

The Constitution: intangible asset

Written by Taipei Times Editorial
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The Constitution is a lot like air. We neither feel it nor see it, but it surrounds us at all times and it is involved in every aspect of our lives. That was why a recent plan by the Democratic Progressive Party (DPP) and the Taiwan Solidarity Union (TSU) caucuses to propose establishing a Constitution Amendment Committee in the next legislative session was encouraging and appropriate.

Perhaps because Taiwan has been plagued by a sluggish economy for too long or perhaps because of the high threshold for approving amendments to the Republic of China (ROC) Constitution, the talk of amending it or writing a new constitution has been on hold since the TSU and former president Chen Shui-bian (陳水扁) briefly flirted with the idea years ago.

However, recent disputes and controversies over a wide range of issues appear to be reminding Taiwanese of the importance of an appropriate constitution, or the lack thereof.

Politicians quarreled about whether President Ma Ying-jeou (馬英九) should report to the legislature about the current state of the nation, whether students and professionals should be allowed to attend a legislative session and whether Beijing's — and Ma's — rhetoric of "one country, two areas" is constitutional. They even fought over the extent of the ROC's territory.

We have also seen arguments over freedom of speech and publishing, the death penalty, property rights and the rights of indigenous peoples, with all parties demanding interpretations from the Council of Grand Justices.

These disputes raised the inevitable question: Is the ROC Constitution simply too flawed or is it normal to have constant arguments over a nation's constitution?

If the creation of a new constitution would be too politically sensitive and would be interpreted as a destabilizing factor in East Asia, then amending the Constitution should at least be open for discussion.

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Constitutional amendments are common in other democracies. Japanese Prime Minister Shinzo Abe advocated amendment of Article 9 of Japan's constitution, aiming at expanding the size and role of its self-defense forces. In Egypt, a referendum approved a constitutional amendment proposed by President Mohamed Morsi despite controversy over its content.

In China, a pair of publications — the liberal Southern Weekly newspaper and Yanhuang Chunqiu, a right-wing journal — recently ran New Year's editorials calling for the realization of a "dream of constitutionalism in China" to protect people's rights, only to see their editorials censored and their Web sites blocked.

It would be embarrassing for Taiwanese if amendments to the Constitution were no longer discussed, because it is symbolic of the Taiwanese fight for democracy.

On April 7, 1988, Taiwanese independence advocate Deng Nan-jung (鄧南雄) set himself on fire in his Taipei office and died after police were sent to arrest him. Deng was charged with insurrection after his magazine, the Freedom Era Weekly, printed a draft proposal for the Constitution of the Republic of Taiwan, written by Koh Se-kai (高希凱), who was exiled in Japan and later became Taiwan's representative to Japan.

Although former premier Frank Hsieh (謝長廷) of the DPP cited the high approval threshold required for a constitutional amendment and described the ROC Constitution as "extremely stable" when calling for the pro-independence party to "accept the ROC Constitution as it is," this does not mean Taiwanese should not be able to discuss such amendments.

Because the Constitution affects every aspect of their lives, Taiwanese should at least try to improve it — either by amending it, or eventually drawing up a new one.

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