

UC Santa Barbara

UC Santa Barbara Electronic Theses and Dissertations

Title

Multi-layered Colonialities and the Making of Modern Taiwan: A Critical Comparison between the Peace Act Incident and Kaohsiung Incident

Permalink

<https://escholarship.org/uc/item/6pk335m7>

Author

Su, Hsuan-An

Publication Date

2019

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA

Santa Barbara

Multi-layered Colonialities and the Making of Modern Taiwan: A Critical Comparison
between the Peace Act Incident and Kaohsiung Incident

A Thesis submitted in partial satisfaction of the
requirements for the degree Master of Arts
in Global Studies

by

Hsuan-An Su

Committee in charge:

Professor Alison Brysk, Co-Chair

Professor Bishnupriya Ghosh, Co-Chair

Professor Aashish Mehta

September 2019

The thesis of Hsuan-An Su is approved.

Aashish Mehta

Alison Brysk, Committee Co-Chair

Bishnupriya Ghosh, Committee Co-Chair

August 2019

Multi-layered Colonialities and the Making of Modern Taiwan: A Critical
Comparison between the Peace Act Incident and Kaohsiung Incident

Copyright © 2019

by

Hsuan-An Su

ACKNOWLEDGEMENTS

Writing this thesis is a challenging journey, both mentally and physically. I know my absurdity and cowardice had hurt many who I respect and love. Yet I am extremely thankful that I could have so many *kuijen* 貴人 [benefactors] who never abandoned me and saved me when I was lost. I am especially indebted to Dr. Alison Brysk, Dr. Bishnupriya Ghosh, and Dr. Aashish Mehta for your tremendous help. I wish I could grow up faster to repay your care, tolerance, and instruction for me. My deepest thanks go to you. Thank you for supporting me on this journey and helping me overcome various obstacles in academic, linguistic, and communicative aspects. I will learn from this experience and always be humble and grateful.

I would also like to express my gratitude to two *senpai* 先輩 [seniors] who I admire the most – Chi-Ting Peng and Qin Zhi Lau. Thank you for making my life in the US so colorful and broadening my perspective on historical studies. Thank you Chichi, you let me see the beauty of Taiwan Studies and lead me to this amazing discipline! And sorry Chichi, I apologize for my childishness and the trouble I brought to you. Thank you Q. Z., you are the best housemate I have ever met! If only I could complete this thesis earlier and let you read it before you left for Europe.

I would like to thank all of you from the very bottom of my heart. Because of you, my graduate life is filled with warmth and enlightenment. Without you, I can hardly imagine how difficult and tasteless my graduate life would have been, and this thesis would not be possible either. It was my great serendipity and pleasure to get to know you and be your student at UCSB!

ABSTRACT

Multi-layered Colonialities and the Making of Modern Taiwan: A Critical Comparison between the Peace Act Incident and Kaohsiung Incident

by

Hsuan-An Su

This thesis re-examines two significant socio-political movements in pre- and post-WWII Taiwan in which two generations of Taiwanese activists sought licensed reformation for self-determination instead of overthrowing the alien regimes. By studying the Peace Act Incident (1923-1925) and Kaohsiung Incident (1979-1980), I aim to illuminate such moderate resistance mode as a historical category of anti-colonial struggle and the structural conditions under which such mode was produced. My studies use verdicts, newspapers, and other trial records to reconstruct the legal-political debates. The magazines the activists published also allow us to understand how they utilized modern Western progressive values, such as human rights and

democracy, as discursive strategies to construct the nation of Taiwan and defy Japan's and Kuomintang's oppression.

The comparative historical analysis of the two incidents shows the similarities of governmentality between imperial Japan and autocratic Kuomintang. Both regimes created constitutional states of exception which empowered them to suppress dissidents legally. Restricted by these structures, Taiwanese activists attempted to demand self-rule within the colonial legal-political institutions. However, both authorities viewed Taiwanese pursuit of home rule as separatism and trialed the two incidents' activists publicly. The public trials were social drama arranged to delegitimize the oppositional movements and prevent them from becoming effective political agents. Yet, the defendants' and their barristers' eloquence not only justified the activisms, but also delegitimized the authorities' autocracies. Through media, the trials aroused Taiwanese society's moral shock and earned the activisms popular support. To conclude, court is the main arena for modern Taiwanese anti-colonial struggles and nationalistic movements.

TABLE OF CONTENTS

I. Prologue.....	1
A. Introduction.....	2
1. Defining the Question.....	2
2. Multi-layered colonialities and Taiwan’s Nation-building.....	4
3. Multi-dimensional Criticism and Multiple Decolonization.....	9
4. Court as Arena for Licensed Anti-colonial Struggles.....	12
B. Research Design.....	16
C. Against Provincialism: Globality of Regional Studies	20
1. Oriental Colonialisms and Double Marginalities	22
2. The Petition Movement in the Global Colonial History.....	25
3. The Tangwai Movement in the Global Cold War History	27
4. Taiwan and the Globalized Communities: An Imagined Dialogue	33
D. Literature Review.....	44
1. The Peace Act Incident and Petition Movement.....	44
2. The Kaohsiung Incident and Tangwai Movement.....	51
3. Construction of Anti-colonial Nationalism.....	54
E. References	57
II. The Peace Act Incident	66
A. Colonial Rule and State of Exception	66
B. Delegated Legislation and Licensed Dissidence Movement.....	69
C. Colonial Jurisdiction, Public Trial, and Political Drama	77

D. Suspension of the Petition Movement	86
E. Labyrinth of Modernity	94
F. Positioning the Petition Movement	98
G. References	105
H. Appendix	111
III. The Kaohsiung Incident	118
A. Colonial Rule and State of Exception	118
B. Democratic Holidays and Licensed Dissidence Movement.....	122
C. Public Military Trial and Political Drama.....	131
D. Repositioning Kaohsiung Incident and Its Trials.....	147
E. References	154
F. Appendix.....	156
IV. Conclusion	168
A. References	176
V. Glossary of Names and Terms	177

LIST OF TABLES

Table 1. The General Comparison between the Peace Act Incident and Kaohsiung Incident	20
Table 2. The Final Trial Results of the Kaohsiung Incident's Defendants, the Part of Judicial Trials.....	166,167

I. Prologue

“These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it NOW, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.”

Thomas Paine

The American Crisis

Climbing up Mt. Takao, overlooking Taiwan

by Ching-Chu Yang¹

Thousands of boats in the broad harbor wiggling the sky and clouds

Bearing tens of thousands of buildings,

the territory's trade reaches every corner of the world

Resisting tigers and wolves, he refuses all colonial powers

His peoples cultivating primitive lands and wiping out malaria,

¹ Ching-Chu Yang is a Taiwanese novelist concerned about labor issues. For a long time, Yang had been engaged in labor and democratic movements. He once ran for the Member of Legislative Yuan representing labor organizations. Moreover, he served as the director of the *Formosa Magazine's* service center of Kaohsiung city. After the Kaohsiung Incident, Yang was arrested, prosecuted, and eventually sentenced to imprisonment of four years and two months. Based on historical materials and his own experience, Yang wrote the trilogy *The Formosa March*. This poem is the prologue of the novel. See Ching-Chu Yang, *The Formosa March* (Taipei: Tunli Publisher, 2009), 10-11.

and half of them were buried with agony

Peaks of Jade Mountain glancing their eyes over empires with contempt

Formosans treasuring the island even more than Zhongyuan²

Struggling and struggling, the orphan eventually became a father

Stabilizing the ocean, his country upholds its sovereignty

A. Introduction

1. Defining the Question

Within less than one year since Japan's surrender in WWII and ROC's reconquest of Taiwan, Taiwanese people became severely dissatisfied with the Kuomintang, KMT, administration. In May 5th 1946, in the Provincial Council, the Provincial Councilor Jih-Kao Lin even interpellated Yi-O Chou, the Director of the Department of Civil Affairs, "Does the authority view Taiwanese compatriots as brothers returning to the motherland's embrace? Or as a conquered colony?³" The Japanese colonization had been just over, yet Taiwan shortly fell into the predicament of being recolonized by its motherland. These multiple colonial experiences lead us to the background of the topic which my thesis aims to study.

² The cradle of Chinese civilization, roughly located in the plain of Yellow River's lower reach.

³ "Is Taiwan Our Family or Colony?," *Minpao*, May 6th, 1946.

Has Taiwan entered the postcolonial phase? Or is Taiwan still being recolonized? The answer may vary according to different ethnic communities in Taiwan, including the indigenous peoples, Taiwanese, and Chinese Mainlanders. Faced with the repressions of multiple colonial regimes, why did Taiwanese only resist them rather than topple them? When Japanese left Taiwan after WWII, why did Taiwanese people not declare independence like peoples of most of the other colonies in the world? Under KMT's recolonization, why did Taiwanese, again, only defy it instead of overthrowing it? These limited, and sometimes even licensed, resistance actions within the colonial institutions are my thesis's research topic. In this thesis, I aim to study such limited mode of defiance as a historic category of anti-colonial movement and the structural and institutional conditions which produced such kind of mode. And furthermore, how did the opponents orient themselves, develop their discourses, and construct Taiwanese identity and political agent? Through my two case studies of the Peace Act Incident, 1923-1925, and Kaohsiung Incident, 1979-1980, I analyze modern Taiwan's experience of resistance against the alien regimes of Japan and KMT, focusing on how public trials were used to oppress the colonized subjects and how the courts became the arenas of anticolonial struggles. And finally, I examine and attempt to reposition the two incidents and the movements where they are located from three aspects: nation-building, anti-colonial struggle, and political liberation. Each of these three aspects has its strengths, limitations, and blind spots and thus cannot solely illuminate the two incidents and movements holistically.

I view KMT's authoritarian rule in Taiwan as extension of recolonization after WWII. My purpose is not to homogenize KMT and other regimes which once

colonized Taiwan such as Japan and Qing. Nor do I intend to emphasize the homogeneity between Western colonial powers and Japan and KMT. Instead, my goal is to open a space for a new conversation in current (post-)colonial discourse. Such conversation targets at diverse audiences. On the one hand, for Taiwanese readers, without acknowledging KMT's colonization, it would be impossible to cope with its coloniality, let alone achieve decolonization. Only if we follow the constructivist approach to understand modern Taiwan's nation-building and acknowledge that Taiwan has developed its unique identity through its historic experience of multiple colonialities, could we realize the historic disenchantment which deconstructs PRC's official nationalism and imperialistic narrative which insist on the unity of nation. This disenchantment may be Taiwan's key to reject continuous recolonization and Mainland Extension Principles. On the other hand, for non-Taiwanese readers, it would be also worthwhile to learn Taiwan's multiple marginalities, alternative colonialities (caused by non-Western colonialisms), and alternative decolonization experiences, for that they may help bring the epistemological disenchantment which deconstructs the West-centric biases which confined the Orient to the single image of victims in (post-)colonial discourse.

2. Multi-layered colonialities and Taiwan's Nation-building

Taiwan's nation-building reflects its continuous multiple colonial experiences. During the time period between the end of Sino-Japanese War, 1895, and the end of WWII, 1945, Taiwan had developed its own anti-colonial experience and embryo of a modern national imagination, which could not be understood in the context of modern

China, for that China was actually absent from Taiwan's colonization by Japan. On the other hand, Taiwan was not even a territory of China and thus absent from China's revolution in which Chinese Mainlanders overthrew the Qing Empire and declared ROC's establishment in 1912. It was not until the end of WWII that ROC began its long-term occupation and rule in Taiwan under the acquiescence of the US. From this, Taiwan can be actually seen as a new territory gained by ROC due to its victory in WWII. Besides, Taiwan was also absent from the revolution in which the Chinese Communist Party exiled KMT and declared PRC's establishment in Mainland China in 1949. Prior to WWII, the common historic experience which both Taiwan and China had participated in together is being colonized by the Qing Empire, yet neither China nor Taiwan had developed a modern nation with political implications at that time period.

When discussing the formation of nations, there are two main approaches: primordialism and constructivism. Primordialism accentuates an individual's innate and essential connections with a certain group, and that such connections are unable to be changed. For this reason, the primordial approach is likely to lead to racialization and racism. In contrast, constructivists view identities and groups as artificial product defined by people and thus are mutable and fluid. I follow the constructivist approach, thinking a nation's contents and borders with other nations are not static but in motion, and are sometimes even ambiguous and invalid. In the two case studies of this thesis, we can see that the two generations of political opponents and activists proposed different versions of discourse on nation-building.

The Japanese word “jūsō”, which means multi-layered, can help us establish a set of concepts for our discussion and comprehension of Taiwan’s multiple colonial structure. The word “multi-layered” indicates three important phases to be taken into consideration, including plural, accumulation, and class. These three phases can be reflected in the making of modern Taiwan’s diverse ethnic communities and the power relations among them. Horizontally, Taiwan’s continuous colonial experiences are composed of plural alien regimes’ domination. Vertically, the legacies and immigrants brought by previous alien regimes stayed and accumulated in Taiwan, influencing the making of Taiwan and Taiwanese. Also vertically, the power relations among these colonial legacies and immigrants are often unequal and hierarchical (i.e. Japanese – ethnic Han Taiwanese – Indigenous peoples). Additionally, these three structures are compatible and operate together.

Beng Su’s *Taiwan’s 400 Year History* is the earliest and most representative historiographical work which emphasizes Taiwan’s multiple and continuous colonizations. The author Beng Su states that he wrote this book from the perspectives of people who were ruled, exploited, and oppressed,⁴ pointing out that during the past 400 years, Taiwan had been colonized by plural alien regimes. Moreover, he argues that under colonial rule, the nation’s struggle coincided with class struggle. During these 400 years of the processes of immigration and modernization, the distinctive Taiwanese society and psyche, from those of China,

⁴ Yi-Shen Chen, *An Oral History of People Related to Overseas Taiwan Independent Movement II* (Taipei: The Institute of Modern History of Academia Sinica, 2012), 21.

had emerged and developed.⁵ As for China's nationalism, Beng Su thinks it was anti-imperialistic, progressive and emancipative at the beginning, yet became reactionary and aggressive after China's victory in WWII; when the nation of China conquered other weak nations, its nationalism became a reactionary one. For instance, KMT massacred Taiwanese and the Chinese Communist Party massacred Tibetans.⁶ Beng Su regards KMT which had been ruling Taiwan for a long time after WWII as another colonial regime which succeeded to Japan's. Additionally, KMT's colonial rule in Taiwan was even controlled by the US neocolonialism. That is, Taiwan was under the double colonial structure constructed by KMT and the US.⁷

In terms of the historical viewpoint on Taiwan's multiple and continuous colonizations, Arif Dirlik shared similar insights with Beng Su. Dirlik saw Taiwan as the land colonialisms made, and Taiwan's history as a series of colonial processes, including Chinese immigrants from China's Ming Empire, Netherlands, the Qing Empire, the Empire of Japan, KMT, and, currently, the continuous threats from PRC. He argued that these colonial and anti-colonial experiences constructed Taiwan's distinctive identity, which is not only a local version of Chineseness but also an

⁵ Beng Su, *Taiwan's 400 Year History II* (San Jose, CA: Paradise Culture Associates, 1980), 1059.

⁶ Su's such insight echoes with Anderson's criticism of official nationalism and imperialism. See Chen, *An Oral History of People Related to Overseas Taiwan Independent Movement II*, 25-26; Benedict Anderson, *Imagined Communities: Reflections on the Origin and the Spread of Nationalism* (New York: Verso, 2006), 83-111.

⁷ Su, *Taiwan's 400 Year History II*, 1003-1004.

independent self-identification. Dirlik adds that this identify is not a product of Taiwanization rather than Sinification.⁸

As to the ethnic differences and relations between Taiwanese and Chinese Mainlanders after WWII, the anthropologist Hill Gates argues that class must be taken into consideration in order to study ethnicity. She analyzes the historic and functional factors which produced Taiwan's post-WWII bi-ethnic organization, composed of Taiwanese and Mainlanders. According to her observation, the variable that explains why ethnic identification is sometimes important and sometimes not is social class, not some quality inherent in ethnicity itself. Gates concludes that the critical variable that distinguishes the classes is their relationship to the means of production.⁹ She divides the development of the relationship between Taiwan's ethnicity and the making of social classes into two stages for examination. In the first time period, 1945-1955, class differences coincide with ethnic differences and social mobility is limited by ethnicity. In the second time period, 1960s, economic development cuts through the ethnic line and reshapes classes; however, Gates also notices that ethnicity influences the types of occupation, namely the means of production, which individual can choose.

⁸ Arif Dirlik, *After Colonialism?: Taiwan's Predicament, "China"'s Hegemony and Globalization* (New Taipei City: Acropolis Publisher, 2018), 91.

⁹ Hill Gates, "Ethnicity and Social Class," in *The Anthropology of Taiwanese Society*, eds. Emily Martin Ahren and Hill Gates (Stanford, CA: Stanford University Press: 1981), 241-281.

3. Multi-dimensional Criticism and Multiple Decolonization

Instead of declaring its independence, Taiwan ended up being recolonized by a new alien regime after Japan's defeat in WWII. For this reason, Japan's former colony Taiwan could not become an independent political agent to initiate the conversation and process of decolonization between Taiwan and Japan. Such conversation and process had been put aside and ignored for a long time under KMT's recolonization, the global Cold War, and the US-Japan alliance. On the other hand, Emma Teng points out the absence of decolonization also influences the current relationship between Taiwan and China. She further argues that failure to acknowledge Qing imperialism prevents Taiwan and China from realizing decolonization. Teng holds that if Taiwan does not firstly face China's colonialism squarely, and if Taiwan does not firstly view its relationship with China as colonial, then it would be impossible to discuss decolonization, let alone the possibility of post-coloniality.¹⁰

Teng notices the double identities of the nation of China. It is not only a victim of imperialism, but also an imperialistic perpetrator. She reminds us that focusing on the identity of a victim may cause us to lose sight of the historic oppression of other forms, proposing an intellectually provoking question: when we tag some occupational actions as colonial while rejecting to tag some invaders as colonial, what

¹⁰ Emma Jinhua Teng, *Taiwan's Imagined Geography: Chinese Colonial Travel Writing and Pictures, 1683-1895* (Taipei: National Taiwan University Press, 2018), 290.

does this mean?¹¹ This sharp question is also helpful to examine the relationships between ethnic communities and between classes in Taiwan. Under the structure of multi-layered colonialities, only if we face the double identities of victim and perpetrator which the colonizers may possess, can we lay the foundation for mutual reconciliation. And only with such foundation, can we liberate both the colonizers and colonized subjects from the colonial legacies and realize decolonization.

Taiwan's decolonization agenda not only aims at the Taiwan-Japan relations and Taiwan-China relations, but is also applicable to the cross-ethnic relationships within Taiwan, including the relationships between ethnic Han Taiwanese and indigenous peoples, between Hoklo and Hakka communities, and between Taiwanese and Chinese Mainlanders. When attempting to resist being incorporated in China, Japan, or other powers in the sphere of global politics and knowledge production, Taiwan, in moral and intellectual senses, should not merely focus on its identity as a victim of multiple colonialities and ignore or legitimize its multi-layered repressive relations and historic inequality. Though democratization brought a safer environment for Taiwan to conduct multiple decolonizations, we can hardly realize them if we merely view KMT's rule in post-WWII Taiwan as authoritarianism, and if we confine our understanding of Taiwanese defiance against KMT to the framework of democratization. For that it would be very hard to strike the problems' cores if we do not put colonial violence and legacies in the colonial context for multi-dimensional criticism and review. For instance, if we examine the Kaohsiung Incident merely through the lens of democratization, we would be likely to fall into the trap of

¹¹ Ibid., 292-293

“denationalization”, ignore KMT’s colonial characteristic as an alien regime, and even uncritically accept the legitimacy of KMT’s rule.

The two case studies of this thesis point out a potential approach toward multiple decolonization, human rights and self-determination. Human rights are the protection for the subjectivity of the community’s individuals. Self-determination is the protection for the community as collective human rights and subjectivity. The realization of human rights and self-determination may be the two keys which enable Taiwan to achieve multiple reconciliations with both the internal and external. And this may also be a practical and intellectual gift which Taiwan’s multiple colonial experiences could contribute to the world, if Taiwan’s experiences can enter the global conversation and knowledge production.¹² In the Peace Act Incident and Kaohsiung Incident, we can see how the Taiwanese opponents and activists made discursive alliance with modern and progressive values in order to establish Taiwan’s subjectivity and resist alien colonial regimes. For instance, Chun-Hung Chang, one of the eight defendants tried by the military court after Kaohsiung Incident, once said,

“The US uses human rights to solve its internal problems and attack its external enemies. At that time, I strongly felt that it was a war without a drop of blood. It was a very powerful war of humanity. At that time, I thought it was an important political strategy for us to solve both internal and external problems [of Taiwan],

¹² Teng holds that the questioning of imperialism/colonialism as an exclusively Western phenomenon is primarily an issue of who can enter the conversation and from what point of entry. *Ibid.*, 299

so we introduced [human rights] to [the political demands of the Taiwan Tangwai Activist Campaign Group].”¹³

4. Court as Arena for Licensed Anti-colonial Struggles

Hao-Jen Wu sees the Peace Act Incident as the first political trial in modern Taiwan and as the biggest court struggle in the history of Taiwan’s modern nationalistic movement. His research concentrates on that era’s legal and intellectual contexts, analyzing Japan’s jurisprudence and Taishō Democracy, the legal debate of the incident, and the personal backgrounds of the Japanese legal professionals who participated in the incident’s trials. Hao-Jen Wu points out the limits of the Japanese intellectuals’ apprehension of modernity at that time, and the extreme ideological ambivalence of Japan’s institution “democracy for the internal, imperialism for the external” in the era of Taishō Democracy. Despite these big structural limits, a generation of modern Taiwanese intellectuals proficient in Japanese language had emerged and matured in 1920s. This produced an embryo of a modern civil society. In this manner, the Peace Act Incident indicates how these modern Taiwanese intellectuals combatted with a rising modern colonial empire in a modern court. Conversely, faced with this new type of modern nationalistic movement which adopted moderate and licensed means within the institution, the Japanese colonial authority even lost the legitimacy to use military forces to oppress the movement. Rather, the Japanese Government-General of Taiwan had no alternative but to repress

¹³ The Formosa Incident Oral History Editorial Committee, *A Political Party without a Name: The Development of the Formosa Political Group* (Taipei: China Times Publishing Company, 1999), 71.

the activists by means of modern judicial trials, in order to maintain the colonizer's image of civilization. From the beginning, the trials were carefully framed political struggle and the process also went far more than legal debate. Notwithstanding, the debate on the court as well as the Japanese barristers' viewpoint on colonial rule still failed to go beyond the framework of the empire's institution, let alone to challenge the most critical issue – the legitimacy and ethic of colonization. Failure to reflect upon this could eventually cause the legal nationalistic movement to be domesticated by the colonial institution, lose its nationalistic characteristic, and gradually move toward a normal “Japanese domestic” civil disobedience movement. This echoes with Rwei-Ren Wu's notion of “de-nationalization”, which I will discuss later. And in order to prevent such unavoidable de-nationalization associated with the movement's strategical insistence on legal route, as Hao-Jen Wu says, the movement itself must have split from the internal.¹⁴

Moreover, in the end of Hao-Jen Wu's chapter on the Peace Act Incident, he mentions Gandhi's trial for his suspicion of orchestrating the strikes in 1921 and 1922, and makes a brief but provoking comparison of the testimony between Gandhi and Wei-Shui Chiang. On the court, Gandhi said to the judge,

“I acknowledge that I committed the most severe felony in the British colonial law. I am willing to receive the harshest penalty. And as I mentioned in my

¹⁴ Hao-Jen Wu, *Wandering the Modern “Paráiso”*: *Portraits of the Jurists in Colony* (Taipei: National Taiwan University Press, 2017), 123-162; Hao-Jen Wu, “The “Taisho Democracy” and the “Peace Act” Incident,” *Fu Jen Law Review* 24, (2002): 107-153.

confession, your excellency, the only two actions you should take are either: 1) resign from the position of judge, or 2) sentence me to the harshest penalty if you are convinced that the law and institution related to this legal case are of the interests of the people.”

Though the judge adopted the second choice, he was moved by Gandhi’s spirit. Then, let’s see Wei-Shui Chiang’s spirit during the trial of the Peace Act Incident. Faced by the prosecutor Kazuya Miyoshi’s defamation and discrimination against Taiwanese people, Chiang said,

“I would like to thank deities for having me born as a Taiwanese. Because the key to the world’s peace is in the hands of Taiwanese. The first door to the world’s peace is the peace of Asia. Taiwanese should undertake the mission of being the bridge of Sino-Japanese friendship, for that Taiwanese are Japanese nationals with Chinese ethnicity. Only if Taiwanese carry out such mission, could the peace of Asia be guaranteed, and could the happiness of every human being in the world be realized.”¹⁵

Lastly, Hao-Jen Wu emphasizes the critical difference between Gandhi and Chiang is that they represented different forms and contents of national identification. Gandhi demonstrated Indian people’s determination to pursue independence, whereas

¹⁵ “The Argument of Wei-Shui Chiang,” *Taiwan Minpao*, September 1st, 1924, 20.

Chiang and other defendants of the Peace Act Incident were demanding colonial autonomy.

Some of the defendants of the Kaohsiung Incident also demonstrated admirable and moving spirits during the military trials. For example, during the oral arguments, Yi-Hsiung Lin said to the prosecutor,

“After this trial, if you (the prosecutor) still do not consider resigning from your position, here is my words for you, ‘it is easy to practice moral teachings in the public sector.’ I would like you to ponder over my words again and again.”

After listening to Yi-Hsiung Lin’s words, the military prosecutor Hui-Huang Lin unexpectedly stood up and bowed to Yi-Hsiung Lin.¹⁶ As for Ming-Teh Shih, while reading his final statement, he cried to the chief judge,

“If [my death] could soothe the compatriots’ resentment and be helpful to the state’s solidarity and the society’s harmony, then I am very willing to beg your honor to sentence me to death penalty. And please do not reduce my penalty. I beg you! I beg you!”¹⁷

Lastly, let’s see Chia-Wen Yao’s final statement:

¹⁶ Hsiu-Lien Lu, *Retrial the Formosa* (Taipei: UNITAS Publishing Co., 2008), 368.

¹⁷ Ming-Teh Shih, *Rebellion/Will* (Taipei: The Juridical Person of Ming-Teh Shih Lecture Foundation, 2010), 274-275.

“I would like your honor to have this recorded on our verdict. We do not admit the guilt the prosecutors accused of. We only admit that we are willing to devote ourselves to Taiwan’s democratic movement and *Formosa*. We only ask for innocent verdict rather than commutation by admitting the guilt.”¹⁸

The above shows these defendants’ spirits when they combatted against the alien colonial regimes on the courts. And I would like you to recall Paine’s words in the very beginning of this chapter, “these are the time that try men’s souls.”

B. Research Design

This thesis aims to reconstruct the historical contexts of the Peace Act Incident and Kaohsiung Incident, reposition them, and make comparative historical analysis, through academic papers and monographs, the activists publications, and diverse historical materials such as archives, diaries, newspapers, and oral history. In the two case studies, I will firstly elaborate the two incidents’ historical backgrounds and the structural and institutional conditions, including the constitutional states of exceptions as the colonial repressive mechanism, the development of licensed resistance mode and its discourse, and the public trials as social drama. In the final parts of the two case studies, I will critically examine and reposition the two incidents from the phases of nation-building, anti-colonial struggle, and political liberation, pointing out each

¹⁸ Ibid., 276-277

phase's limitations and the complexity of the incidents and the greater movements where they belong.

It is worthwhile noticing that both the Peace Act Incident and Kaohsiung Incident occurred after the alien colonial regimes had consolidated their socio-political control over Taiwan, around 30 years since they started governing Taiwan. In their earlier years of governance, both Japan and KMT used large-scale military forces and massacre to oppress Taiwanese defiance, causing collective panic, such as the Tapani Incident in 1915 and the effect of the 1947 February 28th Incident coined by Fu-San Huang.¹⁹ In addition to military suppression, the stability of both Japan's and KMT's colonization relied on the construction of constitutional states of exception and legal mechanisms which allowed them to legally oppress the oppositional forces. The notions of "state of exception" and "homo sacer" in Giorgio Agamben's biopolitics offer us an effective approach to apprehend the making and operation of such colonial stability under high pressure.

In the first case study, the governmentality of the Japanese Governors-General of Taiwan often swung between two contradictory yet compatible policy guidelines, the Special Governance Principle and Mainland Extension Principle. This confined Taiwanese, especially political dissidents, to double states of exception as if "homo sacer". They were Japanese nationals, yet they were disenfranchised and their rights were not even protected by Japan's constitution. Thus, under such constitutional state of exception, Taiwanese became homo sacer subordinate to Japan's domination. The

¹⁹ Fu-San Huang, *The Formosa Incident (Nantou: The Historical Research Commission of Taiwan Province, 2001)*, 5.

Law No. 63 is the most representative reification of the Special Governance Principle, for that entitled the Governors-General of Taiwan with Special Legislative Power and defined Taiwan as a different jurisdiction from Mainland Japan. This allowed the Governors-General of Taiwan to arbitrarily enact and suspend the law in Taiwan or introduce Mainland Japan's law to Taiwan, such as the Peace Act, based on the interests of the metropole Japan. On the other hand, the Mainland Extension Principle aimed to assimilate Taiwanese. Such principle, however, became a counter-strategy of the Governor-General of Taiwan to delegitimize and suppress the Petition Movement despite its insistence on licensed resistance route, as the authority viewed the movement as unconstitutional and likely to cause separatism. This is another state of exception. In order to prohibit the Petition Movement, Japan's rule in Taiwan often swung between these two governance guidelines.

In the second case study, the constitutional state of exception is the Martial Law institution. Under such institution, even the civil rights protected by ROC's constitution were legally frozen. Moreover, KMT enacted the Act for Punishing Rebellion, Act for Preventing Communist Espionage, and other law to purge oppositional forces and potential dissidents and stabilize the Martial Law institution. Additionally, it is worthwhile to notice that, in the two case studies, the authorities' oppressions both happened soon after the oppositional movements' development moved toward higher level of organization, including the establishment of the Alliance Association for Taiwan Parliament in 1923 and the political party without a name – the *Formosa* Political Group – in 1979.

As to the public trials, the notion of “social drama” proposed by the anthropologist Victor Turner provides us an effective approach to decipher the underlying socio-political implications of the trial ritual and its publicness. Through the ritual of role-playing, the incumbent demonstrates the result of violating certain norms to the society, in order to fulfill the double goals of correcting the unlawful and consolidating power. In the two case studies, both authorities trialed the political opponents publicly, so as to have the mass in the colonial society watch the officially orchestrated political performance and, through such shows, to suppress the dissidence and strengthen the legitimacy of governance. The prosecutors’ closing arguments, indictments, and verdicts served as the scripts for the social dramas. The courts became the arenas of anti-colonial struggles. The newspapers transmitted and reconstructed the trial and debate processes on the courts to the colony’s people. Nonetheless, in both case studies, these social dramas were not presented as the authorities planned and eventually lost control. The eloquence of the defendants and their attorneys not only pointed out the authorities’ groundless accusations, but also justified the activism in terms of law and politics.

Table 1. The General Comparison between the Peace Act Incident and Kaohsiung Incident

Incident	The Peace Act Incident	The Kaohsiung Incident
Year	1923-1925	1979-1980
Constitutional State of Exception	*Special Governance Principle *Mainland Extension Principle	*Martial Law institution
Major political demands of the movement	*The establishment of Taiwan Parliament *Self-determination for Taiwan residents(including Taiwanese, cooked savages, and Japanese Mainlanders living in Taiwan)	*The total re-election for the central legislature *Self-determination for Taiwan residents(including Taiwanese and Chinese Mainlanders living in Taiwan) *The lifting of the Martial Law Order
Resistance mode	Within the institution	Within the institution
Organizational development	The Alliance Association for Taiwan Parliament	A Political Party without a name: The Formosa Political Group
Legal basis for prosecution	*The Peace Act, Paragraph No. 8, Article No. 2 *Punishment: imprisonment for six months at most	The section of military trials: *The Act for Punishing Rebellion, Paragraph No. 1, Article No. 2 *Punishment: only death penalty
Means of repression	Public trials as social drama	The section of military trials: Public trials as social drama

C. Against Provincialism: Globality of Regional Studies

Regional studies were originally conducted to serve the interests for imperial expansion and colonial rule. The regional studies after the Cold War also, more or less, preserve the hegemonic and dominant vision of the old imperial and colonial days. In such vision, peripheral nations are regarded as suppliers of raw materials and preliminary empirical data, whereas the core nations are viewed as producers of

global knowledge and theory. While writing this thesis, I endeavor to rethink the global colonial hegemony and how cores and peripheries formed under this order from the perspective of a weak and peripheral nation. On the other hand, I also attempt to re-understand and theorize Taiwan's history from the angle of world history. I hold decolonization as well as colonialism are empirical rather than aprioristic or theoretical. This thesis does not intend to produce a one-size-fits-all colonial or decolonization formula. Instead, by studying Taiwan's cases of multiple colonialities and marginalities, my aim is to broaden the intellectual conversation and possibilities of "alternative colonialities" and "alternative decolonizations" in the academia as well as real global politics. I believe Taiwan's licensed anti-colonial experiences, which emerged from bottom to above and from internal to external, may bring practical implications to the colonies which has not yet gained their independence, such as Ryūkyū, Hokkaidō, Hawaii, Puerto Rico, Palestine, Kurdistan, Hong Kong, East Turkestan, Tibet, South Mongolia, and other oppressed weak nations.

Taiwan is never absent from global circumstances and its anti-colonial experiences were also closely linked with the world's pulse. In this manner, Taiwan may be the disruptor of global and colonial theories, but it can be their contributor, too. Taiwan's experience can be regional, international, and even global. Nevertheless, Taiwan, the land which was once colonized by both Western and non-Western powers and thus possesses multiple colonialities, is often excluded from the conversation and knowledge production in the field of global colonial studies, due to Taiwan's multiple marginalities in geopolitics. Under such circumstance, the

development space of Taiwan studies in academia are often confined to the framework of regional studies. The knowledge produced by Taiwan is thus often viewed as theoretically insignificant provincialism. Through the following discussion, I hope to deconstruct such condescending accusation of the imperial and hegemonic mindset.

1. Oriental Colonialisms and Double Marginalities

In her monograph *Taiwan's Imagined Geography*, Teng views the Qing Empire's annexation of Taiwan as an imperial expansion, and examines the Chinese colonial travel writing and pictures of Taiwan from 1683 to 1895. Her work not only broadens our comprehension of imperialism, but also challenges two deep-rooted biases within and beyond academia: 1) Colonizers are Westerners and colonized subjects are non-Westerners. And 2) China is not an imperialistic power, but a victim of imperialism. Teng contends that even Western imperialisms do not have a single model, arguing her studies of Qing imperialism is not to negate the fruits of the studies of Western imperialisms, nor is to homogenize the Qing Empire and other Western empires. Rather, her goal is to deconstruct the binary perception of global distribution of power based on the stereotypes of Westerners vs non-Westerners.²⁰

Rwei-Ren Wu's research on Oriental colonialism offers us an important approach to study Japan and KMT these two non-Western colonial regimes. He holds that Japan's imperialism and official nationalism are the two sides of the same coin.

²⁰ Teng, *Taiwan's Imagined Geography: Chinese Colonial Travel Writing and Pictures, 1683-1895*, 8-12.

On the one hand, Japan's official nationalism is against Western colonialism. Yet, on the other hand, Japan oppressed its contiguous Oriental neighbors,²¹ showing the characteristics of imperialism. Rwei-Ren Wu calls such anti-colonial colonialism as Oriental colonialism. Furthermore, he indicates how the geopolitical double marginalities influenced Taiwan's anti-colonial strategy. Japan is the margin in the West-centric geopolitics and Taiwan is a margin within Japan's territory. In this manner, Taiwan is the margin among margins. This geopolitical structure of double marginalities decided Taiwanese nationalists' ideological strategy when constructing identity: making discursive alliance with modern Western progressive values to resist Japan and construct self-identification. Taiwanese nationalists strategically appropriated Western discourse on modernity as a weapon, for that they were resisting Japan, an Oriental colonial regime, not a Western one.²²

Taiwan's geopolitical double marginalities and pro-Western defiance discursive tactic during Japan's colonization is also helpful to apprehend how post-WWII Taiwanese oppositional activists defied KMT's authoritarian recolonization and PRC's imperial ambition of annexation after Taiwan's democratization. In Taiwan's anti-imperial and anti-colonial experiences, we can see the glocalization of modern progressive values. Limited by its multiple colonial marginalities, Taiwan, this non-Western weak nation, utilized human rights, democracy, self-determination, constitutional politics and other modern political notions originating from the West to

²¹ Rwei-Ren Wu, "The Formosan Ideology: Preliminary Reflections on the Formation of the Discourse of National Culture of the Taiwanese National Movement under Japanese Colonial Rule," *New History* 17, no. 2 (2006): 127-218.

²² Ibid.

construct the community's subjectivity and political agent, and to combat against multiple non-Western colonial regimes.

Yūko Mio also pays close attention to the importance of marginality in colonialism, yet she proposes a different idea of double marginalities to examine Japan's colonization in Taiwan. Mio emphasizes Japan's marginal location in both Sino-centric and modern West-centric civilization spheres, indicating such double marginalities are reflected in how Japan constructed itself by mimicry of the core nations' civilizations and institutions. Prior to the Meiji Reformation, Japan imitated Chinese civilization. And after the reformation, Japan began imitating modern Western civilization. Yet, Japan had always been marginal, no matter in the Sino-centric or West-centric world systems. Moreover, Mio argues Japanese could hardly claim themselves to be superior to Taiwanese, and that Japanese could even be inferior to Taiwanese in comparison with other civilizations which Taiwanese indigenous peoples and ethnic Han Taiwanese had experienced or interacted with prior to being colonized by Japan.²³ Thus, she holds we cannot aprioristically presume the colonizers must be culturally superior to their colonized subjects. And in terms of the conditions and capacities of carrying out the civilizing mission, Japan was also very different from Western modern empires²⁴

²³ Prior to Japan's colonization, Taiwan's indigenous peoples used to have cross-civilization interaction with Dutch, Spanish, and Han, such as trade, land loan, and conflict. And the ethnic Han Taiwanese had been immersed in Chinese civilization. See Yūko Mio, "The Postcolonial Anthropological Possibilities in Taiwan and the Former South Pacific Mandate," in *Imperial Japan's Memories: The Multi-layerization and Decolonization in Taiwan and the Former South Pacific Mandate*, eds. Yūko Mio et al. (Tokyo: Keiō Gijuku University Press, 2016), 1-30.

²⁴ Ibid.

Tsui-Lien Chen notices how Taiwanese intellectuals, such as Pei-huo Tsai, constructed a hierarchical world view with Taiwan at the bottom: The West – Japan – Taiwan. Such differential world system imagination suggested the best way for Taiwanese to progress was to learn Western civilization directly rather than being assimilated by Japan. However, Tsui-Lien Chen also expresses her worry about such pro-Western anti-colonial discourse. She thinks those Taiwanese intellectuals who put Taiwan at the bottom of the world hierarchy demonstrated their extreme lack of self-confidence when facing world powers. Such lack of self-confidence further limited the petition activists' vision and prevented them from pursuing more political changes such as independence. Eventually, the Petition Movement were even unable to gain self-rule for Taiwan.²⁵

2. The Petition Movement in the Global Colonial History

The Petition Movement just started at the time when the Wilson principle of self-determination resonated throughout the world and caused a global wave of emancipation movements in colonies. Encouraged by such world tide, more and more weak and repressed nations joined the tide, combatted against their colonial metropolises, and demanded self-determination. Taiwan's Petition Movement was also a part of this world awakening movement. In 1919, the Korean anti-colonial activists launched the March 1st Movement, in which two million people throughout the peninsula participated, announcing the Korean Declaration of Independence against

²⁵ Tsui-Lien Chen, *The Taiwanese Resistance and Identification, 1920-1950* (Taipei: Yuanliu Press, 2008), 73,85.

Japan's colonization. Two months later, the anti-imperialistic student protests in Beijing sparked nation-wide demonstrations and the rise of China's nationalism, known as the May 4th Movement. Meanwhile, the metropole Mainland Japan was undergoing a shift of political atmosphere from oligarchy toward a more democratic and competitive institution, known as the Taishō Democracy. Besides, during this relatively liberal era, Japan's governmentality in its colonies shifted from Special Governance Principle to Mainland Extension Principle, also known as gradual assimilationism, yet in reality differential treatment based on the necessity of special governance was still implemented to preserve the colonizers' interests. This was how Japan responded to the rise of nationalism in its colonies and other Asian neighbors.

Under this circumstance, the Taiwanese oppositional activists developed new strategy and discourse to defy the metropole's assimilationism and demand political rights. They attempted to pursue colonial autonomy and preservation of Taiwan's cultural identification as self-determination within Japan's constitutional institution by moderate and licensed means – submitting petitions to Japan's National Diet for the establishment of Taiwan Parliament as a colonial home-rule legislature. Furthermore, we can see the petition activists' global vision in their discourse. They paid close attention to international affairs, especially those related to colonies. The activist Cheng-Lu Lin not only laid the theoretical and legal foundation of the Petition Movement, but also studied and compared how world powers governed their colonies. Based on his research on and comparison of colonial policies, Lin believed the most suitable governmentality for Taiwan was to establish a colonial self-rule parliament,

and to reject the hegemon's assimilation.²⁶ Rwei-Ren Wu holds that the goal of self-determination pursued by the Petition Movement is the product catalyzed by the global zeitgeist of Wilsonism and metropole Japan's Taishō Democracy.²⁷

3. The Tangwai Movement in the Global Cold War History

In the Tangwai Movement and Kaohsiung Incident, Taiwan's geopolitical double marginalities still influenced the activists' ideological strategy. They frequently quoted democracy, liberty, constitutional politics, human rights, and other modern Western progressive values as political demands. As the conflicts and frictions between Tangwai and KMT continued intensifying, the commemorative speech rally in 1979's international human rights day ignited the Kaohsiung Incident, in which the KMT authority carried out oppression against the rally and mass arrest of the Tangwai activists. Nonetheless, the public military trials of the incident's masterminds not only failed to annihilate the oppositional forces, but also justified the activism and allowed it to thrive. Eventually, the Martial Law Order was lifted in 1987, opening a new chapter for Taiwan's democratization.

²⁶ The most representative models of colonial parliaments are the UK and US. The UK allowed Canadians and Australians to establish their own colonial legislatures. The US allowed Filipinos to form their legislative body for autonomy. On the other hand, the most representative models of colonial assimilationism are the French colonization in Algeria and the Russian colonization in Ukraine. See Jung-Chung Yeh et al., *The History of Taiwan's Nationalistic Movement* (Taipei: The Culture and Publication Division of the Independence Evening Post, 1971), 115-116.

²⁷ Rwei-Ren Wu, "Taiwan Must Be Taiwanese People's Taiwan: Anti-colonial Struggle and Taiwanese People's Discourse on Nation-state, 1919-1931," in *Nationalism and the Cross-strait Relations: A Conversation between Oriental and Western Scholars at Harvard University*, eds. Chia-Lung Lin and Yung-Nien Cheng (Taipei: Neo-naturalism Ltd.: 2001), 43-110.

The outbreak of Taiwan's internal political crisis was actually deeply associated with the bigger structural problem of the global Cold War. Taiwan's case allows us to rethink the Cold War predicament from the perspective of a weak nation located in the margins of multiple powers. During 1979 and 1980, we can see critical political crises emerged respectively in Iran, South Korea, and Taiwan. In 1979, the Iranian Shāh Mohammad Reza Pahlavi was overthrown and escaped from his country, whereas the exiled opponent Ruhollah Khomeini returned to Iran and established a new republic. Also in 1979, the South Korean President Chung-Hee Park was assassinated by his officer. Not long after Park's assassination, Doo-Hwan Chun launched a coup d'état and eventually became the president in August 1980. Prior to the realization of Chun's political ambition of becoming the new president, in May 1980, South Korean people, especially in Gwangju, launched protests and demonstrations, demanding Chun to step down. With the acquiescence of the US, Chun sent troops to Gwangju to suppress the mass, causing the bloody Gwangju Incident. After years of struggle, South Korea eventually achieved the democratic transition in 1987 as Taiwan. The respective outbreak of these political crises in these seemingly unrelated countries in such a short time period seems to imply the accumulation and operation of a greater potential global structural force – the Cold War. Iran, South Korea, and Taiwan are all geopolitically located on the “fault lines” between the US and Soviet “plates”. Due to strategical concern, the US nurtured pro-US dictators to govern these three countries. With the foreign support from the US, these dictators gained more political capitals and military sources to oppress domestic oppositional activists. However, long-term authoritarian rule and repression brought about the

continuous accumulation of domestic discontents, which eventually burst and resulted in severe political crises in 1979 and 1980. Ironically, these all took place during the US presidency of Jimmy Carter who implemented the so-called human rights diplomacy but took care of the inhumane allies of the US.

For Taiwan, the Cold War between great powers had more complicated political implications. Firstly, it was because of the acquiescence of the US and its Containment tactic against the Soviet Union and PRC that KMT, as an alien regime, could govern Taiwan for long-term. Secondly, when the trilateral relations between the US, Soviet Union, and PRC started to change, Taiwan, such weak nation located on the “fault line” of the Containment policy, was thus highly impacted. In 1978, the US President Carter announced the establishment of official relations between China and cut the diplomatic ties with “ROC on Taiwan”. In response to such diplomatic crisis, the ROC President Ching-Kuo Chiang declared the state of emergency and suspension of the upcoming elections. The state of emergency not only closed the only channel through which Tangwai activists could participate in politics, but also caused the activists to panic over the possibility that the KMT authority would implement military rule. This paved the way for the burst of a large-scale conflict between Tangwai and KMT.

When combatting with KMT, such a non-Western colonial regime, Taiwan’s double marginalities brought about the opponents’ discursive alliance between Western modernity again. Influenced by the US tactic, the Taiwan Tangwai Activist Campaign Group utilized the notion of human rights to frame the activism. For example, Chun-Hung Chang once expressed how his trip to the US influenced

Tangwai activism's strategical insistence on human rights. Chang said he visited the US in 1972 on the invitation of the US Department of State. During his visit, Chang made a special request to observe the African American Civil Rights Movement. After visiting a number of African American communities, Chang deeply realized that the US not only used human rights issues to criticize its external enemy, the Soviet Union, but also improved its internal human rights issues to deconstruct inequality. Chang believed it was a war without a drop of blood and a very powerful war of humanity. Consequently, he introduced the notion of human rights to Tangwai's campaign.²⁸ Besides, the Formosa activists' decision to hold the commemorative speech rally on the international human rights day demonstrated their vision to connect Taiwan's human rights issues to the international society. After the occurrence of the Kaohsiung Incident, the KMT authority, oppositional forces, and overseas Taiwanese communities also frequently used human rights and democracy as causes to gain international support. They even started an intense international competition of promulgation and/or rescue. This extended the battle field of Taiwan's anti-colonial struggle from domestic courts to the global civil society.

The mass arrest of the Tangwai activists after the Kaohsiung Incident stimulated the international society and overseas Taiwanese communities, leading to international criticism and pressure. In order to counterattack the international oppositional forces, the KMT authority drafted the official note on the Kaohsiung Incident and distributed it to ROC's overseas embassies for counter-promulgation.

²⁸ The Formosa Incident Oral History Editorial Committee, *A Political Party without a Name: The Development of the Formosa Political Group*, 71.

Moreover, the note was drafted even before the trials of the arrested activists were arranged. According to the note's English version in December 28th 1979, the Formosa activists were called terrorists who intended to topple the government. And the Kaohsiung Incident was framed as a premediated Taiwan independence movement disguised with the international human rights day campaign. Additionally, in order to legitimize the authority's oppression, the note indicated that

“When the authority announced that the *Formosa* Magazine and its ten service centers had been closed, people all over the island pasted up posters and set off strings of firecrackers to show their approval and support of the government.”

However, most ironically, the ending part of the note emphasized that the government would devote every effort to the promotion of democracy and preservation of human rights as always, and would never take the slightest step backward in consequence of the Kaohsiung incident.²⁹ To be brief, this note aimed to shape the international image of the oppressors as democratic heroes, and the oppressed as separatists and terrorists.

On the other hand, overseas Taiwanese communities also actively leverage KMT through the global civil society, demanding KMT to either release the arrested, revoke the prosecution against them, or treat them humanely. This global rescue network was composed of lawyers, scholars, officers, overseas Taiwanese, Amnesty International,

²⁹ The Note on the Kaohsiung Incident and Reference Materials, 1979, 020-099905-0029, Ministry of Foreign Affairs, Academia Historica, Taipei, Taiwan.

and other human rights lobbying organizations. For instance, in January 31st 1980, 57 US scholars of the University of California, Stanford Law School, and other institutes sent a collective letter to President Ching-Kuo Chiang to express their concern over the mass arrest of Taiwan's oppositional activists, such as the civil rights lawyers Chia-Wen Yao and Yi-Hsiung Lin and other graduates of American law schools.³⁰ In the letter, the 57 scholars urged the KMT government to initiate as early a trial as possible, and further cited section 2(c) of the Taiwan Relations Act as their legal basis to demand the preservation and enhancement of Taiwan's human rights.³¹ Another example is the letter of the member of Congress James M. Shannon to President Ching-Kuo Chiang in February 6th 1980. In the letter, Shannon urged Chiang to allow Taiwanese people their deserved rights, accentuating that the US would not tolerate the denial of human rights.³²

³⁰ Among the eight defendants of the military trial of the Kaohsiung Incident, Yi-Hsiung Lin and Chia-Wen Yao once participated in the University of California's summer legal aid workshops. Hsiu-Lien Lu earned her LLM degree from Harvard Law School. See 57 Professors of the US University of California and Stanford University Law School, Including Anthony G. Amsendam, Sent a Letter to Request People Arrested due to the Kaohsiung Incident to Be Tried by Regular Courts as Early as Possible, 1980, A200000000A/0067/3150901/1-005/1/015, The Presidential Office, Foreigners Request for Amnesties for Primary Criminals of the Formosa Incident by Letters, National Archives Administration, New Taipei City, Taiwan.

³¹ Section 2(c) of the Taiwan Relations Act: Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

³² The US Member of Congress James Shannon Expresses His Concern over the Continuing Violation of Human Rights in Taiwan, 1980, A200000000A/0069/32209/13/1/007, The Presidential Office, The Overseas Reaction to the Kaohsiung Violence Incident, National Archive Administration, New Taipei City, Taiwan.

4. Taiwan and the Globalized Communities: An Imagined Dialogue

This part is to bridge Taiwan's multi-layered colonial experience and traditional scholarly debates in (post-)colonial studies and research on nationalism. By examining the works and discourses of major scholars in these fields, I aim to open an imagined intellectual conversation through which my interlocutors and I may discover the possibility to theorize Taiwan.

In his book *Orientalism*, Said examines the othering of the Orient by the West through the production of knowledge. The West, based on its interest, creates fictive images and project them on the Orient. The images are associated with a set of discourses in which the West is superior while the Orient is inferior. The discourses are expressed by the production of knowledge and the spread of culture. And the expression is systematically and extensively practiced through imperialist projects. This causes dominant, repressive, and unequal power relations between the West and Orient.³³ The Oriental colonialisms which Taiwan experienced, in my view, challenge Said's Orientalism though his core notion remains useful. I hold that such Oriental colonialisms may enrich and broaden Said's discourse on Orientalism and cultural imperialism. Japan's and KMT's colonial rule in Taiwan, on the one hand, reverses the Orient's image as a colonized and marginalized victim which Said emphasizes. On the other hand, Japan and KMT reveal the fact that some Oriental regimes also possess the abilities to produce and practice colonial discourses based on

³³ Said, *Orientalism* (New York: Vintage Books, 1979); Said, *Culture and Imperialism* (New York: Vintage Books, 1994).

their own interests. Compared with Fanon's and Bhabha's notion of mimicry, Japan's and KMT's reproduction and practice of their Orientalisms demonstrate higher level of agency and creativity.³⁴ In the discourses of these two Oriental Orientalisms, Taiwan is depicted as an inferior periphery, as in contrast to the two different "Mainlands". This also echoes with David Spurr's examination of how colonial rhetorical mode constructs the "other".³⁵

Ernest Renan refutes the claim that a nation is determined by race, language, religion, and geography. Rather, his discourse on the formation of nation focuses on deeper aspects of human's soul and will. He holds man furnishes the soul, and that man is everything in the formation of this sacred thing which is called a people. In this sense, he claims that a nation is a soul, a spiritual principle.³⁶ On the other hand, he argues that a nation is the moral conscience created by a large aggregate of men. So long as this moral consciousness gives proof of its strength by the sacrifices which demand the abdication of the individual to the advantage of the community, it is legitimate and has the right to exist. With this in mind, Renan indicates that a nation is therefore a large-scale solidarity, constituted by the feeling of the sacrifices that one has made in the past and of those that one is prepared to make in the future.³⁷

³⁴ Fanon, *Black Skin, White Masks* (London: Pluto Press, 2008); Bhabha, *The Location of Culture* (New York: Routledge, 1994), 121-131.

³⁵ Spurr, *The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing, and Imperial Administration* (Durham: Duke University Press, 1993).

³⁶ Ernest Renan, "What Is a Nation?" in *Becoming National: A Reader*, eds. Geoff Eley and Ronald Grigor Suny (Oxford, UK: Oxford University Press: 1996), 41-55.

³⁷ Ibid.

Following this logic, he compares a nation's existence to a daily plebiscite, through which the community's members express their collective consent and will to maintain such community and common life.³⁸ It is also worth noticing that Renan values the independent will of a nation as a sovereign community. He is opposed to invasion among nations, arguing that a nation never has any real interest in annexing or holding on to a country against its will.³⁹ Interestingly, Renan also accentuates the role of "forgetting" in a nation's formation. The essence of a nation, from his viewpoint, is that all individuals have many things in common, and also that they have forgotten many things, such as language and massacre.⁴⁰ Hence, the progress in historical studies often threatens nationality, because the pursuit of historical facts may reveal the violence associated with every political formation and unity.⁴¹ Renan's insight allows us to construct and position Taiwanese identity and subjectivity beyond the two traditional categories of nation in East Asia: Chinese and Japanese. In Hobsbawm's view, our comprehension that Chinese and Japanese are fixed categories of nation may derive from the tradition invented not so long ago.⁴²

These invented traditions are still shaping our understanding of ourselves and the world nowadays. In the field of knowledge production, these traditions are further institutionalized by authoritative global academic organizations. Take the framing of

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² *The Invention of Tradition*, eds. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge University Press, 1983).

the annual conference of the Association for Asian Studies as an example, panels whose themes related to Taiwan studies are often categorized as either China & Inner Asia or Japan. This manifests that in the global map of knowledge, Taiwan often has to be forgotten and subordinate to either China or Japan, one of these two major regional powers, in order to gain limited right to speak. I regard such unequal power relations, which stem from international academic institutions, as the reproduction and extended practice of Oriental colonialisms. Fortunately, we still have an intellectual weapon to fight such forgetting in global academia – history. Studying history, as argued by Renan, empowers us to unveil the violence in political formation.⁴³ In my thesis, I aim to fight the forgetting within and beyond Taiwan by historical studies, hoping to find or establish a foothold for Taiwan in the production of global knowledge.

Bhabha's notion of hybridity echoes with Taiwan's colonial and anti-colonial experience in a distinctive way when examining the discourse on Taiwan's nation-building in the Petition and Tangwai Movements.⁴⁴ Though modern Taiwan was not colonized by Western empires, its nationalists and activists largely appropriated modern European/American progressive political thoughts as the ideological strategy of nation-building to resist Oriental colonizers. This is a presentation of West-East hybridity. On the other hand, when pursuing Taiwan's national self-determination, the Petition and Tangwai activists included Naichijin (Japanese Mainlanders living in

⁴³ Ernest Renan, "What Is a Nation?" in *Becoming National: A Reader*, eds. Geoff Eley and Ronald Grigor Suny (Oxford, UK: Oxford University Press: 1996), 45.

⁴⁴ Bhabha, *The- Location of Culture* (New York: Routledge, 1994).

Taiwan) and Waishengjen (Chinese Mainlanders living in Taiwan). This non-typical presentation of hybridity points out another possibility: East-East hybridity.

Additionally, in my two case studies, the activists also attempts to historicize Taiwan's particularity, and put Taiwan's subjectivity under the narrative framework of a nation's history. Taiwan's particularity and subjectivity can also be seen as a series of symbols and category of practice invented to defy alien colonial regimes.

This both resonates and challenges Hobsbawm's idea of "invented tradition".

Hobsbawm considers nation as the ideology which state superimposes "from top to bottom" in order to incorporate people.⁴⁵ In contrast, in Taiwan, nation is a weapon by which subordinate people form "from bottom to top" in order to combat modern states' colonial incorporation.

Anderson also views nation as invention. Such invention does not have patent and thus is available for pirating.⁴⁶ This claim of Anderson seems to assume, instead of inventing new products, humans tend to replicate existing models, and arouses Chatterjee's criticism. In Anderson's view, nation is an imagined, limited, and sovereign community; and nationalism is a cultural artefact produced by print-capitalism.⁴⁷ Through extensive and prudent comparative historical method, he examines nationalism's origin, development mode, and spread, arguing that the formation of nationalism can be modularized and transplanted to other social

⁴⁵ Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 1990), 89-92.

⁴⁶ Anderson, *Imagined Communities: Reflections on the Origin and the Spread of Nationalism* (New York: Verso, 2006), 67.

⁴⁷ *Ibid.*, 4,7,37-46

terrains⁴⁸ The anthropologist Victor Turner's notion of pilgrimage is used to explain the creation of nationalism in colonies. The metropole's institutional discrimination confines the creoles' political agency and social mobility to the colony. Such confinement cramps the creoles' pilgrimage journey to the metropole, which causes them to imagine the colony as their "motherland" in replacement of the alienated metropole.

The first wave of nationalistic movement started in the Americas as the creoles' resistance against their European metropolises between late 18th century and early 19th century.⁴⁹ Anderson indicates that these rebellions, revolutions, and independent movements become models which late comers of nationalism in Europe, Asia, and Africa imitate. When discussing the second wave of nationalisms which spread over Europe, Anderson points out that by naturalization, European dynasties appeased peoples and incorporated nationalisms which aggregated and mobilized peoples. This produced a sort of reactionary nationalism which Anderson calls official nationalism. By incorporating popular nationalisms, sovereigns not only secure their regimes' survival, but also gain the power to decide official ideology which allow them to control societies more thoroughly. Such state-led top-down ideological engineering and imposition demonstrate the characteristics of imperialism: hierarchical and repressive, especially in colonies. The third wave of nationalistic movements emerged as anti-imperialistic movements in Asian and African colonies.⁵⁰

⁴⁸ Ibid., 4

⁴⁹ Ibid., 47-65

⁵⁰ Ibid., 81-111

Anderson's extensive but prudent historical examination establishes a broad and inclusive discourse on nationalism in which Taiwan is also able to find its foothold. The image of creole pioneers in the Americas seems to be an interesting counterpart of the image of Han immigrants and settlers in Taiwan.⁵¹ Such historical factor implies the nation of Taiwan is very likely to be based on a sort of non-China Han cultural identification, and hence to produce Han creole nationalism.⁵² However, such claim's blind spot is that it ignores and excludes non-Han communities' positions, especially the indigenous peoples, in Taiwan's nation-building. Besides, Anderson notices the cramped pilgrimage of Taiwanese under the repression of Japan's official nationalism. The Japanified Taiwanese might speak and read Japanese perfectly, but they would never preside over prefectures in Honshu, or even be posted outside their zones of origin.⁵³

The destination of post-WWII Taiwan's pilgrimage shifted from Mainland Japan to Mainland China. Nonetheless, the new regime's linguistic, cultural, and institutional discrimination soon cramped the pilgrimage of post-WWII Taiwanese. Furthermore, the split in 1949 between PRC and ROC as well as their political and military conflicts almost completely suspended the possibility for normal Taiwanese people to legally fulfill the pilgrimage journey to Mainland China, ruled by PRC. When practical pilgrimage to Mainland China was impossible, education, media, and

⁵¹ Ibid., 47-65

⁵² Wu, "The Formosan Ideology: Preliminary Reflections on the Formation of the Discourse of National Culture of the Taiwanese National Movement under Japanese Colonial Rule," *New History* 17, no. 2 (2006): 127-218.

⁵³ Anderson, *Imagined Communities: Reflections on the Origin and the Spread of Nationalism*, 99.

knowledge became KMT's important substitute channels to impose its official nationalism on Taiwanese, which transformed post-WWII Taiwanese from Japanese into Chinese. Bi-Yu Chang's book *Place, Identity, and National Imagination in Post-war Taiwan* deeply explores the relations between state spatiality and identity formation, especially how KMT produced an imagined geography along with other related discourse and ideology to legitimize its rule.⁵⁴ Chang's book subtly resonates with Emma Teng's book *Taiwan's Imagined Geography: Chinese Colonial Travel Writing and Pictures, 1683–1895*. Though these two books study different time periods, the authors both elaborate how Chinese Mainlanders, and their regimes, transformed Taiwan into China's territory by producing imagined geographies.

Chatterjee criticizes that Anderson views the third world's nationalisms as invariable replicate of the previous American/European models. He doubts about the absence of imagination, the pivotal process which demonstrates nationalists' positiveness and creativity, in these replicates.⁵⁵ Later, Chatterjee wrote another article *Whose Imagined Communities?*, reiterating his criticism toward Anderson: if nationalisms in the rest of the world have to choose their imagined community from certain "modular" forms already made available to them by Europe and the Americas, what do they have left to imagine? History, likewise, would have already been determined by Europe and the Americas.⁵⁶ In other words, what Chatterjee aims to

⁵⁴ Chang, *Place, Identity, and National Imagination in Postwar Taiwan* (New York: Routledge, 2015).

⁵⁵ Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse* (London: Zed Books, 1986), 21.

⁵⁶ Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993), 5.

highlight in this criticism is whether the third world possesses the same power and ability, like the West, to create imagined communities, rather than merely mimicry. Obviously, Chatterjee thinks Anderson ignores the agency and possibility of the third world nationalists to create new models by their own imagination. Chatterjee's such criticism is valid to some degree, but is imagination per se completely incompatible with using existing models? Does the labor of imagination have to demonstrate 100% of originality in order not to be considered as mimicry of existing models? If yes, is this criterion too strict?

In Chatterjee's view on the third world's nationalisms, the critical issue which nationalists have to deal with is to pursue and balance nationality and modernity. For most third world nationalists, the challenges include how to preserve or reshape their national traditions and identities, and how to respond to the impacts brought by Western modernity.⁵⁷ But for Taiwanese nationalists, the colonizers they were combatting are not remote Western powers but contiguous Oriental neighbors. Hence, in the making of national identification, Taiwanese nationalists did not have significant conflicts with Western modernity. Moreover, Western modernity is appropriated as a discursive weapon to defy Oriental colonial modernity and pre-modernity. Besides, Chatterjee's strict criterion on originality seems to influence his view on the third world nationalism. He stresses that the derivativity which stems from the lack of intellectual and discursive originality is a common ideological

⁵⁷ Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse*, 22-28.

problem in the third world.⁵⁸ Mimicry, as a means of securing a nation's survival, has its limitations nevertheless, for that it is necessarily passive and subordinate to certain actors.

Notwithstanding, in Taiwan's anti-colonial and nation-building experience, the lack of originality is a problem not only for Taiwanese nationalists under colonial rule, but also for Japanese and Chinese colonizers. Japan as well as KMT were also subject to the derivativity problem associated with Western modernity. Thus, in terms of intellectual and discursive aspects, Taiwan's anti-colonial struggle can be interpreted as the competition of modernity and progressiveness between the colonizers and colonized. This echoes with Mio's examination of imperial Japan. In the West-centric world system, both Taiwan and Japan are located at the periphery of civilization. Mio argues that Japan could hardly claim itself to be superior to Taiwan, and that Japan could even be inferior to Taiwan as well. Based on Japan's imperial experience, she holds we cannot aprioristically presume the colonizers must be culturally superior to their colonized subjects. And in terms of the conditions and capacities of carrying out the civilizing mission, Japan was also very different from Western modern empires.⁵⁹ The same doubt, in my view, is also applicable to pre-democratization KMT regime as well as today's PRC.

⁵⁸ Ibid., 1-35

⁵⁹ Mio, "The Postcolonial Anthropological Possibilities in Taiwan and the Former South Pacific Mandate," in *Imperial Japan's Memories: The Multi-layerization and Decolonization in Taiwan and the Former South Pacific Mandate*, eds. Yūko Mio et al., 1-30.

Balibar, too, believes in the artificiality of nation, contending that no modern nation possesses a given ethnic basis, even when it arises out of a national independence struggle.⁶⁰ In Balibar's viewpoint, nationality is comprised of fictive ethnicity and myths which carry the nation's origin and continuity;⁶¹ and ethnicity is constructed by language and race.⁶² Furthermore, Balibar indicates every social community reproduced by the functioning of institutions is imaginary, and that under certain conditions, only imaginary communities are real.⁶³ In Balibar's and Wallerstein's book *Race, Nation, Class: Ambiguous Identities*, they examine nationalism, racism, and sexism in relation to class. Their research points out these ideologies are created by a larger unequal system of division of labor, more precisely the ideology of international and domestic bourgeoisie.⁶⁴ And the purpose of producing these ideologies is to incorporate states and free labour power,⁶⁵ and to undermine the proletarian solidarity from the aspects of economy and ideology.⁶⁶

Balibar's and Wallerstein's argument is brilliant, but not completely applicable to Taiwan's experience. Racial difference is not a significant factor in the colonial exploitation in Taiwan. Rather, in order to justify the feasibility of its assimilation

⁶⁰ Balibar and Wallerstein, *Nation, Race, Class: Ambiguous Identities* (New York: Verso, 1991), 93.

⁶¹ *Ibid.*, 49,87

⁶² *Ibid.*, 96

⁶³ *Ibid.*, 93

⁶⁴ *Ibid.*, 9

⁶⁵ *Ibid.*, 90

⁶⁶ *Ibid.*, 193,198

policy, the Japanese Governors-General of Taiwan emphasized that Taiwanese and Japanese were of the same race. Similarly, in order to legitimize its rule in Taiwan, KMT has been accentuating that Taiwanese and Chinese Mainlanders are of the same language and race. In contrast, the role of ethnic difference in the making of Taiwan's classes and class conflicts is much clearer. Japan's and KMT's official nationalisms aimed to assimilate and incorporate Taiwanese people, yet in addition to economic exploitation, such incorporation served for political dominance and military mobilization. Besides, Taiwan's nationalistic and local oppositional activism vary greatly in their discourses and routes, including left and right.

D. Literature Review

1. The Peace Act Incident and Petition Movement

The primary resources related to the Peace Act Incident are rare and few. The Taiwan Colonial Court Records Archives in National Taiwan University preserves the incident's verdicts of the first and second instances and *The Appeal to Appeals Department of Higher Court*, written by the attorney Takuzō Hanai.⁶⁷ In 2016, the Institute of Taiwan History of Academia Sinica published *The Preliminary Hearing Records of the Peace Act Incident, 1924*, in which the editor Hao-Jen Wu deciphered and translated the manuscript of the preliminary trial records of the Peace Act

⁶⁷ The Original of Vol. 7 of the Criminal Verdicts of July 1926, 1923, 1741, Taihoku Local Court, Taiwan Colonial Court Records Archives, Taipei, Taiwan.

Incident unearthed from Mister Chao-Chia Yang's private collection.⁶⁸ Besides, *Pei-Huo Tsai's Documents Stored in Taiwan Province Division of the Red Cross* collected by the Archives of the Institute of Taiwan History of Academia Sinica also contains *The Appeal to Appeals Department of Higher Court* as well as the attorney Tooru Watanabe's *Written Debate*.⁶⁹ However, the archives related to the incident's trial records have not yet been discovered. Fortunately, the first and second instances were open to the public. As a result, we can still learn the debate and battle between the prosecutors and defendants as well as their barristers on the court through the report of newspapers such as *Taiwan Minpao*.

We cannot study the Peace Act Incident without studying the Petition Movement. The movement's official publications such as *The Tai Oan Chheng Lian* (1920-1922), *The Formosa* (1922-1924), and *Taiwan Minpao* (1923-1930) published many articles written by the movement activists and their Japanese intellectual supporters. These articles allow us to analyze their socio-political thought and the circumstances they were facing. In addition to Taiwan's society and politics, these publications paid considerable attention to international affairs, especially those with regard to other colonies, and introduced modern Western knowledge and values to Taiwanese readers. In contrast to *Taiwan Minpao* which voiced for the interests of Taiwanese people, *Taiwan Nichinichi Shinpō* was regarded as the official newspaper

⁶⁸ *The Preliminary Hearing Records of the Peace Act Incident, 1924*, eds. Hao-Jen Wu and Makiko Okamoto (Taipei: Institute of Taiwan History of Academia Sinica, 2016).

⁶⁹ *The Appeal to Appeals Department of Higher Court, 1924*, 3TPH_01_01_005, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan; *The Written Debate*, 3TPH_01_01_004, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan.

which served the interests of the Japanese Government-General of Taiwan. Despite this, *Taiwan Nichinichi Shinpō* offers us useful materials to understand the authority's attitude toward the Petition Movement. In 2009, the Institute of Taiwan History of Academia Sinica published *The Diary of the Governor-General of Taiwan Kenjirō Den I, II, and III*. Den's diary enables us to learn how he, as the Governor-General, interacted with the activists and viewed the Petition Movement at its early stage of development.⁷⁰ Besides, *Pei-Huo Tsai's Documents Stored in Taiwan Province Division of the Red Cross* collected by the Archives of the Institute of Taiwan History of Academia Sinica contains *The Meeting Record on the Petition for the Establishment of the Taiwan Parliament*. This meeting record reveals how the activists eventually decided to suspend the petition and their viewpoints on the socio-political circumstance in 1934.⁷¹ After the suspension of the Petition Movement, in 1939, the Police Department of the Government-General of Taiwan published *The Historical Record of the Police*. The second volume of this book *Taiwan's Security Condition after Japan's Rule II: The History of Taiwan's Social Movement* recorded the Petition Movement from the authority's point of view.⁷² Aside from these, some of the activists, such as Pei-Huo Tsai and Kun-Shu Chen, had published their writing

⁷⁰ *The Diary of the Governor-General of Taiwan Kenjirō Den I, II, and III*, eds. Wen-Hsing Wu et al.. Taipei: Institute of Taiwan History of Academia Sinica, 2009.

⁷¹ The Meeting Record on the Petition for the Establishment of the Taiwan Parliament, September 2nd 1934, 3TPH_01_01_010, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan.

⁷² The Police Department of the Government-General of Taiwan, *The Historical Record of the Police II: Taiwan's Security Condition after Japan's Rule II: The History of Taiwan's Social Movement (1931-1936) (Chinese Version)* (Taipei: Chuangtsao Press, 1989).

and observation of Taiwan's socio-political issues before WWII, providing us more materials to study Japan's colonization and Taiwan's resistance.⁷³

Post-WWII research on the Petition Movement and Peace Act Incident mostly started to be published since 1960s. From 1964 to 1968, Jih-Wen Kao and Jung-Chung Yeh respectively wrote and published several papers on the Petition Movement and Peace Act Incident.⁷⁴ From 1967 to 1969, with the funding from Harvard Yenching Institute, the Department of History of National Taiwan University conducted an oral history project. The interviewees of the project also included Cheng-Lu Lin and Feng-Yuan Chen who were engaged in the Petition Movement and imprisoned due to the Peace Act Incident. This oral history project was eventually published in 1991 by the Pen-Yuan Lin Foundation for Chinese Cultural Education.⁷⁵ In 1971, Jung-Chung Yeh, Pei-Huo Tsai, Feng-Yuan Chen, and other former activists issued *The History of Taiwan's Nationalistic Movement*. This monograph was, at that time, the most complete and systematic work for studies of Taiwan's oppositional

⁷³ Pei-Huo Tsai, "Open Letter to Japanese Mainlanders: The Main Key of the Solution to the Colony's Problems (Chinese Version)," in *The Omnibus of Pei-Huo Tsai III: Political Relations: Japanese Era II*, ed. Han-Yu Chang (Taipei: The Juridical Person of San-Lien Wu Foundation for Taiwan's Historical Materials, 2000), 124-127; Kun-Shu Chen, *The Issues on the Governance of Taiwan* (Taipei: Hōbundō Shoten, 1931), 90-136.

⁷⁴ Jih-Wen Kao, "Background of the Motion Concerning Establishment of a Provincial Council in Taiwan," *Taiwan Wen Shian* 15, no. 2 (1964): 24-46; Kao, "The Facts of the Movement for Establishment of the Taiwan Local Legislature," *Taiwan Wen Shian* 16, no. 2 (1965): 60-96; Kao, "Court Proceedings on Police Rules in Taiwan under the Japanese Rule(1)," *Taiwan Wen Shian* 17, no. 1 (1966): 81-108; Kao, "Court Proceedings on Police Rules in Taiwan under the Japanese Rule(2)," *Taiwan Wen Shian* 18, no. 1 (1967): 156-176; Jung-Chung Yeh, "The Early Taiwan Parliament Movement and the Attitude of the Japanese Government-General," *The Taiwan Folkways* 18, no. 3 (1968): 3-7.

⁷⁵ *Oral Histories of Modern Taiwan*, edited by Fu-San Huang and Li-Fu Chen (Taipei: The Pen-Yuan Lin Foundation for Chinese Cultural Education, 1991), VII.

activisms during Japan's colonization, though the authors deliberately omitted the resistance movements led by the leftists. However, in terms of material sources, this monograph as well as Kao's papers are highly dependent on the news report of *Taiwan Minpao* and *The Historical Record of the Police* published by the Police Department of the Government-General of Taiwan. Additionally, in 2000, Yeh's posthumous manuscripts were recompiled and published as *The Complete Work of Yeh Jung-Chung: A Glimpse of Contemporary Taiwan History*. In this series, the previous monograph *The History of Taiwan's Nationalistic Movement* was renamed as *Social and Political Movements in Colonial Taiwan I and II* and republished.⁷⁶ In the republished version, the author is Jung-Chung Yeh only, whereas in the previous version the authors included Pei-Huo Tsai, Po-Shou Lin, Feng-Yuan Chen, San-Lien Wu, and Jung-Chung Yeh.

In terms of contents and structure, *The History of Taiwan's Nationalistic Movement* and *Social and Political Movements in Colonial Taiwan I and II* are almost the same despite some differences in details.⁷⁷ Yet, some of these differences in details are thought-provoking. For example, while reading the debate on the court trialing the Peace Act Incident in *The History of Taiwan's Nationalistic Movement, I* notice that the prosecutor Kazuya Miyoshi did not accuse the defendants of pursuing Taiwan's independence. However, when refuting Miyoshi's closing argument, the

⁷⁶ Yeh, *Social and Political Movements in Colonial Taiwan I and II* (Taichung: Morningstar Publishing Ltd., 2000).

⁷⁷ Chang-Yi Yin, "The Interaction between a Second-to-none Historian and the Objective Circumstance: A Comparative Research on the Manuscript of *Social and Political Movements in Colonial Taiwan*, and the Newspaper and Offprint Versions of *The History of Taiwan's Nationalistic Movement*," in Yeh, *Social and Political Movements in Colonial Taiwan II*, 647-672.

attorney Ching-Yao Yeh stressed that, without economic and military advantages and foreign aids, Taiwanese people were even unable to pursue independence. A question therefore emerges: if the prosecutor did not accuse the defendants of separatism, why did the barrister clarify their lack of ability to gain independence? With this question in my mind, I consulted *Taiwan Minpao*'s special issue on the incident's first instance and Jung-Chung Yeh's another publication *Social and Political Movements in Colonial Taiwan I*. Then, I found, in the two other sources, that the prosecutor Miyoshi did accuse the defendants of separatism, despite some minor differences between the two sources. According to *Taiwan Minpao*'s report, Miyoshi said,

“According to the regulation of the Imperial Diet's constitution, it is unconstitutional to propose establishing a parliament for Taiwan. It is a request beyond the constitution. It is an attempt to gain independence. It is a vain hope.”⁷⁸

On the other hand, according to Jung-Chung Yeh's republished work *Social and Political Movements in Colonial Taiwan I*, Miyoshi said,

“In brief. ‘We are unwilling to be Japanese subjects; Taiwan belongs to Taiwanese people; hence we want to break away from Japan.’ This is the

⁷⁸ “The Closing Argument of Prosecutor Miyoshi and His Demand for the Punishment of the 17 defendants,” *Taiwan Minpao*, September 1st, 1924, 4.

defendants' real purpose. Breaking away from Japan means independence. This kind of separation of domestic politics cannot be allowed by the constitution.”⁷⁹

Though the two sources mention and record Taiwan's independence in different ways and places, we can still be sure that Miyoshi must have accused the defendants of pursuing Taiwan's independence in his closing argument. As to the differences between the two versions, especially Yeh's omission with respect to Taiwan's independence, Chang-Yi Yin holds some sections, after Yeh's revision, become difficult to understand. Yet, Yin further adds we also have no choice but to forgive Yeh, for that he intended to avoid danger by this means of omission.⁸⁰ From my viewpoint, Yin's interpretation is very appropriate. After all, we shall not forget that *The History of Taiwan's Nationalistic Movement* was published in 1971, when the Martial Law Order had not yet been lifted and Taiwan was thus still under KMT's repressive rule of the White Terror. Under such circumstance, anyone involved or engulfed in Taiwan's independence, despite misunderstanding or false accusation, could be seen as rebel and therefore severely punished by the Act for Punishing Rebellion. Hence, though Yeh's omission may have increased the difficulty to comprehend his previous work, we still have to understand and forgive his necessary and ineffable difficulties of self-censorship, for that he was living under KMT's repressive authoritarian rule.

⁷⁹ Yeh, *Social and Political Movements in Colonial Taiwan II*, 246-247.

⁸⁰ Yeh, *Social and Political Movements in Colonial Taiwan II*, 662.

The most classic post-WWII research on the Petition Movement are the monographs of Masahiro Wakabayashi (1983) and Wan-Yao Chou (1989). Wakabayashi deeply analyzes the influence of Mainland Japan's politicians, scholars, and colonial policies on the Petition Movement during the period of Taishō Democracy.⁸¹ Chou focuses on the Petition Movement's development in different stages.⁸² Though Wakabayashi and Chou discuss the Petition Movement from different phases, they both notice and emphasize the movement's pursuit of Taiwan's subjectivity. On the other hand, The jurist Tay-Sheng Wang's research on Taiwan's legal and judicial institutions during Japan's colonization is helpful for us to understand the Japanese colonial legal system in Taiwan and the background of the Peace Act Incident. Wang artfully compares pre-WWII Taiwan's situation as a different jurisdiction from Mainland Japan to "one country, two systems" and further asks: since we need "two systems", why must we stay together as "one country"?⁸³ This question is still provoking even in the context of today's Taiwan politics.

2. The Kaohsiung Incident and Tangwai Movement

In terms of the background of the Kaohsiung Incident and Tangwai Movement, the *Formosa Magazine's* articles are important sources for us to analyze the activists'

⁸¹ Masahiro Wakabayashi, *The Research on the History of Taiwan's Anti-Japanese Movements* (Tokyo: Kenbun Publisher, 1983), 19-163.

⁸² Wan-Yao Chou, *The Petition Movement for the Establishment of the Taiwan Parliament during the Era of Japanese Occupation* (Taipei: The Culture and Publication Division of the Independence Post, 1989).

⁸³ Tay-Sheng Wang, *The Establishment of Taiwan's History of Law* (Taipei: Tay-Sheng Wang, 1997), 102,154-156.

political thought and discourse. The *Documentary Collection on Democratization Movement of Postwar Taiwan I, II, and III*, published by Academia Historica, contain many historical materials related to the development of Tangwai movement and law during the Martial Law era.⁸⁴ The trials of the Kaohsiung Incident activists were held publicly and open for domestic and international journalists to attend. Hence, the indictment, trial process, and verdict are available and were almost completely recorded in major newspapers. In 2010, Ming-Teh Shih, one of the eight defendants of the incident's military trial, published *Rebellion/Will*, which compiled some newspaper reports of the public trials and official archives collected in the National Archives Administration such as the *Yunni Documents*. The *Yunni Documents* are the news reports sent by international journalists from Taiwan during the public trials and then intercepted by Taiwan Garrison Command's Office of Telecommunications. Additionally, this thesis uses some official archives collected in Academia Historica and National Archives Administration, such as the *Directory Outline for the Interrogation of 1210 Project*. This outline reveals the KMT authority's intention to firstly arrest the activists and then frame them.⁸⁵

⁸⁴ *Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 1: The Martial Law Era (1945-1987)*, eds. Yueh-Shuen Hsueh et al. (Taipei County: Academia Historica, 2000); *Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 2: Organizing the Oppositional Parties*, eds. Hsiu-Huan Chou et al. (Taipei County: Academia Historica, 2000); *Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 3: Organization of Opposition Movement (1978.6~1979.9)*, eds. Shih-Hung Chen et al. (Taipei County: Academia Historica, 2000).

⁸⁵ Please Check the Attachment of One Directory Outline for the Interrogation of 1210 Project, 1979, 0068/C2801/0001/01/001, National Security Bureau, Archives of the Kaohsiung Incident, National Archives Administration, New Taipei City, Taiwan.

With her specialty in law, participation in the Tangwai Movement, and experience of imprisonment due to the Kaohsiung Incident, Hsiu-Lien Lu wrote *Retrial the Formosa* and systematically recorded the movement's and incident's development. Moreover, in her book, Lu carefully re-examines and re-interprets the indictment and verdict, pointing out a series of procedural offenses in the interrogation and trial processes, as if she were leading the readers to retrial the activists. On the other hand, the novelist Ching-Chu Yang wrote the trilogy of *Formosa March*, based on historical materials and his own experience of participating in the movement and incident. The historian Fu-San Huang discusses the incident's historical context and influences to Taiwan's politics in his monograph *The Formosa Incident*. Huang especially coined a terminology – the effect of the 1947 February 28th Incident – to analyze how KMT strengthened its authoritarian rule in Taiwan. Besides, *The Formosa Incident* contains some interrogation records of Taiwan High Court's criminal files.

In 1993, Ming-Teh Shih founded the New Taiwan Studies Foundation of Culture and Education. And in 1999, the foundation's Formosa Incident Oral History Editorial Committee published a series of oral history collections. Such series compiled the interview records of many Tangwai activists as well as KMT officers, enabling us to study their subjectivity, thought, and discourse in some critical decision-making moments. In addition to oral history records, the series collected old photos which recorded the movement's events and activities.⁸⁶

⁸⁶ The Formosa Incident Oral History Editorial Committee, *Walking toward Formosa: The Germination of Postwar Oppositional Awareness* (Taipei: China Times Publishing Company, 1999); The Formosa Incident Oral History Editorial Committee,

3. Construction of Anti-colonial Nationalism

Rwei-Ren Wu examines Taiwan's nationalistic discourse in the Petition Movement and other anti-colonial activisms during Japan's rule. He points out that Taiwan's nation-building was a social construction which developed from bottom to top to challenge a modern colonial state. Due to Japan's colonial rule, Taiwanese people became a community of shared political predicament – a weak nation distinct from Mainland China. On the other hand, the Japanese colonial authority sought to transform the national self-determination, pursued by the Petition Movement, to the de-nationalized local autonomy.⁸⁷ Meanwhile, the colonial authority also endeavored to wipe out Taiwanese people's Taiwan awareness and turn them into incomplete Japanese citizens, i.e. in terms of civil rights and social status, through differential incorporation. Under such circumstance, in order to achieve national self-determination, Taiwan's oppositional activists started to define and reconstruct the nation's tradition and subjectivity by modern values.⁸⁸

A Political Party without a Name: The Development of the Formosa Political Group (Taipei: China Times Publishing Company, 1999). The Formosa Incident Oral History Editorial Committee, *Violence and Poetry: The Kaohsiung Incident and the Trial for the Formosa* (Taipei: China Times Publishing Company, 1999); The Formosa Incident Oral History Editorial Committee, *The Condensation of History: A Photo History of Taiwan's Democratic Movements, 1977-1979* (Taipei: China Times Publishing Company, 1999).

⁸⁷ Wu, "Taiwan Must Be Taiwanese People's Taiwan: Anti-colonial Struggle and Taiwanese People's Discourse on Nation-state, 1919-1931," in *Nationalism and the Cross-strait Relations: A Conversation between Oriental and Western Scholars at Harvard University*, eds. lung-Lung Lin and Yung-Nien Cheng, 43-110.

⁸⁸ Wu, "The Formosan Ideology: Preliminary Reflections on the Formation of the Discourse of National Culture of the Taiwanese National Movement under Japanese Colonial Rule," *New History* 17, no. 2 (2006): 127-218.

Shuo-Bin Su analyzes the articles of *Taiwan Minpao* in 1920s and 1930s through the lenses of Anderson's notion of imagined community and McLuhan's medium theory. He indicates that when the authors viewed the indefinite Taiwanese mass as their imagined target audience, Taiwan consciousness was, as a result, constructed by the newspaper literature. Such consciousness, then, gradually split from China consciousness and eventually became a nationalism with definite boundary, which could be well represented by a popular saying – we 3.6 million Taiwanese people. And these originally disconnected 3.6 million people were synchronically united and transformed into the nation of Taiwan by *Taiwan Minpao*.⁸⁹ Additionally, Su's paper highlights the nationalistic implications of number. Numbers are originally neutral values. However, when numbers are used to indicate population, they become associated with land and community. Then, territory, border, and other political concepts are constructed and emerge. This kind of phenomenon also appears in my second case study. For instance, during the public trials of the Kaohsiung Incident, the defendants repeatedly mentioned the approximately 17 or 18 million residents of Taiwan, underlining the subjectivity of Taiwan as a sovereign community. In contrast, the prosecutor stressed the population in Mainland China, saying,

⁸⁹ Shuo-Bin Su, "Typography and Taiwan Consciousness: The Social Mechanism of Nationalist Imagination in the Period of Japanese Rule," *Mass Communication Research* 109, (2011): 1-41.

“but the defendant (Ming-Teh Shih) claims that Taiwan has been independence for 30 years. He intends to desert the lives of the 900 million compatriots in Mainland China. He harbors evil intensions.”⁹⁰

The prosecutor’s refutation also shows us how numbers became political when used to express population. Nonetheless, the prosecutor denied Taiwan’s subjectivity, emphasizing Taiwan and Mainland China were inseparable members of a common sovereign community. Nowadays, this sort of association between numbers and national imagination is still prevailing in Taiwan’s political realm, especially in campaigns. For Taiwanese politicians, the number of 23 million, not 1.3 billion, seems to become the password to obtain popular legitimacy.

Tsui-Lien Chen studies the strategy and limitations of the Petition Movement’s route to pursue autonomy. She contends it is not until the early post-WWII period, especially after the February 28th Incident in 1947, that Taiwan’s political nationalism had really formed and emerged. She casts doubts on Rwei-Ren Wu’s papers on Taiwan’s nationalism and asks: if Taiwanese people had already had both political and cultural nationalisms, then after Japan lost WWII, why didn’t they declare independence like other colonies in the world? Instead, why did they choose to accept ROC’s rule? Tsui-Lien Chen holds it is because of Taiwanese people’s calculation of interests and the negative legacies of Japan’s colonization. She argues that one’s national identification is not fixed and immobile, but may change and mutate according to one’s interests. On the other hand, she believes colonialism gave rise to

⁹⁰ Shih, *Rebellion/Will*, 119.

Taiwanese people's sense of inferiority, which made them feel that they were unable to be independent. She thinks the KMT regime replicated the Japanese colonizer's governmentality and linguistic policies, and even demonstrated its sense of superiority like a colonizer. In her viewpoint, ROC's reconquest of Taiwan did not bring liberation, yet marked the beginning of recolonization; moreover, under KMT's colonial rule, Taiwan's political nationalism finally formed.⁹¹

E. References

1. Archives

57 Professors of the US University of California and Stanford University Law School, Including Anthony G. Amsendam, Sent a Letter to Request People Arrested due to the Kaohsiung Incident to Be Tried by Regular Courts as Early as Possible, 1980, A200000000A/0067/3150901/1-005/1/015, The Presidential Office, Foreigners Request for Amnesties for Primary Criminals of the Formosa Incident by Letters, National Archives Administration, New Taipei City, Taiwan.

Please Check the Attachment of One Directory Outline for the Interrogation of 1210 Project, 1979, 0068/C2801/0001/01/001, National Security Bureau, Archives of the Kaohsiung Incident, National Archives Administration, New Taipei City, Taiwan.

The Appeal to Appeals Department of Higher Court, 1924, 3TPH_01_01_005, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan.

⁹¹ Chen, *The Taiwanese Resistance and Identification, 1920-1950*, 18,25,32,382.

The Meeting Record on the Petition for the Establishment of the Taiwan Parliament, 1934, 3TPH_01_01_010, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan.

The Note on the Kaohsiung Incident and Reference Materials, 1979, 020-099905-0029, Ministry of Foreign Affairs, Academia Historica, Taipei, Taiwan.

The Original of Vol. 7 of the Criminal Verdicts of July 1926, 1923, 1741, Taihoku Local Court, Taiwan Colonial Court Records Archives, Taipei, Taiwan.

The US Member of Congress James Shannon Expresses His Concern over the Continuing Violation of Human Rights in Taiwan, 1980, A200000000A/0069/32209/13/1/007, The Presidential Office, The Overseas Reaction to the Kaohsiung Violence Incident, National Archive Administration, New Taipei City, Taiwan.

The Written Debate, 3TPH_01_01_004, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan.

2. Collections of Historical Materials

Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 1:

The Martial Law Era (1945-1987), eds. Yueh-Shuen Hsueh et al.. Taipei

County: Academia Historica, 2000.

Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 2:

Organizing the Oppositional Parties, eds. Hsiu-Huan Chou et al.. Taipei County:

Academia Historica, 2000.

Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 3:

Organization of Opposition Movement (1978.6~1979.9), eds. Shih-Hung Chen et al.. Taipei County: Academia Historica, 2000.

Shih, Ming-Teh. *Rebellion/Will*. Taipei: The Juridical Person of Ming-Teh Shih Lecture Foundation, 2010.

The Diary of the Governor-General of Taiwan Kenjirō Den I, eds. Wen-Hsing Wu et al.. Taipei: Institute of Taiwan History of Academia Sinica, 2009.

The Diary of the Governor-General of Taiwan Kenjirō Den II, eds. Wen-Hsing Wu et al.. Taipei: Institute of Taiwan History of Academia Sinica, 2009.

The Diary of the Governor-General of Taiwan Kenjirō Den III, eds. Wen-Hsing Wu et al.. Taipei: Institute of Taiwan History of Academia Sinica, 2009.

The Preliminary Hearing Records of the Peace Act Incident, 1924, edited by Hao-Jen Wu and Makiko Okamoto. Taipei: Institute of Taiwan History of Academia Sinica, 2016.

3. Newspapers

“Is Taiwan Our Family or Colony?.” *Minpao*. May 6th, 1946.

“The Argument of Wei-Shui Chiang.” *Taiwan Minpao*. September 1st, 1924, 20.

“The Closing Argument of Prosecutor Miyoshi and His Demand for the Punishment of the 17 defendants.” *Taiwan Minpao*. September 1st, 1924, 4.

4. Monographs

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and the Spread of Nationalism*. New York: Verso, 2006.

- Balibar, Etienne and Wallerstein, Emmanuel. *Nation, Race, Class: Ambiguous Identities*. New York: Verso, 1991.
- Bhabha, Homi K.. *The Location of Culture*. New York: Routledge, 1994.
- Chang, Bi-Yu. *Place, Identity, and National Imagination in Postwar Taiwan*. New York: Routledge, 2015.
- Chatterjee, Partha. *Nationalist Thought and the Colonial World: A Derivative Discourse*. London, UK: Zed Books, 1986.
- Chatterjee, Partha. *The Nation and Its Fragments: Colonial and Postcolonial Histories*. Princeton, NJ: Princeton University Press, 1993.
- Chen, Kun-Shu. *The Issues on the Governance of Taiwan*. Taihoku: Hōbundō Shoten, 1931.
- Chen, Tsui-Lien. *The Taiwanese Resistance and Identification, 1920-1950*. Taipei: Yuanliu Press, 2008.
- Chou, Wan-Yao. *The Petition Movement for the Establishment of the Taiwan Parliament during the Era of Japanese Occupation*. Taipei: The Culture and Publication Division of the Independence Post, 1989.
- Dirlik, Arif. *After Colonialism?: Taiwan's Predicament, "China"'s Hegemony and Globalization*. New Taipei City: Acropolis Publisher, 2018.
- Fanon, Frantz. *Black Skin, White Masks*. London, UK: Pluto Press, 2008.
- Gates, Hill. "Ethnicity and Social Class." In *The Anthropology of Taiwanese Society*, edited by Emily Martin Ahern and Hill Gates, 241-281. Stanford, CA: Stanford University Press, 1981.
- Hobsbawm, Eric J.. *Nations and Nationalism since 1780: Programme, Myth, Reality*.

- Cambridge, UK: Cambridge University Press, 1990.
- Huang, Fu-San. *The Formosa Incident*. Nantou: The Historical Research Commission of Taiwan Province, 2001.
- Lu, Hsiu-Lien. *Retrial the Formosa*. Taipei: UNITAS Publishing Co., 2008.
- Mio, Yūko. "The Postcolonial Anthropological Possibilities in Taiwan and the Former South Pacific Mandate." In *Imperial Japan's Memories: The Multi-layerization and Decolonization in Taiwan and the Former South Pacific Mandate*, edited by Yūko Mio et al., 1-30. Tokyo: Keiō Gijuku University Press, 2016.
- Renan, Ernest. "What Is a Nation?" In *Becoming National: A Reader*, edited by Geoff Eley and Ronald Grigor Suny, 41-55. Oxford, UK: Oxford University Press, 1996.
- Said, Edward W.. *Orientalism*. New York: Vintage Books, 1979.
- Said, Edward W.. *Culture and Imperialism*. New York: Vintage Books, 1994.
- Spurr, David. *The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing, and Imperial Administration*. Durham, NC: Duke University Press, 1993.
- Su, Beng. *Taiwan's 400 Year History II*. San Jose, CA: Paradise Culture Associates, 1980.
- Teng, Emma Jinhua. *Taiwan's Imagined Geography: Chinese Colonial Travel Writing and Pictures, 1683-1895*. Taipei: National Taiwan University Press, 2018.
- The Invention of Tradition*, edited by Eric Hobsbawm and Terence Ranger.

Cambridge, UK: Cambridge University Press, 1983.

The Police Department of the Government-General of Taiwan. *The Historical Record of the Police II: Taiwan's Security Condition after Japan's Rule II: The History of Taiwan's Social Movement (1931-1936) (Chinese Version)*. Taipei: Chuangtsao Press, 1989.

Tsai, Pei-Huo. "Open Letter to Japanese Mainlanders: The Main Key of the Solution to the Colony's Problems (Japanese Version)." In *The Omnibus of Pei-Huo Tsai III: Political Relations: Japanese Era II*, edited by Han-Yu Chang, 5-102. Taipei: The Juridical Person of San-Lien Wu Foundation for Taiwan's Historical Materials, 2000.

Tsai, Pei-Huo. "Open Letter to Japanese Mainlanders: The Main Key of the Solution to the Colony's Problems (Chinese Version)." In *The Omnibus of Pei-Huo Tsai III: Political Relations: Japanese Era II*, edited by Han-Yu Chang, 103-179. Taipei: The Juridical Person of San-Lien Wu Foundation for Taiwan's Historical Materials, 2000.

Wakabayashi, Masahiro. *The Research on the History of Taiwan's Anti-Japanese Movements*. Tokyo: Kenbun Publisher, 1983.

Wang, Tay-Sheng. *The Establishment of Taiwan's History of Law*. Taipei: Tay-Sheng Wang, 1997.

Wu, Hao-Jen. *Wandering the Modern "Paraiso": Portraits of the Jurists in Colony*. Taipei: National Taiwan University Press, 2017.

Wu, Rwei-Ren. "Taiwan Must Be Taiwanese People's Taiwan: Anti-colonial Struggle and Taiwanese People's Discourse on Nation-state, 1919-1931." In *Nationalism*

and the Cross-strait Relations: A Conversation between Oriental and Western Scholars at Harvard University, edited by Chia-Lung Lin and Yung-Nien Cheng, 43-110. Taipei: Neo-naturalism Ltd., 2001.

Yeh, Jung-Chung et al.. *The History of Taiwan's Nationalistic Movement*. Taipei: The Culture and Publication Division of the Independence Evening Post, 1971.

Yeh, Jung-Chung. *Social and Political Movements in Colonial Taiwan I*. Taichung: Morningstar Publishing Ltd., 2000.

Yeh, Jung-Chung. *Social and Political Movements in Colonial Taiwan II*. Taichung: Morningstar Publishing Ltd., 2000.

5. Journals

Kao, Jih-Wen. "Background of the Motion Concerning Establishment of a Provincial Council in Taiwan." *Taiwan Wen Shian* 15, no. 2 (1964): 24-46.

Kao, Jih-Wen. "The Facts of the Movement for Establishment of the Taiwan Local Legislature." *Taiwan Wen Shian* 16, no. 2 (1965): 60-96.

Kao, Jih-Wen. "Court Proceedings on Police Rules in Taiwan under the Japanese Rule(1)." *Taiwan Wen Shian* 17, no. 1 (1966): 81-108.

Kao, Jih-Wen. "Court Proceedings on Police Rules in Taiwan under the Japanese Rule(2)." *Taiwan Wen Shian* 18, no. 1 (1967): 156-176.

Su, Shuo-Bin. "Typography and Taiwan Consciousness: The Social Mechanism of Nationalist Imagination in the Period of Japanese Rule." *Mass Communication Research* 109, (2011): 1-41.

Wu, Hao-Jen. "The "Taisho Democracy" and the "Peace Act" Incident." *Fu Jen Law*

Review 24, (2002): 107-153.

Wu, Rwei-Ren. "The Formosan Ideology: Preliminary Reflections on the Formation of the Discourse of National Culture of the Taiwanese National Movement under Japanese Colonial Rule." *New History* 17, no. 2 (2006): 127-218.

Yeh, Jung-Chung. "The Early Taiwan Parliament Movement and the Attitude of the Japanese Government-General." *The Taiwan Folkways* 18, no. 3 (1968): 3-7.

6. Oral History

Chen, Yi-Shen. *An Oral History of People Related to Overseas Taiwan Independent Movement II*. Taipei: The Institute of Modern History of Academia Sinica, 2012.

Oral Histories of Modern Taiwan, edited by Fu-San Huang and Li-Fu Chen. Taipei: The Pen-Yuan Lin Foundation for Chinese Cultural Education, 1991.

The Formosa Incident Oral History Editorial Committee. *Walking toward Formosa: The Germination of Postwar Oppositional Awareness*. Taipei: China Times Publishing Company, 1999.

The Formosa Incident Oral History Editorial Committee. *A Political Party without a Name: The Development of the Formosa Political Group*. Taipei: China Times Publishing Company, 1999.

The Formosa Incident Oral History Editorial Committee. *Violence and Poetry: The Kaohsiung Incident and the Trial for the Formosa*. Taipei: China Times Publishing Company, 1999.

The Formosa Incident Oral History Editorial Committee. *The Condensation of*

History: A Photo History of Taiwan's Democratic Movements, 1977-1979.

Taipei: China Times Publishing Company, 1999.

7. Novels

Yang, Ching-Chu. *The Formosa March*. Taipei: Tunli Publisher, 2009.

II. The Peace Act Incident

A. Colonial Rule and State of Exception

With the signing of Shimonoseki Treaty in 1895, the sovereignty of Taiwan was ceded to Japan. Most of the Taiwanese who chose to stay in Taiwan later automatically obtained Japanese nationality. Paradoxically, due to the cession after Sino-Japanese War, Taiwanese became Japanese, in terms of nationality, yet their civil rights as Japanese citizens were deprived, and they were even subject to the oppression of cruel laws which did not exist in Mainland Japan. When discoursing the law status of Taiwanese people, the Petition Movement activist Sung-Yun Cheng pointed out that Taiwanese were not considered as Japanese, foreigners, or stateless people, but a special class or community.⁹² Such special community indicated by Cheng seems very close to Agamben's biopolitical notion of "homo sacer". Though included in the Japanese Empire's rule, Taiwanese rights as Japanese citizens were excluded from the protection of Japanese laws. Subject to Japanese exploitation and trample, Taiwanese were merely living passively as animals, bare lives. If we were to comprehend Taiwanese resistance movements under Japanese rule, it is necessary to firstly understand the predicament as homo sacer and the colonial institution which created such "state of exception".

Japanese suppression and discriminatory governmentality against Taiwanese, to a great extent, resulted from the constitutional states of exception which swung between "Special Governance" and "Mainland Extension". The Principle of Special

⁹² Sung-Yun Cheng, "The Treaty of Shimonoseki and the Legal Status of Taiwanese," *The Tai Oan Chheng Lian* 1, no. 5 (1920): 52. Japanese Section.

Governance stressed the linguistic, cultural, and social differences between Taiwan and Japan. Thus, Japanese institutions were not suitable to Taiwanese. Governing Taiwanese demanded special governmentality based on Taiwanese particularity. Owing to the unstable ruling foundation and the high frequency of armed Taiwanese rebellion in early colonial stage, Japan adopted the Principle of Special Governance, empowering Governors-General of Taiwan by enacting Law No. 63 to possess the Special Legislative Power which allowed them to repress riots and react to other emergencies. Law No. 63 delegated the legislative power, which constitutionally belonged to the Japanese National Diet, to the Governor-General of Taiwan, enabling the regulation (executive order) issued by the Governor-General to have the power of law, yet without being supervised by the National Diet. With the authorization of Law No. 63, the Governor-General of Taiwan further controlled the management and personnel of courts and other colonial governance institutions through the “Special Legislative Power”. Therefore, the Governor-General of Taiwan was actually a dictator who dominated the executive, legislative, judiciary, and military powers. Law No. 63 was the fundamental source which legalized such constitutional state of exception, which totally ignored the separation of powers, and excluded Taiwan from the Japanese constitutional framework as a special jurisdiction. Conversely, Law No. 63 and such state of exception just highlighted Taiwan’s particularity, as opposed to Japan, and the necessity to adopt special governmentality. Even though Law No. 63 was later replaced with Law No. 31 and then Law No. 3, which limited the authority of the Governor-General, his delegated legislative power were still preserved for the necessity of enforcing special governmentality in Taiwan. Taiwan was defined as a

heterogeneous jurisdiction among the Japanese Empire and subject to different legal practices and institutions from Mainland Japan's, which is no exaggeration to be considered as the prototype of "one country, two systems".⁹³

On the other hand, as opposed to the Special Governance Principle, the Mainland Extension Principle aimed at eventual complete assimilation, which gradually and quickly superimposed Mainland Japan's language, culture, and legal institutions to its colonies. The actual goal of Mainland Extension Principle was to eradicate nationalistic movements in colonies and discourage national self-determination and separatism, especially the Korean independence movement, rather than to empower colonized subjects to have equal civil rights as Japanese Mainlanders. This shows that both assimilationism and Mainland Extension advocacy were selective reconstruction which served the interests of the metropole instead of its colonies. These assimilationist policies instilled Taiwanese with Japanese values, but did not treat Taiwanese equally as Japanese. It was no wonder that the Petition Movement activist Pei-Huo Tsai criticized assimilation as "the measures which kept Taiwanese misinformed" and "the alias of exploitation".⁹⁴ More ironically, for Taiwanese, Mainland Extension Principle turned out to be another state of exception which consolidated the previous one, special governmentality. In fact, Mainland Extension Principle did not enfranchise Taiwanese, but justified the authority's oppression

⁹³ Tay-Sheng Wang, *The Establishment of Taiwan's History of Law* (Taipei: Tay-Sheng Wang, 1997), 102.

⁹⁴ Pei-Huo Tsai, "Open Letter to Japanese Mainlanders: The Main Key of the Solution to the Colony's Problems (Chinese Version)," in *The Omnibus of Pei-Huo Tsai III: Political Relations: Japanese Era II*, ed. Han-Yu Chang (Taipei: The Juridical Person of San-Lien Wu Foundation for Taiwan's Historical Materials, 2000), 124-127.

against Taiwanese culture and the Petition Movement. From this, we can apprehend the two-sided approaches by which the Governor-General discouraged Taiwanese resistance. The first one was Special Governance Principle which excluded Taiwanese civilian rights from Japanese constitution's protection. The second one was Mainland Extension Principle which restrained Taiwanese from demanding the Special Legislative Power to preserve Taiwan's particularity by legal means. The alternate use of these two principles is what I mean in the begging of the previous paragraph by "the constitutional states of exception which swung between Special Governance and Mainland Extension".

B. Delegated Legislation and Licensed Dissidence Movement

The model of resistance within the institution can be dated back to Taiwan Assimilation Society orchestrated by Taiwanese literati and Japanese government dignitaries in 1914. In order to leverage the authoritative Government-General of Taiwan, Taiwanese literati sought sympathy from Japanese prominent politicians in pursuit of equality with the disguise of accepting Japanese assimilation. Despite Taiwan Assimilation Association legitimate request and the endorsement from senior Meiji Reformation statesman such as Count Taisuke Itagaki, the Government-General of Taiwan quickly dissolved the society and persecuted its members with fabricated accusations by judicial means after Count Itagaki left Taiwan for Japan. After the failure of the plan of demanding equality in the name of assimilation, Hsien-Tang Lin, who previously went to Japan to orchestrate such society, later organized the Alliance Association for the Abolition of Law No. 63 with Taiwanese students in Tokyo in

1918. The new association's goal was to abolish the origin which resulted in the institutionalization of the Governor-General's authoritarianism, ethnic inequality, and other states of exception. That was, namely, the Special Legislative Power delegated by Law No. 63 to the Governor-General. However, Japan's colonial governing strategy shifted from Special Governance to Mainland Extension, since US President Wilson's advocacy for national self-determination echoed greatly in colonies globally after WWI, especially the Korean independence movement in 1919. This brought about a hot debate on the future direction among the movement for the abolition of Law No. 63, and eventually led to the rise of the Petition Movement for the establishment of Taiwan Parliament which lasted for 14 years.

The key person who caused such path shift of the movement was Cheng-Lu Lin, who graduated from the law school of Meiji University. With his learning and insights of colonial policy and law and worry about assimilation, Cheng-Lu Lin criticized that insistence on the abolition of Law No. 63 was no different from acceptance of Japan's Mainland Extension and would eventually lead to the eradication of Taiwan's particularity.⁹⁵ Cheng-Lu Lin analyzed the issue on Law No. 63 from legal and practical aspects. The law was, by nature, a constitutional state of exception created by Japanese to govern aliens Taiwanese efficiently. If one were to argue whether or not the law itself violated the constitution from a legal perspective, then one would have to face a fundamental question of whether or not the constitution

⁹⁵ The Police Department of the Government-General of Taiwan, *The Historical Record of the Police II: Taiwan's Security Condition after Japan's Rule II: The History of Taiwan's Social Movement (1931-1936) (Chinese Version)* (Taipei: Chuangtsao Press, 1989), 5.

had been already enforced in Taiwan. Nonetheless, no matter Law No. 63 violated the constitution or not, Taiwan was distinct from Japan in terms of social institutions and practices, and called for the maintenance of special governance. Cheng-Lu Lin argued that Law No. 63 needed to be abolished from a legal sense, but preserved in reality.⁹⁶ He further contended against the necessity to abolish Law No. 63, advocating for the establishment of a democratically elected Taiwan Parliament which would take away the Governor-General's delegated legislative power. Theoretically, Cheng-Lu Lin's advocacy could not only put an end to the Governor-General's authoritarianism and realize constitutional politics in Taiwan, but also could preserve Taiwan's special habits and practices through the Special Legislative Power and deliberative power over annual budgets. Cheng-Lu Lin's proposal finally persuaded Hsien-Tang Lin and other campaigners for the abolition of Law No. 63 into rallying for the establishment of Taiwan Parliament. Besides, such proposal gained support from several progressive Japanese scholars and politicians, such as Professor Tetsu Izumi of Meiji University, Professor Miono Yamamoto of Kyoto Imperial University, and Ryūtarō Nagai, who was once a faculty member of Waseda University prior to becoming a member of the House of Representatives.⁹⁷ Cheng-Lu Lin's legal insights and study

⁹⁶ Cheng-Lu Lin, "The Conclusion of the Law No. 63 Issue," *The Tai Oan Chheng Lian* 1, no. 5 (1920): 24-41. Japanese Section; Tzu-Chou Lin. "The Destiny of the Law No. 63 Issue." *The Tai Oan Chheng Lian* 1, no.5 (1920): 16-29. Chinese Section.

⁹⁷ Shih-Lang Wang, "The Interview Record of Mister Cheng-Lu Lin," in *Oral Histories of Modern Taiwan*, eds. Fu-San Huang and Li-Fu Chen (Taipei: The Pen-Yuan Lin Foundation for Chinese Cultural Education, 1991), 38-39.

of colonial governmentality later laid the theoretical foundation and legal basis of the Petition Movement. The petition was also written by him.⁹⁸

The petition written by Cheng-Lu Lin firstly acknowledge the legitimacy of Japanese rule in Taiwan, then addressed the necessity of special legislation because of Taiwan's special practices. In his argument, the abuse of Law No. 63 caused negative results such as the Governor-General's coercion, which needed to be corrected by realizing constitutional politics based on the public will and interests. Most of all, according to the campaigners, Taiwan Parliament would be the best and only solution.⁹⁹ Though the Petition Movement were actually fighting for justice, based on the limits resulting from the its "licensed" feature, it had very few alternatives but to act as if the campaigners had been begging for justice, especially in terms of persuasion tactics. The petition's tone and manner of writing was very submissive and even humble. And Cheng-Lu Lin frequently used lexicons which could represent modern and progressive value, such as constitution, civilization, and rule of law, to attract Japanese elites' attention to and support for the Petition Movement. Besides, according to the petition, Taiwanese, Japanese dwelling in Taiwan, and cooked savages dwelling in the administrative districts were all considered as Taiwan dwellers who would have equal right to elect the representatives of Taiwan Parliament.¹⁰⁰ Nevertheless, the Petition Movement activists had no consensus on

⁹⁸ Ibid., 36.

⁹⁹ Jung-Chung Yeh et al., *The History of Taiwan's Nationalistic Movement* (Taipei: The Culture and Publication Division of the Independence Evening Post, 1971), 108-109.

¹⁰⁰ Ibid., 112-113.

whether the level of such Taiwan Parliament would be higher or lower than Mainland Japan's prefectural parliament.¹⁰¹

Even if the Petition Movement obtained assistance from several liberal Japanese elites, their motivation and thought mostly remained at the level of promoting the Mainland-Taiwan fusion and unmaking inequality. Few of them were able or willing to further examine the fundamental and ethical legitimacy of colonization. For instance, Tetsu Izumi and Yūsaburō Kinoshita, president of Meiji University, criticized Japan's colonial policy and how it caused inequality between Japanese and Taiwanese, but did not even reflect on the barbaric nature of colonialism.¹⁰² Izumi was deeply convinced by the colonial rhetoric of civilizing mission, expecting Japan to bring prosperity and peace to its colonies and, most of all, become a civilized colonial state. Izumi believed successful colonial policy would be based on the interests of colonized subjects, and that economic and educational policies played a vital role in promoting the colony's welfare and development. Moreover, Izumi emphasized Taiwan belonged to Taiwanese rather than the Government-General, and that Taiwanese had to actively struggle for Taiwan's freedom instead of passively relying on the Governor-General's mercy. However, on the other hand, Izumi did not support the independence of the colony, and his understanding of national self-

¹⁰¹ Activists such as Po-Ting Lin and Shih-Ku Tsai indicated that Taiwan Parliament would be approximately equal to Mainland Japan's prefectural parliament during the preliminary trial of the Peace Act Incident.

¹⁰² Tetsu Izumi, "To Taiwanese," *The Tai Oan Chheng Lian* 1, no.1 (1920): 4-8. Japanese Section; Tetsu Izumi, "To Taiwanese," *The Tai Oan Chheng Lian* 1, no. 1 (1920): 13-16. Chinese Section; Yūsaburō Kinoshita, "Expectations to Taiwanese and Mainlanders," *The Tai Oan Chheng Lian* 1, no.1 (1920): 11-18. Japanese Section; Yūsaburō Kinoshita, "Expectations to Taiwanese and Mainlanders," *The Tai Oan Chheng Lian* 1, no.1 (1920): 18-23. Chinese Section.

determination was confined to the pursuit of home rule in the colony.¹⁰³ Izumi's idea seemed to influence Pei-Huo Tsai, as Pei-Huo Tsai also once said, "Taiwan belongs to the empire. At the same time, Taiwan belongs to us Taiwanese, too. ... We are the master of this island."¹⁰⁴ Pei-Huo Tsai was keenly engaged in the Petition Movement and promoting Taiwan's autonomy, but never supported Taiwan's independence, which he considered as not only impossible in reality,¹⁰⁵ but also belligerent and arbitrary.¹⁰⁶

With the emergence of ethnic issues such as the discords, which caused WWI, and US denial of Asian immigrants, Japanese intellectuals began to value racial equality. Taiwanese attempts to pursue autonomy and equality also benefitted from such liberal atmosphere in Mainland Japan and earned sympathy from some Japanese liberal elites in the realm of politics and academia. Yet, these elites willing to support racial equality as well as the Petition Movement were often due to Taiwanese political utility or Japan's superior as a civilizing empire. For example, Ryūtarō Nagai, Saburō Shimada, Taisuke Itagaki, who organized Taiwan Assimilation Association in 1914, and other Japanese statesmen emphasized the utility of Taiwanese dual identity

¹⁰³ Tetsu Izumi, "The True Meaning of Self-determination of the Nation," *The Tai Oan Chheng Lian* 2, no.4 (1921): 2-4. Japanese Section.

¹⁰⁴ Pei-Huo Tsai, "Our Island and We," *The Tai Oan Chheng Lian* 1, no.4 (1920): 13-23. Japanese Section; Pei-Huo Tsai, "Our Island and We," *The Tai Oan Chheng Lian* 1, no.5 (1920): 35-40. Chinese Section.

¹⁰⁵ November 29th 1920, in *The Diary of the Governor-General of Taiwan Kenjirō Den I*, eds. Wen-Hsing Wu et al. (Taipei: Institute of Taiwan History of Academia Sinica, 2009), 548.

¹⁰⁶ Pei-Huo Tsai, "Open Letter to Japanese Mainlanders: The Main Key of the Solution to the Colony's Problems (Chinese Version)," 176-177.

composed of both Han ethnicity and Japanese nationality. According to their belief, if Japan could successfully govern Taiwanese and treat them equally, Japan would be able to improve its foreign relation with China and further ally with China, another major Asian nation, to battle the hegemony of Western White racism.¹⁰⁷

Interestingly, some Petition Movement activists shared similar thought, believing Taiwanese had the responsibility to the Sino-Japanese friendship and consequently deserved freedom and equality. Wei-Shui Chiang's testimony in the first instance of the Peace Act Incident, is perhaps the most representative, as he stated,

“I would like to thank deities for having me born as a Taiwanese. Because the key to the world's peace is in the hands of Taiwanese. The first door to the world's peace is the peace of Asia. Taiwanese should undertake the mission of being the bridge of Sino-Japanese friendship, for that Taiwanese are Japanese nationals with Chinese ethnicity. Only if Taiwanese carry out such mission, could the peace of Asia be guaranteed, and could the happiness of every human being in the world be realized.”¹⁰⁸

¹⁰⁷ Ryūtarō Nagai, “The World's Civilization and the Mission of Taiwanese,” *The Tai Oan Chheng Lian* 1, no.3 (1920): 2-7. Japanese Section; Ryūtarō Nagai, “The World's Civilization and the Mission of Taiwanese,” *The Tai Oan Chheng Lian* 1, no.3 (1920): 28-31. Chinese Section; Saburō Shimada, “The Fundamental Issue of the Mainland-Taiwan Fusion,” *The Tai Oan Chheng Lian* 1, no.4 (1920): 2-6. Japanese Section; Saburō Shimada, “The Fundamental Issue of the Mainland-Taiwan Fusion,” *The Tai Oan Chheng Lian* 1, no.4 (1920): 20-22. Chinese Section; Jih-Wen Kao, “Background of the Motion Concerning Establishment of a Provincial Council in Taiwan,” *Taiwan Wen Shian* 15, no. 2 (1964): 26.

¹⁰⁸ “The Argument of Wei-Shui Chiang,” *Taiwan Minpao*, September 1st, 1924, 20; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 241.

Although the Petition Movement adopted legal and moderate path within the institution and garnered support from some Japanese elites, conservative Governors-General of Taiwan viewed the movement as a potential threat and regimented and oppressed activists from beginning to end. In the Petition Movement's early stage, Governor-General Kenjirō Den clarified to Hsien-Tang Lin,

“the petition for the parliament's establishment is not only futile efforts, but also sowing the seeds of rebellion. The empire's principle of governing new territories is strictly clear as the announcement I admonished when I took office. The advocacy of Taiwan Parliament is totally contradictory to this principle and must not be allowed to be realized. The only reason why I do not prohibit such advocacy is for that petition is a right protected by the constitution.”¹⁰⁹

In fact, any disobedience to the governing principle of assimilation could be seen as potential rebellion by Governors-General of Taiwan, even though such principle was merely the guideline and reference for policy-making, rather than clearly-defined law. More preposterously, since petition was legal, why and how could Governors-General of Taiwan never stopped suppressing the Petition Movement and its activists?

¹⁰⁹ September 29th 1922, in *The Diary of the Governor-General of Taiwan Kenjirō Den III*, eds. Wen-Hsing Wu et al. (Taipei: Institute of Taiwan History of Academia Sinica, 2009), 119.

C. Colonial Jurisdiction, Public Trial, and Political Drama

Despite the failure of first three times of petition, the Petition Movement earned more support and wider publicity and demonstrated the potential of long-term development and organization. Though this further agitated the Government-General of Taiwan, it could not legally punish and ban this legal dissident movement. The establishment of Alliance Association for Taiwan Parliament in early 1923 gave the Government-General an excuse to delegitimize the Petition Movement and convict the activists, which led to the outbreak of the Peace Act Incident, a highly politicized legal case, in late 1923.¹¹⁰ Ichirō Kiyose, member of the House of Representatives, reproached Taiwan's authority for its large-scale prosecution and arrest of activists, restrictions on journalism and the activists' freedom of communication, and human rights violation. Kiyose proposed several doubts at the House of Representatives on this legal case: Did the government orchestrate such action in order to prohibit the Petition Movement? Based on which laws, did the government conduct such prosecution and arrest? What is the government's comment for the horror politics which resulted from the restrictions on media and communication?¹¹¹ A few months later, the second instance's closing argument of the high court prosecutor Kōzaburō

¹¹⁰ The severest punishment of the Peace Act was imprisonment of only six months. Thus, it is not difficult to imagine that Taiwan's authority increased this political legal case's warning effect by mass arrest, communication blockade, and open trials. See the appendix for the course of the Peace Act Incident.

¹¹¹ Ichirō Kiyose and Another Proposed the Question with Regard to the Prohibition of the Petition for Taiwan Parliament, January 24th 1924, National Archives of Japan Digital Archive, <https://www.digital.archives.go.jp/das/meta/M0000000000000267178.html>.

Kamiuchi undisguisedly demonstrated how coarsely and unreasonably Taiwan's authority repressed dissidents. "Because there is no appropriate law by which I could ban [Taiwan Cultural Association],¹¹² I cannot but to prohibit it by the Peace Act,¹¹³" said Kamiuchi. Such closing argument undoubtedly completely violated the most fundamental principle that no penalty without a law.¹¹⁴

The open trials of the defendants of the Peace Act Incident were political drama orchestrated by the Government-General of Taiwan. Such drama was to put the dissidents and activists on trials, with the prosecutors' closing arguments and the judges' verdicts being the drama scripts. The open trials allowed the Government-General of Taiwan to demonstrate its authority to Taiwanese public, reinforce the legitimacy of the constitutional states of exception under colonial rule, and, most of all, turn colonized subjects into obedient bodies and controllable homo sacer. However, the defendants also viewed the court as an arena to promulgate their political ideas and aspired to justify the Petition Movement and gain more support. The defendants and their barristers soon had keen battles against the prosecutors on the court. The trial process should have concentrated on whether or not the defendants had violated the Peace Act from legal and factual respects. Yet, in reality, the debates on the court far exceeded the realm of criminal actions and their legal issues. The

¹¹² The association was a cultural organization, yet its members and activities were closely connected with the Petition Movement.

¹¹³ "The Closing Argument of Prosecutor Kamiuchi," *Taiwan Minpao*, November 11th, 1924, 11; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 246.

¹¹⁴ Tay-Sheng Wang, "'Legal Violence' of the Japanese Colonial Authorities in Taiwan and Its Historical Appraisal," *The Journal of History, NCCU* 25, (2006): 1-36.

prosecutors assailed the activists, their political belief, and even the eligibility of Taiwanese people to demand suffrage with the colonizers' bias and incidents irrelevant to the trials. The defendants and their barristers also counterattacked these malicious and ungrounded accusations.

What made this legal case so complicated is the involvement of two different jurisdictions. After the application of organizing Alliance Association for Taiwan Parliament was rejected and banned by Taiwan's authority, some of the Petition Movement activists, also members of the banned association, went to Mainland Japan and submitted a very similar application to Waseda police station in Tokyo. The new application aimed to organize an association whose name, agenda, and members were either identical or very similar to the previously banned one in Taiwan. Eventually, the Police Department as well as the Home Ministry did not reject this new application, which was understood as "the permission to organize the association" by the Petition Movement activists. The association was then founded and its member promoted the Petition Movement in both Taiwan and Mainland Japan as well. The application's rejection in Taiwan but acceptance in Tokyo, as Pei-huo Tsai argued, proved that the Government-General of Taiwan ostensibly advocated Mainland Extension but did not intend to realize it in reality.¹¹⁵ In fact, the jurisdiction issue is exactly a state of exception created by the Special Governance Principle. In spite of adopting the Mainland Extension agenda, Japan still saw Taiwan as a jurisdiction different from Mainland Japan.

¹¹⁵ *The Preliminary Hearing Records of the Peace Act Incident, 1924*, eds. Hao-Jen Wu and Makiko Okamoto (Taipei: Institute of Taiwan History of Academia Sinica, 2016), 187-188.

According to the preliminary trial's final decision, Pei-Huo Tsai, Wei-Shui Chiang, and Feng-Yuan Chen were accused of utilizing the jurisdiction difference between Taiwan and Mainland Japan to intentionally organize an association with identical name and characteristics in Tokyo.¹¹⁶ The prosecutor Kazuya Miyoshi's closing argument in the first instance indicated four ways of explanation which presumed that the defendants were guilty. 1) The association still continued its activities after banned. 2) The association reorganized with identical purposes and members after banned. 3) The association moved to Mainland Japan and continued its activities there after banned. 4) The association reorganized and continued its activities in and between Taiwan and Mainland Japan after banned.¹¹⁷ From these, we can see that the Peace Act Incident involved in many legal questions. Among these problems, jurisdiction is perhaps the thorniest issue. For example, how to convict trans-jurisdiction actions? Did the force of the ban order issued by the Government-General of Taiwan reach Mainland Japan?

The attorneys pointed out many unreasonable points of the prosecution as well as the incident, and made critical arguments against the accusations. The member of the House of Peers Tooru Watanabe,¹¹⁸ who served as one of the attorneys in the trials, indicated the most fundamental question in the first instance: under what legal basis

¹¹⁶ Ibid., 383.

¹¹⁷ "The Closing Argument of Prosecutor Miyoshi and His Demand for the Punishment of the 17 defendants," *Taiwan Minpao*, September 1st, 1924, 4; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 220.

¹¹⁸ Since the reversal of the Peace Act Incident's verdict in the second instance, Watanabe had been the Petition Movement's introducer of the House of Peers. He had introduced the petition to the House of Peers for ten times from 1925 to 1934.

did the Governor-General of Taiwan presume the Alliance Association for Taiwan Parliament would endanger public security and order?¹¹⁹ Based on the very spirit of Meiji Charter Oath that deliberative assemblies shall be widely established and all matters decided by open discussion, Watanabe refuted that the activists' speech and rights to participate in political affairs were legitimate.¹²⁰ In this way, how could the Government-General accuse the activists of disrupting public security and order? Furthermore, in contrast to Mainland Japan, the mechanism of administrative litigation had not yet been enforced in Taiwan. Thus, the defendants actually had no channel to seek legal remedy when faced with improper executive injunctions issued by the Government-General of Taiwan.¹²¹ Additionally, in the second instance, Kentoku Kunihara added the association's application of organization in Tokyo was acquiesced by the Home Ministry, and that the association was therefore licensed and did not jeopardize public security.¹²² Besides, in the second instance, Kiyose¹²³ attacked that the Governor-General's ban order was too general and did not specify

¹¹⁹ "The Argument of Tooru Watanabe," *Taiwan Minpao*, September 1st, 1924, 4; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 221.

¹²⁰ "The Argument of Tooru Watanabe," *Taiwan Minpao*, September 1st, 1924, 6; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 225.

¹²¹ "The Argument of Tooru Watanabe," *Taiwan Minpao*, September 1st, 1924, 5; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 224.

¹²² "The Attorney Kunihara," *Taiwan Minpao*, September 1st, 1924, 14; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 262-263.

¹²³ While refuting the closing argument of Prosecutor Kamiuchi, Doctor Kiyose was so agitated that he even burst into tears and pounded the table. Kiyose's action was said to move the audience in the court. Besides, he had been the Petition Movement's introducer of the House of Representatives for 13 times out of 15 times, except for the first time in 1921 and the tenth time in 1929.

what actions were banned, such as delivering speeches, organizing association, or advertising.¹²⁴ As to whether or not the effect of ban order for a specific group could reach other groups founded in the future, the member of the House of Representatives Takuzō Hanai emphasized in the appeal of the third instance that the freedom of forming associations was protected by the constitution, and that a ban order's force only reached a specific association and could not reach other associations, even if organized with identical purposes. Hanai added that a specific type of association could not be completely banned except during wartimes.¹²⁵

Another foci of the trials lied in whether or not Taiwan Parliament violated the constitution. Notwithstanding, such presumption, as Watanabe argued in the second instance, should have been decided by members of the National Diet instead of prosecutors.¹²⁶ As for the characteristics of Taiwan Parliament, Yaoku Watabe demonstrated in the second instance that the Petition Movement's aim was to transplant the Governor-General's Special Legislative Power to Taiwan Parliament.¹²⁷ On the other hand, however, the Petition Movement activists did not have specific consensus and announcement about the parliament's real authority, especially the

¹²⁴ "The Argument of Doctor Kiyose: He debated for the defendants in tears, moving the audience. He disputed the empire's governance guideline for the colony with ire, illuminating that the petition for Taiwan Parliament was a legitimate request." *Taiwan Minpao*, November 11th, 1924, 6; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 255.

¹²⁵ Yeh et al., *The History of Taiwan's Nationalistic Movement*, 273.

¹²⁶ "The Argument of Tooru Watanabe," *Taiwan Minpao*, November 11th, 1924, 15; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 265.

¹²⁷ "The Argument of Watabe," *Taiwan Minpao*, November 11th, 1924, 12; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 261.

boundary between Taiwan Parliament's deliberative power and that of the National Diet. For instance, which affairs would belong to the authority of National Diet? And which would belong to that of Taiwan Parliament? The activists might just have had rough principles for such division of authority. Many details might have been either unanswered or under probes. It is also likely that the activists were actually testing the authority's limitation of tolerance and therefore did not immediately make clear announcement about the specific authority of Taiwan Parliament.¹²⁸ This aroused suspicion of violating the constitution. However, the Petition Movement had already started even before the occurrence of the Peace Act Incident. If Taiwan Parliament had violated the constitution, the petition could not even be carried out for once. Let alone that the petition had been actually carried out for 15 times before its permanent suspension in 1934. Moreover, in the second instance, Kiyose keenly pointed out the core paradox: If Taiwan Parliament and its demand for the Special Legislative Power had violated the constitution, one could by no means justify the legitimacy of the Governor-General's Special Legislative Power.¹²⁹ Under such circumstance, the only way to legitimize the Governor-General's privilege to monopolize the Special Legislative Power was to argue that the constitution had not yet been enforced in Taiwan. Nonetheless, this would undoubtedly become a contempt for the Japanese

¹²⁸ Wan-Yao Chou, *The Petition Movement for the Establishment of the Taiwan Parliament during the Era of Japanese Occupation* (Taipei: The Culture and Publication Division of the Independence Post, 1989), 50-56.

¹²⁹ "The Argument of Doctor Kiyose: He debated for the defendants in tears, moving the audience. He disputed the empire's governance guideline for the colony with ire, illuminating that the petition for Taiwan Parliament was a legitimate request." *Taiwan Minpao*, November 11th, 1924, 5; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 254.

Empire's constitution. Hence, the Mainland Extension Principle was fabricated and utilized in order to rationalize such double standard, which prohibited Taiwanese from pursuing civil rights but indulged the Governor-General with dictatorship. This principle was to dissuade the Petition Movement activists with an unreliable and impractical promise that the cancellation of the Special Governance Principle and the realization of equality between Taiwan and Mainland Japan would arrive in an uncertain day in the future. Additionally, concerning the Governor-General's dictatorship, Cheng-Lu Lin, in the first stance, criticized it as a stigma which would impede Japan's progress towards a civilized constitutional state abiding by rule of law.¹³⁰ Lin's criticism seemed to strike the Japanese colonizers' glass hearts. Despite its endeavor to imitate Western states after Meiji Reformation, Japan's rule in its colony Taiwan appeared to be double standard. This manifests Taishō Democracy's paradox and limitation: constitutionalism for the Mainland, whereas imperialism for colonies.¹³¹

Lastly, the scheme of pursuing independence was also a part of the trials. According to the preliminary trial record, each defendant, who was asked of or actively stated their opinions on Taiwan's independence, either did not support or regarded as impossible. For example, Po-Ting Lin believed that Taiwan needed Japan's protection and thus did not support for declaring independence.¹³² Yu-Chun

¹³⁰ "The Statement of Cheng-Lu Lin," *Taiwan Minpao*, September 1st, 1924, 14-15; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 234.

¹³¹ Tsui-Lien Chen, *The Taiwanese Resistance and Identification, 1920-1950* (Taipei: Yuanliu Press, 2008), 62.

¹³² *The Preliminary Hearing Records of the Peace Act Incident, 1924*, eds. Hao-Jen Wu et al., 27.

Lin thought Taiwan, from any angle, could not become independent from Japan.¹³³ Shih-Ku Tsai said that no comrade argued in favor of Taiwan's independence from Japan.¹³⁴ Cheng-Lu Lin expressed that the comrades only expected Taiwan's autonomy and had no intention to break away from Japan's rule.¹³⁵ Besides, in his closing argument of the first instance, prosecutor Miyoshi criticized that Taiwan Parliament would not only violate the constitution, but also intend to pursue independence.¹³⁶ In response to Miyoshi's assail, the attorney Ching-Yao Yeh refuted that without foreign support and economic and military capacities, Taiwan could by no means gain its independence.¹³⁷ Based on the testimony, every defendant denied scheming to pursue independence. Some even believed independence was not only impossible, but also would cause Taiwan to lose the benefits of being under Japanese rule. According to their emphasis, the Petition Movement called for suffrage instead of independence. On the other hand, the activists also persisted in legal path to refute accusations of separatism. For instance, Pei-Huo Tsai accentuated that the activists would definitely insist on legal means to realize the goal in the future.¹³⁸ Shih-Ku

¹³³ Ibid., 101.

¹³⁴ Ibid., 143.

¹³⁵ Ibid., 339.

¹³⁶ "The Closing Argument of Prosecutor Miyoshi and His Demand for the Punishment of the 17 defendants," *Taiwan Minpao*, September 1st, 1924, 4; It is worth paying attention to that Prosecutor Miyoshi's accusation with regard to Taiwan's independence in his closing argument was not included in *The History of Taiwan's Nationalistic Movement* written by Yeh et al..

¹³⁷ "The Attorney Yeh," *Taiwan Minpao*, September 1st, 1924, 7; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 227.

¹³⁸ *The Preliminary Hearing Records of the Peace Act Incident, 1924*, eds. Hao-

Tsai clarified that the activists had never attempted to achieve the goal by illicit methods.¹³⁹ Under colonial rule, such perseverance in being legal would easily confined the movement's means and demand to the colonial institution, and would also, by nature, exclude illegal goals which went beyond the institution such as the pursuit of independence. If we were to doubt the defendants' testimony and suspect that the Petition Movement might have disguised the illegal final target of gaining independence with legal methods and requests,¹⁴⁰ it would be very difficult to prove it.

D. Suspension of the Petition Movement

The Government-General of Taiwan never stopped surveilling and persecuting the activists, although the open trials of the Peace Act Incident in 1924 caught wide attention to the Petition Movement, aroused public awareness and opinions in both Taiwan and Mainland Japan, and alleviated the attacks against the movement. Besides, dominant Japanese politicians still did not support the establishment of Taiwan Parliament. For example, Prime Minister Reijirō Wakatsuki once declared

Jen Wu et al., 348.

¹³⁹ Ibid., 399.

¹⁴⁰ For example, Taiwan Nichinichi Shinpō, which served as a propaganda newspaper for the Government-General of Taiwan, criticized the Petition Movement as a trickery of sailing under false colors. The newspaper suggested that the Petition Movement's ostensible demand for constitutional politics was not excessive, yet the deep nationalistic psyche of the movement was close to that of Korea's independence movement, which insinuated that the Petition Movement was an independence movement. See "The Cancellation of the Petition Movement for Taiwan Parliament I: Suspension of the 15-year Petition after Knowing the Impossibility of Realization," *Taiwan Nichinichi Shinpō*, August 28th, 1934.

that Taiwan would soon gradually become autonomous,¹⁴¹ which greatly enhanced the activists morale. Yet, later when being questioned at the National Diet, Prime Minister Wakatsuki stated Taiwan Parliament would violate the constitution, and that Taiwanese should send representatives to attend the National Diet.¹⁴² Such transition obviously went backwards to gradual assimilationism and revealed the authority's swinging attitude toward the Petition Movement as well as the governmentality in Taiwan. On the other hand, every petition ended up either "not accepting" or "yet to be deliberated". Many governmental officials were repeatedly and deliberately absent from the discussion committee, which made the committee members unable to deliberate to petition. This seemed to become a mode or routine by which the Japanese government boycotted the Petition Movement.¹⁴³ In addition to external pressure and obstacle, after the seventh petition in 1927, the internal discords of the movement emerged and eventually split it up into right-wing and left-wing activisms. Despite the battlefield split, the Petition Movement still continued for eight more times and finally declared its official suspension announcement in 1934.

With the rise of Japanese militarism and the growing tension in Sino-Japanese relations, the Petition Movement encountered greater challenges. The accusations of violating the constitution, destroying the fusion of Mainland Japan and Taiwan, and pursuing independence thrived again, though they had never disappeared in reality.

¹⁴¹ "The Governance of Taiwan Should Follow the Autonomy Principle: The Prime Minister's Announcement in the House of Representatives," *Taiwan Minpao*, February 21st, 1926, 7.

¹⁴² "The Fickle Prime Minister," *Taiwan Minpao*, April 4th, 1926, 3-4.

¹⁴³ Wan-Yao Chou, *The Petition Movement for the Establishment of the Taiwan Parliament during the Era of Japanese Occupation*, 93.

The activists were opposition to assimilationism and demanding the preservation of Taiwan's particularity by entitling the Special Legislative Power to Taiwan Parliament. Such belief and request aroused conservative Japanese politicians' and Governors-General' paranoid suspicion of separatism. In their view, national self-determination would eventually lead to Taiwan's independence, which means Japan would lose its rule of Taiwan in the end.¹⁴⁴ If the final goal of national self-determination is to gain independence, then the Mainland Extension Principle, whose final goal is to assimilate colonized subjects completely, would be the exactly contradictory pursuit.¹⁴⁵ If the Government-General of Taiwan had really adopted the Mainland Extension agenda, the Government-General of Taiwan, an emergency measure which also symbolized Taiwan's particularity, must be abolished eventually. Nonetheless, the Government-General of Taiwan did not propose any specific agenda of enforcing the Mainland Extension policy. For example, when would Taiwanese dwellers be able to elect Taiwan's representatives and send them to the National Diet? When would the Governor-General of Taiwan and its Special Legislative Power be

¹⁴⁴ The Police Department of the Government-General of Taiwan, *The Historical Record of the Police II: Taiwan's Security Condition after Japan's Rule II: The History of Taiwan's Social Movement (1931-1936) (Chinese Version)*, 13-14.

¹⁴⁵ Some activists attempted to strike a medium between assimilation and autonomy principle. For example, Kun-Shu Chen argued in favor for "Relative Co-Governance Principle". On the one hand, he advocated for the introduction of Japan's institutions to Taiwan. On the other hand, he demanded Japan's respect for the particularity of Taiwan's nation and culture. In his proposition, specific methods of realization included the abolition of the Government-General of Taiwan and its replacement with the Taiwan prefecture and prefectural parliament. According to Chen's claim, cities, towns, and villages would be under the management of the Taiwan prefecture; the Taiwan prefectural parliament, provincial parliaments, and the legislatures for cities, towns, and villages would all be legislative organs elected by citizens. See Kun-Shu Chen, *The Issues on the Governance of Taiwan* (Taipei: Hōbundō Shoten, 1931), 90-136.

abolished? These issues were almost never discussed in the discourse of the Government-General and Japanese realm of politics, which would inevitably cause doubts of Japan's determination to treat Taiwanese equally as Japanese and to transform Taiwan from a colony into a part of extended Mainland.¹⁴⁶ From this, we can infer that Japan actually used the Mainland Extension Principle to disguise the states of exception created by the Special Governance Principle, which would bring about Taiwanese permanent inequality. The Petition Reasons, drafted by Cheng-Lu Lin, keenly revealed the impermanence of the Mainland Extension as a state of exception,

“[the Government-General of Taiwan] imitated Mainland Japan's institutions when necessary, but adopted special institutions when adverse. This is based on the sly metropole-centrism.”¹⁴⁷

¹⁴⁶ It was not until March 1945, almost the end of WWII, that Japan's National Diet amended the electoral law of the member of the House of Representatives. The amendment enabled Koreans and Taiwanese to be elected as members of Japan's National Diet. On April 1st of the same year, the Emperor Shōwa issued the imperial edict which allowed Korea and Taiwan residents the suffrage. Yet before the Japanese authority managed to hold an election in Taiwan, it declared its surrender on August 15th. Under Japan's colonial rule, Taiwanese were never able to participate in Japan's parliamentary election. See To Amend the Electoral Law of the Members of the House of Representatives, April 1st 1945, National Archives of Japan Digital Archive, <https://www.digital.archives.go.jp/das/meta/M0000000000001776413>; The Imperial Epic with Regard to the Participation of Korea and Taiwan Residents, April 1st 1945, National Archives of Japan Digital Archive, <https://www.digital.archives.go.jp/das/meta/M0000000000001776374.html>.

¹⁴⁷ Yeh et al., *The History of Taiwan's Nationalistic Movement*, 115.

The rise of right-wing power in Japanese politics and military was a critical strike to the movement.¹⁴⁸ Fascism quickly eroded the fruits of Taishō Democracy and Japan's fragile civil society also collapsed. Some movement activists became aware that even this licensed movement would be probably no longer tolerated by the authority in such hard time. Consequently, a few months after the failure of the 15th petition in 1934, the Governor-General of Taiwan Kenzō Nakagawa attempted to persuade Hsien-Tang Lin again into suspending the Petition Movement in such hard time. Even if the movement had lasted for 14 years then, Nakagawa still expressed his worry about the Petition Movement's potential to create separatism in the meeting with Hsien-Tang Lin. In Nakagawa's view, the nature of Taiwan Parliament was to pursue complete autonomy. Even if the activists did not have the intention to pursue independence then, complete autonomy would necessarily and naturally result in Taiwan's independence in the end.¹⁴⁹ Considering the "hard time", Hsien-Tang Lin later convened a meeting of the activists to discuss whether or not the movement should be continued. Though the final decision of the meeting was to suspend the Petition Movement,¹⁵⁰ the meeting record reveals interesting details and the inside

¹⁴⁸ Wan-Yao Chou, *The Petition Movement for the Establishment of the Taiwan Parliament during the Era of Japanese Occupation*, 158.

¹⁴⁹ The Meeting Record on the Petition for the Establishment of the Taiwan Parliament, September 2nd 1934, 3TPH_01_01_010, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan.

¹⁵⁰ Soon after the Petition Movement's official announcement of suspension, the Governor-General Nakagawa made an announcement in the next day. In his announcement, he denied the allegation that the enforcement of local autonomy was the give-and-take condition for the Petition Movement's suspension. However, the more Governor-General Nakagawa tried to cover up, the better-known the exchange of conditions would have become. See "The Movement for the Taiwan Parliament was Incompatible with the Governance Principle, Governor-General Nakagawa Stated

story of such decision-making.¹⁵¹ Firstly, only Po-Ting Lin and Shen-Ju Chang were opposed to suspension. Po-Ting Lin thought it would disappoint Taiwanese people and the members of National Diet who introduced the petition to the deliberative committee. However, since all the other participants agreed on suspension, Po-Ting Lin and Shen-Ju Chang eventually compromised and agreed on suspension, too. Feng-Yuan Chen held that the movement had a good theoretical basis but failed to gain support from Taiwanese public. Thus, Feng-Yuan Chen argued in favor of altering the movement's direction and launching a new movement. Yet, such claim was supported only by one participant, Shih-Ku Tsai, and was thus not adopted.¹⁵² All the other participants agreed on suspension. For instance, Shih-Ku Tsai thought the activists had already lost the passion, and that he would take the "good opportunity" offered by Nakagawa and announce suspension rather than let the movement die out naturally. Chia-Chung Hsu claimed to suspend the movement, as he thought Taiwanese public had already lost the passion for the movement. Chao-Chia Yang resentfully contended that the movement had no effect at all and had already degraded, as it had lost its original passion, power, and financial aids. Also, Chao-Chia Yang further complained that they should have convened and discussed

about the Petition's Suspension," *Taiwan Nichinichi Shinpō*, September 4th, 1934.

¹⁵¹ The Meeting Record on the Petition for the Establishment of the Taiwan Parliament, September 2nd 1934, 3TPH_01_01_010, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan.

¹⁵² With regard to the new movement's direction, Shih-Ku Tsai suggested demand for suffrage from the central government, which seemed to be a compromise with the Mainland Extension Principle. However, according to the meeting record, no one supported or further discussed Shih-Ku Tsai's suggestion. His proposition was even directly ignored.

this issue one year ago. Nien-Heng Tsai agreed on suspension as he believed the movement lacked a director and was not understood by Taiwanese public. Hsien-Yu Tsai also decided to suspend the movement, for that the movement lacked popular support. Interestingly, Cheng-Lu Lin, who laid the legal and theoretical foundation of the movement, still believed his theory and claim were completely correct.

Nevertheless, Cheng-Lu Lin agreed on suspension due to the decreasing number of supporters from the Japanese central government and the lack of popular interests in the Petition Movement. What surprised me the most is the atmosphere of the meeting and the participants' moods in the later half of the meeting. The atmosphere should have been very sorrowful, as the meeting's final decision terminated a movement with 14-year's history. Yet, after Feng-Yuan Chen proposed a very short draft of the suspension announcement, every participant agreed with applause. When the chairman Hsien-Tang Lin asked every participant to cosign the suspension announcement, everyone agreed with applause again. When Chao-Chia Yang suggested submitting a written opinion on the governance of Taiwan to the Governor-General Nakagawa, everyone agreed with applause again. When Hsin Chen asked Hsien-Tang Lin to be the chairman of the committee which would draft the written opinion, everyone agreed with even louder applause. Then, the meeting ended up with applause. The Petition Movement which had lasted for 14 years came to an end with such applause full of concessive implications and permanently became a part of history. This might have been a sort of emancipation for the activists who had been savoring and suffering from continuous setbacks, oppression, and persecution for 14 years.

In 1935, followed by the Petition Movement's official suspension, the first ever semi-democratic local election was held in Taiwan. Notwithstanding, with the outbreak of the second Sino-Japanese war in 1937, Taiwan's authority soon declared another state of exception, wartime institution, which forced every political activity to be suspended including election. During the wartime, in order to mobilize Taiwanese and train their political loyalty, the Government-General of Taiwan enforced radical Japanization policy, *kōminka*, to assimilate Taiwanese. The Petition Movement ended up with failure. Under Japanese rule, despite endeavor, Taiwanese had never gained tangible equality and autonomy within the colonial institution. With Japan's defeat in WWII in 1945, its rule of Taiwan also came to the end. Not swimming in the tide of independence which prevailed in colonies globally after WWII, the mainstream Taiwanese intellectuals at that time aspired to return to their motherland China rather than declare independence. Their agony, which had been suppressed for decades under Japanese colonization, quickly transformed into high expectation toward China, as they expected their so-called motherland for entitling equality and autonomy to them. However, they were soon disillusioned. Return to China did not bring Taiwanese happiness¹⁵³ but more wars, another wave of assimilation¹⁵⁴ and Mainland Extension, and the long White Terror. Under the motherland's

¹⁵³ In Japanese language, the words of happiness, surrender, and reconquest of lost territory are all pronounced as “*kōfuku*”. This is a thought-provoking coincidence.

¹⁵⁴ In addition to the homonym in Chinese language as *Huangminhua*, re-sinification and *kōminka* were, by nature, both assimilation policies which oppressed Taiwan's subjectivity and emphasized Mainlands' superiority. *Kōminka* intended to assimilate Taiwanese as the subjects of the emperor of Japan, while re-sinification aimed to assimilate Taiwanese as the descendants of Yandi and Huangdi, the legendary ancestors of Chinese people.

“recolonization”, the Japanese Governor-General of Taiwan was replaced with Chinese Governor-General of Taiwan; and the pursuit of freedom, equality, liberal democracy, and constitutional politics was debased as rebellion and enslavement of Japanese colonial legacies and brutally repressed for another decades.

In May 20th 1949, Taiwan’s authority issued the martial law order, another state of exception which froze the constitution and people’s rights and rationalized KMT’s authoritarianism. In September 23rd, Hsien-Tang Lin, a prominent activist of the Petition Movement during the Japanese colonial era, left for Japan and never came back to Taiwan again. He eventually passed away in Tokyo in September 8th 1956 at the age of 76. He experienced the rule of the Qing Empire, the Japanese Empire, and the Republic of China, witnessing the two regime transitions in modern Taiwan. He was always proud of his Han ethnicity throughout his life and rejected to speak Japanese language, wear Japanese clothes, and eat Japanese food. Taiwan’s return to China once delighted him, but soon disappointed him. Later, he chose to sojourn in Japan for long-term. During his stay, despite his homesickness and friends’ persuasion, Hsien-Tang Lin never returned to Taiwan and ended up dying in Japan, the country which he spent most of his life resisting.

E. Labyrinth of Modernity

Many of the Petition Movement activists were young intellectuals who had received higher education in Japanese institutes, either in Taiwan or Mainland Japan. The modern education and the prevailing trend of Taishō Democracy in 1920s Mainland Japan equipped the Taiwanese students with the notions of constitutional

politics, rule of law, liberal democracy, racial equality, human rights, and other modern progressive values. This further empowered them to see through and criticize the colonial and incomplete modernity, which only served the colonizers' interests rather than the colonized subjects'.¹⁵⁵ The petition of the movement as well as the activists' resistant discourse demonstrate how they understood colonial modernity and appropriated it to defy the colonial authority. Yet, such kind of reinterpretation of colonial modernity also confined the activists and their mindset to the binary rhetoric and world view constructed by the colonizer: civilized vs barbaric, strong vs weak, and superior vs inferior.

Knowledge may not be as neutral or objective as it appears. Rather, it often expresses and consolidates the interests of its producers. When these Taiwanese intellectual consumed and appropriated the knowledge constructed by the colonizer, they inevitably became subject to the colonial view to some degree. This caused them to reproduce similar views and even stated viewing themselves from such hierarchical colonial lens, in which the West and Japan were powerful and advanced and Taiwan was powerless and backward. Such limitations led to the blind spots of the licensed resistance, weakened the activists' confidence in their own subjectivity, and eventually brought about the movement's failure. For example, in order to refute Governor-General Nakagawa's assail that the movement aimed to pursue independence, Hsien-Tang Lin accentuated that Taiwan had no history of being an independent state and lacked enough economic capacity to afford what an

¹⁵⁵ Rwei-Ren Wu, "The Formosan Ideology: Preliminary Reflections on the Formation of the Discourse of National Culture of the Taiwanese National Movement under Japanese Colonial Rule," *New History* 17, no. 2 (2006): 127-218.

independent state had to afford. In his testimony, Po-Ting Lin stated that Taiwan was an isolated island lacking defense ability and would be invaded by other states if without Japan's protection.¹⁵⁶ Convinced by that the civilized states' mission was to enhance the welfare of those who could not depend on themselves, Taiwanese intellectuals were, to some extent, trapped in the fake colonial rhetoric of civilizing mission.¹⁵⁷ They praised that the British parliamentary colonial governmentality in Canada, Australia, New Zealand and other colonies was a liberal and successful mode of colonial rule.¹⁵⁸ Ironically, they also thought that Taiwanese had not yet fulfilled the requirements for complete autonomy and thus gave up demanding a colonial legislature with more power and a colonial cabinet system.¹⁵⁹ These revealed the activists' self-contradictory mindset of dependency on colonial modernity. On the one hand, they resented Japanese colonial exploitation and discrimination against Taiwanese. Yet, on the other hand, they were also yearning for the modern values and institutions in the West and Japan, such as constitutional politics, liberty, and civil rights.¹⁶⁰ As a consequence, if not considering the possibility of armed revolution and declaration of independence, the demand for

¹⁵⁶ The Meeting Record on the Petition for the Establishment of the Taiwan Parliament, September 2nd 1934, 3TPH_01_01_010, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan; *The Preliminary Hearing Records of the Peace Act Incident, 1924*, eds. Hao-Jen Wu et al., 27.

¹⁵⁷ "The Statement of Cheng-Lu Lin," *Taiwan Minpao*, September 1st, 1924, 15.

¹⁵⁸ Afterward, all of these British colonies broke away from the United Kingdom, becoming independent states.

¹⁵⁹ Yeh et al., *The History of Taiwan's Nationalistic Movement*, 113.

¹⁶⁰ Even under the 212 years of Qing Empire's rule, Taiwanese were not aware of the importance of such modernity, let alone pursued it.

equality and self-governance by acceptable means within the colonial institution would be a shortcut to the modernity. Such paradoxical scenario can be explained by the following comparison: The activists intended to hitch a ride from the Japanese colonizer so as to reach the amusement park called civilization and progress. On the way, the activists kept complaining that the driver was unfriendly and inhumane, but surprisingly, they were not even willing to get off the colonizer's vehicle and proceed to the destination by themselves. This reveals, as Tsui-Lien Chen indicates, that although Taiwanese pursued dignity and equality, based on their sensible consideration, they were unwilling to pay too much cost, and neither were they willing to depend on themselves.¹⁶¹

Same criteria seem applicable to other alien regimes which once ruled Taiwan, is still ruling Taiwan, or aspire to rule Taiwan in the future, such as KMT/ROC and CCP/PRC. From the public narratives these regimes produce, promulgate, and instill, we can clearly see their emphases of the strength, progressiveness, and dominant role of the "Mainlanders", and the weakness, backwardness, and subordinate role of Taiwanese, the peripheral "others". Such public narratives attempt to reconstruct the Taiwanese paradoxical mindset of dependency on colonial modernity. If Taiwanese cannot see through the evil and barbaric nature of colonization, if Taiwanese still believe hitching a ride from colonizers can proceed to the modern paradise of peace and prosperity, if Taiwanese are still convinced by that licensed and limited resistance within the institution can effectively force the authority to realize its commitments to

¹⁶¹ Tsui-Lien Chen, *The Taiwanese Resistance and Identification, 1920-1950*, 31.

civilization, then it would be very difficult for Taiwanese to escape from the sorrowful cycle of continuous recolonization.

F. Positioning the Petition Movement

In the last section, I would like to position the Petition Movement in multiple frameworks and test their validity, including nationalism, anti-colonialism, and democratization. Firstly, the Government-General of Taiwan tagged the movement as nationalistic, as the activists were opposed to assimilationism, upheld Taiwan's particularity, and emphasized their Han ethnicity and heritage.¹⁶² Many activists would probably agree that the movement was a nationalistic movement. According to the monograph *History of Taiwan's Nationalistic Movement* written by Jung-Chung Yeh, Pei-Huo Tsai, Feng-Yuan Chen, and other activists, it is obviously that they view the Petition Movement as a nationalistic movement. Interestingly, the activists and the Government-General of Taiwan seem to have a consensus on the nationalistic nature of the movement. Nevertheless, if the movement's essence had been nationalistic, several paradoxes would emerge. As Tsui-Lien Chen points out, the activists did not demand independence or return to China's rule. And their motivation was based on neither Taiwanese nationalism nor Chinese nationalism. Then, how could this movement be categorized as a nationalistic movement?¹⁶³ As an

¹⁶² The Police Department of the Government-General of Taiwan, *The Historical Record of the Police II: Taiwan's Security Condition after Japan's Rule II: The History of Taiwan's Social Movement (1931-1936) (Chinese Version)*, 19.

¹⁶³ Tsui-Lien Chen, *The Taiwanese Resistance and Identification, 1920-1950*, 15.

explanatory approach, nationalism cannot elucidate why the activists did not favor independence and had never claimed to establish a nation-state.¹⁶⁴ Instead, they chose to pursue self-governance to preserve their national uniqueness under Japan's colonial rule. Moreover, if the Petition Movement had been "Taiwan's" nationalistic movement, how would have the activists understood the contents of this "nation"? If Taiwanese consciousness had appeared at that time, how would such consciousness have further brought about Taiwan's nation-building? And if the nation of Taiwan had been formed, which communities would have been included in the making of this "nation"? What would the boundary between this nation and other nations have been? Most of all, even after Japan's defeat in WWII, why wouldn't have this nation-building proceeded to state-building?

Before contemplating these questions, let's see how Jung-Chung Yeh and his comrades understood the Petition Movement. The notes of their monograph straightforwardly indicated that the purpose of Taiwan's nationalistic movement was "unquestionably" to break away from Japan and return to the motherland.¹⁶⁵ Yet, I doubt whether or not the final goal of the movement was what they wrote. The monograph was published in 1971, when the China-centric and anti-Japanese historical views was predominant under KMT's authoritarianism. Taking the era's

¹⁶⁴ Ironically, the Government-General of Taiwan and conservative Japanese elites were all the time highly alert to the possibility that nationalistic movement could eventually lead to Taiwan's independence or return to China, though the activists and their Japanese supporters kept emphasizing that they had not intension of gaining independence.

¹⁶⁵ This was an important reason why, from the beginning to end, the Governors-General of Taiwan and mainstream Japanese politicians could not believe in and support the Petition Movement. See Yeh et al., *The History of Taiwan's Nationalistic Movement*, 1.

prevailing historical view into consideration, Jung-Chung Yeh might have thus oriented the movement as a nationalistic one either willingly or unwillingly. A-Chin Hsiau holds that such retrospective claim was merely to justify their selection of a moderate anti-colonial path.¹⁶⁶ Therefore, I think breaking away from Japan or return to China might have not been the movement's original goal, but were later attributed to the movement as its goals due to Taiwan's post-WWII socio-political atmosphere. On the other hand, for the time being, let's not doubt how Jung-Chung Yeh positioned the movement and assume that its real purpose was to return to China. Then, in order to avoid governmental oppression, it would have been necessary to conceal such purpose. Yet, if this had been the movement's real purpose, it would be more appropriate to regard such movement as China's nationalistic movement rather than Taiwan's nationalistic movement.¹⁶⁷ Moreover, if the activists had identified themselves with the nation of China rather than the nation of Taiwan, then the final pursuit of their nationalistic movement would have shifted to "the nation's unity", rather than "the establishment of nation-state". From a Chinese nationalistic point of view, it would be of little importance to develop or pursue Taiwanese identification, the nation of Taiwan, or the nation-state of Taiwan, as they might have been merely temporal measures to resist Japanese assimilationism. Taiwan's nationalism would be helpful for China's nationalistic movement only if Taiwan's nationalism and China's nationalism were to never disagree with each other; otherwise, Taiwan's nationalism

¹⁶⁶ A-Chin Hsiau, *Reconstructing Taiwan: The Cultural Politics of Contemporary Nationalism* (Taipei: Linking Publishing Corporation, 2012), 79.

¹⁶⁷ Tsui-Lien Chen, *The Taiwanese Resistance and Identification, 1920-1950*, 15.

might be not only unnecessary, but also impediment to the reunification in the future and another version of “Mainland-Taiwan fusion”.

Despite this, when presenting Taiwan’s particularity, the activists still included the island’s multi-ethnic society in their discourse, especially the relations between Han and non-Han communities. Whether or not this was intentional, this seemed to influence Taiwan’s nation-building. In other words, this discourse may have triggered Taiwanese new understandings of who Taiwanese were, and even become the embryo of Taiwan’s nationalism. The petition drafted by Cheng-Lu Lin reflects how he imagined the community of Taiwan. He defined Taiwan dwellers in a very broad and inclusive way, as the community was composed of ethnic Han Taiwanese, Japanese in Taiwan, and cooked savages in the administrative district.¹⁶⁸ He seemed to construct a new self-identity to resist the Government-General’s assimilationism/Mainland Extension Principle. However, even if he aspired to enhance Taiwanese socio-political status, he used “savage”, the word with strong derogative and discriminatory implications, to call the indigenous communities. Besides, he even excluded the “raw savages”, whose degree of Sinification was lower, and other communities dwelling outside the administrative districts from Taiwan’s nation-building. Obviously, in his understanding, these people were not considered as Taiwan dwellers and thus could not have the suffrage. How could such selective nation-building fully represent Taiwan’s particularity? In reality, more often than not, many activists’ speech revealed a narrow-minded thought that Taiwanese were equal to Han. The exclusion of some non-Han ethnic groups dwelling in Taiwan for centuries from the community

¹⁶⁸ Yeh et al., *The History of Taiwan’s Nationalistic Movement*, 112-113.

of Taiwan reflected the Han chauvinistic mindset. From this, the particularity of Taiwan which the activists attempted to preserve might have been merely Han-centric values. Though few of the intellectuals such as Pei-Huo Tsai were aware of and willing to point out the discrimination and oppression imposed on indigenous peoples by ethnic-Han Taiwanese for centuries,¹⁶⁹ such reflection lacked further discussion and did not gain much attention in the movement's later stage. Additionally, all the core activists were ethnic Han. The lack of indigenous participation made the movement a movement which only belonged to ethnic Han Taiwanese. Such Han-centric nation-building drew a clear ethnic boundary between Taiwanese and Japanese, but made the ethnic boundary between Taiwanese and Chinese very ambiguous. This partial nation-building was effective when resisting Japan's colonization, but became powerless when facing the repressive rule of KMT, which was indeed a Han regime, after WWII.¹⁷⁰ Therefore, it would be paradoxical, to some

¹⁶⁹ Pei-Huo Tsai, "Our Island and We," *The Tai Oan Chheng Lian* 1, no. 4 (1920): 13-23. Japanese Section; Pei-Huo Tsai, "Our Island and We," *The Tai Oan Chheng Lian* 1, no. 5 (1920): 35-40. Chinese Section.

¹⁷⁰ After WWII, Taiwan's distinctions from the "Mainland" was re-galvanized in the form of provincial differences. The Taiwanese ethnicity was politicized under KMT's re-colonization for decades, which further contributed to Taiwan's nation-building. In this sense, the development of post-WWII Taiwan's nationalism can be seen as the product of the long-term resistance of Taiwan's political opponents against KMT's rule. See I-Lin Ho, *Crossing the National Border Line: The Course of Modern Taiwan's Decolonization* (Taipei: Daw Shiang Publishing Corporation, 2006), 195-196; A-Chin Hsiau, *Reconstructing Taiwan: The Cultural Politics of Contemporary Nationalism* (Taipei: Linking Publishing Corporation, 2012), 48. As ROC permanently lost its Mainland territory which it had been governing since its establishment in 1912, the fact has been clear that Taiwan has been able to operate steadily for long-term as an independent political agent. The development of Taiwan's nation-building moved further toward decentralization and localization, demonstrating the feature of state-building. And with the continuous external threats from PRC, the political boundaries between Taiwanese and Chinese became much clearer.

degree, if we view the Petition Movement as Taiwan's nationalistic movement or a movement of the nation of Taiwan.

Next, what issues will be produced if we regard the Petition Movement as an anti-colonial defiance? Firstly, following the argument in the previous paragraph, the colonizer to defy was clearly Japanese rather than ethnic-Han Taiwanese, who had been oppressing and discriminating the indigenous peoples for centuries. If we consider the movement anti-colonial, we will have to face the resistance's partiality. Such partiality was an unusual scenario in which the weak colonizer resisted the strong colonizer while the former one scarcely reflected its colonization against other weaker ethnic communities. Moving our foci to the relationship between the activists and Japanese, the activists seemed to show a sort of paradoxical mindset of dependency on colonial modernity, as argued in the previous section. The activists longed for the British parliamentary colonial mode and were convinced by the civilizing mission promulgated by Western colonial powers. The activists even accentuated that they had no intention to declare independence and were willing to accept Japan's colonial rule if Japan had respected Taiwan's particularity and entitled suffrage and equality to Taiwanese. In the Petition Movement, the subtle relationship between Japanese as colonizer and Taiwanese as colonized subjects is also interesting and worth attention. Taiwanese activists were fighting conservative Japanese colonial authority, but meanwhile they were also actively looking for Japanese elites who they could cooperate with within Japan's constitutional framework. More often than not, the activists even received aids and guidance of these Japanese elites. This, to some degree, disrupts, complicates, and even blurs the boundary of competition and

cooperation between the colonizer and the colonized. More paradoxically, while the activists viewed the Governor-General of Taiwan as backward authoritarianism, they regarded Mainland Japan's democracy and rule of law as progressive constitutional politics. From the above, we can see that the activists' attitude toward Japanese was mutable, contextual, and even conditional, as they selectively accepted and resisted parts of colonial rule. Many subtle interaction and aspects would be ignored or unanswerable, if we just simply understand the movement from an anti-colonial perspective.

Finally, if we consider the Petition Movement to be merely a political campaign which struggled for liberal democracy, we will be very likely to lose sight of the very particularity of Taiwan which the Mainland Extension advocates aspired to eradicate but the activists aimed to preserve. The movement demanded not only suffrage for local politics, but also, based on the realization of local autonomy, the further establishment of a democratically-elected legislature which would manage the whole island's legislation and budget deliberation. Allowing Taiwan residents to elect their representatives of the Parliament manifests the unity of Taiwan as a sovereign community. This is what Masahiro Wakabayashi coined as the "Taiwan-wide autonomy", namely the demand for ethnic-level suffrage for Taiwan residents.¹⁷¹ In other words, Taiwan Parliament would institutionalize and politicize Taiwan's subjectivity and make Taiwan a distinctive political agent as opposed to Mainland Japan. In the view of the assimilationists, such particularity and its further political

¹⁷¹ Masahiro Wakabayashi, *The Research on the History of Taiwan's Anti-Japanese Movements* (Tokyo: Kenbun Publisher, 1983), 60-69.

reification would trigger Taiwan's nation-building. Once the nation of Taiwan had formed and developed steadily, following the logic of national self-determination, the nation of Taiwan would have eventually broken away from Japan's alien rule.¹⁷² However, due to the activists' persistence in legal path, the movement as well as its demand and means were inevitably, to some degree, tamed by the colonial institution. This could detach the movement from its nationalistic and anti-colonial characteristics and arouse misunderstanding that the Petition Movement was just a simple political movement demanding democracy. Besides, the approach of autonomy or democratization cannot see and account for several issues relevant to the movement, such as the multi-ethnic relations inside Taiwan and the modern experience under colonial rule. To sum up, nationalism, anti-colonialism, as well as democratization can only depict several aspects of the Petition Movement. Such complexity reflected the licensed resistance mode's tortuous strategic flexibility and frequent submission to the political reality under colonial rule.

G. References

1. Archives

Ichirō Kiyose and Another Proposed the Question with Regard to the Prohibition of

¹⁷² Either choose to establish an independent nation-state of Taiwan, or return to China and complete the national unity of Han.

the Petition for Taiwan Parliament, 1924, National Archives of Japan Digital Archive,

<https://www.digital.archives.go.jp/das/meta/M0000000000000267178.html>.

The Imperial Epic with Regard to the Participation of Korea and Taiwan Residents, 1945, National Archives of Japan Digital Archive,

<https://www.digital.archives.go.jp/das/meta/M0000000000001776374.html>.

The Meeting Record on the Petition for the Establishment of the Taiwan Parliament, 1934, 3TPH_01_01_010, The Archives of Institute of Taiwan History of Academia Sinica, Taipei, Taiwan.

To Amend the Electoral Law of the Members of the House of Representatives, 1945, National Archives of Japan Digital Archive,

<https://www.digital.archives.go.jp/das/meta/M0000000000001776413>.

2. Collections of Historical Materials

The Preliminary Hearing Records of the Peace Act Incident, 1924, edited by Hao-Jen Wu and Makiko Okamoto. Taipei: Institute of Taiwan History of Academia Sinica, 2016.

The Diary of the Governor-General of Taiwan Kenjirō Den I, eds. Wen-Hsing Wu et al.. Taipei: Institute of Taiwan History of Academia Sinica, 2009.

The Diary of the Governor-General of Taiwan Kenjirō Den III, eds. Wen-Hsing Wu et

al.. Taipei: Institute of Taiwan History of Academia Sinica, 2009.

3. Newspaper Articles

- “The Closing Argument of Prosecutor Miyoshi and His Demand for the Punishment of the 17 defendants.” *Taiwan Minpao*. September 1st, 1924, 4.
- “The Argument of Tooru Watanabe.” *Taiwan Minpao*. September 1st, 1924, 4.
- “The Attorney Yeh.” *Taiwan Minpao*. September 1st, 1924, 7.
- “The Attorney Kunihara.” *Taiwan Minpao*. September 1st, 1924, 14.
- “The Statement of Cheng-Lu Lin.” *Taiwan Minpao*. September 1st, 1924, 14-15.
- “The Argument of Wei-Shui Chiang.” *Taiwan Minpao*. September 1st, 1924, 20.
- “The Argument of Doctor Kiyose: He debated for the defendants in tears, moving the audience. He disputed the empire’s governance guideline for the colony with ire, illuminating that the petition for Taiwan Parliament was a legitimate request.” *Taiwan Minpao*. November 11th, 1924, 6.
- “The Closing Argument of Prosecutor Kamiuchi.” *Taiwan Minpao*. November 11th, 1924, 11.
- “The Argument of Watabe.” *Taiwan Minpao*. November 11th, 1924, 12.
- “The Argument of Tooru Watanabe.” *Taiwan Minpao*. November 11th, 1924, 15.
- “The Governance of Taiwan Should Follow the Autonomy Principle: The Prime Minister’s Announcement in the House of Representatives.” *Taiwan Minpao*. February 21st, 1926, 7.
- “The Fickle Prime Minister.” *Taiwan Minpao*. April 4th, 1926, 3-4.
- “The Cancellation of the Petition Movement for Taiwan Parliament I: Suspension of

the 15-year Petition after Knowing the Impossibility of Realization.” *Taiwan Nichinichi Shinpō*. August 28th, 1934.

“The Movement for the Taiwan Parliament was Incompatible with the Governance Principle, Governor-General Nakagawa Stated about the Petition’s Suspension.” *Taiwan Nichinichi Shinpō*. September 4th, 1934.

4. Monographs

Chen, Kun-Shu. *The Issues on the Governance of Taiwan*. Taihoku: Hōbundō Shoten, 1931.

Chen, Tsui-Lien. *The Taiwanese Resistance and Identification, 1920-1950*. Taipei: Yuanliu Press, 2008.

Chou, Wan-Yao. *The Petition Movement for the Establishment of the Taiwan Parliament during the Era of Japanese Occupation*. Taipei: The Culture and Publication Division of the Independence Post, 1989.

Ho, I-Lin. *Crossing the National Border Line: The Course of Modern Taiwan’s Decolonization*. Taipei: Daw Shiang Publishing Corporation, 2006.

Hsiau, A-Chin. *Reconstructing Taiwan: The Cultural Politics of Contemporary Nationalism*. Taipei: Linking Publishing Corporation, 2012.

The Police Department of the Government-General of Taiwan. *The Historical Record of the Police II: Taiwan’s Security Condition after Japan’s Rule II: The History of Taiwan’s Social Movement (1931-1936) (Chinese Version)*. Taipei: Chuangtsao Press, 1989.

Tsai, Pei-Huo. “Open Letter to Japanese Mainlanders: The Main Key of the Solution

to the Colony's Problems (Japanese Version)." In *The Omnibus of Pei-Huo Tsai III: Political Relations: Japanese Era II*, edited by Han-Yu Chang, 5-102.

Taipei: The Juridical Person of San-Lien Wu Foundation for Taiwan's Historical Materials, 2000.

Tsai, Pei-Huo. "Open Letter to Japanese Mainlanders: The Main Key of the Solution to the Colony's Problems (Chinese Version)." In *The Omnibus of Pei-Huo Tsai III: Political Relations: Japanese Era II*, edited by Han-Yu Chang, 103-179.

Taipei: The Juridical Person of San-Lien Wu Foundation for Taiwan's Historical Materials, 2000.

Wakabayashi, Masahiro. *The Research on the History of Taiwan's Anti-Japanese Movements*. Tokyo: Kenbun Publisher, 1983.

Wang, Tay-Sheng. *The Establishment of Taiwan's History of Law*. Taipei: Tay-Sheng Wang, 1997.

Yeh, Jung-Chung. *A Chronology of Major Events in Colonial Taiwan, 1895-1945*. Taichung: Morningstar Publishing Ltd., 2000.

Yeh, Jung-Chung et al.. *The History of Taiwan's Nationalistic Movement*. Taipei: The Culture and Publication Division of the Independence Evening Post, 1971.

5. Magazine Articles

Cheng, Sung-Yun. "The Treaty of Shimonoseki and the Legal Status of Taiwanese." *The Tai Oan Chheng Lian* 1, no. 5 (1920): 48-53. Japanese Section.

Izumi, Tetsu. "To Taiwanese." *The Tai Oan Chheng Lian* 1, no.1 (1920): 4-8.

Japanese

Section.

Izumi, Tetsu. "To Taiwanese." *The Tai Oan Chheng Lian* 1, no. 1 (1920): 13-16.

Chinese Section.

Izumi, Tetsu. "The True Meaning of Self-determination of the Nation." *The Tai Oan Chheng Lian* 2, no.4 (1921): 2-4. Japanese Section.

Kinoshita, Yūsaburō. "Expectations to Taiwanese and Mainlanders." *The Tai Oan Chheng Lian* 1, no.1 (1920): 11-18. Japanese Section.

Kinoshita, Yūsaburō. "Expectations to Taiwanese and Mainlanders." *The Tai Oan Chheng Lian* 1, no.1 (1920): 18-23. Chinese Section.

Lin, Cheng-Lu. "The Conclusion of the Law No. 63 Issue." *The Tai Oan Chheng Lian* 1, no. 5 (1920): 24-41. Japanese Section.

Lin, Tzu-Chou. "The Destiny of the Law No. 63 Issue." *The Tai Oan Chheng Lian* 1, no. 5 (1920): 16-29. Chinese Section.

Nagai, Ryūtarō. "The World's Civilization and the Mission of Taiwanese." *The Tai Oan Chheng Lian* 1, no.3 (1920): 2-7. Japanese Section.

Nagai, Ryūtarō. "The World's Civilization and the Mission of Taiwanese." *The Tai Oan Chheng Lian* 1, no.3 (1920): 28-31. Chinese Section.

Shimada, Saburō. "The Fundamental Issue of the Mainland-Taiwan Fusion." *The Tai Oan Chheng Lian* 1, no.4 (1920): 2-6. Japanese Section.

Shimada, Saburō. "The Fundamental Issue of the Mainland-Taiwan Fusion." *The Tai Oan Chheng Lian* 1, no.4 (1920): 20-22. Chinese Section.

Tsai, Pei-Huo. "Our Island and We." *The Tai Oan Chheng Lian* 1, no.4 (1920): 13-23. Japanese Section.

Tsai, Pei-Huo. "Our Island and We." *The Tai Oan Chheng Lian* 1, no.5 (1920): 35-40.
Chinese Section.

6. Journal Articles

Kao, Jih-Wen. "Background of the Motion Concerning Establishment of a Provincial Council in Taiwan." *Taiwan Wen Shian* 15, no. 2 (1964): 24-46.

Wang, Tay-Sheng. "'Legal Violence' of the Japanese Colonial Authorities in Taiwan and Its Historical Appraisal." *The Journal of History, NCCU* 25, (2006): 1-36.

Wu, Rwei-Ren. "The Formosan Ideology: Preliminary Reflections on the Formation of the Discourse of National Culture of the Taiwanese National Movement under Japanese Colonial Rule." *New History* 17, no. 2 (2006): 127-218.

7. Oral History

Wang, Shih-Lang. "The Interview Record of Mister Cheng-Lu Lin." In *Oral Histories of Modern Taiwan*, edited by Fu-San Huang and Li-Fu Chen, 21-70. Taipei: The Pen-Yuan Lin Foundation for Chinese Cultural Education, 1991.

H. Appendix

Timeline of the Peace Act Incident¹⁷³

¹⁷³ Jung-Chung Yeh, *A Chronology of Major Events in Colonial Taiwan, 1895-1945* (Taichung: Morningstar Publishing Ltd., 2000), 184-204; Yeh et al., *The History of Taiwan's Nationalistic Movement*, 201-280.

1923.01.30

Prior to the third petition, the activists intended to form an organization, which would be the agent of the movement. According to article 1 of the Peace Act, the activists submitted the application of organization the Alliance Association for Taiwan Parliament to Taihoku North Police Station.

1923.02.02

The Governor-General of Taiwan Kenjirō Den thought the purpose of Alliance Association for Taiwan Parliament as well as the Petition Movement had violated Japan's principle of governing Taiwan and would disrupt Taiwan's public security. Den thus ordered to ban the association's establishment according to article 8 paragraph 2 of the Peace Act.

1923.02.06

After the association was banned, Wei-Shui Chiang, Pei-Huo Tsai, and Feng-Yuan Chen left Taiwan for Tokyo in order to meet Hui-Ju Tsai, Cheng-Lu Lin, Sung-Yun Cheng, Hsien-Yu Tsai, and Shih-Ku Tsai for discussion about the plan of reestablishing the banned association.

1923.02.16

The Petition Movement's activists in Tokyo slightly changed the rules of the previously banned association and had the staff of *Formosa* Magazine resubmit the

application of organizing Alliance Association for Taiwan Parliament to Waseda Police Station. Tokyo Police Department had already known the previous ban order in Taiwan and thus asked Cheng-Lu Lin, the person in charge of the association, to come to Police Department for further explanation. After Cheng-Lu Lin's explanation, the application was submitted to Home Ministry for evaluation and was not rejected. Afterwards, the activists held circuit speeches in Taiwan and started collecting signatures for the fourth petition and recruiting new members for the association.

1923.02.22

The third petition

1923.09.06

The Governor-General of Taiwan Kakichi Uchida took office

1923.12.16

The outbreak of the Peace Act Incident: The Government-General of Taiwan launched large-scale prosecution around the whole island against members of Alliance Association for Taiwan Parliament. 99 people in total were involved, including subpoenaing, apprehension, and rummage. Meanwhile, Taiwan's journalism and outreach communication were blocked. Public areas and activists who had not been investigated yet were also supervised by secret agents.

1923.12.22

Among the 41 apprehended people, 29 were transferred to the prosecution department of Taihoku Local Court due to the suspicion of violating the Peace Act. Prosecutor Kazuya Miyoshi imprisoned these 29 people in Taihoku Prison.

1924.01.07

Prosecutor Miyoshi requested preliminary trial for 18 of the 29 imprisoned people for that they violated article 8 paragraph 2 of the Peace Act. The other 11 people were not prosecuted.

Preliminary trial: Pei-Huo Tsai, Wei-Shui Chiang, Hui-Ju Tsai, Cheng-Lu Lin, Huan-Chang Shih, Yu-Chun Lin, Feng-Yuan Chen, Min-Chuan Wang, Sung-Yun Cheng, Nien-Heng Tsai, Shih-Ku Tsai, Tu-Hsun Lin, Hsi-Hsun Shih, Hsien-Yu Tsai, Po-Ting Lin, Ching-Po Wu, Shih-Chuan Han, Hai-Shui Wu

Nonprosecution: Chia-Chung Hsu, Mei-Hsi Tsai, Ho Lai, Tzu-Pin Lin, Chen-Fu Yang, Tao-Yuan Chou, Tien-Sung Hsu, Pi-Hui Su, Te-Chin Chiu, Shih-Huang Chen, Yao-Tung Cheng

1924.01.30

The fourth petition

1924.02.29

The preliminary trial ended. 14 of the 18 people were delivered to Taihoku Local Court for trial. The other four people were declared acquittal. However, the decision was reinvestigated due to prosecutor Miyoshi's counterappeal.

Trial: Pei-Huo Tsai, Wei-Shui Chiang, Cheng-Lu Lin, Huan-Chang Shih, Yu-Chun Lin, Feng-Yuan Chen, Sung-Yun Cheng, Nien-Heng Tsai, Tu-Hsun Lin, Hsi-Hsun Shih, Po-Ting Lin, Ching-Po Wu, Shih-Chuan Han, Hai-Shui Wu

Acquittal: Hui-Ju Tsai, Shih-Ku Tsai, Min-Chuan Wang, Hsien-Yu Tsai

1924.04.10

The original decision was cancelled. All of the 18 people were delivered to Taihoku Local Court for Trial.

1924.07.05

The fifth petition

1924.07.25 – 08.01

Court sessions for open trials

1924.08.18

The first instance's verdict was declared. All of the 18 defendants were innocent.

1924.08.19

Prosecutor Miyoshi proposed an appeal to Higher Court.

1924.09.01

The Governor-General of Taiwan Takio Izawa took office.

1924.10.15 – 10.18

Court sessions for the second instance were opened in retrial department of Higher Court.

1924.10.29

The second instance's verdict was declared. Except for the five innocent defendants, other 13 defendants were all unwilling to accept the trial result and thus proposed an appeal to appeals department of Higher Court.

Imprisonment for four months: Wei-Shui Chiang, Pei-Huo Tsai

Imprisonment for three months: Yu-Chun Lin, Cheng-Lu Lin, Feng-Yuan Chen,
Huan-Chang Shih, Hui-Ju Tsai

Forfeit of 100 Yen: Sung-Yun Cheng, Shih-Ku Tsai, Nien-Heng Tsai, Po-Ting
Lin, Tu-Hsun Lin, Hsi-Hsun Shih

Innocence: Ching-Po Wu, Hai-Shui Wu, Hsien-Yu Tsai, Min-Chuan Wang,
Shih-Chuan Han

1925.02.17

The sixth petition

1925.02.20

The appeal was rejected. The trial result remained identical to the second instance's.

III. The Kaohsiung Incident

A. Colonial Rule and State of Exception

Similar to the Petition Movement discussed in the previous chapter, Kaohsiung Incident was also a part of the dissident movement initiated by Taiwanese intellectuals and activists against the constitutional state of exception by which alien regimes used to monopolize political power. In the two case studies, both the Government-General of Taiwan and the KMT government enforced authoritarian rule and excluded their peoples' rights from the protection of the two constitutions due to special occasions. Under these states of exception, the rulers further enacted more laws, which empowered them to limit their people's rights, to construct repressive political structures, which could purge dissidents effectively. These legal and political mechanisms turned the people into homo sacers possessed and controlled by the sovereigns. Peoples were included in the states' rule, yet their socio-political rights were excluded from the states' legal protection. However, different from the Petition Movement, the constitutional state of exception which Taiwan faced after WWII, the institution of Martial Law and National Mobilization for Suppression of the Communist Rebellion was based on KMT's military ambition of reconquering the lost Mainland territory rather than the differences between Mainland China and Taiwan. Moreover, such institution was effective to every ROC citizen, including both Taiwanese and Chinese Mainlanders who retreated to Taiwan with the KMT government.

With ROC's permanent loss of its sovereignty over Mainland China since 1949, the KMT/ROC regime can be seen as a crippled colonial regime which lost its metropole. Under such circumstance, the reconquest of Mainland China and oppression of communists and separatists, activists for Taiwan's independence, became the KMT authority's excuse to justify the long enforcement of the institution of Martial Law and National Mobilization for Suppression of the Communist Rebellion after KMT's retreat to Taiwan. As an alien regime, the KMT authority had already suppressed resistance powers by military forces since its early governance of Taiwan. After its loss of Mainland China, it further consolidated its repressive oligarchy by secret agencies, military, police, and judicial systems. In the international arena, the loss of Mainland China threatened the KMT regime's legitimacy to represent China. In the domestic realm, KMT's oligarchy led to growing political dissatisfaction of Taiwanese and even dissident Chinese Mainlanders in Taiwan as well. Under both foreign and domestic pressure, the KMT regime became more and more unable to maintain its oligarchy and the constitutional state of exception. This caused the gradual decline of KMT's authoritarian/colonial institution. A new wave of Taiwan's decolonization, nation-building, and colonial hybridization started developing in the context of democratization.

ROC's constitution was enacted in December 25th 1946. And in 1947 when the February 28th Incident occurred, Taiwan Garrison Command once issued an Martial Law Order in Taiwan and lifted it after a few months. Nonetheless, with the increasing intensity of the civil war between KMT and Chinese Communist Party, CCP, the KMT government temporarily suspended the constitution to deal with the

national emergencies of the civil war by enacting the Temporary Provisions Effective During the Period of National Mobilization for Suppression of the Communist Rebellion.¹⁷⁴ In December 10th 1948, President Kai-Shek Chiang issued a national Martial Law Order. At first, Taiwan was not in the order's effective area, for that Taiwan was still far from the main battle fields of the KMT-CCP conflict. Nevertheless, with KMT's continuous retreats due to defeat in the civil war, Taiwan had been also included in the Martial Law warzone by the Executive Yuan since November 2nd 1949. According to the Temporary Provisions Effective During the Period of National Mobilization for Suppression of the Communist Rebellion, Martial Law Order demanded the president's announcement rather than the Legislative Yuan's ratification. Though this Martial Law Order was later ratified by the Legislative Yuan in March 14th 1950, this order lacked the president's announcement when issued. This odd occasion was owing to, on the one hand, Kai-Shek Chiang's relinquishment of his presidency. And on the other hand, the Deputy President Tsung-Jen Li flew to Hong Kong without authorizing the premier to announce the order.¹⁷⁵ Dating back to May 20th 1949, Taiwan Garrison Command also once announced the enforcement of Martial Law Order without clarifying its legal basis and completing the legal procedure. If this order's enactment was based on the Martial Law, it required the Legislative Yuan's ratification. If this order's enactment was based on

¹⁷⁴ Although the Temporary Provisions Effective During the Period of National Mobilization for Suppression of the Communist Rebellion was "temporary", it had not been abolished until 1991. The provisions have been implemented for 43 years in total.

¹⁷⁵ *Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 1: The Martial Law Era (1945-1987)*, eds. Yueh-Shuen Hsueh et al. (Taipei County: Academia Historica, 2000), 5-7.

the Temporary Provisions, it required the president's announcement. But no matter which law this order was based on, there is not record of this order in the bulletins of both the legislative Yuan and Office of the President.¹⁷⁶

In order to maintain the operation of the constitutional state of exception, the Martial Law institution, the KMT established a governmentality which could “legally” purge any potential dissident and oppositional powers by the Criminal Code's Article No. 100, the Act for Punishing Rebellion, the Act for Preventing Communist Espionage, and other laws. The Criminal Code's Article No. 100 defined the criminal of internal disorders as: people who intend to destroy the state system, occupy the state territory, or change the state constitution and overthrow the government by illegal means. The Act for Punishing Rebellion, enacted in 1948, further increased the punishment for the criminal of internal disorders. The act's Paragraph No. 1 of Article No. 2 regulated that people who violate the Criminal Code's Article No. 100 should be sentenced to death penalty. This was the most notorious law during Taiwan's White Terror era. Communists or advocates for Taiwan's independence, and even political dissidents, were often viewed as rebels. Moreover, under the Martial Law institution, people who violated the Act for Punishing Rebellion, regardless of their statuses as soldiers or civilians, were all trialed by military institutions.¹⁷⁷ That is, even if the violators had not been soldiers,

¹⁷⁶ Ibid., 7-8

¹⁷⁷ Ibid., 28-29; See Article No. 10 of the Act for Punishing Rebellion: People who violate this act would be trialed by the military institution if they are soldiers and would be trialed by the judicial institution if they are not a soldier. People who violate this act in districts where the Martial Law is enacted, regardless of their statuses, would be trialed by the military institution.

they could not have had the basic protection of normal judicial trials. On the other hand, the Act for Preventing Communist Espionage during the Period of Suppression of the Communist Rebellion, enacted in 1950, strengthened social control by encouraging and enforcing every citizen to surveil each other. Such act not only authorized the security institutions to arbitrarily arrest rebels, rummage their residence, and detained their belongings,¹⁷⁸ but also to jointly punish people who knew the espionage yet did not report to the governmental institutions.¹⁷⁹ Besides, snitchers and reporters were able to be rewarded or gain bonus from the national treasury.¹⁸⁰

B. Democratic Holidays and Licensed Dissidence Movement

Similar to the Petition Movement, Kaohsiung Incident was also a resistance launched by dissident activists under the constitutional institution of/imposed by the alien regime. Both movements demanded democracy and human rights and aimed at the self-determination of Taiwan dwellers rather than Taiwan's independence. But

¹⁷⁸ Ibid., 33; See Article No. 6 of the Act for Preventing Communist Espionage during the Period of Suppression of the Communist Rebellion.

¹⁷⁹ Ibid., 33; See Article No. 9 of the Act for Preventing Communist Espionage during the Period of Suppression of the Communist Rebellion: People who are aware of who the communist spies are but do not report them to the authority or indulge them would be sentenced to imprisonment between one and seven years.

¹⁸⁰ Ibid., 34; See Article No. 14 of the Act for Preventing Communist Espionage during the Period of Suppression of the Communist Rebellion: As for the properties confiscated from the communist spies, 30% could be given to the reporter as reward; and 35% would be given to the personnel who undertake the case as reward and fees for solving the case. The remaining properties would be transferred to the national treasury. If the criminal case of communist espionage does not confiscate any property, the security institution could send request to the Executive Yuan for appropriate amount of reward to the reporters, or reward them by other means.

different from the Petition Movement's call for the establishment of a new legislature to preserve Taiwan's particularity, the activists of Kaohsiung Incident attempted to enter the governmental institution through the limited democracy and electoral mechanism held by the KMT government. The opening of partial elections was related to the international and domestic pressure. On the one hand, KMT was well aware of Taiwanese discontent with the Chinese Mainlanders' repressive rule and monopoly of political power. A very strong political warning signal occurred in 1970 when the deputy premier Ching-Kuo Chiang encountered an attempted assassination by members of the World United Formosans for Independence during his visit to the US. On the other hand, in 1971, the United Nations General Assembly passed the Resolution 2758 in which PRC obtained the representation of China and the permanent membership in the security council in replacement of ROC. ROC, then, withdrew from the United Nations and became isolated in the international society. Under the foreign and domestic pressure, Ching-Kuo Chiang began enforcing the instalment-styled democratization, since taking up the premier's post in 1972, in order to gain international support and alleviate Taiwanese discontent. Ching-Kuo Chiang's reformation included the gradual opening of supplementary elections for the National Assembly and Legislative Yuan, and the promotion of Young Taiwanese political elites, known as the localization policy. By sharing political powers with Taiwanese in a limited scale and including Taiwanese political elites in KMT's party-state system, Ching-Kuo Chiang aimed to increase KMT's legitimacy to rule Taiwan.¹⁸¹

¹⁸¹ Fu-San Huang, *The Formosa Incident (Nantou: The Historical Research Commission of Taiwan Province, 2001)*, 14.

Under this circumstance, electoral periods became the very few and precious “democratic holidays” when dissidents could enjoy more liberty of speech, express their political thoughts, and criticize KMT during the Martial Law era. Elections not only brought the pressure of political competition to KMT, but also produced new political dissident elites, the Tangwai activists. Tangwai literally means “outside the party” and included almost all non-KMT politicians with various political ideologies and positions. The Tangwai elites may have had contradictory stances in terms of national identification and the issue of unification or independence, but most of them were opposed to the Martial Law institution and KMT’s one-party authoritarianism. Though forming new political parties was forbidden during the Martial Law era, the surprising success of the Tangwai candidates in the local elections in 1977 led some insightful Tangwai activists to think of making Tangwai forces more organized so that Tangwai candidates could gain greater fruit in the next year’s elections. After taking up the president’s position in 1978, Ching-Kuo Chiang continued the electoral reformation and planned to hold the supplementary elections for the central legislative institutions in the year-end of 1978. Not reelecting representatives of other provinces in Mainland China, the supplementary elections allowed Taiwanese representatives to enter the central government’s legislature. This was to demonstrate ROC’s legitimacy to represent the whole China as well as to rule Taiwan. In order to further integrate the Tangwai activists for the election in 1978, the Tangwai member of the Legislative Yuan Hsin-Chieh Huang organized the Taiwan Tangwai Activists’ Campaign Group and issued the joint announcement of *The Taiwan Tangwai Activists’ Joint Political Views*. This joint announcement called for liberal democracy and human rights and

proposed 12 suggestions for further political reformation,¹⁸² including the complete reelection for the central legislative institutions, the nationalization of the armed forces, the independence of judiciary, the lifting of the bans on newspaper publications and political parties, the lifting of the Martial Law Order, the prohibition of illegal arrest and incarceration, the opposition of provincial and linguistic discrimination, the pardon for political criminals, and other goals.¹⁸³ These demands were almost the basic condition for the operation of a democracy, but they directly challenged KMT's authoritarianism. The call for the complete reelection for the central legislative institutions would threaten ROC's legitimacy of unity and representativeness of China. The lifting of the Martial Law Order and the neutralization of military and judiciary would impact KMT's advantages to maintain its regime. Opening for organizing political parties and newspaper publishers, stop arresting dissidents, and pardon for political criminals would cause more political pressure for KMT.

The speed and degree of Tangwai Movement's development seemed to exceed KMT's extent of tolerance, which brought about more improper interference in and oppression against the movement. In order to win elections, KMT frequently used vote rigging and bribery and vilified Tangwai candidates. In 1977's election for the

¹⁸² Since 1978, the human rights issue had begun to be the major demand of the Tangwai Movement and the Tangwai candidates' campaigns. Prior to this, the movement mostly appealed for democracy and opposition to KMT's corruption. See The Formosa Incident Oral History Editorial Committee, *A Political Party without a Name: The Development of the Formosa Political Group* (Taipei: China Times Publishing Company, 1999), 70-71.

¹⁸³ *Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 2: Organizing the Oppositional Parties*, eds. Hsiu-Huan Chou et al. (Taipei County: Academia Historica, 2000), 150-151.

magistrate of Taoyuan County, KMT's vote rigging stoked the public ire. The furious public besieged and burnt the Taoyuan Police Station's Chungli Branch, which is known as the Chungli Incident. In 1978, with the oppositional power's union and organization, the society's call for lifting the Martial Law and realizing democratic constitutional politics grew stronger. However, just at the eve of the election, the US President Carter announced that US would establish official relation with PRC since January 1st 1979 and cut the diplomatic tie with ROC. President Ching-Kuo Chiang immediately declared suspension of the coming election. Ching-Kuo Chiang seemed to utilize this emergent state of diplomatic setback as a state of exception to suppress the Tangwai Movement. In response to the president's decision to suspend the election, the Tangwai activists announced *The Society Members' Statement on the Delayed Election*. This statement implied that the suspension of the election was an inappropriate measure which resulted from abnormal mindset. Moreover, in the statement, the Tangwai activists asked KMT not to enforce military rule and emphasized that the predicament could be overcome only by restoring the election as soon as possible.¹⁸⁴ A few days later, *The Tangwai Activists' Statement on National Affairs* was announced. In addition to reiterating the call for constitutional democracy in the previous *Taiwan Tangwai Activists' Joint Political Views*, this statement boldly demonstrated the claim for Taiwan dwellers' self-determination:

“Under the international powers' diplomatic alliances and dissensions, our destiny has faced the crisis of being traded off. Therefore, we have no alternative

¹⁸⁴ Ibid., 164-165

but to declared straightforwardly. We are opposed to any power's manipulation of the destiny of other state's people. We firmly claim that Taiwan's destiny should be decided by her 17 million people.”¹⁸⁵

The verdict of Kaohsiung Incident's military trials in 1980 allows us to infer that, in KMT's view, this claim was seen as separatism which sought Taiwan's independence, for that the claim demanded Taiwan dwellers' self-determination and excluded the participation of people in Mainland China from Taiwan's politics.¹⁸⁶ In fact, “the Chinese Mainlanders living in Taiwan” were also considered as Taiwan dwellers by the activists of both Tangwai and Petition Movements, though the definitions of “Mainlanders” differed in the two contexts. Interestingly, the Japanese Government-General of Taiwan and KMT regime seemed to share identical perspective on Taiwan dwellers' self-determination, as they both believed it would result in Taiwan's independence.

Faced with the emergent state of diplomatic setback, President Ching-Kuo Chiang suspended the election, but KMT continued its surveillance and oppression of the Tangwai activists. In early 1979, the powerful Tangwai activist Teng-Fa Yu and his son Jui-Yen Yu were arrested and falsely prosecuted as participants of Tai-An Wu's espionage criminal case. The Tangwai Magistrate of Taoyuan County Hsin-

¹⁸⁵ Despite the lack of further clarification, it seems that the 17 million people of Taiwan mentioned in the statement did not exclude the Chinese Mainlanders from the population; Ibid., 166-169

¹⁸⁶ Ming-Teh Shih, *Rebellion/Will* (Taipei: The Juridical Person of Ming-Teh Shih Lecture Foundation, 2010), 428.

Liang Hsu thought the occurrence of this criminal case was far more serious than a political warning, but marked the beginning of KMT's comprehensive oppression against the Tangwai activists. Hsu, thus, called for an immediate demonstration to show Tangwai's determination of the opposition to political persecution when KMT's special agents were still unprepared.¹⁸⁷ In the next day after the arrest of Teng-Fa Yu and his son, the Tangwai activists gathered in Yu's home in Chiaotou, Kaohsiung and launched a parade which surprised KMT's intelligent agents so much that they even had no idea about how to respond. This marked the first challenge against the taboo of launching parades during the Martial Law era.¹⁸⁸ On the other hand, for the Tangwai activists, the election's suspension not only marked the advance end of the democratic holidays, but also deprived them of their only way to participate in political affairs. Under this circumstance, the Tangwai Campaign Group had to be either dissolved or transformed. Hence, when announcing *The Tangwai Activists' Statement on National Affairs*, Hsin-Chieh Huang once publicly recommended Hsin-Liang Hsu, Chia-Wen Yao, Chun-Hung Chang, Yi-Hsiung Lin, and Ming-Teh Shih to collectively study Tangwai's future development directions. Shih thought that Tangwai would eventually have to become "a political party without a name". Besides, these five men turned the Tangwai Movement into a standing organization and established the United Office of Tangwai Representatives,¹⁸⁹ known as Tangwai's headquarter. Later, they

¹⁸⁷ The Formosa Incident Oral History Editorial Committee, *A Political Party without a Name: The Development of the Formosa Political Group*, 123.

¹⁸⁸ *Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 3: Organization of Opposition Movement (1978.6~1979.9)*, eds. Shih-Hung Chen et al. (Taipei County: Academia Historica, 2000), 293.

¹⁸⁹ The Formosa Incident Oral History Editorial Committee, *A Political Party*

even opened the Magazine Publisher *Formosa*. This not only helped the activists promulgate their political claims, but also enhanced the activism's scale and efficiency in terms of internal management, division of labor, and organizational operation. Gradually, the Magazine Publisher *Formosa* had already become a political group and, more precisely speaking, an embryo of a political party. In addition to issuing magazines, *Formosa* rapidly established local service centers in other cities and counties and actively orchestrated various speeches and rallies to raise public awareness of socio-political affairs. The commemorative speech rally for the International Human Rights Day in December 10th 1979 intrigued KMT authority's strong suppression, known as the Kaohsiung Incident. Afterwards, many *Formosa* activists were arrested and prosecuted. Eight of the defendants were prosecuted as rebels according to the Act for Punishing Rebellion and trialed by the military court, which also caught high-level attention from both domestic and international media, academia, NGOs, and even foreign governments.

Paradoxically, people such as Yi-Pin Chiu who did not even participate the rally in Kaohsiung were also arrested in the same criminal case.¹⁹⁰ To explain such paradox, Sheng-Chu Cheng, Ming-Teh Shih's attorney, proposed the notion of "unit system". Cheng believed the reason KMT arrested people was based on their "units" rather than whether or not they had participated in the Kaohsiung Incident. That is, prior to the arrest, KMT graded dissidents with certain units based on their degree of

without a Name: The Development of the Formosa Political Group, 185.

¹⁹⁰ Yi-Pin Chiu once accused the director for the electoral supervision of vote rigging in 1977's election for the magistrate of Taoyuan County.

threat. And once the dissidents' accumulative units reached certain points, KMT would arrest them. Cheng further pointed out that the Kaohsiung Incident was an orchestrated trap whose purpose was to disguise KMT's scheme of the large-scale arrest. This could be proved by the unit system and the unit system could be proved by KMT's false arrest.¹⁹¹

The oral history records of the Formosa activists enable us to know that the speech rally in December 10th was originally planned to be held indoors rather than resort to mass movement in streets. Ching-Chu Yang, the Director of *Formosa's* Kaohsiung City Service Center, stated that, in the beginning, the magazine publisher was planning to borrow the Kaohsiung Municipal Stadium from the Kaohsiung Municipality to hold the human rights speech rally. The stadium was the only venue for large-scale indoor activities in Kaohsiung City at that time. But due to Kaohsiung Municipality's rejection, the magazine publisher changed the venue and applied for using the Fulun Park, which was just next to the stadium.¹⁹² Also, the defendant Hung-Hsuan Lin's testimony on the public military trail indicated that the magazine publisher had intended to hold the speech rally in the stadium at first, and changed the venue to Fulun Park afterwards.¹⁹³ Consequently, the Kaohsiung Incident is inferably avoidable. However, the authority's continuous impediment for the magazine publisher's application for the activity's venue increased the tension. Furthermore, in

¹⁹¹ The Formosa Incident Oral History Editorial Committee, *Violence and Poetry: The Kaohsiung Incident and the Trial for the Formosa* (Taipei: China Times Publishing Company, 1999), 293.

¹⁹² *Ibid.*, 16

¹⁹³ Shih, *Rebellion/Will*, 53.

the day before the speech rally, the police even brutally beat two of the magazine publisher's volunteers who helped advertise the speech rally, known as the Kushan Incident. This eventually provoked the demonstration and conflict in December 10th. Besides, Yu-Chuan Tsai, the secretary of the magazine publisher's general manager, expressed that the speech rally's preparation was chaotic and seriously fell behind even in the day before it would really begin. For instance, it was not until December 9th that the magazine publisher started contacting people who would give speeches in the rally tomorrow.¹⁹⁴ As a result, it is obvious that the speech rally and parade in December 10th was not a schemed rebellion as the KMT authority framed.

C. Public Military Trial and Political Drama

Similar to the Peace Act Incident in the previous chapter, the KMT authority oppressed dissidents by public military trials in order to consolidate its authoritarianism and destroy Tangwai's political influence. Chia-Wen Yao, one of the eight defendants tried by the military court, once said, "this [the trial] is not judging me. This is judging Tangwai."¹⁹⁵ Chuan-Sheng Lu, the attorney of the defendant Hsiu-Lien Lu, considered the military court to be a tool for political persecution. Chuan-Sheng Lu further pointed out the public trials were a puppet drama whose audiences were Taiwanese people and international media, and that the drama's purpose was to produce a fake image that the KMT government valued human rights

¹⁹⁴ The Formosa Incident Oral History Editorial Committee, *Violence and Poetry: The Kaohsiung Incident and the Trial for the Formosa*, 25.

¹⁹⁵ *Ibid.*, 295

and did not conduct political persecution. Besides, the trial result may have been decided by senior governmental officers even before the trials began.¹⁹⁶ Same as the public trials of the Peace Act Incident in 1924, the political drama of the Kaohsiung Incident's public trials in 1980 was also a highly politicized criminal case. In both cases, alien colonial regimes attempted to judge dissidents' political thought by public trials in order to demonstrate the rulers' authorities to Taiwanese public. And such authorities aimed to strengthen the unchallengeability of the constitutional states of exception, which turned dissidents and Taiwanese people into obedient bodies and manageable homo sacers. Interestingly, both of the two incident's public trials lost control and did not follow the scripts designed by the authorities. The defendants and their attorneys persuasively justified and advertised the movements. In contrast, the authorities' accusations and suppressions appeared to be very groundless and absurd. For example, during the public trial, Chia-Wen Yao expressed that he once asked the [military] prosecutor why he was arrested on suspicion of the crime of rebellion. And the prosecutor answered Yao, "except for the crime of rebellion, I have no legitimate reason to arrest you."¹⁹⁷ This shows the coarseness of such intentional arrest and ignorance of the legal prudence. In terms of utilizing the public trials as an advertisement for political ideas, Ming-Teh Shih expressed that the purpose of establishing the *Formosa* Magazine publisher was to ask the government to improve people's livelihood, democratic politics, and other issues, including the bans on organizing political parties and publishing newspapers, and the National Assembly

¹⁹⁶ Ibid., 319-320

¹⁹⁷ Shih, *Rebellion/Will*, 160.

whose members had never been reelected. Shih further explained issuing the magazine was to resist the unification with PRC, and that founding service centers in other cities and counties was to organize a political party without a name.¹⁹⁸ However, in terms of the trial processes and degree of the punishment, the Peace Act Incident greatly differs from the Kaohsiung Incident. The Peace Incident's trials were conducted by Taihoku Local Court and Higher Court. The defendants were charged with violating the Peace Act whose heaviest punishment was imprisonment for six months. And in the trial result, Pei-Huo Tsai and Wei-Shui Chiang were sentenced to imprisonment for four months, the heaviest punishment among all the defendants'. In contrast, the Kaohsiung Incident's defendants were charged with violating Paragraph No.1 of Article No. 2 of the Act for Punishing Rebellion whose punishment was death penalty only. Furthermore, during the Martial Law era, people who violated this act, whether or not they were soldiers, would be trialed by the military court. In the trial result, Ming-Teh Shih was sentenced to life imprisonment. Hsin-Chieh Huang was sentenced to imprisonment for 14 years. The other six defendants Chun-Hung Chang, Chia-Wen Yao, Yi-Hsiung Lin, Hsiu-Lien Lu, Chu Chen, and Hung-Hsuan Lin were sentenced to imprisonment for 12 years.

The *Directory Outline for the Interrogation of 1210 Project*, set by the Investigation Bureau, was the script draft of the Kaohsiung Incident's military trials and revealed that the KMT authority deliberately framed the Kaohsiung Incident as a criminal case of rebellion aiming to overthrow the government and conspired by both

¹⁹⁸ Ibid., 79-80

CCP spies and activists for Taiwan's independence.¹⁹⁹ The outline indicated that the interrogation's final goal was to confirm and emphasize the roles of CCP spies and pro-independence activists in the incident of Kaohsiung riot, and made this interrogation more persuasive to the public. According to the outline, Hsin-Chieh Huang, Ching-Li Su, Tuo Wang, and Chung-Hsin Chen were planned to be framed as CCP's spies, while Chia-Wen Yao, Yi-Hsiung Lin, Chu Chen, Chun-Hung Chang, Hsiu-Lien Lu, Fu- Chung Chang, and Ting-Chao Wei were planned to be framed as activists for Taiwan's independence.²⁰⁰ Such process, in which the interrogation officers forced the defendants to admit what the authority had already decided, cannot be called as interrogation at all. Instead, it would be no exaggeration to call this process as fabrication.

The indictment of the eight defendants trialed by the military court further fabricated fictional scenarios and transformed the *Directory Outline for the Interrogation of 1210 Project* into a complete drama script. Firstly, Hsin-Chieh Huang was engulfed in another fabricated criminal case of rebellion, because he lent the trader Chih-Liang Hung 500 thousand Taiwanese Dollars to invest an eel fry business. The indictment described Huang as a double-faced character who simultaneously colluded with both CCP spies and activists for Taiwan's independence. In the indictment, Huang was said to have instigated Hung to import

¹⁹⁹ Please Check the Attachment of One Directory Outline for the Interrogation of 1210 Project, 1979, 0068/C2801/0001/01/001, National Security Bureau, Archives of the Kaohsiung Incident, National Archives Administration, New Taipei City, Taiwan.

²⁰⁰ Ibid.

PRC's eel fries through Japan in order to earn the money for overthrowing the [KMT/ROC] government. Moreover, the indictments supplemented that, during Hung's stay in PRC, he once contacted Side Yang, the secretary-general of PRC's Political Consultative Conference, and brought Yang's message to Huang after returning to Taiwan. Yang allegedly expressed to Huang, "[PRC] hoped to realize peace unification. Afterwards, Taiwan would become an autonomous district and [PRC] had agreed Huang to be the chair [of Taiwan autonomous district]." Then, after hearing Yang's message through Hung, Huang allegedly said, "It would be embarrassing for me to respond by myself. You [Hung] will deal with the affairs with respect to unification. [Because,] in terms of Taiwan's independence, I still have to take care of Chia-Wen Yao and others."²⁰¹ The verdict also preserved this scenario and added Huang's rebellion intension of pursuing Taiwan's independence in the beginning of the section of "facts".²⁰² Ming-Teh Shih was listed as an important figure for interrogation.²⁰³ The indictment pointed out that Shih was once sentenced to life imprisonment in 1959 owing to his establishing Taiwan United Battle Front, which was regarded as a rebellious organization. After Shih was released because of his abatement from penalty in 1977, he was allegedly still impenitent.²⁰⁴ The verdict

²⁰¹ "Full Text of the Indictment of Hsin-Chieh Huang and Other Suspects of Last Year's Kaohsiung Violent Incident," *Central Daily News*, February 21st, 1980, 3.

²⁰² Shih, *Rebellion/Will*, 386.

²⁰³ Please Check the Attachment of One Directory Outline for the Interrogation of 1210 Project, 1979, 0068/C2801/0001/01/001, National Security Bureau, Archives of the Kaohsiung Incident, National Archives Administration, New Taipei City, Taiwan.

²⁰⁴ "Full Text of the Indictment of Hsin-Chieh Huang and Other Suspects of Last Year's Kaohsiung Violent Incident," *Central Daily News*, February 21st, 1980, 3.

supplemented that after his release, Shih continued contacting rebels and activists for Taiwan's independence.²⁰⁵ As for other defendants, in the indictment, Chia-Wen Yao, Chun-Hung Chang, Yi-Hsiung Lin, Hung-Hsuan Lin, Hsiu-Lien Lu, and Chu Chen were said to have been bewitched by pro-independence activists and thus developed the rebellious intension to topple the government.²⁰⁶

Previously, when Hsin-Chieh Huang announced *The Tangwai Activists' Statement on National Affairs* after the election's suspension in 1979, he once publicly recommended Hsin-Liang Hsu, Chia-Wen Yao, Chun-Hung Chang, Yi-Hsiung Lin, and Ming-Teh Shih to collectively study Tangwai's future development directions. These five men were framed by the interrogation officers as the "five-men committee" which studied the plans for toppling the government.²⁰⁷ The indictment further pointed out in order to overthrow the government, the five-men committee cultivated the "long-term and short-term plans for seizing the power", and that the establishment of the *Formosa Magazine* publisher and its local service centers was to disguise these two rebellion plans. According to the indictment, the long-term plan was to hold activities through the magazine publisher so as to gain support, expand political influence, and eventually take over the regime. On the other hand, the short-term plan was to rapidly topple the government through violence and mass

²⁰⁵ Shih, *Rebellion/Will*, 386.

²⁰⁶ "Full Text of the Indictment of Hsin-Chieh Huang and Other Suspects of Last Year's Kaohsiung Violent Incident," *Central Daily News*, February 21st, 1980, 3.

²⁰⁷ Hsin-Liang Hsu was impeached by the Control Yuan of his participation in the Chiatou parade to express his public support for Teng-Fa Yu and his son in early 1979. He was thus removed from his position of the magistrate of the Taoyuan County. When the Kaohsiung Incident outbroke, Hsu was on vacation with his family in the US and consequently escaped from the arrest and trial.

movements.²⁰⁸ During the public trial, Chun-Hung Chang not only revealed the fictionality of the long-term and short-term plans, but also challenged the plans' logistic flaws. Chang argued that his confession was not based on truth and his free consciousness, but the interrogation officers' demand. Chang additionally expressed that his answer on the public trial was the first answer based on his free will since his detention for 102 days. Furthermore, Chang cast a fundamental doubt on the paradox between the long-term and short-term plans, as he said, "the short-term plan would be to seize power by violence while the long-term plan would be conducted peacefully. If the short-term plan fails, how could the long-term plan be possible?"²⁰⁹

The *Formosa Magazine* had never issued any article with regard to Taiwan's independence, let alone promotion, but in order to frame the activists as rebels, the interrogation institution forced them to admit their intention to pursue Taiwan's independence in their confessions. During the public trials, whether or not the defendants support Taiwan's independence also became one of the trials' foci. When asked of his thought on Taiwan's independence by the presiding judge, Hsin-Chien Huang responded that Taiwan's independence was mean and lacked of nationalness. Huang added PRC would not allow Taiwan to become independent, and that even if Taiwan were to be independent, it could not join the United Nations.²¹⁰

Paradoxically, during the public trial, even though Huang denied the intension of him

²⁰⁸ If we were to accept this criterion, the Kaohsiung Incident would be a part of the short-term plan for seizing the power. See "Full Text of the Indictment of Hsin-Chieh Huang and Other Suspects of Last Year's Kaohsiung Violent Incident," *Central Daily News*, February 21st, 1980, 3.

²⁰⁹ Shih, *Rebellion/Will*, 175-176.

²¹⁰ *Ibid.*, 31

and other *Formosan* activists to pursue Taiwan's independence, in the end of his trial, he stated that he would never engage in Taiwan's independence activism again if he could have a chance to return to the society.²¹¹ This seems to imply Huang eventually acquiesced the previous accusations of engaging in Taiwan's independence activism. Hsiu-Lien Lu expressed, during her public trial, that her written statement could not represent her free will, but was fabricated by the interrogation officers. She emphasized she had never said anything about Taiwan's independence.²¹² Also, Chun-Hung Chang indicated that the interrogation officers in the investigation court made him admit that the magazine aimed to promulgate Taiwan's independence activism in his written statement.²¹³ On the other hand, Yi-Hsiung Lin held that Taiwan's prospect should have been decided collectively by her 17 million dwellers, including Taiwanese and the Chinese Mainlanders living in Taiwan. Lin added this was the absolute conclusion according to his belief in democracy, and that this was definitely not pro-independence consciousness, for that the 17 million people were also likely to collectively decide to reconquer Mainland China immediately.²¹⁴ From this, we can see that Lin's concern was whether or not the dwellers of Taiwan could have the rights of democratic self-determination. In Lin's view, Taiwan's future, either to become an independent state or unified with Mainland China, should be determined by Taiwan dwellers rather than the ruler.

²¹¹ Ibid., 43

²¹² Ibid., 69

²¹³ Ibid., 176

²¹⁴ Ibid., 204

Interestingly, some of the defendants admitted they claim for Taiwan's independence during their public trials, but brought up very provoking discourses. Chia-Wen Yao stated, "if the opposition to the unification with PRC, then the purpose of establishing the *Formosa* Magazine publisher was to promulgate the thought of Taiwan's independence."²¹⁵ However, KMT also rejected the unification with PRC and further declared that ROC and PRC could not coexist. Thus, if we follow Yao's logic, wasn't KMT also an advocate for Taiwan's independence? Chu Chen and Yi-Hsiung Lin both claimed that Taiwan's prospect was supposed to be determined by Taiwan's dwellers. Yet, Chen further stated if claim for the self-determination for Taiwan's dwellers meant advocacy for Taiwan's independence, then she admitted that she claimed for Taiwan's independence.²¹⁶ In the end of her open trial, Chen clarified that her ideal of Taiwan's independence was not to pursue the independence merely for Taiwanese while excluding the Mainlanders in Taiwan from such state-building. Instead, she claimed for the independence in terms of international status, namely one independent China and one independent Taiwan. Besides, Chen expressed her yearning for a just and fair society, reiterating that oligarchy as well as tyranny of majority were not allowed according her faith.²¹⁷ From this, we can see Chu Chen valued the self-determination of the people living within the community of Taiwan. This community included Taiwanese and the Mainlanders in Taiwan, but did not include the people in Mainland China.

²¹⁵ Ibid., 149

²¹⁶ Ibid., 181

²¹⁷ Ibid., 196-197

On the other hand, Ming-Teh Shih elaborated the “ROC mode for Taiwan’s independence” in details during his public trial. Shih thought Taiwan had been independent for 30 years. This fact, alleged by Shih, could be proved by the five principles proposed to the US by the ROC/KMT government when the US developed its official diplomatic relation with PRC. The principles asked the US to maintain an intergovernmental position with ROC. This, according to Shih, indicated that Taiwan had been a de facto state with independent sovereignty in the international society.²¹⁸ Under the presiding judge’s further inquiry, Shih accentuated that the pursuit of the overseas Taiwanese independence activists was narrow and included Taiwanese only. In contrast, Shih’s claim for Taiwan’s independence include the 18 million people surviving in Taiwan. Moreover, Shih acknowledged that PRC was a rebellious organization, clarifying it was necessary to declare Taiwan’s independence so that ROC could avoid being misunderstood as PRC.²¹⁹ In the end of Shih’s public trial, the military prosecutor refuted Shih’s argument, contending Taiwan was one of ROC’s provinces, and that ROC had been endeavoring to reconquest its territory of Mainland China in the past 30 years. Additionally, the prosecutor criticized Shih’s claim, that Taiwan had been independent for 30 years, as desertion of the lives of the 900 million compatriots in Mainland China.²²⁰ The verdict reiterated such position, emphasizing ROC’s legitimate succession of China’s every territory and the goal of reconquering the lost Mainland territory. According to the verdict, the

²¹⁸ Ibid., 79-80

²¹⁹ Ibid., 84

²²⁰ Ibid., 119

intergovernmental relations between ROC and the US should not be interpreted as the emergence of “two Chinas”. Besides, from ROC’s perspective, PRC was a rebellious organization and could not represent ROC.²²¹ From this, we can see that Shih did not intend to overthrow ROC. Instead, he utilized the fact of the political separation between Taiwan and Mainland China to further stress that Taiwan, in fact, had been independent from Mainland China, though the official name was ROC rather than Taiwan. Also, the Chinese Mainlanders living in Taiwan were included in the blue print of such nation-building. Nonetheless, such claim, which separated Taiwan from Mainland China and regarded them as two different regimes, were still not acceptable to the KMT authority.

Hung-Hsuan Lin expressed that he was in favor of the statement of human rights declared by the Presbyterian Church in Taiwan, including the claim of letting Taiwan become a new independent state.²²² In the end of Hung-Hsuan Lin’s public trial, the presiding judge refuted that ROC had already been an independent state. In response, Hung-Hsuan Lin explained that ROC had always been an independent state since its migration to Taiwan 30 years ago, but he accentuated that ROC’s current territory was in Taiwan.²²³ Though Hung-Hsuan Lin did not further clarify, his political thought on Taiwan’s independence seemed to be very close to the “ROC mode for Taiwan’s independence”. Such mode emphasized that since ROC lost its Mainland

²²¹ Ibid., 428

²²² Ibid., 45

²²³ Ibid., 66

territory and migrated to Taiwan in 1949, Taiwan had already been a new independent state whose territory did not include Mainland China.

In terms of the strategy for justification, the defendants' attorneys decided to justify the whole incident rather than individuals. Chang-Ting Hsieh, Chia-Wen Yao's barrister, believed that there would be no contradiction between each defendant if the barristers justify the incident as a legitimate democratic movement.²²⁴ In addition to legal justification, the attorneys put more emphasis on political justification and further catapulted the legal and political issues to the constitutional level. From a legal perspective, the crime defined by the Paragraph No. 1 of Article No. 2 of the Act for Punishing the Rebellion was a conduct crime, in which the crime required no result element and would be completed once conducted. In other words, such kind of crime could be completed only, but never attempted. For this, Ching Yu, the attorney of Ming-Teh Shih and Chun-Hung Chang, pointed out there was no specific criterion to identify the criminal action's premeditation and execution. Hence, the military judge could arbitrarily take it for granted that the defendants' rebellious action was conducted from premeditation to completion.²²⁵ Additionally, in the military trials of the Kaohsiung Incident, the prosecutors presumed the defendants had the intension and action, which constituted the crime of rebellion, almost only by their confessions rather than the investigation of the site or direct evidence. Furthermore, during the interrogation, the defendants even suffered from physical torture and

²²⁴ The Formosa Incident Oral History Editorial Committee, *Violence and Poetry: The Kaohsiung Incident and the Trial for the Formosa*, 296.

²²⁵ *Ibid.*, 291

grueling questioning. This made the confessions' arbitrariness and legality highly flawed and unusable.

In terms of the responsibility for the incident, the attorneys emphasized the incident's violence conflict was not the result orchestrated by the *Formosa* Magazine publisher. They argued, instead, the violence was caused by the repressive action of the police and gendarmeries. Namely, it was after the oppression that the public started rioting. In fact, when the conflict occurred, the *Formosa* activists did not even agitate for more violence; instead, they attempted to stop it. Besides, the weapons which the rioters used were stones, bricks, and sticks.²²⁶ And the rioters' attack targets were the police and gendarmeries rather than governmental institutions, let alone the central government. Therefore, it is obvious that the *Formosa* activists did not intend to topple the government.

In the constitutional aspect, the attorneys argued that the defendants should not have been trialed by the military court, for that they were not soldiers at that time. This further challenged the legality of the Martial Law Orders. According to Article No. 10 of the Act for Punishing the Rebellion, people who violated this law in districts where Martial Law Order was enforced would be trialed by military institutions regardless of whether or not they were soldiers. Notwithstanding, if the Martial Law Orders themselves were not even legal, then it would also be illicit to impose military trials on defendants who were not in-service soldiers. As mentioned

²²⁶ For this, the attorney Ching Yu sarcastically refuted, “[since we are] not at the Stone Age, it is impossible [for the campaigners] to launch rebellion by sticks and stones.” See The Formosa Incident Oral History Editorial Committee, *Violence and Poetry: The Kaohsiung Incident and the Trial for the Formosa*, 322.

in the first section of this chapter, neither the Martial Law Order issued by the Taiwan Garrison Command nor the Executive Yuan's inclusion of Taiwan in the Martial Law warzone had completed the legal procedure.

After nine days of public trials, the eight defendants started declaring their final statements. Basically, they declared their final statements as if declaring their wills because death penalty was the only punishment of Paragraph No. 1 of Article No. 2 of the Act for Punishing the Rebellion. Their final statements made the personnel, lawyers, and journalists in the military court burst into tears. Through public trials and news report, these final statements gained stronger effects of mobilization of emotion. For example, Hung-Hsuan Lin cited the Passion and compared himself to a martyr who would soon be executed in the name of rebellion for that he promoted the just political ideas. Moreover, Hung-Hsuan Lin begged God to forgive the security officers who tortured him during his detention and interrogation.²²⁷ Hsiu-Lien Lu stated that she bade farewell to her life at Harvard University for Taiwan's prospect and women's rights. Yet, after her return to Taiwan to engage in democratic movements, she was framed as a rebel by the Investigation Bureau and suffered from humiliation and torture during the interrogation. Though she had never claimed for

²²⁷ In his final statement, Hung-Hsuan Lin said, "around 1,980 years ago, Jesus was born in the Roman Empire's colony, the Judea Province. At his age of 33, Jesus was arrested and prosecuted on the suspicion of rebellion by the political-religious leaders among his compatriots, for that he preached love, peace, justice, forgiveness, and other gospels. Eventually, ... Jesus was sentenced to the Crucifixion by his compatriots with the groundless accusation of rebellion. ... Jesus did not resent anyone. Instead, he cried out loud, 'Father, forgive them, for they know not what they do.' The defendant's (My) mood in this moment is very close to the mood of my Lord in his face of death. I do not hate the security officers who illegal arrested me, insulted me, and tortured me as well as anyone who commanded them to do so. I beg God to forgive them, for they know not what they do." See Shih, *Rebellion/Will*, 268-269.

Taiwan's independence, she insisted that Taiwan's prospect should have been decided collectively by the 18 million compatriots living in the island of Taiwan, rather than the US hegemony or Mainland China's armed invasion. She did not beg for the judge's sympathy, but only begged for fairness and justice. If fairness and justice prevailed, she would have hope and her innocence could be proved.²²⁸ Ming-Teh Shih learnt the bloody murder tragedy which happened to his friend Yi-Hsiung Lin's family at the night before the session for final statement. Consequently, Shih no longer smiled at the military court as usual and even gave up declaring his will which he had already written. Shih thought Yi-Hsiung Lin's mishap was caused by Shih and other defendants. Eventually, Shih cried to the judge,

“if [my death] could soothe the compatriots' resentment and be helpful to the state's solidarity and the society's harmony, then I am very willing to beg your honor to sentence me to death penalty. And please do not reduce my penalty. I beg you! I beg you!”²²⁹

Chia-Wen Yao pointed out that the international human rights day was a festival celebrated by the whole world except for communist and autocratic countries. He highlighted that they had no intention to rebel. Rather, they were just keen on the Tangwai political movement. In the end of Yao's final statement, he said,

²²⁸ Ibid., 270-273

²²⁹ Ibid., 274-275

“I would like your honor to have this recorded on our verdict. We do not admit the guilt the prosecutors accused of. We only admit that we are willing to devote ourselves to Taiwan’s democratic movement and *Formosa*. We only ask for innocent verdict rather than commutation by admitting the guilt.”²³⁰

Chu Chen expressed that she had no hatred in her heart. What she prayed for was that such historic tragedy would never repeat again. Chen asked Yi-Hsiung Lin, after his returning to his home, to kiss his only survival daughter Huan-Chun Lin for Chen and tell her that auntie [Chu Chen] loved her. Then, Chen bade her farewell to her friends, either present or absent, “Everyone, take care, although there is no more good-bye.” Finally, Chen said to every other defendant, “I love you and will also cherish the memory of you.”²³¹

This political drama could not be performed as KMT had planned and expected, as the defendants withdrew their confessions during the public trials. Nevertheless, the verdict still followed the drama script fabricated by the indictment as well as the *Directory Outline for the Interrogation of 1210 Project*. Based on this, it is obvious that the public trials were merely parts of KMT’s propaganda to produce the fake image that KMT was liberal. The trial result not only totally negated the defendants’ withdrawal of their confessions and their attorneys’ contentions, but also twisted and decontextualized the defendants’ testimony of the public trials in order to fit them in the fabricated crime. After the verdict’s announcement, the attorneys proposed an

²³⁰ Ibid., 276-277

²³¹ Ibid., 280

appeal for a retrial, but was rejected eventually. Hence, the trial result remained the same. The eight defendants were prosecuted in the name of violating the Paragraph No. 1 of Article No. 2 of the Act for Punishing the Rebellion, whose punishment was death penalty only. Yet, none of the eight defendants was sentenced to capital punishment. Besides, both the ends of the indictment and verdict mentioned, “the defendants violated such felony since they were either bewitched by overseas rebels or ignorant. They felt deeply guilty for the Kaohsiung violent incident after their detention. Thus, [the court] reduced their penalty to an appropriate degree to show [the court’s] sympathy. This implies that the KMT authority aspired to punish the Formosa activists, but did not want to be too cruel. Could this result from the powerful arguments of the defendants and their attorneys? Or could this be caused by domestic and international pressure?

D. Repositioning Kaohsiung Incident and Its Trials

The interval between the Petition Movement and the Kaohsiung Incident is almost half of a century and they represent two different generations of Taiwanese resistant activisms against alien colonial regime. Both of them chose to accept the existing regimes, seeking limited opportunities of reformation within the institutions rather than toppling the governments by revolution. Furthermore, in both dissident activisms, modern progressive values such as human rights, constitutional politics, and self-determination of residents were frequently utilized as political demands to defy the repressive oligarchies of alien colonial regimes. As a result, democracy and human rights have become important symbols and languages in modern Taiwan’s

anti-colonial experience; Taiwan's anti-colonial movements and decolonization also germinated and developed in the context of pursuing democracy and human rights. Through the articles of *The Tai Oan Chheng Lian*, *The Formosa*, *Taiwan Minpao*, and other publications, we can see how the Petition Movement activists viewed and applied modern Western thoughts on civil rights and studies of colonial policies to their local resistant movement. On the other hand, since 1970s, democracy and human rights had become the appeal of many Tangwai activists' campaigns. The Formosa activists even held a commemorative speech rally on the international human rights day, aiming to connect Taiwan's dissident political movement to the international human rights issue. The legacies of these pre- and post-WWII resistance experiences, to some degree, caused Taiwan to reexamine the political persecution during KMT's authoritarian rule and further implement the transitional justice agenda from the perspective of human rights violation and education after the democratization in 1987. Moreover, the common language of transitional justice, in recent years, has connected Taiwan with the global community of post-authoritarian states such South Korea, Germany, and Eastern European states, and provoked the international conversation concerning collective historical memories, memorialization, and state violence.

Through the lens of democratization, the Formosa activists demanded the lifting of the Martial Law, the abolition of the bans on organizing political parties and issuing newspapers, and the implementation of the reelection of the National Assembly. These were all fundamental conditions for the democratic politics. Through limited elections, dissident magazines, and, later, the public military trials, Taiwanese people gained further political enlightenment. And this brought more

pressure calling for political reformation of liberalization and democratization. It seems reasonable to put the Kaohsiung Incident under the framework of democratization. However, the accountability of such framework for the political movements during the Martial Law era also has limits, for that democratization approach mainly focuses on the polity's transition but often loses sight of the ethnic heterogeneity between the rulers and the ruled, and the oppression and unequal power relations based on ethnicity under the authoritarian rule.

In contrary to the democratization approach, anti-colonialism may offer us a useful lens to examine the politicization of ethnicity and the institutionalization of inequality in the background of Kaohsiung Incident. Nonetheless, similar to the Petition Movement, several problems will emerge if we understand the Kaohsiung Incident entirely from an anti-colonial perspective. Firstly, the core activists of the Kaohsiung Incident were all ethnic Han Taiwanese and the activism also lacked the participation of Taiwan's indigenous peoples. The colonizer to defy was clearly the Mainlander-centric KMT ruling bloc and its cronies rather than ethnic-Han Taiwanese, who had been oppressing and discriminating Taiwan's indigenous peoples for centuries. If we consider the Kaohsiung Incident and Tangwai movement to be anti-colonial, we will have to face the resistance's partiality. Such partiality was an unusual scenario in which the weak colonizer resisted the strong colonizer while the former one ignored its colonization of other weaker ethnic communities. Secondly, though anti-colonialism can account for the ethnicity's remaking and politicization and why conflict occurred, it can hardly explain why some Chinese Mainlanders also engaged in the Tangwai movement. Moreover, it cannot illuminate why the

mainstream Taiwanese dissidents were still willing to accept the rule of ROC, an alien regime imposed on Taiwan by KMT, and only demanding democracy and the deactivation of the Martial Law institution.

As to the Taiwanese-Mainlander relation, Bhabha's notion of hybridity provides a powerful approach to examine how Taiwan became a third space and how modern Taiwan and Taiwanese were shaped as a community. ROC's loss of its Mainland territory and the fact of political separation owing to KMT government's migration to Taiwan can be seen as a spatial remaking. Such spatial transformation forced Mainlander immigrants and Taiwanese living under the same institution in the same isolated island with the same external threat. This produced common interest and identity for the dwellers of Taiwan. The embryo of a new nation as well as a new state were gradually emerging. In this context, it would not be difficult to understand the "ROC mode for Taiwan's independence". In fact, the development pattern of such nation-building which also includes alien colonizers is traceable. In the Petition Movement, the activists also included the Japanese living in Taiwan when defining the Taiwan dwellers who would have the right to vote. Additionally, some of the indigenous peoples who had originally been living in Taiwan were also defined as Taiwan dwellers. From these, we can see the inclusiveness of modern Taiwan's nation-(re)building. In the two case studies, it transcended ethnicity, language, and culture. Taiwan became the geographical boundary for the identity's formation. Moreover, democracy and human rights became the community's common political pursuit. Therefore, what fuses and shapes modern Taiwan's nation is not specific ethnicity or sequential order of arrival at Taiwan. Instead, it is democracy, human

rights, and the common experience of living in the island of Taiwan that produced the nation of Taiwan.

Interestingly, despite the interval of half of a century, the *Formosa Magazine* shared highly similar concern and wish with *The Tai Oan Chheng Lian Magazine*. This indicates the similar predicament in which these two generations of Taiwanese were dominated and suppressed by alien colonial regimes' oligarchies. In the article of *Our Island and We*, Pei-Huo Tsai wrote,

“Honestly, our island is a treasure-house of the Earth. We were born as the masters of the island....For years, our island's politics has been controlled by military officers. Isn't it a serious disaster? Taking this into consideration, we absolutely cannot be leisurely and carefree and always be at the position of the incompetent. Taiwan belongs to the empire. At the same time, Taiwan belongs to us Taiwanese, too.”²³²

Later, Tsai proposed the claim that “Taiwan belongs to Taiwanese”. And such claim became the Petition Movement's very spirit. On the other hand, in the words on launching the *Formosa Magazine*, Hsin-Chieh Huang wrote,

“The verdant Jade Mountain, the boundless sapphire sea, the whirling ocean, and the beautiful island. These are our homeland where we grow up. We deeply love

²³² Pei-Huo Tsai, “Our Island and We,” *The Tai Oan Chheng Lian* 1, no.4 (1920): 13-23. Japanese Section; Pei-Huo Tsai, “Our Island and We,” *The Tai Oan Chheng Lian* 1, no.5 (1920): 35-40. Chinese Section.

this land and the people who grow up by sipping the land's milk. Moreover, we care about our common destiny in the future. Meanwhile, we believe that the decision of the path of our future and destiny is the right of us every people, rather than the right of any regime and the literati fed by the regime.²³³

These two articles were from the flagship magazines of the two activisms. In addition to complimenting Taiwan's natural beauty and fertility, the two article stressed local identification and appealed for the dwellers' self-determination. Both activisms were willing to contain aliens and share political power with them. Meanwhile, new national community had been emerging. In contrast to the Petition Movement, some of the Kaohsiung Incident activists' claims and discourses further moved from nation-building toward state-building. Most of the Formosa activists were not opposed to Taiwan's independence. Some even supported it, no matter how they identify the form of independence. Yet, the *Formosa* Magazine had never published any article promoting Taiwan's independence. The Kaohsiung Incident and the speech rally were political movements appealing for democracy and human rights, rather than pursuing independence. And it would make little sense if we position the Kaohsiung Incident as a case of separatism, in terms of the activists' intentions and actions. However, under KMT's authoritarianism and the Martial Law institution, any dissident political thought could be extensively interpreted as rebellion intension. And any speech or action of people alleged to have separatist awareness could be framed

²³³ Hsin-Chieh Huang, "Words on Launching the Magazine: Let's Propel the Political Movement of the New Generation Together!" *Formosa* 1, no.1 (1979): inside front cover.

as rebellion, as the verdict of the Kaohsiung Incident wrote, “thus, people who intend to pursue Taiwan’s independence, regardless of what they explain, are rebels. This is needless to explain.”²³⁴

Same as the Petition Movement, it is also very difficult for us to completely position or apprehend the Kaohsiung Incident from a single angle. Also, we may not be able to understand the making of modern Taiwan if we only follow single approach. The perspectives mentioned above can only account for several aspects of the incident and its background. This, however, points out the complicated interconnectedness and contradiction between nation-building, deepening of democracy, and multiple colonial legacies in the making of modern Taiwan. In comparison with the viewpoints of nationalism and democratization, anti-colonialism, as an analytical framework for the Kaohsiung Incident, has not yet gained enough attention. Notwithstanding, the anti-colonial approach can challenge ROC’s official narrative and supplement the omitted aspects in Taiwan’s mainstream social awareness. The anti-colonial view would bring multidimensional criticism of the multiple colonial power relations between ethnic groups to the realm of public discourse. And it would further open new possibilities in public historical memories, indicating important directions for Taiwan’s nation-building, ongoing transitional justice, and unfinished decolonization: the construction of community and its subjectivity, demarginalization, and equal empowerment of each member of the community regardless of ethnicity.

²³⁴ Shih, *Rebellion/Will*, 434.

E. References

1. Archives

Please Check the Attachment of One Directory Outline for the Interrogation of 1210 Project, 1979, 0068/C2801/0001/01/001, National Security Bureau, Archives of the Kaohsiung Incident, National Archives Administration, New Taipei City, Taiwan.

2. Collections of Historical Materials

Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 1:

The Martial Law Era (1945-1987), eds. Yueh-Shuen Hsueh et al.. Taipei

County:

Academia Historica, 2000.

Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 2:

Organizing the Oppositional Parties, eds. Hsiu-Huan Chou et al.. Taipei County:

Academia Historica, 2000.

Documentary Collection on Democratization Movement of Postwar Taiwan Vol. 3:

Organization of Opposition Movement (1978.6~1979.9), eds. Shih-Hung Chen et

al.. Taipei County: Academia Historica, 2000.

Shih, Ming-Teh. *Rebellion/Will*. Taipei: The Juridical Person of Ming-Teh Shih

Lecture Foundation, 2010.

3. Newspaper Articles

“Full Text of the Indictment of Hsin-Chieh Huang and Other Suspects of Last Year’s Kaohsiung Violent Incident.” *Central Daily News*. February 21st, 1980, 3.

4. Monographs

Huang, Fu-San. *The Formosa Incident*. Nantou: The Historical Research Commission of Taiwan Province, 2001.

5. Magazine Articles

Huang, Hsin-Chieh. “Words on Launching the Magazine: Let’s Propel the Political Movement of the New Generation Together!.” *Formosa* 1, no.1 (1979): inside front cover.

Tsai, Pei-Huo. “Our Island and We.” *The Tai Oan Chheng Lian* 1, no.4 (1920): 13-23. Japanese Section.

Tsai, Pei-Huo. “Our Island and We.” *The Tai Oan Chheng Lian* 1, no.5 (1920): 35-40. Chinese Section.

6. Oral History

The Formosa Incident Oral History Editorial Committee. *A Political Party without a Name: The Development of the Formosa Political Group*. Taipei: China Times Publishing Company, 1999.

The Formosa Incident Oral History Editorial Committee. *Violence and Poetry: The*

Kaohsiung Incident and the Trial for the Formosa. Taipei: China Times Publishing Company, 1999.

F. Appendix

Timeline of the Tangwai Movement and Kaohsiung Incident²³⁵

1969.06.25

Ching-Kuo Chiang took the position of deputy premier.

1969.12.20

The first supplementary election for the National Assembly and the Legislative Yuan

p.s. The Tangwai candidate Hsin-Chieh Huang was elected as a member of the Legislative Yuan.

1970.04.24

Ching-Kuo Chiang encountered an attempted assassination by members of the World United Formosans for Independence during his visit to New York.

1971.10.25

ROC withdrew from the United Nations.

²³⁵ The Formosa Incident Oral History Editorial Committee, *Violence and Poetry: The Kaohsiung Incident and the Trial for the Formosa*, 394-397.

1972.05.26

Ching-Kuo Chiang took the position of premier.

1972.12.23

The second supplementary election for the National Assembly and the Legislative Yuan, the fifth election for the Taiwan Provincial Council, the seventh election for local mayors and county magistrates

1977.11.19

The five local elections for Taiwan provincial councilors, mayors and county magistrates, city and county councilors, town magistrates, and Taipei city councilors
p.s. The Tangwai candidate Hsin-Liang Hsu was elected as the magistrate of Taoyuan county; 13 Tangwai candidates were elected as provincial councilors.

The Chungli Incident: KMT's vote rigging in the election for the magistrate of Taoyuan County outraged the public and caused a severe clash between the police and public. The furious public besieged the Taoyuan Police Station's Chungli Branch and overthrew the police cars. Later, when the police attempted to disperse the public, two young men were shot and killed. This further agitated the people and caused them to burn the police cars. Later, the police station was also burnt.

1978.03.21

Ching-Kuo Chiang was elected as the president of ROC by the National Assembly.

1978.10.06

The member of the Legislative Yuan Hsin-Chieh Huang declared to organize the Taiwan Tangwai Activist Campaign Group. Ming-Teh Shih served as the secretary-general of the campaign group.

1978.12.16

The US president Jimmy Carter announced that the US would establish formal diplomatic relations with PRC since January 1st 1979. The ROC president Ching-Kuo Chiang issued an emergency order, suspending the approaching supplementary election for the National Assembly and the Legislative Yuan.

1979.01.21

The Tangwai politician Teng-Fa Yu and his son Jui-Yen Yu were arrested.

1979.01.22

The Tangwai activists gathered and launched a demonstration in Teng-Fa Yu's residence in Chiaotou, Kaohsiung to express support for him and his son.

1979.08.24

The initial issue of the *Formosa* Magazine was published. The amount of publication exceeded 100 thousand.

1979.09.28

The tea reception for the establishment of the *Formosa* Magazine publisher's service center in Kaohsiung

1979.10.25

The wine reception for the establishment of the *Formosa* Magazine publisher's service center in Taichung

1979.11.12

The tea reception for the establishment of the *Formosa* Magazine publisher's service center in Nantou

1979.11.20

The *Formosa* Night in Taichung: The magazine publisher held a farewell reception for the political criminal Che-Lang Wu prior to his imprisonment.

1979.12.08

The tea reception for the establishment of the *Formosa* Magazine publisher's service center in Pingtung

1979.12.09

The Kushan Incident: Kuo-Chien Yao and Sheng-Hsiung Chiu, the volunteers of the *Formosa* Magazine publisher's Kaohsiung service center, were arrested and brutally beaten by the police while they were in Kushan, Kaohsiung advertising the next day's commemorative activity for the international human rights day.

1979.12.10

The Kaohsiung Incident: Stimulated by the Kushan Incident, the *Formosa* Magazine publisher insisted on holding the commemorative speech rally and parading on the international human rights day. The participants conflicted with the police and gendarmeries during the speech and parade, which caused the authority's oppression.

1979.12.12

The *Formosa* Magazine publisher held a press conference, declaring *the Memorandum of the International Human Rights Day Incident and the Formosa Magazine Publisher's Announcement for the International Human Rights Day Incident to the Compatriots*.

1979.12.13

The Taiwan Garrison Command impounded the *Formosa Magazine* publisher's headquarter and its local service centers and arrested 14 people allegedly related to the Kaohsiung Incidents on suspicion of rebellion, including Chia-Wen Yao, Chun-Hung Chang, Hsiu-Lien Lu, Yi-Hsiung Lin, Chu Chen, Tuo Wang, Ping-Te Chou, Wan-Sheng Chi, Ching-Chu Yang, Chung-Hsin Chen, Chiu-Chen Su, Ting-Chao Wei, Fu-Chung Chang, and Yi-Pin Chiu. Ming-Teh Shih escaped from the arrest and had been wanted by the police.

1979.12.14

After the unanimous approval of every other member of the Legislative Yuan with applause, the *Formosa Magazine*'s publisher Hsin-Chieh Huang, also a member of the Legislative Yuan, was arrested by the Taiwan Garrison Command.

1979.12.29

The Amnesty International called the Chinese Association for Human Rights (The word "Chinese" here referred to ROC, not PRC), asking for the information of the arrested Kaohsiung Incident activists and their trials.

1980.01.08

Ming-Teh Shih was arrested.

1980.01.13

The director of the American Institute in Taiwan David Dean came to Taiwan, expressing the concern of the US about the Kaohsiung Incident and the rights of its suspects.

1980.02.20

Among the 45 Kaohsiung Incident suspects in detention, eight were prosecuted for the crime of rebellion by the military prosecutor. The other 37 suspects were transferred to the judicial institutions for trial. The eight defendants who would be trialed by the military court were Hsin-Chieh Huang, Ming-Teh Shih, Chun-Hung Chang, Chia-Wen Yao, Yi-Hsiung Lin, Hsiu-Lien Lu, Chu Chen, and Hung-Hsuan Lin.

1980.02.28

The defendant Yi-Hsiung Lin's mother and twin daughters were murdered. Despite severe injury, Lin's oldest daughter survived. Lin was thus released on bail and his trial was postponed. This murder was conducted on a day with a very strong political implication for Taiwanese and has not yet been solved until today.

1980.03.11

The Kaohsiung Local Court sentenced Kuo-Chien Yao and Sheng-Hsiung Chiu, who were brutally beaten in the Kushan Incident, to imprisonment for three years and

two years and six months, on the suspicion of causing bodily harms and obstructing officers in discharge of duties.

1980.03.13

The Amnesty International accused the ROC government of torturing and incarcerating dissidents, demanding it to realize the human rights protected by its constitution.

1980.03.18 – 03.27

The military court of the Taiwan Garrison Command openly trialed the eight Kaohsiung Incident defendants under suspicion of rebellion.

1980.03.28

The military trial's debate session ended. The eight defendants declared their final statements.

1980.03.31

Among the 37 defendants who had been transferred to the judicial institutions for trial, four were not prosecuted; the other 33 were prosecuted on suspicion of inflicting violence, causing public hazard, and obstructing officers in discharge of duties.

1980.04.15

The investigation court started trialing the Kaohsiung Incident defendants who were not involved in the suspicion of rebellion.

1980.04.18

The military court of the Taiwan Garrison Command declared the trial results of the eight Kaohsiung Incident defendants with the suspicion of rebellion.

Life imprisonment and lifelong deprivation of civil right: Ming-Teh Shih

Imprisonment for 14 years and deprivation of civil right for ten years: Hsin-Chieh Huang

Imprisonment for 12 years and deprivation of civil right for ten years: Chun-Hung Chang, Chia-Wen Yao, Yi-Hsiung Lin, Hsiu-Lien Lu, Chu Chen, Hung-Hsuan Lin

Additionally, all the properties of the defendants above were confiscated, except for the reasonable reservation for their families' necessary living expenses.

1980.04.23

The US Department of State announced the concern of the US about the Kaohsiung Incident's trial result and Taiwan's human rights and political liberalization. In response, the ROC's Ministry of Foreign Affairs expressed that the Kaohsiung Incident's trial is ROC's interior affairs, accusing the US of interfering in ROC's domestic affairs.

1980.04.28

The attorneys of the defendants trialed by the military court submitted the appeal for a retrial.

1980.05.30

The Taiwan Garrison Command announced that, with the confirmation of the retrial court of the Ministry of Defense, the trial results of the eight defendants, who had been trialed by the military court, remained the same.

1980.06.02

The trial for the Kaohsiung Incident's defendants, not involved in rebellion, ended. And the trial results were announced.

1980.07.09

The Kaohsiung Incident's defendants, not involved in rebellion, appealed to the higher courts. And the session was held at the Hight Court.

1980.08.02

The Supreme Court rejected the appeal of the Kaohsiung Incident's defendants, not involved in rebellion. Their final trial results are as bellow.

Table 2. The Final Trial Results of the Kaohsiung Incident's Defendants, the Section of Judicial Trials²³⁶

Defendant	1 st Instance	2 nd Instance	Defendant	1 st Instance	2 nd Instance
Ping-Te Chou	Six years	Six years	Fu-Chung Chang	Four years	Four years
Tuo Wang	Six years	Six years	Chui-Ho Tsai	Four years	Three years
Ting-Chao Wei	Six years	Six years	Chen-Yao Tai	Four years	Three years
Mao-Nan Chiu	Six years	Six years	Yao-Kun Fu	Four years	Two years
Po-Wen Chen	Six years	Three years and six months	Fu-Lai Chen	Four years	Ten months
Ching-Chu Yang	Six years	Four years and two months	Lai-Chang Pan	One year and five months	One year and two months
Cheng-Yu Fan	Six years and six months	Four years	Chang- Tsung Li	One year and four months	One year and two months
Yu-Chuan Tsai	Five years	Five years	Ching-Chih Chen	One year and two months	One year
Wan-Sheng Chi	Five years	Four years	Man-Ching Wang	One year and two months	Ten months
Chui-Chen Chiu	Five years	Four years	Ming-Hsien Li	Ten months	Ten months
A-Hsing Yu	Five years	Four years	Chi-Tan Hsu	Ten months	Nine months

²³⁶ The Formosa Incident Oral History Editorial Committee, *Violence and Poetry: The Kaohsiung Incident and the Trial for the Formosa*, 344.

Hua-Ming Liu	Five years	Three years and two months	Ching-Wen Tsai	Ten months	Nine months
Wen-Hsian Wu	Five years	Three years	Kuan-Ming Cheng	Ten months	Innocent
Tien-Hsian Hsu	Five years	Three years	Tai-Ho Liu	Ten months	Innocent
Chen-Ming Wu	Five years	Three years	Ming- Chiang Chiu	Innocent	Innocent
Chen- Hsiang Su	Five years	One year and six months	Yu-Fa Hung	One year and six months	Probation for three years
Chung- Hsin Chen	Four years	Four years			

IV. Conclusion

In my introductory chapter, I firstly pave the way for my discourse on Taiwan's nation-building and unfinished decolonization by bringing up the notions of multi-layered colonial structure and multi-dimensional criticism. I also endeavor to justify the globality of Taiwan as an objective of research in regional studies. My goal is to transform Taiwan's experience into knowledge and theory. By doing so, I hope to deconstruct the multiple marginalities imposed on Taiwan, and to earn Taiwan more rights to speak and more roles to play in the unequal global map of knowledge. In my two case studies, I further elaborate the contents of Oriental colonialisms, multi-layered colonialities, and multiple marginalities, aiming to propose a perspective which problematizes and repositions the complicated characteristics of the Petition and Tangwai Movements. In my view, traditional starting points to analyze and understand anti-colonial struggle have their blind spots, and hence cannot solely and fully account for these two movements. This not only causes difficulty to position the two movements, but also manifests the limitations of the epistemological and analytical frames in (post-)colonial studies. Consequently, re-theorization becomes significant and necessary. And Taiwan, I believe, can play a crucial role in this intellectual innovation. To be brief, studying these two Taiwanese oppositional movements helps us rethink colonialism, nation-building, and anti-colonial struggle from a different angle.

As mentioned in my introduction, decolonization, like colonialism, is empirical rather than aprioristic. This enables us to deconstruct the West-centric frames of

colonial discourse and the stereotype which emphasizes non-Western states' image as innocent victims, for that these discourses and images are artificial rather than natural. I accordingly propose the notion of alternative colonialities and the possibility towards alternative decolonization. By using the word "possibility", I aspire to reiterate that decolonization and colonialism belong to the category of practices rather than the category of analysis. That is, we can hardly know or assure the result of decolonization until we start imagining what decolonization is and putting it into practice. The deconstruction of and doubt about the existing epistemological frameworks allow us to probe and conceptualize Taiwan's decolonization engineering. In other words, what we choose to remember and forget as well as how we memorize and conceptualize the past largely decide the kind of future we are heading toward.²³⁷ With this in mind, we shall understand that the absence of decolonization also shapes how we interact and will interact with each external and internal groups. This is the connotation which my thesis *Multiple Colonialities and the Making of Modern Taiwan* aspires to bring.

If we view Taiwan's decolonization as unfinished, then another set of crucial questions will emerge: What would the complete decolonization be? In what forms would it be presented? And by what means would it be practiced? These questions, in my view, are associated with another set of more fundamental questions: how do we

²³⁷ As Renan points out, forgetting as well as remembering play an important role in a nation's formation. While individuals remember many of their common grounds, they also forget many things, especially the violence in the making of political formation and unity. See Ernest Renan, "What Is a Nation?" in *Becoming National: A Reader*, eds. Geoff Eley and Ronald Grigor Suny (Oxford, UK: Oxford University Press: 1996), 41-55.

imagine the future of Taiwan as a community? In that imagined future, how would Taiwan's foreign relations with China and Japan be? Also, how would the relations among different ethnic groups in Taiwan be, such as Taiwanese-Mainlander, Han-indigenous, and Hoklo-Hakka relations? Studying colonialism, from my point of view, is a mass historical, political, social, and psychological engineering which lays the foundation of decolonization. Decolonization is the core mechanism which liberates the colonized as well as colonizers from the colonial relations and paves the way for a normalized relation and the post-colonial future of mutual reconciliation. The first step to activate this mechanism is to acknowledge the existence of multi-layered colonialisms. The importance of acknowledgement entitles the colonized with the subjectivity and agency to enter the dialogue towards post-colonialities. This also implies the underlying role of dialogue and empowerment in the practice of community-rebuilding and decolonization.

On the other hand, because colonialism and decolonization are not aprioristic but empirical, their formation, definition, and categorization are subject to artificiality especially political forces. For this reason, I do not agree judging whether a regime or action are (non-)colonial by specific criteria or definitions. Instead, by examining and doubting these standards and their formation reversely, I attempt to deconstruct the politics lying under specific discourses and concepts. Such deconstruction of politics will also challenge, blur, and problematize the limitation of our comprehension of what colonialism and anti-colonialism can be. I regard the production of knowledge as the arena where different powers compete against and/or conspire with each other. And the dominance through superior power is the manifestation of colonialism. My

thesis does not intend to prove that Japan and KMT are or are not colonial regimes because they demonstrate or lack certain characteristics. Rather, I want to explore the intellectual impact which may emerge if we examine Japan and KMT in a colonial context. How can this influence or change our thoughts on colonialism and the making of modern Taiwan? Can this reflection produce different theory and social practice? Also, conversely, if we do not see Japan and KMT, or one of them, as colonial, what kind of epistemology and discourse will we produce instead?

For instance, if we do not count KMT to be a colonial regime and only perceive the Tangwai Movement through the lens of democratization, then KMT's governance of Taiwan as an alien regime and the institutionalized ethnic repression KMT conducted may be legitimized, and the *Formosa* activists' discourse on Taiwan's nation-building may be ignored as well. Likewise, if we do not see Japan's rule in Taiwan as colonial, then the Petition Movement would merely be a normal "Japanese" civil rights movement which complied with Japan's constitutional institution. Under this circumstance, the Taiwanese-ness which the Petition activists strived to preserve was institutionally confined and would have probably ended up with ignorance and assimilation. It is no wonder that a split of routes among the Petition activists emerged not long after the Peace Act Incident ended. Due to the risk of institutional and epistemological assimilation, I view pre- and post-WWII Taiwan history as a dynamic and continuous process of recolonization. Under this framework, the multiple colonialities which accumulated throughout the time become much clearer for our re-examination. And I believe such starting point enables us to construct new theory and the approach to realize multiple decolonization and

transitional justice in a practical aspect. The limitations of nation-building, anti-colonial struggle, and political liberation in explaining the Petition and Tangwai Movements make me rethink over the interconnectedness between these limitations and Taiwan's multi-layered colonialities. I therefore propose a preliminary thought: in the context of pursuing democracy and human rights, Taiwan's multiple decolonization engineering and community-building which aimed at eternal co-existence were initiated. Such initiation has gradually produced independent political subjectivity towards the external, and has protects different internal ethnic groups' equality and moral agency.

In terms of historical methodology, during the long period of KMT's authoritarian rule, it was regarded as a political taboo to study post-WWII Taiwan in a colonial context. Discourse on the new wave of coloniality and the multiple colonial structure's extension in post-WWII Taiwan had been thus oppressed and ignored. Research on Japanese colonial Taiwan and even Taiwan studies as an independent discipline had been also confined to the China-centric, precisely speaking KMT-centric, view of history. It is not until the post-authoritarian era, after 1987, the epistemology and methodology which highlight Taiwan's subjectivity became possible and started to accumulate. Owing to the democratization, Taiwan's multiple colonial experience gradually becomes a topic in the studies of history. In comparison with other colonies in the world, even Korea which was also colonized by Japan before, Taiwan studies as well as colonial studies in Taiwan began to develop much later.

In the last part of my conclusion, I want to introduce the perspective of trans-regional comparison and dialogue to Taiwan studies, in order to echo with “the globality of regional studies” as mentioned in my introduction. While writing this thesis, I keep asking myself: What are the theoretical and empirical implications of studying Taiwan? How can we theorize Japan and KMT these two non-Western colonial regimes and develop alternative discourse on their colonialities? Most of all, what can Taiwan’s multiple colonialities contribute to global studies? For these questions, I think the comparative perspective can offer us an approach which may help us discover or invent Taiwan studies’ value in the global production of knowledge. Theoretically speaking, Taiwan’s experience not only finds common ground within and resonate with traditional research on colonialism and nationalism, but also can challenge them as well as point out their limitations. In a practical sense, Taiwan’s colonial experience, especially the resistance mode within the institutions, may have the potential to provoke a conversation with other weak nations’ colonial experiences in terms of strategy and discourse. This may bring further implications for their nationalistic movement as part of their anti-colonial struggle. In *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Anderson demonstrates us the importance of comparative thinking in the studies of history. Comparison saves our vision from being confined to a single case, opening the possibilities to develop broader theoretical frameworks to illuminate the differences and similarities between cases.

There are, for sure, many cases able to be compared with Taiwan in various senses. Yet, in my conclusion, I would like to highlight the cases of Puerto Rico,

Tibet, and Kurdistan. These three cases, in my view, possess similar historical conditions and geopolitical structures like Taiwan. I believe in their potentials to build new theory, though they are understudied, especially in a context of trans-regional/global comparative colonial histories. I intend to further study these colonies' nationalistic movements and, through their historical experiences, construct a comparative colonial theory with a global vision.

Puerto Rico, like Taiwan, is geopolitically located in a place where old and new empires intersect. The making of both Puerto Rico's and Taiwan's multiple colonialities are associated with the wars between new and old empires in late 19th century. After the Qing Empire was defeated by the Empire of Japan, Taiwan was ceded to Japan, a newly emerging imperial power in Asia, in 1895. Under Japan's colonization, major Taiwanese activists pursued limited national self-determination within Japan's constitutional institution. On the other hand, when the senile empire of Spain was defeated by the US in 1898, Puerto Rico, along with Guam and the Philippines, was ceded to the US, a newly emerging imperial power in the Americas. Later, Puerto Ricans were gradually enfranchised, including the right to vote for their governors. Nowadays, Puerto Rico is a commonwealth among the US unincorporated territories.

Tibet and Taiwan were both colonies of the Qing Empire, but since 1895 they have entered different political contexts. The post-WWI Taiwanese political activists had been resisting KMT's one-party authoritarianism and demanding more liberal democracy within ROC's constitutional institution, though limited by the Martial Law Order. Tibet, on the other hand, is now officially an autonomous region, but China,

more precisely PRC, is not a democratic state. Without democracy, freedom, and rule of law, autonomy is merely a nominal illusion. Current mainstream research on and concern about the Tibet issue focus on mass human rights violations, few of them position the issue in a colonial context. Some may perceive the Tibet issue by the approach of internal colonialism, but such analytical angle has its epistemological blind spot and political risk, too. Considering certain lands as certain regimes' internal affairs suggests that we acknowledge these regimes' legitimacy to annex, rule, and even colonize these lands and their residents. Likewise, using internal colonialism to understand KMT's authoritarianism in Taiwan as well as the dominance of ethnic Han Taiwanese over the indigenous peoples would cause the same risk.

The complexity of modern Kurdistan presents the multiple colonialities and political fragmentedness interweaved by both Western and Oriental imperialisms. The case of Kurdistan may challenge how we understand empires, colonialisms, and ethnic diversity. In addition to the imperial dominance of UK and France in the Middle east, we may have to take the legacies of Ottoman Empire, modern Iranian regimes, Iraq, and Syria into consideration. This means we will have to study both Western and non-Western imperial powers together in a colonial context. And such analytical mode will also unavoidably face many difficulties with regard to definition, research method, and interpretation. Nevertheless, these problems, in my view, helps problematize our understanding and may even change the way we look at the world. Another tough issue of modern Kurdistan is its political fragmentedness. That is, one nation's sovereignty was divided by great powers into pieces. These fragmented Kurdish communities became minorities with different levels of autonomy in multiple

states after incorporated into different political contexts. How would such history of division influence Kurdish nationalistic movements? In terms of this, Tibet also faces the situation of political fragmentedness, though different from Kurdistan. Tibet's traditional national territories were split into pieces and incorporated into multiple Chinese administrative districts, including the Tibet Autonomous Region, Qinghai Province, Sichuan Province, and Yunnan Province.

Finally, I would like to re-emphasize the intellectual connection between Taiwan and global studies. I do not think being a victim of multiple colonialities and marginalities necessarily entitles Taiwan with any ethical or theoretical significance. Instead, I would argue that Taiwan would be able to contribute its experience to global studies significantly, if we can transform Taiwan's colonial trauma and anti-colonial experience into a sort of intellectual weapon of defense, which protects other weak nations suffering from colonial violence.

A. Reference

Renan, Ernest. "What Is a Nation?" In *Becoming National: A Reader*, edited by Geoff Eley and Ronald Grigor Suny, 41-55. Oxford, UK: Oxford University Press, 1996.

V. Glossary of Names and Terms

A-Hsing Yu 余阿興

Act for Preventing Communist Espionage 檢肅匪諜條例

Act for Punishing Rebellion 懲治叛亂條例

Activist for Taiwan's Independence 臺獨分子

Alliance Association for Taiwan Parliament 臺灣議會期成同盟會

Alliance Association for the Abolition of Law No. 63 六三法撤廢期成同盟會

Alien Regime 外來政權

Alternative Coloniality 另類殖民性

American Institute in Taiwan 美國在臺協會

A Political Party without a Name 沒有黨名的黨

Article No. 100, Criminal Code 刑法第一百條

Ban on Newspaper Publications 黨禁

Ban on Organizing Political Parties 報禁

CCP(=Chinese Communist Party) 中國共產黨/共匪

CCP Spy 匪諜

Central Daily News 中央日報

Chang-Ting Hsieh 謝長廷

Chang-Tsung Li 李長宗

Chao-Chia Yang 楊肇嘉

Charter Oath 五箇条の御誓文

Chen-Fu Yang 楊振福

Chen-Hsiang Su 蘇振祥
Chen-Ming Wu 吳振明
Chen-Yao Tai 戴振耀
Cheng-Lu Lin 林呈祿
Cheng-Yu Fan 范政祐
Chi-Tan Hsu 許淇潭
Chia-Chung Hsu 許嘉種
Chia-Wen Yao 姚嘉文
Chih-Liang Hung 洪誌良
Chinese Association for Human Rights 中國人權協會
Ching-Chih Chen 陳慶智
Ching-Chu Yang 楊青矗
Ching-Kuo Chiang 蔣經國
Ching-Li Su 蘇慶黎
Ching-Po Wu 吳清波
Ching-Wen Tsai 蔡精文
Ching-Yao Yeh 葉清耀
Ching Yu 尤清
Chiu-Chen Su 蘇秋鎮
Chu Chen 陳菊
Chuan-Sheng Lu 呂傳勝
Chui-Chen Chiu 邱垂貞
Chui-Ho Tsai 蔡垂和

Chung-Hsin Chen 陳忠信

Chungli Incident 中壢事件

Chun-Hung Chang 張俊宏

Cooked Savage 熟番

Commonwealth 自治邦

Constitutional State of Exception 憲政例外狀態

Containment 圍堵

David Dean 丁大衛

De-nationalization 去民族化

Death Penalty Only 唯一死刑

Delegated Legislation 委任立法

Democracy Holiday 民主假期

Directory Outline for the Interrogation of 1210 Project 一二一〇專案偵訊工作指導綱要

Discursive Alliance 論述結盟

Effect of the 1947 February 28th Incident 二二八效應

Feng-Yuan Chen 陳逢源

Five-men Committee 五人小組

Formosa 臺灣/美麗島

Formosa Magazine Publisher's Announcement for the International Human Rights

Day Incident to the Compatriots 美麗島雜誌社為國際人權日事件告全國同胞書

Fu-Chung Chang 張富忠

Fu-Lai Chen 陳福來

Government-General of Taiwan 臺灣總督府
Governor-General of Taiwan 臺灣總督/臺灣行政長官
Gradual Assimilationism 漸進同化主義
Hai-Shui Wu 吳海水
Ho Lai 賴和
Homo Sacer 牲人
Hsi-Hsun Shih 石錫勳
Hsien-Tang Lin 林獻堂
Hsien-Yu Tsai 蔡先於
Hsin-Chieh Huang 黃信介
Hsin-Liang Hsu 許信良
Hsiu-Lien Lu 呂秀蓮
Hua-Ming Liu 劉華明
Huan-Chang Shih 石煥長
Huan-Chun Lin 林奐均
Huangdi 黃帝
Huangminhua(=Re-sinification) 黃民化
Hui-Huang Lin 林輝煌
Hui-Ju Tsai 蔡惠如
Human Rights Diplomacy 人權外交
Hung-Hsuan Lin 林弘宣
Ichirō Kiyose 清瀨一郎
Instalment-styled Democratization 分期付款式的民主化

Investigation Bureau 調查局

Jih-Kao Lin 林日高

Jui-Yen Yu 余瑞言

Jung-Chung Yeh 葉榮鐘

Kai-Shek Chiang 蔣介石

Kakichi Uchida 內田嘉吉

Kaohsiung Incident 美麗島事件/高雄事件

Kazuya Miyoshi 三好一八

Kenjirō Den 田健治郎

Kentoku Kunihara 國原賢德

Kenzō Nakagawa 中川健藏

KMT(=Kuomintang=Chinese Nationalist Party) 中國國民黨/國民黨

KMT Government 國民政府

Kōfuku(=Kuangfu) 光復

Kōfuku(=Surrender) 降伏

Kōfuku(=Happiness) 幸福

Kōminka(=Japanization) 皇民化

Kōzaburō Kamiuchi 上內恒三郎

Kuan-Ming Cheng 鄭官明

Kuangfu(=Reconquest of Lost Territory) 光復

Kuo-Chien Yao 姚國建

Kun-Shu Chen 陳崑樹

Kushan Incident 鼓山事件

Lai-Chang Pan 潘來長

Law No. 3 法三號

Law No. 31 三一法

Law No. 63 六三法

Legislative Yuan 立法院

Legitimacy of Unity and Representativeness of China 法統

Long-term Plan for Seizing the Power 長程奪權計畫

Mainland 大陸(Chinese)/內地(Chinese and Japanese)

Mainlander 大陸人(Chinese)/外省人(Chinese)/內地人(Japanese)

Mainland Extension Principle 內地延長原則/內地延長主義

Mainland-Taiwan Fusion 內臺融合

Man-Ching Wang 王滿慶

Mao-Nan Chiu 邱茂男

March 1st Movement 三一運動

Martial Law 戒嚴法

Martial Law Order 戒嚴令

May 4th Movement 五四運動

Mei-Hsi Tsai 蔡梅溪

Memorandum of the International Human Rights Day Incident 國際人權日事件備忘
錄

Metropole-centrism 本國本位主義

Min-Chuan Wang 王敏川

Ming-Chiang Chiu 邱明強

Ming-Hsien Li 李明憲

Ming-Teh Shih 施明德

Miono Yamamoto 山本美越乃

Multi-dimensional Criticism 多維批判

Multi-layered 重層

Multiple Marginalities 多重邊陲性

Naichi(=Mainland Japan) 內地

Naichijin(=Japanese Mainlander) 內地人

National Assembly 國民大會

National Assembly Whose Members Had Never Been Reelected 萬年國會

Nien-Heng Tsai 蔡年亨

Nuhua(=Enslavement of Japanese Colonial Legacies) 奴化

One Country, Two Systems 一國兩制

Peace Act 治安警察法

Peace Act Incident 治安警察法違反事件/治警事件

Pei-Huo Tsai 蔡培火

Petition Movement for the Establishment of Taiwan Parliament 臺灣議會設置請願
運動

Pi-Hui Su 蘇璧輝

Ping-Te Chou 周平德

Po-Ting Lin 林伯廷

Political Drama 政治戲劇

Po-Wen Chen 陳博文

PRC(=People's Republic of China) 中華人民共和國/中共

Raw Savage 生番

Reconquest of Mainland China 反攻大陸

Reijirō Wakatsuki 若槻禮次郎

Relative Co-Governance Principle 相對的同治主義

ROC(=Republic of China) 中華民國

ROC Mode for Taiwan's Independence 中華民國模式的臺灣獨立

Ryūtarō Nagai 永井柳太郎

Saburō Shimada 島田三郎

Shen-Ju Chang 張深鏞

Sheng-Chu Cheng 鄭勝助

Sheng-Hsiung Chiu 邱勝雄

Shih-Chuan Han 韓石泉

Shih-Huang Chen 陳世煌

Shih-Ku Tsai 蔡式穀

Short-term Plan for Seizing the Power 短程奪權計畫

Side Yang 楊斯德

Society Members' Statement on the Delayed Election 社會人士對延期選舉的聲明

Special Governance Principle 特殊統治原則/特殊統治主義

Special Legislative Power 特殊立法權

Sung-Yun Cheng 鄭松筠

Supplementary Elections for the Central Legislative Institutions 中央民意代表增額
選舉

Tai-An Wu 吳泰安

Tai-Ho Liu 劉泰和

Tai Oan Chheng Lian 臺灣青年

Taishō Democracy 大正デモクラシー

Taisuke Itagaki 板垣退助

Taiwan Assimilation Society 臺灣同化會

Taiwan Cultural Association 臺灣文化協會

Taiwan Garrison Command 臺灣省警備總司令部

Taiwan Minpao 臺灣民報

Taiwan Nichinichi Shinpō 臺灣日日新報

Taiwan Parliament 臺灣議會

Taiwan Relations Act 臺灣關係法

Taiwan's Particularity 臺灣特殊性

Taiwan Tangwai Activists' Campaign Group 臺灣黨外人士助選團

Taiwan Tangwai Activists' Joint Political Views 臺灣黨外人士共同政見

Taiwan United Battle Front 臺灣聯合戰線

Taiwan-wide 臺灣大

Takio Izawa 伊澤多喜男

Takuzō Hanai 花井卓藏

Talu(=Mainland China) 大陸/大陸地區

Tangwai 黨外

Tangwai Activists' Statement on National Affairs 黨外人士國是聲明

Tangwai Movement 黨外運動

Tao-Yuan Chou 周桃源

Te-Chin Chiu 邱德金

*Temporary Provisions Effective During the Period of National Mobilization for
Suppression of the Communist Rebellion* 動員戡亂時期臨時條款

Teng-Fa Yu 余登發

Tetsu Izumi 泉哲

Tien-Hsien Hsu 許天賢

Tien-Sung Hsu 許天送

Ting-Chao Wei 魏廷朝

Tooru Watanabe 渡邊暢

Treaty of Shimonoseki 馬關條約(Chinese)/下關條約(Japanese)

Tsung-Jen Li 李宗仁

Tu-Hsun Lin 林篤勳

Tuo Wang 王拓

Two Chinas 兩個中國

Tzu-Pin Lin 林資彬

Unincorporated Territory 非建置屬地

United Office of Tangwai Representatives 黨外民意代表聯合辦事處

Unit System 積分制

Waishengjen(=Chinese Mainlander) 外省人

Wan-Sheng Chi 紀萬生

Wei-Shui Chiang 蔣渭水

Wen-Hsien Wu 吳文賢

White Terror 白色恐怖

Yandi 炎帝

Yao-Kun Fu 傅耀坤

Yaoku Watabe 渡部彌億

Yao-Tung Cheng 鄭耀東

Yi-O Chou 周一鶚

Yi-Hsiung Lin 林義雄

Yi-Pin Chiu 邱奕彬

Yu-Chuan Tsai 蔡有全

Yu-Chun Lin 林幼春

Yu-Fa Hung 洪裕發

Yūsaburō Kinoshita 木下友三郎