

## The problem with Tsai's top judicial candidates

Written by James Wang 王健  
Monday, 15 August 2016 07:53

---

President Tsai Ing-wen's (蔡英文) nominees for Judicial Yuan president and vice president last month faced serious criticism, with many people questioning the candidates' backgrounds. The government responded by saying "people did as they were told during the Martial Law era." The statement is neither right nor helpful in defending the candidates.

The truth is, under martial law, most people chose to avoid politics, and preferred not to challenge the authorities. They wanted, after all, to stay out of prison. However, they also wanted to avoid becoming accomplices to injustice or becoming brainwashed.

Members of the public often conform to authorities, generally out of fear or intimidation. For them, this is a matter of personal choice and has little or no consequence on other people's lives. A judicial official, on the other hand, can seriously undermine human rights and justice should they choose to simply "do as they are told." There is a huge difference between the two.

During the Chinese Nationalist Party's (KMT) party-state rule, officials in the judicial, intelligence, education and propaganda departments typically served to secure the interests of the regime. Much of the injustices that occurred during that time were a result of such people's decisions to "do as they were told." If they show no evidence of remorse for their transgressions, how can people expect them to promote transitional justice?

At the time, those with legal expertise could choose to become lawyers or follow a completely different career path if they refused to support an authoritarian regime. If they wanted to be judicial officers, but did not care about judicial independence and would rather take orders from political authorities, they would be guilty of assisting the government and of preventing justice from being served.

An intelligence agent who follows orders inevitably commits heinous acts to secure the interests of the regime. The murder of Chen Wen-chen (陳文成) in 1981, the murder of Henry Liu (劉烱) in the US in 1984 and the murders of democracy activist Lin I-hsiung's (林義雄) mother and twin daughters are all well-known cases.

In an authoritarian state, the purpose of education is to control the public by brainwashing them

## The problem with Tsai's top judicial candidates

Written by James Wang 王景

Monday, 15 August 2016 07:53

---

into compliance. Those in charge of education, propaganda and discipline are accomplices to this process. Fortunately, there are also people who choose to remain clear-headed and are aware of what is going on.

During the Kaohsiung Incident in 1979, following the arrest of many dangwai (黨外, “outside the party”) activists by intelligence operatives, state-owned media outlets did all they could to defame the dangwai movement. While a group of Taiwanese students helped bring injustices to the attention of the international community, the government pressed charges against the arrested activists regardless, to suppress political dissent.

The defendants chose not to conform. They were the pioneers of Taiwanese democracy. In contrast, those working in the intelligence, propaganda and judicial departments, who chose to simply do as they were told, were accomplices to authoritarianism.

To nominate people who chose to enter the judicial system during the authoritarian era as the Judicial Yuan president and vice president, and expecting them to lead judicial reform, is a mistake. If they have a proven history of “doing as they were told” to suppress political dissent, they are simply not qualified for the posts. Upon reviewing the candidates, the Legislative Yuan must look into criminal cases they have handled in the past.

*James Wang is a media commentator.*

Translated by Tu Yu-an

Source: [Taipei Times - Editorials 2016/08/15](#)