnid=103930>. Last Modified July 24, 2019.
- National Human Rights Museum. 國家人權博物館白色恐怖景美紀念園區簡介 [Introduction to the White Horror Jingmei Memorial Park of the National Museum of Human Rights(EN)]. Video zone. Accessed 24 March 2020. https://www.nhrm.gov.tw/en/movie_85_3874.html.

- . 2015. 臺灣白色恐怖時期相關史蹟點調查案總結報告書 [Summary Report on the Investigation of Related Historical Sites during the White Terror Period in Taiwan]. New Taipei: National Human Rights Museum Preparation Office. https://issuu.com/nhrm/docs/_2f46568fbf7b64.
- Parfitt, Rose. 2016. Theorizing Recognition and International Personality. In *The Oxford Handbook of the Theory of International Law*, ed. Florian Hoffman and Anne Orford. Oxford: OUP.
- Presidential Office Indigenous Historical Justice and Transitional Justice Committee, Subcommittee on Languages. 中華民國政府漢化政策下不當限制族語使用的歷史真相:政府文書、口述訪談初探 報告文稿 [The Historical Truth of Improperly Restricting the Use of Ethnic Languages under the Chinesization Policy of the Government of the Republic of China]. September 28, 2019.
- Republic of China (Taiwan) Office of the President. 副總統出席國家人權博物館籌備處揭牌活動 [Vice President Attended the Unveiling of the Preparatory Office of the National Museum of Human Rights]. News Release. December 10, 2011. Accessed April 15, 2020. <https://www.president.gov.tw/NEWS/16179>.
- . President Tsai Presides Over Inauguration Ceremony for Transitional Justice Commission. News Release. May 31, 2018. Accessed April 15, 2020. <https://english.president.gov.tw/NEWS/5418>.
- . President Tsai Attends Activities to Mark International Human Rights Day 2016. News Release. December 10, 2016. Accessed April 12, 2020. <https://english.president.gov.tw/NEWS/5043>.
- Roodenburg, Lisa, and Sofia Stolk. 2020. The Desire to Be an International Law City: A Self-Portrait of The Hague and Amsterdam. In *International Law's Collected Stories*, ed. Sofia Stolk and Renske Vos. London: Palgrave.
- Simpson, Gerry. 2016. Something to Do With States. In *The Oxford Handbook of the Theory of International Law*, ed. Florian Hoffman and Anne Orford. Oxford: OUP.
- Stolk, Sofia, and Renske Vos. 2020. International Legal Sightseeing. *Leiden Journal of International Law* 33 (1): 1–11.
- Wang, Flora. Chiang Kai-shek Plaque to Return to Memorial Hall. Taipei Times, 22 January 2009. Accessed 14 April 2020. <http://www.taipeitimes.com/News/taiwan/archives/2009/01/22/2003434392>.
- Wang, Hsin-yu, and Joseph Yeh. Crowdfunded ‘Taiwan can help’ Ad Published in New York Times. *Focus Taiwan* (CNA English News), 14 April 2020. Accessed 25 May 2020.
- Wakabayashi Masahiro. 戰後臺灣政治史: 中華民國臺灣化的歷程 [The “Republic of China” and the Politics of Taiwanization: The Changing Identity of Taiwan

- in Postwar East Asia]. Translated by 洪郁如. Taipei: National Taiwan University Press, 2016.
- Yu Hsiang, Wang Yang-yu, and Emerson Lim. Taiwan's Parliament Passes Bill on Declassifying Political Files. *Focus Taiwan CNA English News*, July 24, 2019. <https://focustaiwan.tw/politics/201907040022>.
- 李筱峰 and 薛化元, 戰後台灣史 [Taiwan's Post-war History]. 2019. Taipei: Taiwan Interim Publishing.
- 胡慧玲, 百年追求: 臺灣民主運動的故事卷三-民主的浪潮 [A Century of Pursuit: The Story of Taiwan Democracy Movement Volume Three: The Wave of Democracy]. 2013. New Taipei: Acropolis.
- 陳世宏 and 何靜茹. 2010. 紀念美麗島事件30週年影像史[A Video History Commemorating the 30th Anniversary of the Kaoshiung Incident]. In 美麗島30週年研究論文集 [Collection of Research Papers on the 30th Anniversary of Kaoshiung Incident], ed. 張炎憲 and 陳朝海, 40–66. Taipei: 吳三連台灣史料基金會.
- 陳世昌. 2015. 戰後70年台灣史 [70-Year History of the Post-war Taiwan]. Taipei: China Times Publishing.
- 陳齊奐 (Qi-Huan Tan). 景美人權文化園區的導覽敘事與人權教育初探 [Study on the Narrative Structure and Human Rights Education of the Jing-Mei Human Rights Memorial and Cultural Park]. *Museology Quarterly*, 28 (3) (July 2014): 87–110. [https://doi.org/10.6686/MuseQ.201407_28\(3\).0006](https://doi.org/10.6686/MuseQ.201407_28(3).0006).
- 蔡財源. 2015. 坐黑牢也爭正義 [Sit in Jail and Fight for Justice]. In 走過長夜: 政治受難者的生命故事, 輯二, 看到陽光的時候 [Walking Through the Long Night: The Life Stories of Political Victims, Part Two: When I See the Sunlight], ed. 周佩蓉 et al., 179–196. New Taipei: National Human Rights Museum Preparation Office.
- 簡永達. 尋找政治隱傷者 – 那些受難者、他們的家人, 還有我們 [Looking for Political Victims – Those Victims, Their Families, and Us]. *The Reporter*, February 27, 2017. <https://www.twreporter.org/a/228-political-victims-families>.