

Ma must stop using the law as a weapon

Written by Chu Ping-tzu 許經三
Friday, 18 April 2014 09:07

One of the first slogans of the Sunflower movement was: “A 9 percent president should not keep doing as he sees fit.” It was an expression of one of the student-led protesters’ four main demands, which called for a citizens’ constitutional conference to be held because a president with an approval rating of only 9 percent has lost legitimacy to rule.

However, the government is not only suffering from low approval ratings, courts across the nation have ruled against it in many legal cases that have arisen from controversial policies.

These policies include the environmental impact assessments for the proposed third-stage expansion of the Central Taiwan Science Park (中研院), the Miramar Resort Hotel (大倉山飯店) in Taitung County, the disputes over land expropriation in Miaoli County’s Dapu Borough (大埔), the use of the Assembly and Parade Act (集會遊行法) to bring legal action against members of the Wild Strawberry Movement, the abuse of power and wiretapping to try to revoke Legislative Speaker Wang Jin-pyng’s (王金平) Chinese Nationalist Party (KMT) membership, and former prosecutor-general Huang Shih-ming’s (黃世明) leaking of information on the undue influence probe involving Wang to President Ma Ying-jeou (馬英九).

These cases prove the Ma administration sees the rule of law as a tool for governing the public and that its understanding of the principle places the government above the law. Using the law as a tool of governance while being unwilling to accept the rule of law itself runs counter to the spirit of democracy.

Throughout the Sunflower movement, the Ma administration kept insisting that the occupations of the Legislative Yuan and the Executive Yuan in Taipei were illegal, yet it failed to mention that its treatment of the cross-strait service trade agreement — a major deal — as an administrative order was also illegal.

The government also said that the occupiers damaged public property, but did not mention that its authorization of excessive use of force to remove those who seized the Executive Yuan resulted in bloodshed. These actions irreversibly damaged the spirit of tolerance that should be a part of democratic politics. The way the government abused its position to manipulate the media into using words like “illegal” and “violent” to malign members of the public engaged in non-violent protests is an even clearer example of the damage the government has inflicted on democratic politics.

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Ma and Premier Jiang Yi-huah (江宜樺) used to be academics in the fields of law and politics. As such, they should know that mobilizations such as the Sunflower movement are actions taken by citizens in constitutional democracies when they feel that their democratic system is under threat. Whether such movements are legal and within reason are issues to be dealt with at a constitutional level and not on a criminal level. The idea of “sovereignty of the people” mentioned by the students in the statement they gave when leaving the Legislative Yuan is related to this issue.

The Sunflower movement ended peacefully and represents the start of a new era in constitutionalism and the rule of law in Taiwan. The slogan “A 9 percent president should not keep doing as he sees fit” cannot be repeated enough. Ma must realize that at times, a ruler’s true qualities are revealed by what they fail to do. This means that he cannot keep on doing what he wants.

If the president wants to stand together with Taiwanese and regain his legitimacy to rule, he must stop using court cases as a means of judicial harassment aimed at preventing the younger generation who wish to integrate the spirit of constitutionalism and democracy.

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Translated by Drew Cameron

Source: [Taipei Times - Editorials 2014/04/18](#)