



Session Summary: 20 November 2017

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This session came back to the seminar's central theme and examined its conceptual tools. Focusing more specifically on transitional justice in the context of indigenous communities, the seminar structured itself around several main questions which continue the discussion held in 2016-2017 on the duty of memory: why do we remember? Why must we remember? What is the significance of the duty of memory? Is it moral? Social? Political? Is there an order to remember? Or to forget? Or to forgive?<sup>1</sup> These questions of forgiveness, of forgetting, but also of coming together are at the heart of the transitional justice process.<sup>2</sup> The seminar also explored the role transitional justice politics plays in how the national narrative evolves and the resulting role given to indigenous peoples in this narrative. The politics of transitional justice can be studied in three distinct time periods.

A first phase (1990-2000) was characterized by a search for historical truth and a willingness to right wrongs that had been inflicted. Various actions were implemented, such as organizing enquiries led by panels of experts who then wrote reports. President Lee Teng-Hui gave a public apology to the victims and their families and commemorated the event by erecting a peace and memorial park, stelae and the 228 Peace Memorial museum.<sup>3</sup> These actions went hand in hand with passing laws on victim reparations, while the 28th February was declared a holiday.

A second phase (from 2000 onwards) focused simultaneously on a deeper understanding of the events by continuing archival work (which led to tension and debate) and on the sensitive question of assigning responsibility. This willingness to put the spotlight on those responsible is reflected by a report from the 228 Memorial Foundation in 2006 (二二八事件基金會), which gives ultimate responsibility to Chiang Kai-shek. President Chen Shui-bian's 陳水扁 speech in 2007 made it clear that Chiang Kai-shek is guilty/ responsible (二二八事件的元兇) From 2007 on, acts of vandalism were committed on monuments commemorating Chiang Kai-shek, including many public statues of him. Analyzing this period during the 2000s leads us to ask the question of silence in public and private space by examining the vectors for transmission memory more specifically. As proposed by Marc Bloch, these are most often the acts of communication between individuals.<sup>4</sup> Indeed, some Taiwanese authors point out that the memory of the events of 228, while not usually transmitted within the family circle, could be

1 See Sébastien Ledoux (2016), *Le Devoir de mémoire – Une formule et son histoire*, Vladimir Jankélévitch (1996), *L'Imprescriptible, Pardonner ? Dans l'honneur et la dignité* (trans. Ann Hobart (1996), "Should We Pardon Them?," *Critical Inquiry*, 22) and Tzvetan Todorov (2004), *Les Abus de la mémoire* (trans. Gila Walker (2010), *Memory as a Remedy for Evil*).

2 "Measures, actions which must allow a society to look back on traumatic events from the past, which are linked to large-scale political violence, and the purpose of which would be to shed light on the events, to determine the responsibility of different actors, to ensure justice and to allow reconciliation." (Samia Ferhat) Thoughts on transitional justice are mostly based on the work of Wu Nai-teh, « Écrire sur une blessure nationale : mémoire des événements du 28 février 1947 », in Samia Ferhat and Sandrine Marchand (ed.), *Taiwan, île de mémoires*, Lyon : Éditions Tigre de papier, 2011, pp. 59-87 ; of Li Zhen-xiang (2015) : 李禎祥, 『民主化初期的平凡工作』 □ in 記憶與遺忘的鬥爭 / 第二卷記憶歷史傷痕 ; and of Sandrine Lefranc (2002), *Politiques du pardon*.

3 Reference to the events of 28th February designated by « Er'erba » (二二八).

4 Bloch



transmitted in other social spaces, such as school, in often distorted but nevertheless memorable forms.<sup>5</sup> The question of *raison d'État* can also be asked in light of President Lee Teng-hui's policies. Indeed, it is only at the beginning of the 90s that he supported an investigation into the events of 228, no doubt worried about weakening the government's power by this return on the past which would certainly raise questions about the Kuomintang's share of responsibility in these events.

Finally, the measures which were decided in 2016 regarding indigenous peoples can be considered the third phase of the transitional justice politics. The question of indigenous people emerged during the '80s, at a time when various protest movements were growing in Taiwan calling for political liberalization. The '90s saw a period of significant progress regarding the issue of indigenous people:

- Effort made for the name chosen to designate the community as of 1994: we go from “mountain comrades” 山胞 (山地同胞/山地人/高山族) to “original people” 原住民. These revisions led to numerous debates. Thus, some proposed the term “first arrived” which immediately evaded any claim of a privileged link to the land of Taiwan. The question of ownership and provision of indigenous land, meaning traditional land, is still today at the heart of the indigenous community's grievances as it overlaps with many other issues: economy, ecology, memory, identity and spirituality. These questions are often raised in both fictional and documentary film productions.<sup>6</sup>
- Institutionalization of “indigenous peoples' affairs” as of 1996: creation of the Indigenous People's Commission 行政院的原住民族委員會; 2005, the fundamental law for indigenous people (原住民族基本法) was passed; August 2016, President Tsai Ing-wen makes an official apology on behalf of the government, 2017; implementation of regulation concerning the distribution of indigenous land 原住民族土地劃設辦法.

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<sup>5</sup> Nai-teh

<sup>6</sup> See, in particular, Chang Yu-Chieh and Lekal Sumi's work “Wawa no cidal (Panay) ‘太陽的孩子’” (2015).