

## Ma's clamorous opus in four parts

Written by Huang Kuo-chang 黃國昌

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If the past few years of President Ma Ying-jeou's (馬英九) term in office were to be set to music, it would be an opus in four parts entitled "illegal abuses of power," "making trouble," "fomenting conflict" and "refusing to correct past errors," with a clear musical motif running through the piece, as it does his record in office.

It runs through the political storm he whipped up in September 2013; it runs through the infamous attempt to rush through the review of the cross-strait service trade agreement; and the strain can still be heard in the present controversy over the adjustments to social studies high-school curriculum guidelines, again devised behind closed doors.

A government such as this, one that has run roughshod over constitutional government, paralyzed the proper functioning of the legislature and trampled over procedural justice, is rare indeed in a democratic society and is the unfortunate lot of the hapless Taiwanese.

Ma himself is the main reason for all this, and this is why many Taiwanese have given up on him. Nevertheless, the fact that he has been able to get away with this behavior time and time again is because of the Legislative Yuan. The legislature has tolerated him, covered for him and shown little but passive indolence.

At the time of the September 2013 political turmoil, when Ma was busy flouting the rules of constitutional government, the legislature, which in a constitutional democracy is charged with providing oversight over the executive branch of government and preventing it from abusing its powers, should have set in motion an impeachment of the president, but instead opted to sidestep the issue for fear of rocking the boat.

In its handling of the fiasco surrounding the cross-strait service trade agreement, the legislature should have insisted upon legislating first and then submitting it for review, rather than allowing the executive to negotiate it with the Chinese Communist Party (CCP) first. Instead, it chose to consign itself to a mere bit part in the whole procedure, inventing a process on the fly that nobody knew the legal basis for, until finally people saw the preposterous scenes of Chinese Nationalist Party (KMT) Legislator Chang Ching-chung (張景雲) declaring that the agreement had passed a legislative review before the review had even started.

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Now that the public gaze is focused on the students who have courageously taken a stand against the Ma administration's effort to adjust the curriculum guidelines, the public is finally beginning to realize the original changes were announced as early as February last year, and that the changes should have been subject to an executive order. This means that, by law, they should have been submitted to the legislature for review. The Ministry of Education intentionally avoided any outside supervision, brazenly insisting that the adjustments were in line with its own regulations. To this day, it is still avoiding the required legal procedure.

The Ma administration and the ministry should assume responsibility for the furor over the adjustments. The most effective and direct way of resolving the current deadlock is for the ministry to completely revoke the changes. However, even though student activist Dai Lin (戴立) committed suicide reportedly in protest against the changes, the Ma administration shows no sign of remorse or accepting that it might have made mistakes.

Faced with considerable resistance to the changes and demands to postpone them, the Ma administration has just redoubled its resolve to push the changes through.

This overbearing arrogance can clearly be seen in the way that the government attempted to divert the focus of the introduction of these changes into a partisan argument between the main political parties and how, to achieve another political objective of appealing to the party faithful, it has been stirring up social conflict and grinding down students' resolve.

Judging from the administration's past form, there is little point in hoping that it will do the right thing of its own accord. At this crucial juncture, it is not right to continue expecting the students to resolve this problem. The politicians in power have responsibilities to fulfil, and they should fulfil them.

There is probably little point obsessing over how the legislature has allowed the ministry to duck its duty of submitting the curriculum guidelines to the Legislative Yuan for review. However, faced with demands by the students that they hold an extraordinary session to discuss the crisis, lawmakers are running out of options and can no longer justify allowing the ministry to do as it pleased. Lawmakers cannot simply pass another non-legally binding resolution: They should, in line with the powers invested in them, subject the guideline changes to a thorough review and then formally scrap the changes made in violation of the proper procedures.

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So how should the KMT lawmakers respond? Should they continue to boycott progress, appealing to some trumped-up pretext and continue to try to protect Ma? Or should they opt to do their duty and what the public want, to put an end to the guideline changes, to diffuse the conflict and the deadlock, not just for the students, but for society as a whole.

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Translated by Paul Cooper

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