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Transitional Justice and Prospect of Democratic Consolidation in Taiwan:^{*} Democracy and Justice in Newly Democratized Countries

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Abstract

The issue of justice figures prominently in various stages of democratization yet the topic is still understudied in the broad literature of democratization. The handling of transitional justice is crucial to the successful transition from authoritarian rule to democracy. However, the type of transition (e.g., transformation vs. replacement) also significantly shapes the approach toward transitional justice: forgive and forget vs. prosecute and punish. More importantly, enhancing social justice is essential to the prospect of the upgrading from electoral democracy to liberal democracy. As discussions on Third World democratization move from quantity (democratic enlargement) to quality (democratic consolidation), an examination of the role played by justice is crucial.

This article studies an index case of newly democratized country – Taiwan. It first examines Taiwan’s unique approach toward transitional justice, by focusing on the February 28 Incident, and discusses some of the rationales for the political calculus for this approach, including considerations for ethnic relations. It then provides a preliminary empirical exploration into the role justice plays in Taiwan’s democratization by analyzing the data from “proxy” questions for justice in TEDS – Taiwan’s premier survey research consortium. Survey results show that Taiwanese electorate display high degree of commitment toward democracy, despite some ambivalence and they attach great importance to justice in the country’s evolution into a liberal democracy.

Key Words: transitional justice, democratic consolidation, electoral democracy, liberal democracy, February 28 Incident, TEDS

Introduction: The Role of Justice in Democratic Transition and Consolidation

Justice has become an increasingly important issue for many newly democratized countries (NDCs)¹ -- both as a scholarly inquiry and as a policy issue. It is a critical factor in a NDC's success in reconciling its ignoble past, establishing legitimacy among its yearning citizens, and enhancing the prospect of sustaining its young democracy. However, reaching generalizations on the relationship between justice and democracy across NDCs is elusive. Some scholars have cogently argued that the precise role that justice plays in each NDC depends on the context.²

Nevertheless, it is useful to make some general statements by distinguishing the various phases of democratization and by discussing how justice can play a part in each phase. First, the handling of justice is crucial to the success of the process of transition from authoritarian rule to democracy. An emergent literature has dealt with the issue of "transitional justice" from theoretical and comparative perspectives.³ How to deal with former regimes

¹ This paper defines NDCs as those countries in East Asia, Latin America, and Eastern Europe that underwent democratic transitions in the late 1980s-early 1990s. Although generally considered to belong in the cohort known as Third Wave democracies (Huntington 1991), the NDCs differed from the more established "new democracies" like Spain and Portugal in that many of them did not ever have a history with democracy and that they are more likely to score in the low-end of the "free" category of nations, as tracked by the Freedom House -- that is, their combined averages of political rights and civil liberties are more likely to be around 2, whereas the averages for older Third Wave democracies are usually 1 or 1.5 (Freedom House classifies nations with a combined score from 1-2.5 as "free," 3-5.5 as "partly free," and 5.5-7 as "not free." See Freedom House (2005).

² For a cross-national comparison on the relationship between justice and democracy, see Bontekoe and Stepaniants (1997).

³ For theoretical discussions of transitional justice, see Teitel (2000) and Kritz (1995). Roehrig (2002) compares how Argentina, Greece, and South Korea prosecuted their

with dubious human rights records is a dilemma facing most NDCs. On the one hand, the new democratic regime may want to seek retrospective justice (or even retributive justice) not only because the victims' closure demands it but also because the new regime's legitimacy rests upon a clear break from the past. On the other hand, authoritarian holdovers may retain such considerable power and institutional safeguard that if the fragile new regime decides to take on them, it may risk its own demise and setback in the country's democratization. The calculus is thus a delicate balance between moral gains and political cost.

Harvard professor Samuel Huntington captures this dilemma as a tradeoff between two approaches -- "prosecute and punish" and "forgive and forget," and he argues that each strategy has its pros and cons (1991: 211-31). His admonition is that "justice was a function of political power" (228) and that a plausible strategy really depends on the type of transition:

- (1) If transformation or transplacement occurred, do not attempt to prosecute authoritarian officials for human rights violations. The political costs of such an effort will outweigh any moral gains.
- (2) If replacement occurred and you feel it is morally and politically desirable, prosecute the leaders of the authoritarian regime promptly while making clear that you will not prosecute middle- and lower-ranking officials.
- (3) Devise a means to achieve a full and dispassionate public accounting of how and why the crimes were committed (Huntington 1991: 231).

Space prevents this paper from repeating what has been said about

former military leaders. Rotberg and Thompson (2000) focuses on South Africa's Truth and Reconciliation Commission and discusses the utility and limitation of truth commissions as a common method used by NDCs with repressive or strife-ridden pasts.

transitional or retrospective justice except this brief synopsis.

Justice during democratic transition is undoubtedly important for the immediate fates of these democratic debutants: It may critically determine whether a democratic transition can succeed; it may also decide whether a NDC may revert back to authoritarian rule and rather than bringing about reconciliation, it contributes to acrimony and division. There is no easy answer or one-size-fit-all panacea.

However, justice also plays a crucial prospective role in the long-term ultimate fate of a NDC: It constitutes a crucial element in democratic consolidation. As Hoover Institution scholar Larry Diamond correctly points out, "The third wave of democratization has had much greater breadth than depth" (1997: xvii). Many new democracies have all the trappings of electoral democracy, such as multiple political parties regularly competing for power through (relatively) free and fair elections, but they are deficient in many important aspects that define a liberal democracy, such as extensive protections for individual and group rights, inclusive pluralism in civil society as well as party politics, civilian control over the military, institutions to hold officeholders accountable, and thus a strong rule of law secured through an independent, impartial judiciary.⁴ To that list one might also add social justice, as it forms a psychological foundation of democracy and affects democracy's quality.

Conventional wisdom on democratization in the latter half of the twentieth century usually defines democracy in procedural terms. This view sees democracy mainly as an instrument for voters to select their leaders. Hence, scholars on Third Wave democratization focus on free and fair

⁴ For a treatise on the distinction between liberal democracy and electoral democracy, see Diamond (1996).

elections periodically held featuring alternatives candidates.⁵

However, people in democracies – old or new – expect more from democracy beyond merely the procedural and institutional aspects. Often they attach expectations for social justice. In many well-established democracies and also in some NDCs, such institutional fixtures as free and fair elections have not alleviated many voters' disenchantment, partly because they feel that their social and economic rights have not appreciably advanced as a result of democracy. Yale University political scientist Ian Shapiro puts this succinctly:

Many people blame social injustice on the lack of democracy and assume that democracy is an important weapon in replacing unjust social relations with just ones. Yet this popular expectation is at variance with much academic orthodoxy, which recognizes that achieving political democracy guarantees nothing about the attainment of social justice (1996: 579).

Having said that, Shapiro also concedes that there exists a “mutual dependence” of these two ideals: “Although democracy is not sufficient for social justice, arguments about democracy and social justice are more deeply entwined with one another than the conventional opposition suggests” (1996: 580).

One can reasonably assume that a new democratic regime that endeavors to promote certain justice-related reforms, such as rectifying past human rights abuses, tackling corruption, strengthening the rule of law,

⁵ For example, Huntington defines a twentieth century political system as “democratic to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote” (1991: 7).

protecting the weak and the disadvantaged, and improving the welfare of the populace at large, can expect to garner greater public support and increase the voters' commitment toward democracy. Justice is at the forefront of discourse on democracy in the twenty-first century, when attention should move beyond procedural democracy toward substantive democracy.⁶

Democracy in many new democracies is superficial; it is by no means impregnable or irreversible. This explains why most NDCs score in the lower end, rather than the higher-end, on the Freedom House's "free" category in terms of their civil liberties and political rights. This also explains why Freedom House (2003) lists 121 nations as electoral democracies but only considers 89 of them as "free." In other words, all liberal democracies are electoral democracies, but not vice versa. A number of these "semi-democracies" or "illiberal democracies" may eventually become liberal democracies, but this trend is not preordained and by no means universal.

This article argues that whether a NDC can evolve into a liberal democracy depends importantly on whether it can satisfactorily handle the issues of transitional justice and prospective justice. It seeks to explore these arguments by examining the case of Taiwan – an "index" case of Third Wave democracy. The main purposes of this article are to examine the way that Taiwan authorities handle the issue of justice and to offer an educated guess on the prospect of Taiwan's transformation from an electoral democracy to a liberal democracy.

Admittedly, providing an operational definition for justice is a challenging task, theoretically and empirically. We nevertheless seek to shed some light on theoretical discussions by examining empirical data from the Taiwan Election and Democratization Study (TEDS), a leading research

⁶ For an argument on substantive democracy, see David Held (1995).

consortium for survey research on Taiwanese politics. Specifically, by examining certain TEDS questions as “proxy indicators,” we find evidence that justice is becoming an increasingly salient issue in Taiwanese politics and given the “routinization” of elections in the recent decade and a relatively high degree of voter commitment to the democratic system, Taiwan would have a reasonable prospect for becoming a liberal democracy in the years ahead. But before we elaborate on our arguments and evidence, a brief background on Taiwan’s political evolution as it relates to justice is in order.

Taiwan’s Politics of Justice: Background and Characteristics

In many ways Taiwan is a representative Third Wave NDC. Its democratic transition occurred relatively late (two decades after its economic takeoff), considering its level of economic development. Until 1986, Taiwan politics was dominated by the Kuomintang (KMT) -- a Leninist party founded by Sun Yat-sen on the mainland but moved to Taiwan in the wake of the Chinese civil war in 1949. After 1986, political liberalization in Taiwan unfolded at a dazzling pace. In 1986 the opposition party, Democratic Progressive Party (DPP), was founded. In 1987 the Emergency Decree, often dubbed “martial law,” was lifted and restrictions on the formation of new political parties and on the registration of newspapers were removed. The same year the ban on travels to the mainland was abolished. In 1988 Lee Teng-hui succeeded Chiang Ching-kuo to become the first native Taiwanese president. From 1991 to 1992, all the members of the National Assembly and the Legislative Yuan were elected by voters in Taiwan. In 1994 the governor of the Taiwan Province and the mayors of the two special municipalities

under the Cabinet, Taipei and Kaohsiung, were directly elected by voters for the first time. In 1996 voters exercise their democratic rights to elect the president of the Republic of China (ROC) for the first time in Chinese history, and Lee won by a landslide. In 2000, DPP candidates Chen Shui-bian won the presidency, marking the first peaceful transfer of executive power. In 2001, the long-ruling KMT also lost its legislative majority, completing the rotation of power. In 2004, DPP's Chen won a narrow reelection.⁷

In a nutshell: Taiwan's democratization process appeared more orderly and compressed in comparison to most other Third Wave democracies. In Huntington's (1991) tripartite typology of democratization, Taiwan's democratization experience exemplifies "transformation," with the elites taking the lead to liberalize and democratize the system (Gold 1997: 163). In fact, the party that started liberalization (KMT) continued to rule for more than a decade.

On the issue of transitional justice, Taiwan's experience was also unique. As the discussions below show, victims were given reparations but no single individual was prosecuted. Naiteh Wu attributes this approach to the mode of Taiwan's democratic transition (transformation, rather than replacement), considerations for ethnic relations, and the distant past of compressed repression (2005: 77). He calls Taiwan a phenomenon of "ten thousand victims without a single perpetrator" (Wu 2005: 91).

The conventional starting point for discussions on the role justice played in Taiwan's democratization is the "February 28, 1947 Incident," which began as a routine seizure of illicit cigarettes, became an island-wide uprising, and ended in a harsh military crackdown. Kerr (1965), a first-hand account published in the mid-1960s of the events surrounding the "228 incident,"

⁷ For more details on Taiwan's democratization process, see Cheng (1989), Tien (1989), Chan and Clark (1992), Chu and Lin (1996), Chao and Myers (1998), and Rigger (1999).

estimated that between 15,000 and 30,000 people were killed across the island over several months. Thereafter, this tragic event had long symbolized the tensions between the Taiwanese and the mainlanders and over the KMT's authoritarian rule, although different communities remembered the event differently. This article will not go into the details on the causes and effects of the tragedy, which have been amply dealt with elsewhere.⁸ We will only point out a few important aspects, as it pertains to our discussions of democracy and justice in Taiwan.

For almost four decades, “228,” as the incident is called, was a taboo in Taiwan's political lexicon. For some, 228 exemplified the White Terror under the KMT rule. For Taiwan nationalists, 228 was a rallying point for their aspirations for national identity and self-determination. The uprising was repressed but truth and reconciliation were also postponed.

It was not until Taiwan's democratic transition was well under way that the government actively sought to address the issue. Still the government approached it carefully in light of the implications for ethnic relations and political cost. In 1990 the Executive Yuan — Taiwan's Cabinet — convened a task force made up of respected scholars to study “228.” In 1992 the task force published its report on 228 — a generally respected report. In 1995, on the 48th anniversary of 228, the first monument erected at a Taipei park (each city and county would build their own monuments). At the dedication ceremony, President Lee told his countrymen: “As head of state, bearing the

⁸ Lai, Myers, and Wei (1991), which provides the larger political and social context that helps understand why the tragedy occurred, is usually considered the standard-bearer account on the 228 Incident. For a more recent rendition, see Phillips (2003). In contrast, the most recent rendition, “Research Report of the Attribution of Responsibilities of the February 28 Incident” (二二八事件責任歸屬研究報告), commissioned by the February 28 Memorial Foundation and published on February 19, 2006, accused Former ROC President Chiang Kai-shek as the main culprit. Some important scholars criticized this report as less than objective treatment of history.

burden of mistakes made by the government and expressing the most sincere apology, I believe that with your forgiving hearts, we are able to transform the sadness into harmony and peace” (Tyson 1995). This first official apology for the incident marked a milestone in Taiwan’s struggle to come to grips with its past.

Then the legislature soon passed “The Statute on the Dealing and Compensation of the February 28 Incident” (二二八事件處理及補償條例).⁹ Article 1 cites the law’s rationales as “to handle the issues related to compensation of the February 28 Incident, to make [our] countrymen understand the truth of the incident so as to heal historical wounds and improve ethnic groups’ integration.”

The law established a commission made up by scholars and experts, impartial social notables, and representatives from the government and the victims or their families – called February 28 Incident Memorial Foundation – for the purposes of verifying victim’s claims and handling proper compensation. It also requires that at least one-quarter of the membership of the Commission must be victims or their families and representatives.¹⁰

In many ways, the final version of the law reflected a protracted process and several aspects of the law were contested.¹¹ The law also decreed February 28 a national holiday called “Peace Memorial Day,” and “urged the president or other relevant leaders to make important speeches.” The phrase “the government should apologize to all the citizens” was voted down.

The law provided financial compensation for the victim or the victim’s family: The upper limit was NT\$6 million (US\$181,818). Instead of calling the

⁹ This law was promulgated by the president on April 5, 1995, and it went into effect on October 7, 1995. For a text of the law, see the website of the February 28 Incident Memorial Foundation at http://www.228.org.tw/about228_source.php.

¹⁰ The foundation’s homepage is at <http://www.228.org.tw/>.

¹¹ For an account of this political process, see China Times (1995).

payout “*pei chang*,” a term implying guilt or legal liability, the law settled for “*bu chang*,” which implied some responsibility but also humanitarian concern. Those that had received compensation (called “*jiouji*” or emergency cash assistance with an upper limit of NT\$60,000) in 1947 – mostly civil servants and teachers, most of who mainlanders – were not qualified.

The law “urged” the president to commute or grant amnesty to those sentenced to death or serving life sentence. Victims or their families can apply to have their reputation restored. As of October 6, 2004, the Foundation has received 2,756 cases and has reviewed 2,710 of them, with 46 cases pending. The Foundation approved 2,247 reviewed cases (83%), 9,286 recipients for the compensation, and NT\$7.16 billion (US\$217 million) in the funds for compensation – a considerable amount of money. The Foundation publishes the names of the victims and establishes memorial scholarships for the benefit of the victims’ direct descendants.¹²

The law mandated that the Foundation to be “independent and impartial in executing its duties, subject to no interference whatsoever.” Any government agency or private organization that deliberately refuses to turn over the documents or files requested by the Foundation is a criminal offense.

Upon first look, Taiwan’s measures dealing with the February 28 Incident exhibit many similarities with the experiences of other NDCs. The February 28 Foundation was entrusted with wide legal powers to investigate the truth. It also published findings and actively promoted awareness, such as its campaign to establish 228 or peace monuments in every county and city throughout Taiwan and annual activities organized around the 228 anniversary. Hence, Taiwan reformers clearly regard truth and reparation as important in the process of healing and reconciliation.

¹² See http://www.228.org.tw/pay228_statistics_case.php.

Achieving justice is clearly also an important component in Taiwan's transitional justice approach. The victims and their families are exonerated or rehabilitated. The government provides funds to compensate for their sufferings. Admittedly some of the sufferings, such as deaths or disappearances, cannot be ever financially compensated.

Unlike some NDCs, however, the Taiwanese approach decided not to touch the perpetrators, such as Gen. Peng Meng-chi, who was the head of the Taiwan Garrison Command acting on the order from President Chiang Kai-shek, who was busy fighting the Communists on the mainland at the time and made the fatal mistake of sending troops to quell what he considered a "rebellion." Political cost was obviously a key concern. All the above-mentioned transitional justice measures were adopted in the late-1980s-early 1990s when the KMT, of which Chiang was its chairman until his death in 1975, was still the ruling party. This again characterizes the type of democratic transition (i.e., transformation) that Taiwan went through.

To sum up, Taiwan's strategy consists of reparation and truth-telling, but not retribution or punishment. Whether this strategy will bring about true reconciliation remains to be seen.

The impact of transitional justice on ethnic relations was a clear reason for Taiwan's cautious strategy. Ethnic relations (seen mainly through the prism of mainlander-Taiwanese relationship) have appreciably improved in Taiwan in recent decades. Education, inter-marriages, and social mobility have all contributed to this. However, as seen from polls, election studies, scholarly works, and politicians' campaign rhetoric, the ethnic issue remains a crucial undercurrent in Taiwanese politics and a key fault line in Taiwan's identity.¹³ Whether this issue can be handled well holds important promise

¹³ See Wachman (1994) and Wu (1992).

for Taiwan's democratic consolidation or prospect of becoming a true liberal democracy.

After establishing the background for the issue of justice in Taiwan's democratization, we now move to a look at where democracy stands in Taiwan as seen by the voters. But before that, a few more words on justice in Taiwan's democratization are in order.

Democratization in Taiwan: Reflection on the Form and Substance of Democracy

Many scholars have found the political changes that happened in Taiwan and other Third World countries do not really fit the content of a liberal democracy. Rather, they typify electoral democracy, or procedural democracy (Diamond 1996, 1997). Chu, Shin, and Diamond (2000) find that despite the substantial support for democracy in South Korea and Taiwan, there is also considerable amount of equivocation: Not only support for democracy lags behind the levels found in other emerging and established democracies, but also the two publics exhibit a significant residue of authoritarian or undemocratic values, akin to the portrait of "Asian" or traditional values.

In our view, one key reason why democracy has not fully flourished is that justice has yet to be fully and well implemented in these countries. For liberal democracies as seen in North America and West Europe, they first establish extensive protection of individual and group freedoms and rights and uphold justice; and then implement democracy (like universal suffrage). Thus human rights and political rights are fully esteemed in these countries. In other words, they are liberal before they are democratic. For countries in the Third World like Taiwan, democracy arrives before justice is well acclaimed.

A substantial literature on the political transition of Third World countries has been accumulated over the last two decades. Two areas are often highlighted. One is the program and the process of political transition in these changing countries, and the other is the possible trend of political development in these countries. In the case of Taiwan, most of the existing scholarship has been retrospective, rather than prospective: That is, many scholars have studied Taiwan's changing politics since the implementation of political reforms in the mid-1980s,¹⁴ but few have dealt with the issue of whether the trend of Taiwan's political development will be moving toward Western-style liberal democracy or maintaining a specific style of Asian democracy. The biggest difficulty of this part is that Taiwan, other Third World countries as well, is still a changing society, making prediction unpredictable.

Regarding Taiwan's political transition, scholars have generally given credit to Taiwan's political changes and democratization since the mid-1980s, despite some negative signs.¹⁵ In terms of Taiwan's future political development, it is open to debate mainly due to how the issue of justice is handled. For liberal democracies in West Europe and North America, justice is equally esteemed with democracy under their constitutions. For Taiwan, justice has been an issue, inadequately dealt with in the eyes of many, during the island's political transition. This means that citizens in Taiwan may be satisfied with the progress of democracy, but they may not give same credit toward the evolution of human rights on the island. To become a liberal democracy, Taiwan must first catch up with international standards on human rights.

¹⁴ See the references in footnote 7.

¹⁵ Chu and Lin (1996), for instance, argue that Taiwan's social cleavages emerged but did not affect Taiwan's transition from authoritarianism to a consolidated democracy.

The issue of justice is imperative for Taiwan. Taiwan has established a robust electoral democracy. But why has it failed to elevate the issue of justice to the standard of a liberal democracy? This has to do with the different social and political background of the two major ethnic groups in Taiwan. The mainlanders followed the KMT government to Taiwan in 1949, and later, due to their predominated privileges, they became a dominant group on the island, politically and economically. The local Taiwanese came to the island much earlier than the mainlanders during the mid-Ch'ing Dynasty in the 18th century, but their political and economic rights were suppressed during the KMT authoritarian rule from 1945 to the mid-1980s. As time went on, the gap between the mainlanders and Taiwanese widened, especially since the 228 Incident. The mainlanders, for instance, had better opportunities to serve in the government, either because of their connections with the then ruling KMT government or because of their extra privileges on the civil servants examination subject to their long-term service in the military. Taiwanese, on the other hand, had to either go through competitive examination in order to serve in the government or go to private sectors trying to make a living.

Since the implementation of political reforms in Taiwan, all Taiwanese, regardless of their ethnic background, have now enjoyed most political freedoms and rights, similar to those in Western countries. The current DPP government especially makes promotion of human rights one of its political priorities. However, does this political development help Taiwan become a liberal democracy and narrow the gap between Taiwanese and the mainlanders?

Scholars on the study of democratic consolidation have found a specific interaction between democracy and ethnic groups in a multi-ethnicity country.

Samuel Huntington (1995), for instance, argues that a basic scheme to win popular votes in a democratic electoral system is to mobilize ethnic groups, which may also elevate political conflicts among ethnic groups. This is the so-called democratic paradox. Juan Linz, Alfred Stepan and Martin Lipset also contend that democratization may convert ethnic insecurity and political mobilization into ethnic violence and even secessionism, if the issue of power imbalance and discrimination is not well managed. Therefore, they argue that ethnic conflicts, especially when getting involved with secessionist movements, are actually poisonous to democracy.¹⁶

Accordingly, scholars on the political development of Third World countries often advocate that a precondition is necessary for an authoritarian regime to move toward democracy. Philippe Schmitter (1994: 65) and Robert Dahl (1989: 207), for example, have argued that democracy should be preconditioned by an existing and legal political system, so that all political forces would follow a set of common rules for political participation and competition. Dankwart Rustow (1974), on the other hand, contends that national unity should be preconditioned for democracy, which means the priority of national unity should be over democracy. In the case of Taiwan, Alan Wachman argues that the issue of Taiwan's ethnopolitics and national identity actually appeared after the island's regime transformation from authoritarianism to democracy (1994: 4-5, 261). Taiwan may have successfully gone through the process of democratization, but the ethnicity-related issues have not yet been satisfactorily resolved.

The issue of justice thus figures prominently. Viewed from an optimistic perspective (e.g., the modernization theory), Taiwan would have the

¹⁶ Diamond, Linz, and Lipset (1990: 29).

possibility to become a liberal democracy, because the sustained democratization in Taiwan would help manage the issue of justice on the island. This means the problems of social injustice and power imbalance would eventually be solved under popularly acknowledged rules and norms. Conversely, some others argue that the issue of justice must be further elevated before Taiwan's democracy can be truly consolidated. This implies that Taiwan's democratic mechanisms and institutions are not yet fully established and thus ethnic conflicts could continue to surface, especially as a result of politicians' exploitation of the ethnic issue for electoral gains.

In sum, justice is crucial to Taiwan's prospect of democratic consolidation, yet the elevation of justice also hinges upon democratic consolidation. This symbiotic relationship can find some empirical support, as seen in opinion polls. How do Taiwanese regard their democracy and the issue of justice? Our discussions below reveal some interesting findings.

Voter Attitudes Toward Democracy and Justice: A Preliminary Observation

To gain some insights about how Taiwanese citizens view democracy and justice, we glean through several questions in the 2002 Taiwan Election and Democratization Study (TEDS).¹⁷ Any survey results are essentially

¹⁷ The TEDS is an inter-campus consortium made up by the leading survey researchers in Taiwan with the goals of consolidating research, pooling resources, sharing research results, and accumulating knowledge. Funded by the National Science Council (NSC), the project's principal investigator is Prof. Chi Huang of the National Chung-cheng University. The population for the 2001 TEDS survey was all eligible voters aged twenty and over with valid residency in Taiwan and ROC citizenship. The survey used a stratified, three-stage, systematic random sampling method. After samples were drawn, face-to-face interviews and re-interviews were conducted from January to April 2002. Altogether, 2,022 successful interviews were concluded. See TEDS (2002).

reflections on the public mood at a given moment. Nevertheless, we choose the 2002 TEDS, because findings from this inaugural integrated election- and democracy-related survey in Taiwan establish a “benchmark” for evaluating the issue of democracy and justice in Taiwan. Our future studies can build upon findings in this article.

The 2002 TEDS survey consists of a very long list of questions on respondents’ demography, political efficacy, party politics, evaluation of democracy, and so on. Typically it takes about one hour to complete one interview. The questions consist of those that have been used in other countries, such as the American and British election studies, for cross-country comparisons and those that have been tested in Taiwan before for longitudinal research. Reflecting the status of Taiwan’s democracy and the hitherto focus of survey research in Taiwan, the survey has well-established questions on political efficacy, democratic values, and party politics. But it does not have many questions on justice; the concept has yet to be operationalized and tested. Scholars at the National Election Center concede that this may be the next step in survey research in Taiwan, as Taiwan’s democratic development progresses in the years ahead.¹⁸ Because justice has never been operationally defined or formally asked in surveys in Taiwan, we resort to selecting those questions that serve as rough “proxy” indicators. This approximation is far from satisfactory, but we have to settle for this methodological compromise, given that our main goal was to analyze existing poll data, rather than inventing our own.

Lacking questions specifically dealing with justice and not being a part in the process of questionnaire design, we have to settle for those questions

¹⁸ The first author’s interview at the Election Study Center, National Chengchi University, Taipei, July 18, 2003.

that are relevant to our topic. Notwithstanding the problems with validity, we nevertheless find some interesting and sobering results.

We begin with the well-established question of political efficacy based on the premise that voters are more likely to feel the system as “just,” if they have a higher sense of political efficacy.

Table 1 lists the questions related to political efficacy.

Table 1: Political Efficacy

Questions	Percentages ^a				
	SA	A	D	SD	N
1. People like me can't possibly influence government policies	4.7	30.9	57.4	6.9	1713
2. Government officials don't care about what people like me think.	6.6	36.4	53.3	3.7	1718
3. Some people say that politics and government are very complex and hard to understand.	11.3	63.7	23.0	2.0	1811
4. I think I have the ability to participate in politics.	2.5	23.1	66.1	8.4	1795
5. The decisions made by government officials are always correct.	1.3	24.6	67.0	7.1	1637
6. Some people say that government officials often waste taxpayers' money.	24.2	54.6	20.3	0.9	1688
7. Some people say that most government officials are honest and not corrupt.	1.3	16.5	60.3	22.0	1744
8. Do you think that when the government decides important policies, its first priority is to protect the interests of the people? ^b	8.7	48.4	34.9	8.0	1714

Source: TEDS (2002)

Note:

^a Frequencies and percentages are for four opinionated categories: SA = strongly agree, A = agree, D = disagree, SD = strongly disagree. N = number of valid responses. “Missing data” response categories are excluded.

^b The response categories for this question are “often,” “sometimes,” “seldom,” and “never.”

Democracy propagates the ideal about popular sovereignty. As a practical matter, almost all countries with a democratic form of government are representative democracies. However, citizens must still feel that they have a say in the making of public decisions that affect them and that they can participate in politics if they choose to in order for them to be committed to democracy. The issue of political efficacy is thus fundamentally connected to justice and goes to the core of democratic theory and practice.

Upon initial look, Taiwanese voters' sense of political efficacy appears high. For example, judging from the first two questions: a large majority of voters (64.3%) reject that they cannot influence government policies, and 57% believe that government officials care about what people like them think.

However, the next two questions show a mixed picture: Three-quarters of the voters agree that "politics and government are very complex and hard to understand" and only around one-quarter of the voters believe that they have the ability to participate in politics. Obviously, the electorate's perceived complexity of politics dampen their efficacy in actually participating in politics. It should be noted that Taiwanese participation in certain political activities (e.g., elections) is comparatively high, although they participate less in other legal activities (e.g., contacting officials or lobbying) as often found in Western democracies.

These results reflect the nascent state of democracy in Taiwan. Voters do demand a responsive government and have the confidence that their opinions would count. However, they still lack the confidence, desire, or skills, to understand how politics function and active political participation is rare. To use Gabriel Almond's term, Taiwan's political culture is closer to that of "subject culture" than "participatory culture." Whereas the former unquestionably forms an important foundation of electoral democracy, the latter is arguably indispensable to liberal democracy.

The other four questions show that voters do hold their officials accountable and they resent graft and waste. Three-quarters of voters do not agree that “decisions by government officials are always correct.” Almost four-fifths of them think that government officials often waste taxpayers’ money. 82.3% disagree that most officials are honest and not corrupt. About 57% do think that the government has the people’s interests in mind when making important policies.

One reason for Chen Shui-bian’s victory in the 2000 presidential election was that he ran on a reformist plank: He promised to take on the Black Gold (organized crime and money politics), for which the KMT under Lee Teng-hui had been widely accused of. These findings help explain Chen’s electoral success and corroborate our argument that justice is important to the quality of democracy. By contrast, in addition to the DPP’s general mediocre governing performance, a series of corruption scandals exposed during the campaigns contributed to the party’s electoral debacle in the 2005 local elections.

Tables 2 and 3 summarize the results of certain questions in the 2002 TEDS pertaining to reform and justice on three aspects: ethnic problems, social welfare, and environmental elections.

Table 2 can be viewed as some sort of scorecard on justice of the Chen administration, as seen by the voters. On ethnic relationships, 27% of the respondents say that such relationships have improved under the Chen government, and 25.7% say that the situation has become worse, with almost half of the respondents (47.3%) saying the situation is about the same.

On environmental protection, almost one-half (48.6%) credit Chen’s government, whereas only 6% fault him.

Table 2: Reform: Toward Greater Justice

Questions	Percentages ^a					
	MB	B	S	W	MW	N
1. Comparing the current government led by President Chen to the KMT government before, would you say that ethnic problems are	3.5	23.5	47.3	20.2	5.5	1755
2. Comparing the current government led by President Chen to the KMT government before, would you say that social welfare problems are	3.8	31.0	51.6	11.9	1.7	1726
3. Comparing the current government led by President Chen to the KMT government before, would you say that environmental protection is	5.7	42.9	45.4	5.6	0.4	1777

Source: TEDS (2002)

Note:

^a Response categories: MB = much better than before, B = better, S = about the same. W = a little worse, MW = much worse. N = number of valid responses. "Missing data" response categories are excluded.

Table 3: The 2001 Election and Justice

	Percentages			
	Stabilize	Rile up	Large influence	Some influence
Did this election stabilize ethnic harmony or rile up ethnic tensions, or did it have no influence?	21.0	28.6	15.3	30.9
Did this election decrease money politics and organized crime or increase money politics and organized crime, or did it have no influence?	57.6	8.3	23.0	38.9

Source: TEDS (2002)

Note: Percentages of all responses, including non-opinionated categories.

On the question of social welfare – also a prominent issue on the DPP's 2000 plank, 34.8% say it has improved, 13.6% say it has worsened, and 51.6% says it is about the same.

These results raise several interesting questions. First, opinions on the issue of ethnic relationship appear polarized. This is even reflected in the perception of progress or regress on ethnic relationships. Table 4 is a cross tabulation of perception of ethnic relationship by voters' party identification. It shows that opinions on this issue are highly partisan. Whereas nearly one-half of DPP supporters think ethnic relations have improved under the Chen government, 55% of People First Party (PFP) supporters disagree, with KMT supporters falling in between.

Table 4: Opinions on Ethnic Relationships by Voter Party ID

	Percentages (N = 1772)		
	KMT supporters	DPP supporters	PFP supporters
Much better	1.1	5.7	1.2
Better	14.1	33.6	11.7
About the same	45.1	46.4	32.3
Worse	28.2	13.0	38.5
Much worse	11.6	1.2	16.3

Source: TEDS (2002).

Note: The question is "Comparing the current government led by President Chen to the KMT government before, would you say that ethnic problems are (response category) ." Percentages may not sum to 100 due to rounding.

Table 5: Opinions on Social Welfare by Voter Party ID

	Percentages (N = 1735)		
	KMT supporters	DPP supporters	PFP supporters
Much better	1.1	6.3	1.2
Better	21.0	45.1	18.9
About the same	62.2	41.9	57.0
Worse	13.5	6.3	19.7
Much worse	2.2	0.4	3.3

Source: TEDS (2002).

Note: The question is "Comparing the current government led by President Chen to the KMT government before, would you say that social welfare problems are (response category) ." Percentages may not sum to 100 due to rounding.

Table 5 looks at the opinions of different parties' supporters on social welfare under the Chen government. DPP supporters are more likely to credit Chen. However, PFP and KMT supporters' opinions on this question are not as jaundiced as on the issue of ethnic relationship.

The second puzzle is how to interpret the large "middle" category – about half of the valid responses select "about the same."¹⁹ Do these numbers reflect the voters' true opinions? Do they indicate voters' "safe" or "easy" or "default" answers when asked a complex question? The TEDS researchers apparently view "about the same" as a midpoint category.

Table 3 summarizes results of two questions that ask voters specifically whether they think the 2001 legislative elections ameliorate or worsen the problems of ethnic tensions and money and violence in elections. A slightly larger percentage of voters (28.6% vs. 21.0%) think that the 2001 election helped rile up ethnic tensions. Within these two groups, 30.9% said that the election contributed to some influence on stabilizing / riling up ethnic tensions, and 15.3% said the influence was great. The voters' verdict on reform was considerably better: 57.6% said the 2001 election helped decrease money politics and organized crime, whereas 8.3% said it helped increase "black" and "gold." Within these two groups, 23.0% thought the election's influence was great and 38.9% said moderate.

As might be expected, Table 6 shows that DPP supporters are more likely to view favorably the election's impact on ethnic tensions and money and violence in elections. However, strong majorities of KMT supporters (62.5%) and PFP supporters (54.3%) also said that the election helped decrease the influence of money and violence in politics.

¹⁹ The "missing data" types of answers, like "do not know," "no opinion," or "refuse to answer," in TEDS 2002 generally amount to 15-20% of the sample size.

Table 6: Effect of the 2001 Election on Ethnic Tensions and Black Gold Politics

		Percentages		
		KMT	DPP	PFP
		supporters	supporters	supporters
Did this election stabilize ethnic harmony or rile up ethnic tensions, or did it have no influence (N = 1660)	Stabilize	22.5	34.9	18.5
	Rile up	42.6	27.2	51.8
Did this election decrease money politics and organized crime or increase money politics and organized crime, or did it have no influence? (N = 1682)	Decrease	62.5	87.8	54.3
	Increase	12.6	3.8	20.0

Source: TEDS (2002)

Percentages may not sum to 100 due to rounding.

Democratic values provide an essential cognitive and attitudinal foundation for democratic consolidation. Whether democracy can endure depends as much on the establishment of democratic institutions as on a deep reservoir of democratic values. Earlier surveys and TEDS have studied this issue. For our purpose, Table 7 summarizes the results from a few questions related to justice.

Viewed from these imprecise proxy questions, Taiwan's voters appear to care about justice greatly. They overwhelmingly (93%) reject the proposition that women should not participate in politics. Over two-thirds of them (67.3%) do not think that when judges rule on important cases, they should accept the opinions of executive organs. 81.7% of the voters say that corruption is widespread among Taiwanese politicians; this is surely a warning sign. And although Taiwanese citizens generally (73.2%) feel that their freedoms and human rights are respected, only 8.9% feel there is "a lot of" respect for individual rights and human rights. This shows that Taiwanese have taken for granted that democracy should promote justice and they firmly expect to see progress being made in this regard.

Table 7: Selected Questions Related to Democratic Values

Questions	Percentages ^a					N
	SA	A	D	SD		
1. Women shouldn't participate in political activities like men do.	1.0	6.0	66.8	26.1		1885
2. When judges rule on important cases, they should accept the opinions of executive organs.	2.1	30.6	54.5	12.8		1636
3. How much respect is there for individual freedom and human rights nowadays in Taiwan? ^b	8.9	73.2	16.5	1.4		1738
4. How widespread do you think corruption, such as bribe taking, is among politicians in Taiwan? ^c	26.9	54.8	17.6	0.7		1643
5. Overall, do you feel satisfied or dissatisfied with the practice of democracy in Taiwan? ^d	3.7	65.4	26.8	4.2		1726
6. Do you agree with the following statement? "Democracy may have problems, but it is still the best system."	13.3	73.2	12.9	0.6		1703

Source: TEDS (2002)

Note:

^a Frequencies and percentages are for four opinionated categories: SA = strongly agree, A = agree, D = disagree, SD = strongly disagree. N = number of valid responses. "Missing data" response categories are excluded.

^b The response categories for this question are "a lot of" "some," "not much," and "none whatsoever."

^c The response categories for this question are "very widespread" "quite widespread," "not very widespread," and "it hardly happens at all."

^d The response categories for this question are "very satisfied" "satisfied," "dissatisfied," and "not satisfied at all."

An ultimate test of the survivability of a new democracy is the degree of voters' commitment toward this form of government and way of life – as an abstract principle, rather than a contingent choice. Here we see encouraging signs, with some qualifications. Those that are satisfied with Taiwan's democracy outnumber those that are dissatisfied by a margin of larger than two-to-one (69.1% vs. 31%); but only 3.7% of all voters are “very satisfied” with how democracy has been practiced in Taiwan. This shows that there is considerable upside potential for improving Taiwan's democracy. Lastly, 86.5% of the voters agree with the statement “Democracy may have problems, but it is still the best system.” This shows that the Taiwanese are deeply committed to democracy, despite its problems. They will not favor a return to the authoritarian past. However, as argued earlier, they clearly also want their new democratic polity to become even more democratic and just. In fact, they are so deeply ingrained in electoral democracy that they regard elections as an instrument for further democratization.²⁰ Unlike many countries fearful of the unpredictable results of free and fair elections (hence, instability), Taiwanese voters think that elections help promote stability and deepen democracy. In the 2002 TEDS, 51.1% of respondents said that the 2001 legislative elections brought about progress in Taiwan's democracy, 12.0% said regress, and 18.4% said “no effect.” On the question of whether the election helped promote or destroy political stability, 41% said “promote,” 19.3% said “destroy,” and 21.2% said “no effect.” Taiwanese voters clearly are used to elections and expect elections to help strengthen the country's democracy. This prevailing attitude of Taiwanese electorate – democracy is not perfect but it is still better

²⁰ For a treatise on elections as an instrument for democracy, see Powell (2000). Rigger (1999) argues elections in Taiwan, initially only at the local levels but eventually expanded to offices at all levels, helped the Taiwanese to acquire the habit of voting and to expect the regular holding of elections – election itself generating a momentum for democratization.

than other forms of government – is remarkably congruent with the psychological and behavioral prerequisites of a consolidated democracy.

Conclusion: A Cautiously Optimistic Prognosis?

Juan Linz and Alfred Stepan conceptualize “democratic consolidation” as having behavioral, attitudinal, and constitutional dimensions and define a “consolidated democracy” as a “political regime in which democracy as a complex system of institutions, rules, and patterned incentives and disincentives has become, in a phrase, ‘the only game in town’” (1997: 15). They elaborate on how democracy can become “the only game in town” on each of these three dimensions:

Behaviorally, a democratic regime..... is considered consolidated when no significant..... actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or by seceding from the state. *Attitudinally*, a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbents, holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life..... *Constitutionally*, a democratic regime is consolidated when governmental and nongovernmental forces alike become subject to, as well as habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institutions that are sanctioned by the new democratic process (Linz and Stepan 1997: 16).

Judging from Taiwan electorate's commitment to democracy, despite its problems, and their habitual experience with, and expectation of, elections, the conditions appear relatively favorable for democratic consolidation.

Przeworski et al's statistical analysis (1997) identifies five main factors that make democracy endure: (1) democracy, (2) affluence, (3) economic growth and moderate inflation, reduced inequality, (4) international climate, and (5) parliamentary institutions. Although none of these conditions is sufficient for democracy to endure, several of these factors do work in Taiwan's favor.

As we have discussed, Taiwanese show high approval of democracy. This may be a function of the nascence of their democracy – a result of the initial euphoria. Results from the 2001 legislative elections, as seen in TEDS 2002, may reflect some extent of the “honeymoon” effect of the first peaceful transfer of power in the nation's history. Indeed, as Taiwan's economy continues to be in doldrums, voters increasingly say that DPP government's incompetence also contributes to the problem, as does international economic downturns and obstruction by opposition parties. Whether their dissatisfaction with the state of the economy translates into punishment of the incumbent (retrospective voting) – thus confirming “democracy is at work,” or a general malaise or even disenchantment with democracy remains to be seen.

However, it is clear from poll results that Taiwanese voters have a view on what democracy can or cannot deliver that is more realistic than their counterparts in other NDCs. People in many NDCs with a long history of authoritarian rule and economic stagnation have pent-up demand on their new democracy – a natural reaction driven by a sense of justice. They expect democracy to bring in material well-being, healthy party politics, social stability or anything else denied to them during their countries' authoritarian pasts. But the new democracy does not operate in a political vacuum and

when it is hamstrung by many countervailing forces and fails to meet voters' expectations, many people or groups risk abandoning their new rules of the game and way of life. Democracy thus faces real dangers for survival.

Taiwan's democratic transition occurred after the country had achieved relatively high degree of economic development and social equity – in other words, under favorable conditions. Unlike in the past, the democratic regime's legitimacy does not depend on economic performance. The democratic institutions are viewed as legitimate.

However, the process of Taiwan's democratization is not problem-free, especially concerning the issue of justice. Although it is laudable that Taiwan dealt with its transitional justice problem by honestly facing its past and establishing a commission for the purposes of compensating the victims, it has not done anything to the perpetrators. And there are good political reasons for not doing it. It has also not used truth-telling, no matter how painful it is, for democratic education purposes (the "never again" argument) (Wu 2005). The wisdom to reopen the wound and stage highly confrontational exchanges between victims and perpetrators is open to question. But the fact that the most systematic political survey in Taiwan, TEDS, does not even have any question on how voters feel about transitional justice shows some degree of timidity and conservatism. It will be hard to move democracy forward if the nation is stuck in the past, but it is equally hard if the past is simply glossed over.

On the prospective side, our poll analysis has also identified the contours of an emerging agenda of social justice for Taiwan's continued democratic reform. Voters want their democracy to do a better job of protecting human rights, women's rights, and environment; they also serve politicians notice that they are fed up with corruption and money and

violence in politics.

All said, Taiwan's electoral democracy seems secure for now, and the society has shown increasing signs that it is also embarking on the road to liberal democracy.

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