

The Sunflower Movement: One Year On

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While Taiwan has seen its share of social movements, never has one reached such dramatic proportions as the Sunflower Movement. From March 18 to April 10, 2014, the nation's parliament was occupied by a group of activists and students, essentially grinding the parliamentary body to halt. The president, premier, and legislators were forced to watch the events unfold from afar, as the twenty-four day occupation ended only after a tacit agreement was made between the student leaders and House Speaker Wang Jin-Pyng. However one views the Sunflower Movement, it is obvious the group tested the limits of democratic speech. But more importantly, the events provided an epic clash over duelling visions of governance, questioning such traditional constructs as governmental legitimacy and authority. This past year scholars, citizens, and others have spent time reflecting on the Movement's significance.

Ultimately, the Movement was not merely a form of disobedience, but a strategic contestation (i.e., a duelling vision of governance), that decisively challenged the status quo in Taiwan. Yet justifications put forward by the Sunflower Movement must first be examined, given that "the democratic legitimacy of the Movement is dependent, by and large, on whether the democratic justice they sought to achieve, or the democratic injustice they sought to redress, could justify the drastic actions/means they took".

The first and most obvious justification was defending democracy against China. Indeed,

fears had emerged that the service trade pact was a "Trojan horse" sent to suffocate Taiwan's economy, making it more dependent on China and therefore more vulnerable as an independent entity. Given the agreement's implications for printing and telecommunications, many were also worried about the potential impact on free speech and national security. But perhaps more significantly, the identity politics surrounding the Sunflower Movement, and the implications of such alignments, were the most important driving force throughout the duration of the occupation. The location of the Movement's occupation certainly highlighted these stark discrepancies (i.e., "we the people" versus the "people's republic"): in one legislature sits a relatively diverse mix of democratically elected representatives who have their own agendas, debate and enact laws, and challenge the executive and the other branches of government; in the other legislature sits representatives from one party, often hand-picked by the Communist Party of China, and which acts as a rubber-stamp for executive action. Thus the 30 second passage of the service trade agreement reminded many Taiwanese of the authoritarian government in Beijing, and not the democratically operated government of Taiwan.

The second justification put forward by the Sunflowers was economic injustice during an era of extensive international trade. While the Movement did not widely acknowledge this, many Sunflowers still hold that such economic injustice, especially as salaries in Taiwan remain

stagnate while housing prices continue increasing, played a significant factor. Third, Sunflowers protested against an imperial executive, who claimed that foreign affairs, including wide-ranging trade agreements, reside under their purview and not the legislature's. This was one of the Movement's prominent quarrels. The Sunflowers refused to depart the legislature until they received a promise from the Speaker that a monitoring bill on cross-trait agreements would be passed. Alas, it has been one year, and still no monitoring bill has been enacted. No movement to date on this certainly enhances the growing arguments for political and constitutional reform.

The final justification Sunflowers recognised was a deliberate interjection into the current political culture of "winner-take-all" politics. Democratic governance, especially at the national level, does not consist of merely winning elections. Listening to and engaging with the entire citizenry, including with minority parties and the civil society, are essential elements of responsible and accountable government. This inclusive method was lost under the Ma Administration, but will hopefully be re-established in future governments.

On 10 February, 2015, the prosecution indicted 119 Sunflowers—including leading participants Lin Fei-Fan, Chen Wei-Ting, Dennis Wei and Huang Kuo-Chang. Yet for the sake of democratic peace, non-prosecution should have been the best way forward. If in fact the Movement is a unique form of civil disobedience, it is essential to break traditional notions of the "moral high ground," such as arrest and punishment. After all, the temporary withdrawal of the agreement produced a relative calm or "ceasefire", where both sides were hesitant to up

the stakes by making further moves. Ultimately, a democratic compromise dropping all charges against Sunflower Movement members would be a grand compromise enhancing democratic peace (rather than conflict), and would allow Taiwanese democratization to continue its evolution.

Finally, a brief criminal law provision could be highly relevant to achieving a potential democratic compromise. Article 269 of Taiwan's Criminal Procedure Act states that a prosecutor may withdraw prosecution before the conclusion of the argument at the trial of first instance, upon the finding the indictment should not have been brought, or it is inappropriate to prosecute. Although there is little precedent regarding this, the recent dropping of charges against the 2013 Taipei Railway Station train track protesters serves as an example that such mechanisms are used, and can be effective. The Sunflowers have been charged; fine, point made. But is the government really willing to risk democratic war over the prosecution of political dissidents? Perhaps letting the people decide at the ballot box in 2016 would be a wiser, and more appropriate, solution. **B**

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