

Repressing dissent kills democracy

Written by Liu Ching-yi 劉景熿

Wednesday, 31 July 2013 11:25

The right to dissent is an important fundamental value that is universally cherished by modern democratic states. In democratic culture and under constitutional rule, the need to respect dissenting views is seen as self-evident. Truly democratic societies do not just tolerate dissent, they encourage it.

Democratic governments should use institutional means to ensure that dissidents can openly express opinions that differ from the mainstream without fear of reprisal. Authorities should also safeguard the right of dissidents to criticize the government, even provocatively.

Taiwan's Constitution protects dissidents' freedom of speech for good reason, namely to promote genuine competition in the marketplace of ideas so all kinds of opinions can compete openly. Offered a wide range of information and opinions available, people will then be able to seek out the truth, as well as deepen their knowledge and gain enlightenment from exposure to new ideas.

Freely competing ideas nurture autonomous citizenship and facilitate individuals' quest for self-actualization, so when those who support society's majority opinions are willing to protect so-called "minority" dissidents it provides them with room to grow through the absorption of knowledge and ideas, even if they are only doing so in anticipation of the day when they find themselves in the minority.

The reason the Constitution guarantees dissidents' freedom of expression is to ensure that ordinary people, having entrusted their rulers with the power to govern through regular elections, remain the masters of the nation. Therefore, no matter who is ruling the country at any particular time, constitutions protect people's right to have and express views that oppose those of their rulers'.

Constitutions safeguard the public's right to engage in unfettered criticism of the government, to keep an eye on the government in case it abuses its powers and even encourage the exposure of abuses by whistleblowers who are familiar with the inner workings of government.

Only when the right to dissent is guaranteed can citizens genuinely participate in a democracy.

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This participation is the source of a society's vitality, serves as a corrective balance for rulers' biases and is the essential motivating force driving a society to engage in collective reflection and institutional reform.

Democracies need to provide multiple channels through which the public can express any dissenting views they have and to supervise the government to ensure that policymaking is legitimate and transparent.

Governments have a duty to provide concrete, detailed information about their governance and policymaking, engage in genuine dialogue with their citizens and allow themselves to be tested.

However, instead of fulfilling these duties, the Taiwanese government paternalistically trumpets the supposed benefits of controversial policies such as the cross-strait service trade agreement, while accusing anyone who disagrees with its opinion of drawing a distorted picture of the policies.

If there is no frank, open dialogue between the state and the public, how can anyone judge which side is doing the distorting? If ordinary people have no access to genuine dialogue and no way of supervising the government, it should hardly come as a surprise when guerrilla-like protests pop up everywhere.

The government rushing to accuse those who express dissenting opinions of breaking the law is not conducive to the conduct of rational dialogue, but will instead lead to further controversy about the state's suppression of dissent.

If legislators — on the pretext of forestalling troublesome protests — endow the executive with extraordinary powers to stop, question and control citizens, or give security forces wider powers to control public spaces, this is just another way of making it harder for dissidents to speak out and limiting the spaces where they can express themselves. Even if this is not actually martial law, one should think about whether passing such legislation would violate the principle of proportionality, thereby making it unconstitutional.

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As to the judiciary, is it right for judicial officials to continue tolerating the government as it drifts toward state terrorism under the guise of formal governance in accordance with the law, directing police and security services to — sometimes violently — arrest dissidents for no good reason under the pretext of ensuring their personal safety?

Similarly, when law enforcement authorities misinterpret legal clauses to define dissidents as lawbreakers, when they charge protesters based on concepts outlined in the Criminal Code such as “causing public danger,” “obstructing officials from carrying out their duties” and the even more laughable charge of “defamation of government offices,” when the executive — which controls law enforcement — shows a complete lack of self-control, should the public not call on the judiciary to exercise the power afforded to it under the principle of separation of powers to provide checks and balances?

All the issues mentioned above are common knowledge as to the how democratic and constitutional governments are supposed to ensure that autonomous citizens always make up part of society. There is no need to back this up with profound, abstract legal and philosophical jargon.

When one encounters dissidents whose opinions are rational and engage in action to express those opinions, one should not allow officials who have no interest in safeguarding dissidents’ basic rights to suggest that protests “do not comply with democratic methods.”

Lawmakers and other officials who lack democratic values, and who make little or no effort to protect dissidents who are upholding democracy, are failing to carry out the responsibilities that the public has entrusted them with.

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Translated by Julian Clegg

Source: [Taipei Times - Editorials 2013/07/31](#)