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The ROC's Semi-Presidentialism at Work: Unstable Compromise, Not Cohabitation

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Taiwan (the Republic of China, ROC) adopted a semi-presidential system in the 1997 constitutional reform. That system is now being put to the test through the transfer of power from the Kuomintang (KMT) to the Democratic Progressive Party (DPP) given that the DPP won the 2000 presidential elections. This paper first develops a theoretical framework to analyze political stability under different types of semi-presidential systems. Three factors are singled out as the most critical: presidential power (high or low), president-parliament relations (congruent or incongruent), and party system (biparty or multiparty). Following is a look into Taiwan's institutional background and its process of constitutional reform. We discover that after the inauguration of President Chen Shui-bian, Taiwan fell into a highly unfavorable situation, with a low stability rating. The second part of the paper focuses on the interaction mode between the president and the parliament which is characterized by incongruent relations. Four empirical cases are used to demonstrate the four interaction modes under incongruence: the French Fifth Republic ("cohabitation"), Finland ("division of labor"), Weimar Germany ("collision"), and the Russian Federation ("supremacy of the president"). The Chen (Shui-bian)-Tang (Fei) duarchy is closer to the Finnish "division of labor" system than to any other

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interaction mode, but with less presidential concessions. This setup is clearly a compromise rather than cohabitation. As such, the Chen-Tang system is useful in defusing parliamentary opposition in the short term, but is conflict-prone in nature, as born out by its ultimate collapse.

KEYWORDS: **semi-presidentialism; Taiwan; constitutional reform; Chen Shui-bian; cohabitation**

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In the 1990s the Republic of China (ROC) experienced a series of constitutional reforms that brought about a democracy with a semi-presidential constitutional system. As such, Taiwan's time-honored political stability under the rule of the Kuomintang (KMT) can now no longer be assumed. During the Lee Teng-hui (李登輝) period of 1988-2000, rapid political change in Taiwan did not destabilize the ROC's political system because all the major democratizing and constitutional reforms were designed and implemented by the ruling elite—though at times goaded or aided by the main opposition Democratic Progressive Party (DPP). This top-down approach of political reform guarantees its smoothness. Even the conflict-prone semi-presidential structure that the 1997 constitutional reform put in place did not shake the system because the KMT President Lee Teng-hui was able to dominate over the premier (both Lien Chan 連戰 and Vincent Siew 蕭萬長) whom the president hand-picked and the KMT majority in the Legislative Yuan supported.[1] These premises of political stability all disappeared with the inauguration of the new DPP President Chen Shui-bian (陳水扁) on May 20, 2000. The new constitutional order is being put to the test by a divided government: a DPP president and a KMT-dominated parliament. How the system will perform and evolve obviously hinges to a large extent on the interaction between the power-holders, but the existing institutional setting does orient and constrain the behaviors of the political actors.

The following discussion looks into the logic of the semi-presidential system, compares its different variants, and then examines Taiwan's post-

[1]This is what this paper later describes as "president-parliament congruence," a very important factor contributing to stability in a semi-presidential system.

presidential electoral politics in view of this constitutional setting. The main concern is for political stability. Put in a nutshell, this institutional research attempts to discern the causal linkage between constitutional design and political stability. In order to do so, the analysis proceeds in three stages. The first section provides a general framework in which different combinations of presidential power (high or low), president-parliament relations (congruent or incongruent), and party system (biparty or multiparty) determine the ratings of political stability in a semi-presidential system. Taiwan's post-May 2000 situation is evaluated in this framework. The second section examines different modes of presidential-parliamentary interaction under incongruence. Four types of interaction are discerned: the French "cohabitation," the Finnish "division of labor," the "collision" mode of Weimar Germany, and the "supremacy of the president" mode of post-communist Russia. The construction of this typology provides a theoretical and comparative framework for analyzing the Chen (Shui-bian)-Tang (Fei 唐飛) system. The final goal is to spell out the policy implications of this compromise governmental structure.

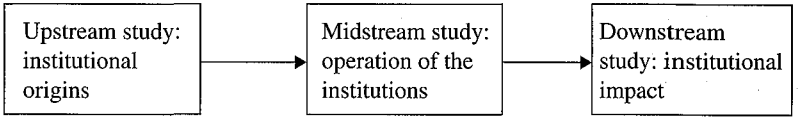
In sum, this article provides a preliminary observation of the workings of the ROC's semi-presidential system as established in 1997. The structural factors are quite unfavorable for political stability. However, the initial strategy taken by President Chen Shui-bian in forming the government shows great sensitivity to the constraints on the new regime; the power transfer has thus been smooth. While Chen's "compromise, but not cohabitation" strategy may prove effective in the short run, this approach breeds seeds of disunity and instability in the medium and long terms, however. The test of Taiwan's semi-presidential system has just begun.

Institutions and Stability

One can approach political institutions through three perspectives:[2]

[2]For a similar categorization, see Arend Lijphart, "Introduction," in *Parliamentary versus Presidential Government*, ed. Arend Lijphart (Oxford: Oxford University Press, 1992), 2; and Jon Elster, "Afterword: The Making of Postcommunist Presidencies," in *Postcommunist President*, ed. Ray Taras (Cambridge: Cambridge University Press, 1997), 225.

Figure 1
Institutional Study



origins of institutions (upstream study),[3] legal provisions and operation of institutions (midstream study),[4] and institutional impact (downstream study) (see figure 1).[5] Although these three perspectives are all important, the interest of this paper lies in the impact of institutions. In this category one can also find a variety of concerns any one or combination of which may constitute the primary focus of research. Political stability, efficiency, representativeness, and liberalism are some of the most common values that studies of institutional impact address.[6] Quite obvious is that the selection of concerns and the weights assigned to those concerns determine whatever evaluation researchers will make concerning specific political institutions.

The primary concern of this paper is with political stability. Since the current ROC constitutional order is of a semi-presidential type,[7] the focus

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[3]See, for example, Patrick H. O'Neil, "Revolution from Within: Institutional Analysis, Transitions from Authoritarianism, and the Case of Hungary," *World Politics* 48, no. 4 (July 1996): 579-603; and Gerald M. Easter, "Preference for Presidentialism: Post-Communist Regime Change in Russia and the NIS," ibid. 49, no. 2 (January 1997): 184-211.

[4]See, for example, Ernst Veser, "Semipresidentialism—Duverger's Concept: A New Political System Model" (Delivered at the Constitutional Choice Round Table, Taipei, May 31, 1997).

[5]See, for example, Juan J. Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?" in *The Failure of Presidential Democracy: Comparative Perspectives*, ed. Juan J. Linz and Arturo Valenzuela (Baltimore: Johns Hopkins University Press, 1994), 3-87; Juan J. Linz, "The Perils of Presidentialism," in *The Global Resurgence of Democracy*, ed. Larry Diamond and Marc F. Plattner (Baltimore: Johns Hopkins University Press, 1993), 108-26; and Horst Bahro, "Virtues and Vices of Semi-Presidential Government" (Delivered at the Constitutional Choice Round Table, Taipei, May 31, 1997).

[6]See Larry Diamond, "Three Paradoxes of Democracy," in Diamond and Plattner, *The Global Resurgence of Democracy*, 95-107.

[7]"Semi-presidentialism" was coined by Maurice Duverger. Duverger eventually identified seven semi-presidential systems around the world: France, Weimar Germany, Austria, Iceland, Finland, Ireland, and Portugal. However, with the democratization of the former Soviet-bloc countries, semi-presidentialism rapidly expanded. See note 4 above.

here is on political stability in a semi-presidential system.[8] There are typically two types of government in a democracy: one is a presidential system in which the president holds supreme administrative power and there exist mechanisms for checks and balances; and the other one is a parliamentary system in which the president (or the monarch) is a titular head of state and the administrative power is in the hands of a prime minister who enjoys majority support from the parliament. In a semi-presidential system the president is directly elected and holds substantial constitutional power. However, the government headed by the prime minister is responsible to the parliament.[9] In short, both the president and the parliament can exercise great influence on the premier and the cabinet, thus one cannot be sure which office holds the ultimate administrative power.

In a semi-presidential system, political stability hinges on three sets of important factors.[10] The first is presidential power, a factor which includes not only written constitutional powers but also implied powers that the president exercises through constitutional practices.[11] Also in this category is the status of society, namely, whether it is facing a political crisis.[12] A crisis society is prone to generating popular support for granting

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[8]For a typology of constitutional systems and a thorough discussion of the concept, historical practices, and inherent problems of semi-presidentialism, see Yu-Shan Wu, "Semi-Presidentialism or Imperial-Presidentialism? A Comparison between Constitutional Reforms in the ROC and the Russian Federation" (Paper presented at the annual meeting of the American Political Science Association, Boston, September 3-6, 1998).

[9]A popularly-elected president, substantial presidential powers, and a cabinet responsible to parliament are the three main features of Maurice Duverger's semi-presidentialism. See Maurice Duverger, "A New Political System Model: Semi-Presidential Government," *European Journal of Political Research* 8, no. 2 (June 1980): 165-97.

[10]The following conceptualization is based on Li Feng-yu, "The Impact of the Types of Semi-Presidentialism, Party System, and President-Parliament Relations on Political Stability: An Institutional Analysis of the Weimar Republic, the French Fifth Republic, and the Taiwan Experience" (Working paper, Department of Political Science, National Taiwan University, June 1999; in Chinese).

[11]Here the constitutional practices are obviously linked with political culture and the particular historical constitutional history of the country concerned.

[12]The concept of "crisis society" was developed by the DPP's former chairman Hsu Hsin-liang. See Hsia Chen, *Hsu Hsin-liang de zhengzhi shijie* (Hsu Hsin-liang's political world) (Taipei: Commonwealth, 1998), 224-28. For an application of the "crisis society" concept to the analysis of semi-presidential systems, see Lin Jih-wen, "The Triangular Balance under Semi-Presidentialism" (Paper delivered at the Conference on Political Institutions: Theory and Practice, Academia Sinica, Taipei, June 25-26, 1998; in Chinese).

the incumbent president extraordinary powers to deal with the crisis. The second factor is the degree of congruence between the president and the parliament. The term "congruence" means the sharing of a basic political stance. The assumption is that if the president and the majority in the parliament are from the same party, then congruence is high. One can also delve a little deeper into the party politics of the ruling party and find out whether the president and the prime minister belong to the same party faction. Obviously, belonging to the same faction and same party would bring about maximum congruence, while belonging to different factions but the same party delivers a lower degree of congruence, and different party identifications split the president and the parliament and produce the lowest congruence.[13] The third factor that is crucial in determining stability is the party system. Political scientists define party systems mainly in terms of the number of effective parties, most often distinguishing between two categories: biparty and multiparty systems. A biparty system includes not only two-party cases as conventionally defined, but also those countries with grand electoral blocs (left and right, most commonly) that maintain visible coherence and sustainability over time (such as the Fifth Republic of France). Also included in this category are those factors that bear on the structure of the party system, the most prominent of which is the electoral system. Conventional wisdom holds that the first-past-the-post electoral regime leads to a biparty system, while proportional representation leads to multiparty structure.

The three factors—presidential power, president-parliament congruence, and party system—are not randomly selected.[14] Most of the research on semi-presidentialism shares a concern that a dominant president in the system may come into serious conflict with the parliament, thus hampering stability. In a semi-presidential system, unlike in a presidential system,

[13]The scenario of different political party affiliations coupled with memberships in the same faction is logically impossible. However, it is not unthinkable that severe competition in the party may lead to greater conflict between the president and the prime minister than between the president and the leaders of a different political party.

[14]Yu-Shan Wu, "A Study on the Relations among the President, the Cabinet, and the Parliament in the Russian Federation and Eastern Europe" (National Science Council Research Project, NSC 88-2414-H-002-018, 1999; in Chinese).

checks and balances do not exist between different branches of government (between the executive and the legislature), but rather within the executive as there are two heads in the administration. Holding the prime minister responsible, the parliament cannot help but exercise influence over this executive officer. A strong president who is also interested in influencing the prime minister, however, could very naturally come into conflict with the parliament. The resignation of the cabinet, dissolution of the parliament, and even impeachment of the president would then become a common threat and even frequent reality.[15] Hence a dominant president in a semi-presidential system can be directly linked with political instability.

The critical issue now is what factors contribute to a dominant president in a semi-presidential system. We can cast aside those elements that are inherent in a semi-presidential system as defined by Maurice Duverger, such as the popular election of the president. Obvious is that we have to take into consideration not only the factors directly contributing to the expansion of presidential power, but also those that provide the president with the incentive to intervene and those that weaken the position of the parliament vis-à-vis the president. As far as incentives are concerned, the single most important factor leading to presidential intervention is the degree of congruence between the president and the parliament. If belonging to the same political party, the chances are that the president and the majority of the parliament can get along much better than if the two are of opposing parties. Thus when president-parliament congruence is high, the incentives for the president to intervene are low. When the president and the parliament are of different political parties and as a rule hold opposite positions, the incentives for the president to intervene are high.

If the president wishes to intervene, he would need the capabilities to do so. Direct presidential powers obviously provide him with the most important instruments to intervene, and yet his capabilities are always

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[15]This author has developed a typology to describe the main political systems (autocracy, evolving democracy, parliamentarianism, presidentialism, and semi-presidentialism), using a triangular perspective (president-parliament-premier). It is asserted that a semi-presidential system is inherently unstable because "who controls the government" is a perennial question to which the system does not offer any ready solution. See note 8 above.

relative to his major opponent's capabilities. As mentioned above, in a semi-presidential system the president is structurally pitted against the parliament for control over the government. This observation leads us to investigate the capabilities of the parliament vis-à-vis the president. Here the most important variable is not whether the parliament can impeach the president—a difficult and unlikely process that hardly leads to the removal of the president. What matters more is the internal coherence of the parliament. This is where the party system plays an important role.

Almost by definition, a biparty system is more capable of producing a clear majority than is a multiparty system. A clear majority is the most effective mechanism to sustain the parliament's control over the government. Other things being equal, it is difficult for a president to intervene in legislative matters or even to appoint his favorite prime minister against the will of the parliament when there is a clear majority in the legislative body. However, if there are many parties in the parliament and they do not cohere into sustainable coalitions, the president's maneuverability is greatly enhanced. He is then in a position to pit one party against another, help organize a ruling coalition, and exploit the divisions in the coalition during any showdown between the president and the parliament. In this manner, the greater the number of effective parties in the parliament, the greater the president's capabilities to intervene.

In sum, presidential power, president-parliament congruence, and party system are the three main factors explaining presidential intervention in a semi-presidential system, which then accounts for the stability of the system. Interesting would be a preliminary evaluation of different kinds of semi-presidential systems in terms of their relationship to political stability. Using presidential power, president-parliament congruence, and party system as the three dichotomous variables to characterize different semi-presidential systems, there exist eight different cases, each with different import for stability. This leads to a preliminary stability ranking.

We can easily identify the two extreme cases in our eight scenarios. The case with the highest rating of stability is endowed with three conditions favorable to stability (or deterring presidential intervention): low presidential power, president-parliament congruence, and a biparty party system (case one in table 1). Here the president has neither the incentive

nor the capability to intervene. A relevant empirical case is the Fifth French Republic during the noncohabitation period. True is that the French president under the Gaullist constitution has been granted tremendous powers, such as to appoint the prime minister without the consent by the National Assembly, and yet by taking into consideration constitutional practice since 1958 one finds French presidents respecting the majority in the parliament, hence cohabitation.[16] This means one should classify the Fifth Republic as a "premier-presidential" system, or a semi-presidential system without a dominant president.[17] During the periods when the French president and his premier(s) are from the same political party, there is congruence between them. Finally, French politics is characterized not by two parties, but by two grand opposing blocs (Left and Right). This still satisfies our definition of a biparty system. By fulfilling the three requirements of semi-presidential stability, the noncohabitation French case demonstrates how political institutions can bear on regime performance.

A diametrically opposite case can be found in the combination of strong presidential power, incongruent president-parliament relations, and multiparty system (case eight in table 1). The most famous historical case in this category is Weimar Germany.[18] The Weimar president was granted substantial powers, including the right to issue decrees in order to sustain cabinets not supported by the parliament (Reichstag). Those powers were then exercised in hot conflict between a conservative president and a radical multiparty Reichstag. A dominant president, incongruent president-parliament relations, and a multiparty system are a recipe for disaster—as evident in the Weimar Germany case.

Between the most stable and unstable cases, one finds six intermedi-

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[16]The three cohabitations are François Mitterrand cohabitating with Jacques Chirac (1986-88), François Mitterrand with Edouard Balladur (1993-95), and Jacques Chirac with Lionel Jospin (1997-present).

[17]For the concept of "premier-presidentialism" and "president-parliamentarianism," see Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge: Cambridge University Press, 1992).

[18]See Tsai Tsung-chen, "Some Thoughts on the Structural Defects of the Weimar Constitution and Their Impact" (Paper delivered at the Conference on Political Institutions: Theory and Practice, Academia Sinica, Taipei, June 25-26, 1998; in Chinese).

ate scenarios with stability ratings ranging between the two extreme cases. There are two ways to determine the ranking of the six cases. One is to count the number of pro-stability conditions in each case and assign the same stability rating to the cases with the same number of pro-stability conditions. In this way, for example, the case of high presidential capacity, president-parliament congruence, and a two-party system would have the same stability rating as the case of low presidential capacity, incongruent president-parliament relations, and a two-party system, for one finds the same number of pro-stability conditions (two in this example) in the two cases. This exercise would lead to four stability ratings (pro-stability conditions three, two, one, and zero).[19] However, a careful look into the cases with the same number of pro-stability conditions would give one the impression that giving the same weight to all conditions implied in the above ranking exercise is not warranted. Some conditions are obviously more important than others. This leads us to the inevitable task of first ranking the importance of the conditions themselves.[20]

The three conditions pertain to either the incentive or the capacity of the president to intervene, and this capacity for intervention is then differentiated into the presidential powers and parliamentary capacities to resist. Among the three conditions, any that determines the presidential incentive is arguably more important than those determining the president's capacity. This is true because if there is president-parliament congruence (as in the case of noncohabitation France), one would not expect any political instability whatever the capacity of the president, for the prime minister would be fully subordinate to the president who is the natural leader of the ruling party. One cannot expect stability if the conditions are reversed, namely, if there is president-parliament incongruence but the president has low capacity to intervene. In this case, as in cohabitation France (which is the most

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[19]This is what this author has done in comparing political stability in the Russian Federation and other semi-presidential systems. See Yu-Shan Wu, *Eluosi zhuanxing 1992-1999: Yige zhengzhi-jingjixue de fenxi* (Russia's transition 1992-99: A politico-economic analysis) (Taipei: Wunan, 2000), chap. 3.

[20]The necessity of this is pointed out by this author in Yu-Shan Wu, "Taiwan's Constitutional Framework and Cross-Straits Relations" (Paper presented at the annual meeting of the American Political Science Association, Atlanta, September 2-5, 1999).

stable case we can find with incongruence), the president would still attempt to exercise some influence on the government with regard to either the composition of the cabinet or the content of concrete policies, and thus clash with the premier who is supported by the majority in the parliament. This means president-parliament congruence-cum-high presidential capacity would yield greater stability than president-parliament incongruence-cum-low presidential capacity (given the same party system). Obviously, the factor that determines the incentive of the president to intervene is more important than his capacity to intervene, and we cannot lump all the scenarios with the same number of pro-stability cases into the same category.

Having determined that president-parliament congruence is more important than the president's intervening power in determining stability, a task still remaining is to sort out the relative importance of the two factors that bear on the president's capacity to intervene. Of the two, the president's powers give him the capacity to intervene while the party system puts constraints on his actions. Here the critical question is which of the following two scenarios is more prone to political stability given the same degree of president-parliament congruence: high presidential power-cum-two-party system (hence strong parliamentary resistance to the president's intervention) and low presidential power-cum-multiparty system (hence weak parliamentary resistance to the president's intervention). This paper argues that low presidential power-cum-multiparty system is more stable than high presidential power-cum-two-party system, which means the president's powers are of greater importance than the party system in determining stability. This is the case because if the president is empowered to intervene, even if there is a clear majority in the parliament that is against him, the president may still attempt to control the government; strong resistance mounted by the parliamentary majority may thus simply lead to more violent clashes between the president and the parliament—hence great political instability. In the case of low presidential capacity to intervene in a multiparty context, there is a natural limit on what the president can do (for example, if his ability to appoint a new premier is subject to parliamentary approval), and his intervention may take the form of participating in the formation of a coalition government that is frequent in a multiparty system. This is arguably a much less severe intervention than if

the president forcefully appointed a premier against the will of the parliamentary majority. As such, this paper argues that presidential power is more important than the party system in determining overall stability in a semi-presidential democracy.

Given the above ranking of the three conditions (president-parliament congruence > presidential power > party system), the eight scenarios can now be ranked accordingly. As table 1 shows, all scenarios with president-parliament congruence are ranked higher than those with president-parliament incongruence. Given congruence (or incongruence), those scenarios with low presidential power are more stable than those with high presidential power. And finally, given congruence (or incongruence) and presidential power (either low or high), those cases with a two-party system are more stable than those with a multiparty system. These rules allow a ranking of the eight scenarios.[21] The resulting ranking is shown in table 1.[22]

With this framework in mind, we can now turn to the ROC's constitutional structure and evaluate its ability to sustain stability under President Chen Shui-bian. Taiwan's political stability rating took a nosedive from third to seventh place with the change of government. This is the case because the single most important factor in determining stability—president-parliament relations—has been turned from congruent to incongruent with the KMT's ousting from power in the 2000 presidential elections. The following discussion first traces the process of Taiwan's constitutional reform and then examines the post-1997 semi-presidential system in light of the typology and stability ratings developed above.

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[21]There are some ostensibly semi-presidential regimes that formally give their presidents substantial powers but never see those powers exercised by the presidents who behave quite like their counterparts in parliamentary systems. Duverger called them countries with a figurehead presidency. His examples are Austria, Ireland, and Iceland. In this paper, we consider those "semi-presidential" regimes actually failing to fulfill the requirement that the president in a semi-presidential system should have quite considerable powers. Hence this paper does not discuss those "semi-presidential" regimes.

[22]This author has calculated the frequency of cabinet turnovers as an index of political stability in four semi-presidential countries: the French Fifth Republic (noncohabitation period), post-1997 Taiwan, post-communist Poland (cohabitation period), and the Russian Federation, and found their stability indexes corresponding to their ratings predicted in the table. See note 19 above.

Table 1
Political Institutions and Stability

Case number	President-parliament congruence†	Presidential power*	Party system (biparty or multiparty)	Political stability ranking	Empirical references
1	Congruent	Low	Biparty	1	Fifth French Republic except cohabitation
2	Congruent	Low	Multiparty	2	Post-communist Poland during noncohabitation periods
3	Congruent	High	Biparty	3	ROC, July 1997-May 2000
4	Congruent	High	Multiparty	4	N/A
5	Incongruent	Low	Biparty	5	Fifth French Republic during cohabitation
6	Incongruent	Low	Multiparty	6	Post-communist Poland during cohabitation
7	Incongruent	High	Biparty	7	ROC, post-May 2000
8	Incongruent	High	Multiparty	8	Weimar Germany, post-communist Russia

*High presidential power means a president-parliamentary system and low means a premier-presidential system, following Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge, U.K.: Cambridge University Press, 1992).

†Congruent president-parliament relationship means unity in government. Incongruent president-parliament relationship means divided government.

Institutional Background in Taiwan

The origins of Taiwan's semi-presidentialism can be found in the 1947 ROC Constitution. One can easily find features in the central government as stipulated by the 1947 Constitution that are characteristic of the parliamentary system. These include the fact that the Executive Yuan is the highest executive authority of the state, the Executive Yuan is responsible

to the Legislative Yuan, the premier can be appointed only with the consent of the Legislative Yuan, and the premier has countersigning power which makes any unilateral decision by the president impossible.[23] On the other hand, one can also argue that important aspects of the 1947 system can only be found in a presidential system. For example, ministers are not allowed to hold parliamentary seats, and the interaction mode between the parliament and the cabinet highly resembles that of the United States, a paradigm of the presidential system. Thus the Legislative Yuan cannot cast a vote of no-confidence in the government, nor can the premier ask the president to dissolve the parliament. This means the ROC constitutional framers were interested in creating a system of separation rather than fusion.[24] From these points, one finds that the ROC's 1947 constitutional regime has elements of both the presidential and parliamentary systems.

Whatever the features of the ROC's 1947 Constitution, the political reality in the 1950s through the 1980s was such that the KMT's chairman-cum-ROC president was almost always the paramount leader, and the premier was subservient to him.[25] During this period of time, only one of the three conditions of semi-presidentialism specified by Maurice Duverger was satisfied: the president did indeed have substantial power. The other two conditions—direct election of the president and the prime minister being responsible to the parliament—did not hold.[26] The ROC president was elected by the National Assembly whose members were in turn elected on the Chinese mainland prior to the 1949 retreat. As for the parliament, new members were elected in Taiwan only for supplemental purposes.

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[23]See John Fuh-sheng Hsieh, "Types of Cabinet and Constitutional Operation," *Wenti yu yanjiu* (Issues & Studies) 34, no. 12 (December 1996): 1-10.

[24]See Bert A. Rockman, "Separation? Fusion? Or Hybridization? The Menu of Constitutional Choice" (Paper delivered at the Workshop on Institutional Choice, Taipei, August 23, 1997).

[25]See note 8 above. The only exception was during the short interlude of Yen Chia-kan's presidency (1975-78), when Premier Chiang Ching-kuo held real power.

[26]However, if one uses the notion of "dual executives" instead of "semi-presidentialism," then the ROC's constitutional order under the Temporary Provisions is a perfect case of dual heads in the administration, very much like in former socialist countries where a General Secretary rules supreme and the Prime Minister heads the administration. See Jean Blondel, "Dual Leadership in the Contemporary World," in Lijphart, *Parliamentary versus Presidential Government*, 163.

The ROC's constitutional order moved much closer to Duverger's semi-presidential model with the democratization process that began in the late 1980s. With the lifting of martial law in 1987, the removal of the Temporary Provisions Effective During the Period of Communist Rebellion in 1991, and a series of founding elections in the early 1990s (such as the first-time elections in Taiwan of the entire National Assembly in 1991 and the Legislative Yuan in 1992), the ROC democratized its political system and instituted regular competitive elections. The newly-elected Legislative Yuan asserted its rightful position and demanded the Executive Yuan be responsible to the legislature as stipulated in the Constitution. There was a period of time (1992-96) when the president was indirectly elected by the National Assembly while the Legislative Yuan assumed the mandate from the people. Normally one would expect the balance of power to tilt toward the parliament under these circumstances. However, as the KMT Chairman-cum-ROC President Lee Teng-hui was the architect of both democratization and constitutional reforms, he wielded paramount power throughout this period, aided at times by the opposition DPP in his battle against opponents in the KMT.[27] Very soon, however, President Lee made up for the losses in his institutional powers (those relinquished through the terminating of the Temporary Provisions) by advocating and pushing through a constitutional reform that instituted the direct, popular election of the president. Through the adoption of Additional Articles 11 through 18 in May 1992 and their revision in July 1994, the National Assembly abandoned its original power to elect the president and vice-president, instead mandating direct elections to choose the next president.[28] This change in rules and Lee's successful reelection in March 1996 amidst mainland China's missile scare greatly enhanced the president's authority. Direct presidential elections also satisfy Duverger's last requirement for semi-presidentialism. Thus from 1996 on, the ROC has had a constitutional framework that is characterized by real presidential powers, direct

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[27]See Kuo Cheng-liang, *Minjindang zhuanxing zhi tong* (The DPP's agony of transition) (Taipei: Commonwealth, 1998), 8.

[28]*The Republic of China 1998 Yearbook* (Taipei: Government Information Office, 1998), 79.

election of the president, and a premier-led government responsible to the parliament. There is no question that Taiwan has instituted a semi-presidential system.

A semi-presidential system fully emerged in the ROC after the direct presidential elections of March 1996, and almost immediately the president came into conflict with the parliament over his choice of premier. The 1947 Constitution stipulates that the president appoints the premier with the consent of the Legislative Yuan, the body to which the administration (the Executive Yuan) is responsible. Thus the cabinet should logically resign when a new parliament is elected. This was the rationale by which President Lee forced Premier Hau Pei-tsun (郝柏村) to resign in February 1993, as a new Legislative Yuan had been elected in December 1992. Lien Chan, whom Lee handpicked as his successor, then replaced Hau. Lien was overwhelmingly endorsed by the Legislative Yuan as the opposition welcomed him to replace the staunchly anti-Taiwan independence Hau. Following this precedent, one would then expect the Lien cabinet to resign after the December 1995 parliamentary election and also expect Lee to submit Lien's nomination to the premiership to the Legislative Yuan for approval. Indeed, this was what happened, except Lien's nomination was made under the impression that he would only lead a caretaker government, until the new president-elect nominated his premier after the March 1996 presidential elections. After being reelected, President Lee decided to keep Lien (who had become vice-president-elect) as premier, and considered Lien's nomination already approved by the parliament early in the year. Lee thus refused to submit Lien's nomination to the parliament for approval. The opposition naturally felt betrayed, and refused to recognize Lien as premier. When Lien tried to go to the Legislative Yuan for an official report, demonstrators outside the parliamentary building stopped him from getting in. The opposition also raised the legal question of whether Lien could serve as vice-president and premier concurrently. They submitted the case to the Council of Grand Justices, which later handed down a decision questioning the appropriateness of Lien's taking two jobs, but did not declare such an act unconstitutional. The parliament was unable to avoid dealing with the government headed by Lien given that the KMT still held a slim majority in the house and that President Lee refused to change his mind.

The stalemate went on for more than one year. In August 1997, following a series of crimes that shocked society and several anti-government mass demonstrations in Taipei, Lien Chan finally stepped down. On September 1, Vincent Siew, a bureaucrat-turned-legislator, replaced him.

Obviously the president's ability to appoint the prime minister (or to appoint the premier legally) became a central issue in the conflict between the president and the parliament. This tension is typical of a semi-presidential system. As pointed out above, in such a system there is inevitable ambiguity as to who wields the ultimate power over the government: the president or the parliament. The two naturally vie to determine the premier, the composition of the cabinet, and the content of important public policies. As Taiwan became a full-fledged semi-presidential system in 1996 (real presidential power, direct election of the president, and a government responsible to the parliament), the inherent conflict in a semi-presidential system necessarily erupted.

Under these circumstances, President Lee decided to launch yet another constitutional reform, the main purpose of which was to deprive the Legislative Yuan of its power to approve the premier. Since amending the constitution requires a three-fourths vote in the National Assembly, Lee was forced to come to terms with the opposition DPP.[29] After a protracted process of bargaining that began with the National Development Conference (NDC, 國家發展會議 *guojia fazhan huiyi*) of December 1996[30] and ended with the 1997 summer session of the National Assembly, Lee achieved his goal.[31] The DPP was awarded the "freezing" of the Taiwan

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[29]In the National Assembly elected in March 1996, the KMT had 54.8 percent of seats, the DPP 29.6 percent, and the New Party 13.8 percent.

[30]At the NDC, the DPP showed their willingness to accept the KMT's semi-presidentialism with expanded presidential powers, provided that the gubernatorial election and the provincial assembly election were to be suspended together with the National Assembly elections (the seats would be allocated among political parties based on their vote shares in other elections) and the elections for rural township, urban township, and township-level municipality offices. The DPP expected to gain political benefits from incapacitating Taiwan Province and the National Assembly, for these two are symbols of unified China, and from abolishing grass-roots elections which had always been dominated by the KMT. It was on these terms that the KMT and the DPP reached consensus at the NDC. The marginalized New Party opted to leave the NDC at the last minute.

[31]After the NDC, a National Assembly session was convened in May 1997 to formalize the KMT-DPP consensus reached at the NDC into constitutional amendments. However,

Provincial Government then headed by the popular Governor James Soong (宋楚瑜).[32] The Legislative Yuan was also compensated by gaining the power to cast a vote of no-confidence in the Executive Yuan, while the president would then be able to dissolve the parliament.

The next area for analysis is the constitutional framework embodied in the ROC Constitution with its 1997 Additional Articles. Here there are three kinds of presidential powers. The first is direct executive power; note that the ROC president can issue emergency orders (by resolution of the Executive Yuan Council and subject to ratification of the Legislative Yuan in ten days), determine major policies for national security, establish a National Security Council and a subsidiary National Security Bureau,[33] and mediate between different branches of government (Yuans) should disputes arise among them. The second type of presidential power is related to con-

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there was opposition to the consensus within both the KMT and the DPP. On the KMT side, all those with vested interest in the continuation of the five elections rallied around James Soong, the governor of Taiwan, and fought against the NDC initiatives. On the DPP side, those who were for establishing a presidential system and those who abhorred cooperating with the KMT raised strong opposition against the grand swap worked out by the DPP's Chairman Hsu Hsin-liang and his KMT counterpart. As it turned out, the surge of Soong's influence during the process caused the opposition opinion in the DPP to wane for fear that Soong might gain political benefits by wrecking the deal (i.e., by preserving the Taiwan Provincial Government that he was heading). Last-minute intervention by President Lee saved the day. Though not to the complete satisfaction of either side, a French-style semi-presidential system was created and embodied in the Additional Articles of the ROC Constitution.

[32]The official term of this move is "*jingsheng*," or "streamlining the Taiwan provincial government and assembly," which is euphemism for abolishing Taiwan Province as an administrative and self-governing body, thus depriving James Soong, an obvious power contender in the upcoming 2000 presidential elections, of his institutional base.

[33]Presumably, the president may set up policy guidelines on national security for the government to follow, either in the form of proposals of law to be passed by the parliament or in executive ordinances that are authorized by enabling laws. However, whether the president's guidelines can be properly translated into laws or executive ordinances is an open question. According to the Organic Law of the National Security Council (NSC) that was passed in 1993, the NSC is merely a consultative organ and the president is left without the power to directly issue orders to implement his policy on national security matters. At the time when the ROC Constitution was amended in 1997, the KMT did propose to expand the president's power by inserting into the Second Amendment the rule that the president's decisions concerning national security should be carried out by the Executive Yuan. This was opposed by the DPP and the final amendment did not obligate the government to implement the president's decisions on national security matters. Thus, clear is that any presidential decision on national security is not automatically binding on the government. See Policy Coordination Committee of the KMT, "Contrast Table of the Constitutional Amendment Proposals (on Dual-Executive System) by the KMT and the DPP" (1997).

trol over the government, including the power (1) to appoint the president of the Executive Yuan (the premier) and (2) to appoint with consent by the National Assembly the grand justices; the president, vice-president, and members of the Examination Yuan; and the president, vice-president, and members of the Control Yuan.[34] The third type of power involves the president's dealings with the Legislative Yuan. Note that the president can dissolve the Legislative Yuan within ten days following the passage of a vote of no-confidence in the government.

The ROC president is not all-powerful. He cannot determine all the basic guidelines of the state's policy (as can the Russian president), chair cabinet meetings (as can the French president), exercise leadership in foreign policy (as can the Finnish president), or issue decrees that are binding as long as they do not contradict laws and the constitution (as can the Russian president).[35] Concerning the president's control over the government, the ROC president indeed can appoint the premier without the consent of the Legislative Yuan. Whether the president also has the power to remove an incumbent premier is not clear from the amendments, but that power seems to be implied in his power of appointment.[36] Finally, one can take a look at the president's powers vis-à-vis the parliament. The ROC president can dissolve the Legislative Yuan only after the legislature passes a vote of no-confidence (and after the president consults with the premier); the Rus-

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[34]This power has been transferred to the Legislative Yuan after the sixth constitutional reform in April 2000. Through that reform, the National Assembly has been reduced to a task force whose function is to decide presidential impeachment resolutions and constitutional reform bills initiated by the Legislative Yuan. The seats of the National Assembly are now divided among different political parties through popular elections. Any ad hoc Assembly would have one month to complete its assignment and dissolve automatically. Right before the presidential election, the Council of Grand Justices ruled the fifth constitutional reform in 1999 unconstitutional and made a National Assembly election inevitable. The KMT collaborated with the DPP in abolishing the National Assembly as a permanent representative body in order to deprive the People First Party (PFP) of a chance to take concrete shape and to translate Soong's personal popularity into a solid political base.

[35]This point is particularly important as the existence of an independent presidential decree power would enable the president to bypass the government and implement his own policies through apparatus directly responsible to him.

[36]See Lin Chia-lung, "Semi-Presidentialism, Multiparty System, and Democratic Polity: An Institutional Analysis of Constitutional Conflicts in Taiwan" (Paper delivered at the Conference on Political Institutions: Theory and Practice, Academia Sinica, Taipei, June 25-26, 1998; in Chinese).

sian president, however, has the power to dissolve the parliament after its third rejection of the president's candidates for premier, when the parliament expresses no-confidence in the government for a second time within three months, and when the parliament refuses to give confidence in the government after the latter has submitted a motion of confidence to the parliament. Finally, note that the French president enjoys the power to dissolve the parliament almost at will.[37]

Even though the ROC president in general is not as powerful as some of his counterparts in other semi-presidential systems, he can still be classified as dominant.[38] Institutionally speaking, the most important feature of Taiwan's system is the ability of the president to determine the premier, disregarding the political balance in the parliament. This was the very reason President Lee amended the Constitution in 1997. If the ROC president can exercise this power freely, then he certainly does not need to confront the parliament over the latter's rejection of his candidate for premier or resort to the threat of dissolving the parliament, as has been the case in the Russian Federation. On September 1, 1997, President Lee appointed Vincent Siew as premier to replace Lien Chan. This was the first time that the president exercised his newly-acquired power to appoint the premier without the consent of the parliament. In addition to this very important power of appointment, the ROC president is supported by a crisis society regarding national security matters.[39] In sum, we can characterize the constitutional system of the ROC as president-dominated semi-presidentialism.

President Lee amended the ROC Constitution in the expectation that

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[37]Some scholars argue that the ROC president can dissolve the Legislative Yuan without the Legislative Yuan first passing a no-confidence vote on the government. Ibid.

[38]This is why Ya-li Lu calls the core of the new constitutional structure "imperial presidency." See Ya-Li Lu, "The Transformation of the Role of the President in Taiwan's Constitutional Evolution" (Paper delivered at the Workshop on Institutional Choice, Taipei, August 23, 1997).

[39]Taiwan is a crisis society in that the country has for half a century been overshadowed by military threat from mainland China. People in Taiwan are naturally concerned with national security to a much greater extent than most of the neighboring countries. This being the case, people tend to rally around their leaders when facing mainland China and consider expansion of presidential power acceptable as long as it is in the nation's security interest. As such the crisis society mentality adds to the institutional power of the president in dealing with national security matters.

the DPP might control the Legislative Yuan in the near future and he would then need extra powers in order to make sure the government is led by a premier of his choice.[40] Thus, a sense of political crisis on the part of the incumbent president prompted the amendment of the Constitution. In short, the semi-presidential system is prone to conflict between the president and the parliament over control of the government, as the experience of the ROC in 1996-97 demonstrates. The addition of extra presidential powers to the original Constitution was considered a necessary step to redress this inherent problem. In a sense, the 1997 Additional Articles to the ROC Constitution were rearguard actions against the possibility of a French-style "cohabitation."

In addition to providing extra powers to the president, the semi-presidential system with a dominant president is attractive in that it relieves the president of direct responsibilities while offering him the ultimate power. In a presidential system, the president holds supreme power but is also subject to all kinds of scrutiny and criticism. In a parliamentary system, the prime minister is directly responsible to, and is often subject to harsh interpellation and a possible vote of no-confidence by, the parliament. In a president-dominated semi-presidential system, the president can make final decisions without being held responsible. He can actually severely criticize the government for incompetence and wrongdoing and build his own image at the expense of the government, though the president may be the ultimate decision-maker. Thus there were numerous times when Lee criticized the government for policies that clearly bore his imprint. The convenience of enjoying ultimate power without bearing corresponding responsibility has proven very attractive for emergent democracies.

This being the case, one cannot safely predict that because the ROC president has the great institutional power to appoint the premier, he would then be able to do so in real politics. President Lee appointed Vincent Siew with ease because at the time of appointment the KMT still held the major-

[40]Lee's fears did not come true because the KMT scored a handsome victory in the December 1998 parliamentary elections which gave the KMT a comfortable ten-seat majority in the Legislative Yuan.

ity in the Legislative Yuan. What then will be the case if the majority party in the parliament is not the president's party, or if there is no majority in the parliament? Would the constitutional provision that the president can appoint the premier without parliamentary consent be sufficient in itself to provide the president real power when facing an opposition majority in the Legislative Yuan? As DPP Chen Shui-bian's victory in the March 2000 presidential elections brought about a divided government (the president and the parliamentary majority belong to different political parties), the ROC's semi-presidential system is now being put to the test.

From Congruence to Incongruence

After the fourth constitutional reform, the ROC's semi-presidential system has taken clear shape. One can observe two important stages. The first is from July 1997 to May 2000, when high presidential power was accompanied by president-parliament congruence and a biparty system. This is case three in our typology of the semi-presidential system, with a stability rating of three (see table 1). At this stage, President Lee freely exercised his power to change the premier (replacing Lien Chan with Vincent Siew). No one would doubt that the president was the dominant figure in the government and that the premier was his subordinate. As for president-parliament relations, with the Legislative Yuan election of December 1998 handing a comfortable ten-seat majority to the ruling KMT, there was great president-parliament congruence. Since Lee was in total command of the KMT, parliamentary challenges to the president-cum-chairman were rare, if any. Finally, Taiwan has developed a biparty system with the KMT and the DPP in tight electoral competition from the central level to the localities. Having their electoral strength and seats halved in the December 1998 election, the New Party cannot be counted as a major player in national politics. In sum, the political system in the ROC from 1997 to the year 2000 was characterized by great presidential power, president-parliament congruence, and a biparty system.

Great presidential power means the president has the ability to intervene. However, since the KMT has held a comfortable majority in the

Legislative Yuan, there was high president-parliament congruence, and the incentive for intervention was low. Under congruence, a clear-cut majority in the legislature is not a constraint on presidential power, but a reinforcement, since the will of the president can be carried out through the majority position of his party in the parliament. As a result, the July 1997-May 2000 system was highly stable.[41] Since the 1997 amendment of the Constitution, there were no attempts by the president to dissolve the Legislative Yuan during this period, only the regular reelection of the parliament in December 1998. The Legislative Yuan did not attempt to impeach the president, though a vote of no-confidence was held due to the insistence of the opposition who was against the Siew cabinet. The no-confidence motion was easily defeated by the majority position of the KMT in the Legislative Yuan. In short, except for regular elections, there had been no change of the major political players in the president-premier-parliament triangle. A high degree of stability was sustained. Lee Teng-hui, holding a paramount position in the ruling KMT that coordinated and regulated all political power-holders in the game, effectively suppressed the inherent conflict in a semi-presidential system.[42]

A dominant president, president-parliament congruence, and a bi-party structure provided the institutional setting that guaranteed political stability in the last three years of President Lee's reign. Had Lien Chan won the presidential election of March 18, 2000, this structure would have remained the same, though a factional conflict between Lien as president and Lee as the KMT's chairman would have been inevitable, and the pecking order in the ruling party would have had to have been rearranged. However, the DPP's candidate, Chen Shui-bian, won the presidential race and drove the KMT out of power. Right after the resounding defeat of the KMT, demonstrators gathered outside the KMT's headquarters in Taipei

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[41] As mentioned earlier, the only cabinet reshuffle in 1997-99 occurred when the president considered Lien Chan not suitable for concurrently holding the positions of vice-president and premier, and placed Vincent Siew, another presidential loyalist, into the premiership. The action was not forced on the president or the premier by the opposition in the parliament.

[42] A similar opinion is expressed by Lin Chia-lung, "The Challenge to and Response from a Divided Government," *Guojia zhengce shuangzhoukan* (National Policy Dynamic Analysis) 14 (May 19, 2000): 6-9.

and demanded Lee's resignation. Several days later Lee was forced to step down as party chairman. The KMT was plunged into great turmoil as the new leadership under Lien found consolidating power at the center to be quite difficult. At the same time, President Chen was busy preparing for the transfer of power from the outgoing KMT. Taiwan's political landscape was thus completely transformed.

Chen's election changed the structure of Taiwan's semi-presidential system. Among the three critical factors determining political stability, congruence between the president and the parliament now no longer exists. Even though President Chen declared himself to be "president of all the people" (全民總統 *quanmin zongtong*) and has abstained from taking part in DPP activities, he remains a DPP president and counts on the DPP's parliamentary support. On the other hand, even though the KMT suffered from some defections among its lawmakers to James Soong's newly-formed People First Party (PFP, 親民黨 *Qinmindang*), the KMT still holds a slim majority in the Legislative Yuan.[43] Here we have a perfect example of divided government: the president and the parliamentary majority belong to different political parties. President-parliament relations are incongruent. As for the other two factors determining stability in a semi-presidential system—presidential power and the party system, there are also some changes. As far as presidential power is concerned, even though there is no change in the president's institutional powers, Chen as a "minority" president with a limited mandate (he garnered only 39.3 percent of the popular vote) necessarily exercises less authority than his predecessor. This is actually a stabilizing factor, as the new president would find mobilizing social support to be difficult if he attempts to dictate government policy. The third factor is the party system, which has experienced only minor changes since May 20. The KMT remains the majority party in the Legislative Yuan, though its majority position is somewhat undermined by several defections to Soong's PFP. The DPP holds only less than one-third of the seats in the Legislative Yuan, while the New Party's strength is in-

[43]Most prominent among the KMT defectors are Chin Huei-chu, Lee Ching-an, and Wang Tein-ging. New Party heavyweight Lee Ching-hua also switched to the PFP after the presidential election.

significant.[44] Thus the ROC has still maintained a biparty system after the March 2000 presidential elections.[45]

Strong (though attenuated) presidential power, incongruent president-parliament relations, and a biparty system characterize the post-election semi-presidential system in Taiwan. According to the typology developed in the first section of this paper, this is a case seven situation, a very unstable state (see table 1). Here the president has every incentive and also the power to intervene. However, any efforts at doing so may be deterred or resisted by the clear majority held by the opposing party in the parliament. Taiwan's situation may even sink to case eight (with a lower stability rating) if the KMT splits along the schism developed during the electoral campaign and its aftermath, with the DPP and the PFP gaining at the KMT's expense and the New Party merging with the PFP. These moves would create a multiparty system. Such a scenario would be characterized by strong presidential power, incongruent president-parliament relations, and a multiparty system—a mixture which is a recipe for political turbulence.

Modes of President-Parliament Interaction under Incongruence

The previous discussion deals with stability under the semi-presidential system in a general sense. Three dichotomous variables result in eight scenarios ratable in terms of respective stability. The following analysis concentrates on the interaction between the president and the parliament under incongruence (i.e., by holding one variable constant). This discussion is of import because Taiwan in the post-May 2000 period is marked by incongruent president-parliament relations, and President Chen has thus far

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[44]The December 1998 elections brought about a KMT-dominated parliament wherein the KMT captured 56 percent of a total of 225 seats, the DPP 31 percent, and the New Party 5 percent.

[45]The criterion here is the composition of the Legislative Yuan. If one takes into consideration the administrative branch at the central and local levels, then the DPP is in a dominant position. Even there, however, one finds KMT strongholds.

adopted a mode of interaction with the KMT-dominated Legislative Yuan that is unprecedented among known semi-presidential cases. Theoretical deduction and empirical investigation will demonstrate the realm of interaction possibilities under the incongruent semi-presidential system, and thus provide a theoretical and comparative perspective for an investigation into the Taiwan case.

When an incongruent relationship rises between the president and the parliament, one finds a divided government. Under a presidential system, divided government is a very common phenomenon and was in fact envisaged by the framers as an expression of checks and balances.[46] However, divided government under a presidential system is entirely different than under a semi-presidential system. When the president and the parliamentary majority under a presidential system do not belong to the same political party, the government is divided between the administration (headed by the president) and the legislature. There are still internal coherence and an unmistakable chain of command in the administration. Under a semi-presidential system, on the other hand, an incongruent relationship between the president and the parliament expresses itself in a conflict between the two over the composition and policies of the government.

There are several interaction modes under incongruence in a semi-presidential system. When the president yields to the parliament, one finds "cohabitation" wherein the majority party in the parliament organizes the government and wields the ultimate ruling power in the country; the president, however, may still claim some domain of reservation for himself, usually in the realms of national security and diplomacy. "Cohabitation" is but one mode of response by the president to the fact that the parliament to which the government must be responsible is under the control of an opposing party. The president may respond in a number of different ways under these circumstances, one of which is to strike a clear division of labor with the premier who is still from the majority party (or ruling coalition) of the parliament. In this way, the president and the premier divide the ad-

[46]Olivier Duhamel, "Some Thoughts on Cohabitation and the French Cohabitation," trans. Tsuo Ya-ling et al., in *Faguo diwu gonghe de xianzheng yunzuo* (The constitutional operation of the French Fifth Republic), by Yao Chih-kang et al. (Taipei: Yeqiang, 1994), 273.

ministration and the two are responsible to different electorates for their respective functions (the "division of labor" mode). Yet another response is for the president to insist on appointing his own choice as premier against the will of the majority in the parliament. Usually this step would result in strong reaction from the parliament, thus pitting the president and the parliament at war. The parliament may react to the president's presumptuous actions by casting a vote of no-confidence in the government, to which the president may retaliate by dissolving the parliament. The president may invoke extra-constitutional powers in order to overcome the parliament's resistance, putting the whole democratic institution at risk of collapsing (the "collision" mode). Also possible is that the parliament may opt to back down at any point during this escalating process, thereby temporarily defusing the crisis. In this way, the president persists and the parliament yields (the "supremacy of the president" mode).

The above discussion of different modes of interaction between the president and the parliament under incongruence is not merely an exercise in logical reasoning. One does find empirical cases demonstrating these modes. Thus, for example, cohabitation is a well-known French constitutional practice that has occurred three times in the history of the Fifth Republic. Since Socialist President François Mitterrand appointed the Gaullist Jacques Chirac as premier in 1986, the French have developed a constitutional practice whereby the president appoints the leader of the majority party in the parliament as premier, even when the president and the parliamentary majority are of different political parties (hence "cohabitation"). This is the case because no president can exercise power without the support of a majority party in the National Assembly, and because the president cannot appoint a premier who does not enjoy parliamentary confidence. The experience of the three "cohabitations" so far shows that the president would have to take a secondary role when cohabiting with an "opposition" premier. This makes the French system an interesting one as the president holds ultimate power and appoints his favorite as premier (and dismisses him at will) when the parliament supports the president; the president takes a secondary role, however, and appoints an opposition leader as premier when the presidential party loses majority in the parliament. This is the case despite the constitutional stipulation that the French

president of the Fifth Republic can appoint the premier at will without the consent of the National Assembly. The French case tells us that the president's formal powers are not sufficient to uphold the president's power of appointment in real politics. Thus in our typology in table 1, we characterize the French case as one of low presidential power, or in Shugart and Carey's terms, "premier-presidentialism."[47]

In addition to cohabitation, another relatively stable way of handling the incongruent president-parliament relations in a semi-presidential system is the "division of labor" mode, as exemplified by the Finnish case.[48] Because the Soviet Union overshadowed Finland for more than four decades during the post-World War II period, Finland needed an able hand to stabilize Soviet-Finnish relations; that job fell naturally to the president of Finland.[49] As a result, the Finnish president firmly controls the realms of national security and foreign affairs while domestic matters are left in the hands of the prime minister who is directly responsible to the parliament. The president and the prime minister have developed a division of labor that has proven quite stable throughout the postwar years.

Cohabitation and division of labor are two successful modes of managing incongruent president-parliament relations under a semi-presidential system. As mentioned earlier, there are more conflictive modes. One is the Weimar German mode, in which the president and the parliament find themselves at a deadlock and hurl dissolutions of parliament and no-confidence votes at each other. Weimar Republic is the first historical case of semi-presidentialism. In both 1925 and 1932, Marshall Paul von Hindenburg was elected president of the Weimar Republic. Hindenburg was from the Junker landowning class of old Prussia, a war hero in World War I. His political inclination necessarily conflicted with both the Communists on the extreme left and Adolf Hitler's Nazis on the extreme right—the two political forces that dominated the Reichstag in the 1930s. Held responsible to both the president and the parliament, the prime

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[47]See note 17 above.

[48]See note 4 above.

[49]David Arter, *Politics and Policy-Making in Finland* (New York: St. Martin's Press, 1987).

minister would thus have to give his political allegiance to either the president or the parliament—and bear the resulting pressure from the other side. In March 1930 the Social Democrat Chancellor Hermann Müller was forced to resign under pressure from the Reichstag and, disregarding opposition from the parliament, Hindenburg decided to appoint his favorite Heinrich Brüning as prime minister. From that time on, a series of president-appointed cabinets headed by Brüning, Franz von Papen, and Kurt von Schleicher survived an antagonistic parliament with Hindenburg's emergency powers. During this period of intense conflict Hindenburg dissolved the Reichstag three times (September 1930, July 1932, and November 1932), only to see the rapid expansion of the political influence of Hitler (whom he detested). Finally in January 1933 Hindenburg was forced to appoint Hitler as chancellor. The Weimar experience is what we call the "collision" mode.

Another conflictive mode is for the president to insist on his choice of prime minister and force the parliament to back down (the "supremacy of the president" mode). This is what happened in the post-Soviet Russian Federation during the reign of Boris Yeltsin (1992-99). Similar as to how de Gaulle had a new constitution tailored for him in France, Yeltsin managed to rewrite the Russian Constitution which was passed in a referendum in December 1993 after he ordered troops to storm the parliamentary building and arrest rebellious legislators in October of that year. The new constitution obviously gave Yeltsin tremendous powers, including the right to issue presidential decrees without enabling laws and appoint the premier against the State Duma if the president's nominee has been rejected twice by the parliament. Yeltsin then used his powers to change the government at will four times in the last two years of his rule. He replaced the veteran Viktor Chernomyrdin with Sergei Kiriyenko in March 1998, only to find Kiriyenko unable to handle the August financial crisis and the Russian economy thus went into a tailspin. After an abortive attempt to bring Chernomyrdin back to the helm of government, Yeltsin settled with Yevgenii Primakov in September. Eight months later, the president fired Primakov and replaced him with Sergei Stepashin in the midst of the parliament's impeachment process. Finally, in August 1999 Yeltsin sacked Stepashin and appointed Vladimir Putin as premier. Throughout the whole period of

Table 2
President and Parliament under Incongruence

	President yields	
Parliament yields	Yes	No
No	Cohabitation French Fifth Republic	Collision Weimar Germany
Yes	Division of labor Finland	Supremacy of president Russian Federation

Yeltsin's rule, the State Duma was in the hands of the opposition (the Communists and the ultra-nationalists). The way Yeltsin handled this incongruent president-parliament relationship was to use his tremendous powers to bulldoze his choice past the Duma's opposition. Almost every time the parliament yielded and Yeltsin had his way. This is the "supremacy of the president" mode.[50]

The four modes mentioned thus far under incongruence represent the four possible outcomes of interaction between the president and the parliament under incongruent relations. If the president yields and the parliament persists, the result is "cohabitation." If both the president and the parliament yield, then there is a "division of labor" à la Finland.[51] If the president persists and the parliament yields, then this is the Russian model, or "supremacy of president." If neither president nor parliament yields, then we have the "collision" model of Weimar Germany.[52] These four modes delineate the realm of possible modes of interaction between the president and the parliament under incongruence.

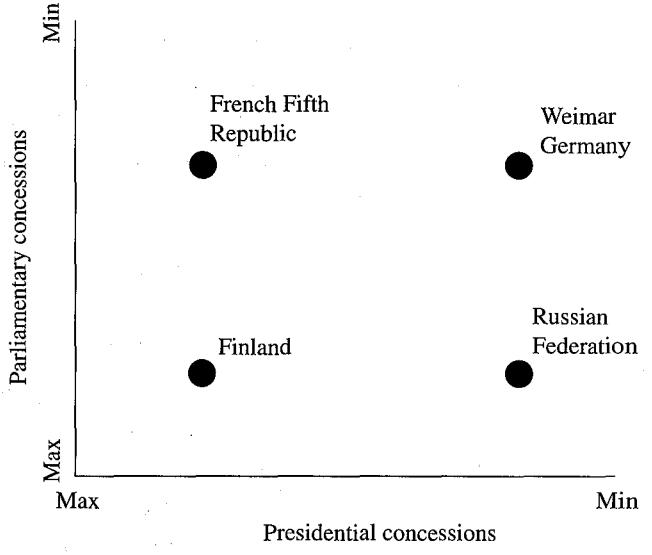
Restructuring the dichotomous variables of table 2 into continuous ones results in figure 2:

[50]Wu, *Eluosi zhuanxing*, chap. 2.

[51]Finland and Weimar Germany are mentioned by Maurice Duverger as countries with "balanced presidency and government," meaning there is real dualism in the executive. The two cases are not differentiated by Duverger as two types of interaction between the president and the parliament. See note 9 above.

[52]If we apply game theoretical terminology and let president be player one and parliament player two, then "cohabitation" would be CD, "division of labor" would be CC, "collision" would be DD, and "supremacy of president" would be DC.

Figure 2
President and Parliament under Incongruence



An incongruent president-parliament relationship is difficult to handle. Even the French were highly dubious about the feasibility of this arrangement when they experienced the first "cohabitation."[53] As can be seen from the above discussion, whenever the president is determined to intervene, the hope of political stability becomes dashed. The two stable modes of interaction under incongruence between the president and the parliament are division of labor à la Finland, and cohabitation à la the French Fifth Republic. In both cases, the president bases his choice of the prime minister on the relative strength of the political parties in the parliament. As a result, the composition of the government would reflect the balance of power among major political parties.

[53]Olivier Duhamel, "The Strengths and Weaknesses of the French Constitutional System," trans. Hsu You-wei, in Yao et al., *Faguo diwu gonghe de xianzheng yunzuo*, 266.

The Chen-Tang System: Compromise, But Not Cohabitation

After being elected president of the ROC, Chen Shui-bian immediately faced the task of searching for a premier. In view of the KMT's dominant position in the Legislative Yuan, reasonable would have been for Chen to have appointed a KMT premier who would definitely have received support from the majority of the parliament. Such a move would have been the French road toward cohabitation, with the president yielding and the parliament persisting under incongruence. However, Chen did not opt for such a solution.

It was indeed difficult for Chen to nominate a KMT premier immediately after he won the presidential elections. Even a French president in Chen's position would not have done so.[54] The precedent has been set in France for a newly-elected president to dissolve the parliament in which his party is in the minority and hold parliamentary elections in the hope of turning the presidential party into majority in the parliament—hence preventing or terminating cohabitation. This was exactly what François Mitterrand did in 1981 and 1988 when Right-dominated parliaments were dissolved by the Socialist president immediately after the election. Mitterrand was successful in both attempts. In 1981 he prevented the emergence of a cohabitation with Right premier Raymond Barre by dissolving the National Assembly. The following parliamentary elections brought about a Socialist majority in the Assembly and Mitterrand was able to appoint Pierre Mauroy as premier to head the first Socialist government in the history of the Fifth Republic. In 1988 Mitterrand won the presidential elections again, and he was happy to dissolve the National Assembly in which the Right dominated. With the Left forming the majority in the new Assembly, Mitterrand was able to appoint Michel Rocard as premier and thus ended the unpleasant cohabitation with Jacques Chirac (March 1986

[54]Cohabitation has never been a desirable situation for the French president, but rather something he was forced to accept. In June 2000, French President Jacques Chirac proposed to cut the presidential term from seven years to five years in order to be in sync with the term of the National Assembly so as to reduce the possibility of cohabitation. *Zhongguo shibao* (China Times) (Taipei), June 7, 2000, 13.

through May 1988).

In the French experience, cohabitation emerged only with parliamentary elections bringing about a new National Assembly with the opposition holding majority. In March 1986 and March 1993, President Mitterrand was forced to appoint a premier from the Right because he figured out there was no way he could dissolve the newly-elected parliament and gain a Socialist majority through new elections. Appointing a Socialist premier in a Right-dominated parliament was also impossible. The same situation occurred in 1997 when President Chirac was forced to appoint a Socialist premier, Lionel Jospin, and started the third cohabitation after the parliamentary elections in which the Right suffered a defeat. In short, cohabitation in the French experience is possible only after parliamentary elections. If presidential elections bring about a divided government, then the president would dissolve the parliament and prevent the emergence of cohabitation.

Chen Shui-bian's election as the ROC's president created a situation quite like France in both 1981 and 1988 when presidential elections brought about an incongruent relationship between a Left president and a Right-dominated parliament. However, Chen could not dissolve the legislature as Mitterrand did because the ROC Constitution as amended in 1997 did not provide the president with the power to dissolve the parliament unless the latter passes a vote of no-confidence in the government. This being the case, Chen found himself facing the following options. First, he could appoint a KMT premier who will then form a KMT government and start Taiwan's first "cohabitation." This is the French solution (a modified one, of course, because the president does not have the power to dissolve the parliament before accepting cohabitation). The second option would be for him to still appoint a KMT premier but work out a division of labor between the president and the premier, reserving specific domains or even ministries under the president's direct command. This would be the Finnish "division of labor" mode (domains of reservation) or something Poland experienced during the Lech Wałęsa period (presidential command of reserved ministries). The third option is to fight the parliament by appointing a DPP premier, knowing that the KMT majority would react strongly. This third option may lead to two scenarios. The first is where the KMT resists

presidential pressure and casts a vote of no-confidence in the new DPP government. This would lead to a showdown with the president, possibly leading to a dissolution of the Legislative Yuan. The president and the parliament are then on a collision course, and the results may be disastrous. This is the Weimar (collision) mode. The second scenario is for the president to persist, with the parliament conceding. This would mean the KMT majority in the Legislative Yuan fails to cast a vote of no-confidence in the DPP government either for fear of being dissolved or for lack of internal coherence and discipline. Such would be the Russian situation (supremacy of the president) in which the president dictates the composition of the government regardless of the balance of power in the parliament.

In the end, President Chen did not opt for any of the above solutions. He did offer a kind of compromise, though, in the spirit of the French and Finnish systems. Chen invited Tang Fei, the defense minister of the outgoing KMT government, to be the premier—but only on an individual, nonparty basis.[55] Also on the same basis, Chen recruited many KMT cabinet members and close friends and advisors to President Lee Teng-hui into the Tang Fei government. This is surely not cohabitation, for the KMT as a party was not granted the power to form the new government and the KMT Acting Chairman Lien Chan had not been consulted prior to Tang's appointment. Neither is this the Weimar or Russian model, because Chen did show great sensitivity to the balance of power in the Legislative Yuan. Not only was Tang a former minister in the KMT government, the total number of the KMT members in the new cabinet was greater than the number of DPP members. This is what Chen calls "government of all the people" (全民政府 *quanmin zhengfu*) and "common rule by the clean tide" (清流共治 *qingliu gongzhi*).

A careful look at Chen's ingenious solution to the president-parliament incongruence and the KMT's response to this strategy shows that this mode of interaction is closer to the Finnish scenario than to any other mode of interaction, for both the president and the parliament yield. The presi-

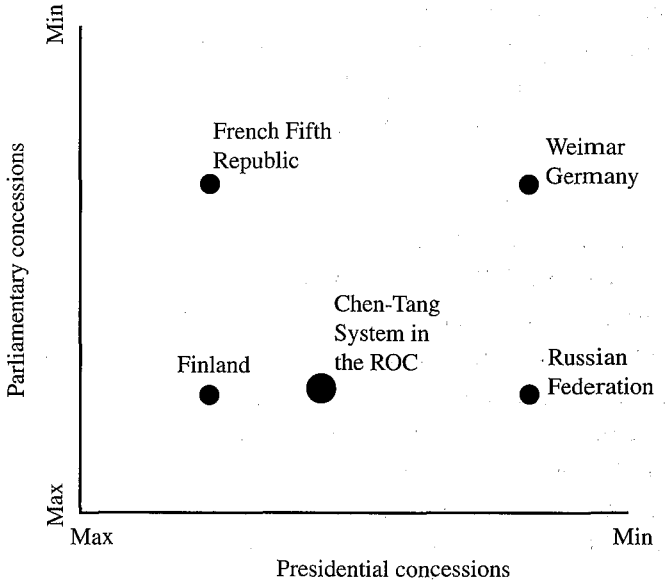
[55]Chen's first choice was Lee Yuan-tseh, president of Academia Sinica, whose last-minute endorsement of Chen's candidacy proved critical in Chen's ultimate victory. However, Lee turned down Chen's offer, which forced Chen to restart his search.

dent did not appoint a DPP premier, and the KMT-dominated parliament did not boycott the new government by casting a vote of no-confidence. However, the president's compromise with the parliament did not take the form of a clear division of labor between the president and the premier. The KMT and DPP appointees mingled with professionals and scholars in the cabinet, though at the vice-ministerial level one finds a large number of loyalists to the president. Contrary to the French and Finnish cases, foreign affairs, national defense, and mainland affairs were all in the hands of the former KMT government officials and advisors to the former KMT president; the strongest DPP presence was in such domestic affairs fields as justice and communications. This is the case not only because the KMT has deep roots in the military and diplomatic corps, but because the DPP's pro-Taiwan independence stance has always caused great alarm and created tremendous tension with both Beijing and Washington. We can add to this list the suspicion among the majority of Taiwan voters who did not support Chen in the presidential elections. Thus, Chen is concentrating his effort on domestic affairs, particularly on cleaning up Taiwan's rampant corruption in hopes of building prestige rapidly enough for the next power contest in the December 2001 Legislative Yuan election.

President Chen's "compromise, but not cohabitation" solution differs from his Finnish counterpart not only in setting a different division of labor between himself and the premier, but in espousing the idea of "government of all the people" and recruiting a large number of former KMT government officials on a nonparty basis who must practically cut their ties with the KMT party center and the KMT legislative majority.[56] In short, the president recruited into the new cabinet KMT talent who brought with them a protection shield against possible parliamentary barrages—all without having to share power with the KMT. Also, many new cabinet members

[56]Had President Chen allowed Tang Fei and the KMT members in the new cabinet to retain organizational linkage with the KMT, then Chen would be actually forming a coalition government with the KMT. See Chou Yujen, "Forming a New Government: Coalition Government Is More Feasible," *Lianhe bao* (United Daily News) (Taipei), March 27, 2000, 15. This is what happened in Poland when President Lech Wałęsa demanded the power to appoint the defense minister, foreign minister, and minister of internal affairs. For the Polish case, see Wu, *Eluosi zhuanxing*, chap. 3.

Figure 3
President and Parliament under Incongruence in the ROC



were DPP politicians, and the DPP's presence at the vice-ministerial level was even more prominent. This is very clever political maneuvering that has taken the KMT off guard. Obviously, President Chen had no intention of either sharing power with a premier who commanded support from the parliament or dividing executive authority with the premier. Chen made nominal concessions to the parliament while retaining the ultimate and integral executive power. In this way, we find the point of Taiwan's post-inaugural system to the right of the Finnish "division of labor" model, as shown in figure 3.

President Chen's compromise solution proved successful in both baffling and soliciting the grudging acquiescence of the KMT. The KMT's inaction was also the result of its own internal division and power contest that followed the party's presidential election fiasco. Though not threatening the Tang Fei administration with a vote of no-confidence during the beginning days of the new government, the KMT majority in the Legislative Yuan gradually realized it had tremendous capacity to deal with both

President Chen and the KMT party center. This assertiveness was bound to lead to greater friction with the government.

President Chen's compromise was a political improvisation that proved useful in the short run but ineffective and destabilizing in the long run. The most serious problem is political responsibility. Under a presidential system, ultimate political power and responsibility rest with the president. Under a parliamentary system, power and responsibility belong to the majority party and the cabinet it supports. Under a French semi-presidential system, power and responsibility usually lie with the president but migrate to the premier at times of cohabitation. Under the Finnish system, the president and the premier are responsible in their respective domains. Even under the conflict-prone Russian system, the president of the Federation is the one who makes the ultimate decisions. In the ROC after May 2000, uncertain is where ultimate responsibility lies.

The Chen-Tang system (陳唐體制 *Chen-Tang tizhi*) was composed of at least four layers of authority. On top of this complicated structure was the president who undoubtedly wielded the ultimate power but felt obligated to preserve at least the appearance of neutrality of the "government of all the people." The second layer was Premier Tang Fei, who was nominally responsible for the composition and policies of the new government. Under Premier Tang were the ministers and council chairmen who were from the KMT,[57] the DPP,[58] the business sector,[59] and academia.[60] These ministers and commissioners were of diametrically opposite political hues and were supported by different external political forces. Many of the vice-ministers and vice-commissioners were from the core of President Chen's loyalists,[61] and may be closer to the president than their superiors.

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[57]Including Shea Jia-dong, minister of finance, who later retired from his ministerial post upon Tang's resignation; Wu Shih-wen, minister of defense; and Perng Fai-nan, governor of the Central Bank of China.

[58]Such as Chen Ding-nan, minister of justice; Yeh Chu-lan, minister of transportation and communications; Chen Chu, chair of the Council of Labor Affairs; and Chang Fu-mei, chair of the Overseas Chinese Affairs Commission.

[59]Such as Minister of Economic Affairs Lin Hsin-yi.

[60]Such as Ovid J.L. Tzeng, minister of education; Weng Cheng-i, chair of the National Science Council; and Tsai Ing-wen, chair of the Mainland Affairs Council.

[61]The most prominent among this group of Chen's loyalists are Lee Yi-yang, vice-minister of

These four layers of authority were not organized in a power pyramid, as in the past with the President-cum-KMT Chairman Lee Teng-hui wielding ultimate power in the party-state structure. Now, power players in the lower echelons are able to ally themselves with higher echelons, bypassing their direct superior (for example, the vice-ministers can ally themselves with the president, bypassing the ministers, who may be a KMT member; or the ministers can bypass the premier and directly link with the president). In addition to this rather complicated administrative edifice, one finds two external sources of power: the DPP's party center with the heavyweight Kaohsiung City Mayor Frank C.T. Hsieh (謝長廷) assuming chairmanship after the resignation of Lin I-hsiung (林義雄); and the KMT's Legislative Yuan Caucus. Those in the lower echelons in the government can seek support not only from the higher echelons in the same administration structure, but also from the DPP party center and the KMT's Legislative Yuan Caucus. This political landscape is a far cry from the Lee Teng-hui period when not only was the administration structure under a single command, the legislative and administrative branches of the government were highly integrated and coordinated.

The fractured Chen-Tang system found difficulties in presenting a coordinated policy stance in many controversial issue areas. The outside world thus received contradictory signals from the new government. The source of this confusion was the very composition of the government which reflects President Chen's strategy of negotiating the initial hurdles in his way toward consolidation of political power.

Conclusion

This paper has argued that political stability in a semi-presidential system hinges on three factors: presidential power, president-parliament

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the interior; Ho Cheng-tan, vice-minister of transportation and communications; Chen Ming-tong, deputy chair of the Mainland Affairs Council; Chang Jing-sen, deputy chair of the Council for Economic Planning and Development; Yu Ying-lung, deputy chair of the Research, Development, and Evaluation Commission; and Luo Wen-jia, deputy chair of the Council for Cultural Affairs.

relations, and party system. This is the case because the source of instability in a semi-presidential system is presidential intervention, which in turn hinges on the president's incentive and capacity to intervene. A high level of presidential power provides the capacity to intervene. An incongruent president-parliament relationship offers the incentive for intervention. A multiparty system suggests weak parliamentary resistance to presidential intervention. Among the three, the president-parliament relationship is more important as a factor determining stability than presidential power, which in turn is more important than the type of party system.

Based on the above observations, this paper has developed a typology and delineated eight scenarios with different stability ratings. When post-1997 Taiwan is put into this analytical framework, we find July 1997 through May 2000 a period of high stability (ranking third, with high presidential power, congruent president-parliament relations, and a biparty system), while the post-May 2000 period has been one of low stability (ranking seventh, with high presidential power, incongruent president-parliament relations, and a biparty system). This means post-inaugural Taiwan is facing very unfavorable conditions as far as political stability is concerned.

Focusing on the mode of interaction between the president and the parliament under incongruence, this paper has highlighted four typical modes of interaction: "cohabitation" à la the French Fifth Republic (president yields, parliament persists), "division of labor" à la Finland (both president and parliament yield, compromise), "collision" à la Weimar Germany (neither president nor parliament yields), and "supremacy of the president" (president persists, parliament yields). The Chen-Tang system that formed in the aftermath of Chen's electoral victory was a compromise rather than cohabitation. Structurally this system was closer to the Finnish case than to any other mode of interaction under incongruence, though with less presidential concessions. The Chen-Tang system was effective both in baffling the KMT that still holds majority in the Legislative Yuan and in facilitating the first-ever power transfer across political party lines in the ROC. However, the inherent contradictions in this kind of arrangement were prone to instability by nature.

The source of conflict resided in the Tang administration's lack of

staunch support in the Legislative Yuan. The KMT majority was only temporarily baffled by the nature of the Tang administration during the initial days of the new government. Very soon the KMT legislators realized their tremendous power and began to unleash overwhelming pressure on the new government, which could not count on the DPP's weak and lukewarm support in the parliament. This then led to direct conflict between the parliament and the president. The inherent instability in a situation of high presidential power, incongruent president-parliament relations, and a biparty system is gradually becoming evident. Had President Chen opted for the French "cohabitation," the Finnish "division of domain," or the Polish "division of ministries" formula then a modus vivendi might have gradually taken shape by which the president and the parliament could learn how to share power. However, that did not happen and a president with high institutional power was bound to fight a parliamentary majority of the opposing party over the control of the government. The ultimate political demise of Tang testified to the inherent tension in the system. With the appointment of the DPP's Chang Chun-hsiung (張俊雄) as Tang's successor, President Chen has moved Taiwan's system a step closer to the Russian model, with the prospects for political stability turning even bleaker.

P.S. This paper was written in June 2000, four months prior to Tang Fei's departure from his post. Subsequent events bore out predictions made in the initial draft of this paper. The author made only minor changes in verb tenses as the paper went to print in October.