

Civil Service Neutrality in Taiwan: Is It Neutrality with or without Dichotomy?

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In May 2009, Taiwan took a significant step in building a modern bureaucracy by passing a statute to create a civil service neutrality system after two decades of democratization. But its agenda for building a civil service neutrality system was not modeled on that of the Western democracies. Taiwan had its own distinct agenda and followed its own path toward civil service neutrality that was adapted to the demands of a polity transformed from a party-state regime. In the case of Taiwan, the neutrality mechanism was governed by the concept of “administrative neutrality” rather than the more common concept of “political neutrality.” This paper reviews and makes sense of the evolution of this concept and the neutrality system in Taiwan, and joins the debate of relevance of politics-administration dichotomy.

KEYWORDS: civil service neutrality; politics-administration dichotomy; partisan politics; policy politics; Taiwan.

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In May 2009, the legislature in Taiwan passed a statute on civil service neutrality after a lengthy lawmaking process which had begun in 1993. It is a law similar to the U.S. Hatch Act of 1939

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that seeks to ensure the neutrality of civil servants. Among the three major Chinese societies, only Hong Kong and Taiwan are enforcing the neutrality system. Such an institution is a hallmark of a modern bureaucracy that divides politics from administration. The applicability of the notion of neutrality to the civil service in mainland China has been denied by the ruling communist party, even though the party has been revamping its civil service system since 1993. However, this new institutional setting does not mean that Taiwan's system of public administration has converged with those of other advanced democracies. In fact, Taiwan has developed its own institution, albeit one that is close to the U.S. model.

This paper will give an account of Taiwan's experience in installing a new system in response to demands for the depoliticization of the state machinery and the advent of party politics. Taiwan's experience is unique in the sense that the neutrality system was put forward by the ruling Kuomintang (KMT, 國民黨) during the process of peaceful democratization in the early 1990s. So the system was not devised in the wake of the downfall of a ruling party or party-state regime, as was the case in the former communist states of Eastern Europe. In addition, Taiwan developed its own version of the concept of neutrality, "administrative neutrality" (行政中立), which differs from what is commonly understood as "political neutrality" in Western democracies. "Administrative neutrality" is an ill-defined and controversial concept under which the ideas embodied in political neutrality are adapted to local demands. The substance of the concept evolved along with a lawmaking process, which is a hodge-podge of domestic and foreign notions. This chaos creates a unique context for reshaping the relationship between politics and administration in a polity in the process of transformation from a party-state into an electoral democracy. Taiwan's experience gives us fresh insights into the century-long debate over the issue of the politics-administration dichotomy.

This paper will review how Taiwan's version of civil service neutrality emerged as a function of the encounter between an emerging democracy and Western notions. In conclusion, the author will discuss the lessons to be drawn from this preliminary evaluation. Before reviewing the case of Taiwan, the author will frame the arguments by revisiting the general

concept of political neutrality.

The Implications of Political Neutrality Revisited

Civil service neutrality in Western democracies usually means political neutrality. In simple terms, the principle of political neutrality is enforced in order to depoliticize the bureaucracy, thereby helping to ensure a stable government workforce, despite the frequent changes of government caused by a multi-party democracy. In Caiden's words, "a depoliticized bureaucracy saves political parties the trouble and expense of rebuilding the bureaucracy with every change in political composition of the government."¹ In practice, the creation of such a mechanism was derived from two opposite concerns. On one side, politics was too strong and encroached upon the administration. The purpose of political neutrality was to *take politics out of administration*. This was the case in the United States. On the other side, the administration was too powerful, so public governance was in danger of succumbing to *Beamtenherrschaft* (government by functionaries). So political neutrality was designed to *take administration out of politics*. This was the case in continental Europe.²

In addition, under the influence of Taylorism at the turn of the twentieth century, it was thought that depoliticization of the bureaucracy could be achieved if government administration was considered to be an apolitical professional matter. Kaufman termed this attribute "neutral competence," that is, a quality of doing "the work of government expertly, and [doing] it according to explicit, objective standards rather than to personal or party or other obligations and loyalties."³

¹Gerald E. Caiden, "The Concept of Neutrality," in *Democratization and Bureaucratic Neutrality*, ed. Haile K. Asmerom and Elisa P. Reis (Hampshire: Macmillan, 1996), 31.

²Patrick Overeem, "The Value of the Dichotomy: Politics, Administration, and the Political Neutrality of Administrators," *Administrative Theory & Praxis* 27, no. 2 (January 2005): 316.

³Herbert Kaufman, "Emerging Conflict in the Doctrines of Public Administration," *American Political Science Review* 50, no. 4 (September 1956): 1060.

In a classical sense, the principle of political neutrality demands that bureaucrats be disengaged from *partisan politics* in the sense that the political activities of non-political officials or civil servants should be restricted and their appointment must not be based upon party loyalty or political patronage.⁴ The meritocracy that replaced the spoils system by means of the Pendleton Act of 1883 was designed to take partisan politics out of the recruitment and selection of civil servants in the United States. Furthermore, civil servants were supposed to perform only “value-free” administrative tasks that in no way involved politics under the politics-administration dichotomy, an idea initiated by Woodrow Wilson in 1887.⁵ However, the notion of a “value-free” administration has been challenged since the end of World War II due to recognition of the substantial involvement of civil servants in the policy process, especially with regard to the role of senior civil servants as policy advisors. Students of public administration in the United States, particularly those influenced by the New Public Administration movement of the 1970s and 1980s, were very critical of the politics-administration dichotomy and dismissed the neutrality of the administration as a “myth,” even though (partisan) political neutrality was still upheld. This criticism, as Overeem argues, reconceptualized politics in a *policy* sense. But this reconceptualization led to a paradoxical “neutrality without dichotomy” in the postwar era.⁶ This paradox will be tested in the case of civil service neutrality in Taiwan in the following discussion.

Accordingly, the concept of civil service neutrality commonly has two dimensions: *partisan politics* and *policy politics*. In other words, the entire framework of civil service political neutrality consists of *partisan neutrality* and *policy neutrality*. To realize the former, civil servants in democratic governments are, in varying degrees, restricted from certain partisan activities, including joining a political party, involvement in

⁴Overeem, “The Value of the Dichotomy,” 316-7.

⁵Woodrow Wilson, “The Study of Administration,” *Political Science Quarterly* 2, no. 2 (June 1887): 197-222.

⁶Overeem, “The Value of the Dichotomy,” 312.

party management and electioneering, and running for public office. Policy neutrality should mean the disengagement of civil servants from policymaking, especially senior civil servants. As noted above, it is impossible to keep all civil servants apart from policy politics. Instead of realizing policy neutrality, the U.S. government chose to politicize the top positions in government by making them open to political appointment rather than maintaining the merit system. According to Overeem's notion, civil service neutrality should be confined to partisan neutrality, as that can uphold the value of the politics-administration dichotomy.⁷ But in the Westminster setting, the problem of policy neutrality is deliberately settled through installing *anonymity* into the neutrality mechanism. In Kernighan's words, "public servants provide advice to their ministers in private and in confidence and, in return, ministers protect the anonymity of public servants by publicly accepting responsibility for departmental actions." However, this does not allow civil servants to "express publicly their views on government policy or administration" and thereby avoids any embarrassment to the government.⁸ This mechanism helps the civil service workforce serve different governments or ruling parties. In the Westminster model, political neutrality is defined as "the capacity to serve differing administrations with equal effectiveness."⁹

It should be noted that the Westminster model seems to be incompatible with the value of the politics-administration dichotomy. In the debate between Patrick Overeem and James H. Svava over the usefulness and appropriateness of the politics-administration dichotomy, Svava takes an anti-dichotomy stance, stressing the overlapping rather than the separation of politics and administration. He seems to take the side of the Westminster model on the issue of political neutrality, claiming that "impartiality in dealings with any political master, sometimes involves partisanship

⁷Ibid.

⁸Kenneth Kernaghan, "Political Rights and Political Neutrality: Finding the Balance Point," *Canadian Public Administration* 29, no. 4 (December 1986): 641.

⁹Adrian Ellis, "Neutrality and the Civil Service," in *Liberal Neutrality*, ed. Robert E. Goodin and Andrew Reeve (London: Routledge, 1989), 87.

that shifts with the changing partisan.” Therefore, he asserts that there is nothing unusual about having “neutrality without dichotomy.”¹⁰ But for Overeem, it does not make sense to involve the idea of “partisanship” in neutrality.¹¹ In accordance with the logic of the above debate, one may suppose that pursuing policy neutrality is equivalent to dismissing the idea of the politics-administration dichotomy.

In contrast to the Westminster model, Taiwan’s version of civil service neutrality focuses on partisan neutrality alone and leaves untouched the dimension of policy neutrality. The politics-administration dichotomy is also rejected in line with postwar mainstream U.S. notions. Interestingly, Taiwan adds an *administrative* dimension to the neutrality mechanism. The new dimension implicitly seems to drive the frame of the neutrality back to the politics-administration dichotomy. Hence the question, is it possible to develop civil service neutrality without the politics-administration dichotomy? Below, I will try to answer this question by reviewing Taiwan’s experience in establishing its own version of civil service neutrality. This experience may offer some insights into the processes involved in the transition of an administration from an authoritarian party-state and give a meaningful response to the debate between Overeem and Svava.

The Origins of the Call for Civil Service Neutrality in Taiwan

The civil service system in Taiwan has its roots in that of the pre-1949 Republic of China on the mainland. From its inception, this system divided government officials into two categories: political officials and career officials. This demarcation was mainly characterized by different terms of appointment and conditions of service. Even though there was

¹⁰James H. Svava, “Complexity in Political-Administrative Relations and the Limits of the Dichotomy Concept,” *Administrative Theory & Praxis* 28, no. 1 (March 2006): 122, 129.

¹¹Patrick Overeem, “In Defense of the Dichotomy: A Response to James H. Svava,” *Administrative Theory & Praxis* 28, no. 1 (March 2006): 142.

a formal division of labor between the two categories, in that the former performed political tasks and the latter performed administrative ones, the system did not have the division of political and administrative responsibility that existed in most democracies, as there were no direct elections. A career official could be simply “promoted” to a political position; a political official could also undertake administrative tasks. Some civil service laws applied to both career and political officials. Implementation of the democratic system mandated by the constitution that came into effect in 1947 was delayed due to the civil war with the Chinese Communist Party (CCP, 中國共產黨) and the ensuing period of martial law imposed by the ruling KMT on Taiwan, under the dictatorship of Chiang Kai-shek (蔣介石) and, after 1975, his son Chiang Ching-kuo (蔣經國).

Despite operating in a party-state regime molded by Leninism,¹² the bureaucracy in Taiwan under KMT rule enjoyed a high reputation for competence in developing the island’s economy. Technocrats enjoyed a considerable degree of autonomy from the party and military to pursue development.¹³ Hence, Taiwan differed from the Western administrative models in the sense that its bureaucratic elites played a substantial political role in policy formation, similar to the *collaborative* type of civil service system in Heady’s categorization.¹⁴ But that meant that Taiwan’s bureaucracy was highly politicized in a policy sense.

It should be noted here that a civil service system that resembled the merit-based system of Western democracies was in place in Taiwan long before democratization. Despite the absence of political neutrality, recruitment was based on competitive examinations and there was relative security of tenure. The civil service examination, which had been administered by an independent state organ, the Examination Yuan, since 1931,

¹²Bruce J. Dickson, *Democratization in China and Taiwan: The Adaptability of Leninist Parties* (Oxford: Oxford University Press, 1997).

¹³Robert Wade, *Governing the Market: Economic Theory and the Role of Government in East Asian Industrialization* (Princeton, N.J.: Princeton University Press, 2004).

¹⁴Ferrel Heady, “Configurations of Civil Service Systems,” in *Civil Service Systems in Comparative Perspective*, ed. Hans A. G. M. Bekke, James L. Perry, and Theo A. J. Toonen (Bloomington and Indianapolis: Indiana University Press, 1996), 224.

also demonstrated its ability to recruit talented individuals for the government based on merit.¹⁵ The civil service workforce was increasingly composed of personnel who had passed the civil service examination. Political neutrality was not yet a critical issue as the bureaucratic system was insulated from external political pressure.¹⁶ In other words, the politicization of the bureaucracy had not yet been challenged.

Democratization, especially electoral politics, ended the insulation of the bureaucracy and led to demands for civil service neutrality. To be sure, political elections had been held at local level since the 1950s, but they were still tightly controlled by the KMT's party-state machine.¹⁷ Controls were loosened from the late-1970s onwards when Chiang Ching-kuo adopted a policy of tolerating opposition forces.¹⁸ Limited national elections for the legislature started at the end of the 1960s, and after non-KMT members were admitted to the legislature at the time of the election of 1977, opposition to KMT rule began to grow. Meanwhile, there was increasing political intervention in the daily running of the government both by higher-ups seeking to abuse their power for political purposes, and from the outside, especially by elected representatives lobbying for various favors. This put a great deal of pressure on the civil service system.¹⁹

It was during this period that the concept of civil service neutrality began to be advanced. In October 1984, a non-KMT legislator challenged

¹⁵Lee-jinn Hwa, "The Public Administration of the Republic of China on Taiwan," in *Handbook of Comparative and Development Public Administration*, 2nd ed., ed. Ali Farazmand (New York: Marcel Dekker, 2001), 397-408.

¹⁶Qingshan Tan, "Democratization and Bureaucratic Restructuring in Taiwan," *Studies in Comparative International Development* 35, no. 2 (Summer 2000): 48-64.

¹⁷Dickson, *Democratization in China and Taiwan*, 65-66.

¹⁸Edwin A. Winckler, "Institutionalization and Participation on Taiwan: From Hard to Soft Authoritarianism?" *China Quarterly*, no. 99 (September 1984): 481-99.

¹⁹In a survey on civil service neutrality conducted by the Examination Yuan in 1993, 26 percent of civil service respondents claimed that higher-ups were the major source of intervention in the fair and unbiased performance of their duties, and 27.1 percent blamed elected representatives. See Research and Development Team of the Examination Yuan, *Gongwurenyuan xingzheng zhongli guifan zhi yanjiu* (A study of regulating civil service administrative neutrality) (Taipei: Research and Development Team of the Examination Yuan, 1993), 51.

the one-party rule of the KMT in an interpellation session of the Legislative Yuan, the national legislature, by querying the improper practice of party intervention in government policymaking. The then premier, Yu Kuo-hwa (俞國華), rebutted the accusation by saying that there was nothing unusual for a ruling party to make public policy for the government. But he clarified that there was a “separation between party and government” in the field of administration, explaining that “administrators at all levels, no matter whether they are party members or not must strictly observe the principle of ‘administrative neutrality’ during the execution of administrative tasks.”²⁰ This was the first time a top government official had publicly referred to such an idea. Around the time of the lifting of martial law in July 1987, Yu reiterated this point in different legislative meetings, but he failed to make the concept sufficiently clear, although it was possible to guess what he meant.

Yu stressed in one of the meetings that “administrative neutrality” was no different from what was enforced in the administrations of all democracies.²¹ It seems that Yu’s version of “administrative neutrality” was simply the equivalent of the political neutrality of Western democracies. However, the challenge faced by Taiwan was not simply where it was going to draw the boundary between politics and administration, but also how it would separate the ruling party from the state machine when the two had long been indistinguishable from each other, and how it could shift the loyalty of civil servants away from a particular party or a political boss. This issue became manifest when the KMT began to pursue democratic reform at the end of the 1980s and more posts were opened up to direct election in the 1990s, including those of the mayors of the two major municipalities, Taipei and Kaohsiung, in 1994, and of the president in 1996. However, a distinct civil service neutrality system had yet to be established in response to the new situation.

²⁰*Lifayuan gongbao (xinwengao)* (Legislative Yuan Gazette [Press Release]) (Taipei), October 17, 1984, 21-23.

²¹*Lifayuan gongbao (xinwengao)*, October 24, 1987, 29.

In 1988, Lee Teng-hui (李登輝) succeeded Chiang Ching-kuo as president, ending the dictatorship of Chiang family. Despite his identity as a member of the KMT, Lee included various democracy-related targets in his reform agenda. In May 1990, he openly declared that the major missions of his presidency would include the “nationalization of military force, independence of the judiciary, and administrative neutrality.”²² In August that year, the minister of the civil service, Chen Gui-hua (陳桂華), put forward to the central standing committee of the KMT proposals for civil service reform, one of which was to establish a system of civil service neutrality. In 1993, the Examination Yuan officially announced that legislation would be introduced to regulate civil service neutrality.²³ The Ministry of Civil Service (MCS) under the Examination Yuan was given responsibility for drafting a specific statute on civil service neutrality, something no other country had, that would come into effect once it was approved first by the Examination Yuan and then by the Legislative Yuan. In 2002, the Examination Yuan started to organize regular training courses in administrative neutrality for all civil servants. However, due to recurrent controversies and Taiwan’s inefficient legislative procedure,²⁴ the statute was not approved by the legislature until May 2009 after the bill had been submitted four times. It is noted here that the legislation was a fusion of Western and local ideas. The Law of Administrative Neutrality for the Civil Service in its final form embodies a hybrid version of civil service neutrality.

²²“Jiejian jiuwei zeng’e liwei, ‘zai xinmuzhong you wuliwei renxuan,’ Li zongtong tan gekui renxuan, er tiaojian, si biao zhun” (President Lee meets nine supplementary legislators and says he is considering five or six candidates for premier with two requirements and four criteria.), *Lianhebao* (United Daily News) (Taipei), May 1, 1990, 1.

²³Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (Collected documents concerning the Law of Administrative Neutrality for Civil Service, I) (Taipei: Ministry of Civil Service, 1995), 314-5.

²⁴The problem was aggravated by a procedural regulation in Taiwan stating that all bills must be settled within one term of the Legislative Yuan (three years before 2008, four years after that). Bills which are left unsettled at the end of one term must start from scratch at the beginning of the next one.

Conceptual Evolution of Administrative Neutrality during the Legislative Process

The length of time it took to complete the legislation was to a large extent due to disagreement between personnel officials in the Examination Yuan, legislators, and scholars over the definition of civil service neutrality and what should be the scope of its application. All in all, the power to set the agenda was in the hands of the personnel officials who laid out the framework of the law and who managed to justify their stance by the selective appropriation of scholarly ideas. Challenges by legislators held up the legislation but had a minor impact on the final appearance of the law. The concept of administrative neutrality was gradually clarified and confirmed during the legislation.

Framework Laid Down by Novices

According to one retired official, a member of an ad hoc taskforce set up to draft the law, this policy was the brainchild of Chen Gui-hua, the minister of the civil service from August 1984 to August 1994. Chen had already recognized that the introduction of civil service neutrality was a corollary of the introduction of competitive elections in the 1980s. The initiative was aimed at providing the civil service with immunity against political interference. However, civil service neutrality remained a novel concept to personnel officials in Taiwan.²⁵ Laymen as far as neutrality was concerned, these officials started collecting information concerning civil service neutrality in the United Kingdom, the United States, France, Germany, and Japan. Interestingly, it seems that these novices did not simply adopt Western ideas concerning neutrality; they had their own ideas from the very beginning. From the outset, the concept of neutrality was associated with the idea of *administration by law* (依法行政). *Administration by law* was considered a minimum criterion for administrative neutrality. In other words, carrying out the administration in a neutral

²⁵Interview with a retired personnel official of the Ministry of Civil Service, July 4, 2011.

manner should at least meet the standard of performing one's duties in compliance with the law.

As Taiwan follows the continental law system, in particular the German tradition of *Rechtsstaat*—the legal state—*administration by law* was a more acceptable and easily understood concept among government officials before the introduction of the legislation than the odd idea of administrative neutrality.²⁶ In addition, explanatory notes to a survey of civil servants' views on administrative neutrality conducted by the Examination Yuan in 1993 defined administrative neutrality as “the performance of public duties in an objective, unbiased, rational, and fair way.”²⁷ Hence, administrative neutrality at that time meant the behavior of civil servants in the performance of their regular duties. The personnel officials considered that all a civil servant had to do to avoid being politicized (especially in a partisan way) was to perform his or her duties in compliance with the law and to deal impartially with every client (especially when that client was a political party). This was later termed *fair enforcement of the law* (執法公正).

In line with these ideas, in 1993, Chen put forward a five-point definition of administrative neutrality:

1. A civil servant should be loyal to the country, should make earnest efforts to perform his duties, and work wholeheartedly for the welfare of the public;
2. A civil servant should perform his public duties in an objective and unbiased way, and should strictly comply with the principle of *administration by law* and work in an impartial manner;
3. A civil servant should exercise public authority to a consistent standard, and deal with all people, all organizations, and all parties fairly;

²⁶*Gongbao yuekan* (Public Servant Insurance Monthly) 31, no. 7 (January 1990): 64.

²⁷Research and Development Team of the Examination Yuan, *Gongwurenyuan xingzheng zhongli guifan zhi yanjiu* (A study of regulating civil service administrative neutrality) (Taipei: Research and Development Team of the Examination Yuan, 1993), 199.

4. A civil servant should not be involved in local factions or implicated in political disputes. He should do his best to serve the public with his knowledge and experience;
5. A civil servant should be sensitive to public opinion concerning matters under his own official jurisdiction and make a timely response to it.²⁸

This list looks like a code of ethics for the civil service rather than a definition of civil service neutrality, but these points were considered significant norms that should be immediately imposed on civil servants in order to insulate them from the partisan politics prevailing at that time.

As mentioned above, the Examination Yuan did take note of overseas experiences. However, the personnel officials limited this to collecting the official rules and regulations concerning restrictions on the political activities of civil servants in the above-mentioned five countries, so they were unable to grasp the whole mechanism of political neutrality in these advanced democratic systems. For example they knew nothing about the function of *anonymity* in the Westminster system. Interestingly, later drafts of the law did incorporate some of these rules and regulations, and provisions concerned with regulating political activities accounted for the overwhelming majority. But it was for these reasons that the legislation's legitimacy as an "administrative neutrality law" was later challenged by scholars and legislators.

The drafting of the law did not start until Kuan Chung (關中), the incumbent head of the Examination Yuan, succeeded Chen as minister of the civil service in August 1994. Despite his background as a scholar of politics, Kuan had specialized in international relations and was therefore not familiar with the issue of civil service neutrality. He relied highly on the abovementioned ad hoc taskforce of personnel officials to draft the

²⁸Chen Gui-hua, "Gongwuyuan xingzheng zhongli zhi xingsi" (Reflection on civil service administrative neutrality), *Renshi guanli* (Personnel Management) (Nantou) 30, no. 1-2 (February 1993): 28-9.

law.²⁹ Therefore, there was no change in the policy line following the appointment of the new minister.

In November 1994, the ad hoc taskforce finished the first draft of the law consisting of eighteen articles in all. The thrust of the law, as noted above, was to ensure administrative neutrality by means of “*administration by law and fair enforcement of the law*” (Article 1). The law applied to career civil servants, including administrative staff in public schools, but excluded political officials, elected officials, and judges (Article 2). Although political and elected officials were correctly identified as the source of politicization, the personnel officials proposed regulating them under a separate statute—the Law of Political Personnel, in order to keep the legislation simple. Articles 3 and 4 elaborated the principle of *administration by law and fair enforcement of the law*. Articles 5 to 15 regulated the political behavior of civil servants through a detailed code of administrative neutrality, according to which civil servants were allowed to join political parties and run for elections and had their civil rights under the constitution protected. But civil servants were prohibited from using their position and authority to give partisan favors and intervene in the political behavior of others.³⁰

The statute that was finally approved after fifteen years, consisting of twenty articles, did not deviate from the framework laid down by the novices in the early 1990s.³¹ However, administrative neutrality in the early 1990s was a mere skeleton that required more meat on its bones.

The Quest for Scholarly Endorsement and Conceptual Enrichment

Despite the bureaucratic control over the setting of the agenda, Kuan did make an extra effort by calling for symposiums to be held to seek scholarly advice.³² Before submitting the first draft of the law to

²⁹Interview with a retired personnel official of the Ministry of Civil Service, July 4, 2011.

³⁰Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (1995), 665-96.

³¹Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji (xubian er)* (Collected documents concerning the Law of Administrative Neutrality for the Civil Service, III) (Taipei: Ministry of Civil Service, 2010), 252-55.

³²Interview with a retired personnel official of the Ministry of Civil Service, July 4, 2011.

the Examination Yuan, the MCS organized three symposiums, involving scholars mainly from law, politics, or public administration backgrounds. The purpose of the consultation was both to gain scholarly endorsement and to take on board relevant advice to strengthen the weak foundation of the new mechanism.³³ The need for endorsement was reflected in the official claim that the majority of scholars attending the symposiums favored the law being aimed at enforcing “administrative neutrality” rather than “political neutrality” (政治中立).³⁴ The latter was mainly advocated by certain scholars of public administration, many of whom were U.S.-trained professors. This so-called scholars’ endorsement became one of the official arguments used to counter opposition from certain legislators who were more in favor of “political neutrality.”

To strengthen the foundation of the legislation, the MCS selectively borrowed viewpoints and arguments that were in line with the official standpoint. The MCS targeted a locally-trained professor of public administration from National Taiwan University, Chen Te-yu (陳德禹), who was the first scholar to openly discuss the issue. As early as 1988, Chen was invited by a prominent magazine of the time, *Zhongguo luntan* (中國論壇, China Forum), to submit an article on administrative neutrality. Chen stressed, in an interview with this author, that it was not him but the magazine that framed the issue of civil service neutrality as one of “administrative neutrality.”³⁵ Chen also attended one of the symposiums mentioned above, but he was in favor of “political neutrality” at that time.³⁶ Ironically, the views he expressed in his article represented a seminal view of the issue that was shared by the ministry. Chen described administrative neutrality as being about:

³³Ibid.

³⁴Although supporters of “administrative neutrality” were the largest group of scholars, they represented less than half of those who attended the symposiums. Most of the scholars were either neutral or advocated other frameworks.

³⁵Interview with Professor Chen Te-yu, January 6, 2011.

³⁶Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (1995), 432.

administrative stance and attitude, not about separation of administration from politics, in fact, they are inseparable. [It] does not mean that administrators must not join a party and [participate in] its activities. They can join it and its activities individually, but they must not intentionally exercise their authority in a way that favors the party to which they are affiliated.³⁷

Influenced by ideas of New Public Administration from the United States, Taiwanese scholars of the 1990s denied the existence of the traditional politics-administration dichotomy. That was why Chen said that politics and administration were inseparable. Paradoxically, Chen tried to base his argument on the separation of political and administrative behavior. One should note that, according to Chen, “administrative neutrality” was only to be applied to civil servants’ “administrative stance and attitude,” namely their administrative behavior, not their personal political thoughts or private behavior. He listed the following points to elaborate the concept of administrative neutrality:

1. While undertaking official duties, administrators should adopt a fair stance and maintain impartiality;
2. While enforcing the law and implementing the policies of political officials, administrators should deal with all individuals, and all organizations or parties fairly (to an equal standard), with no discrimination.
3. No engagement in political disputes and wholeheartedly serving the people mean that administrators should provide assistance to their political bosses while making policy on the basis of their own professional knowledge, techniques, and experiences; if the political boss holds no policy opinion of his own, [administrators] should carry out their political duties in accordance with their own profession, suggest policies for dealing with new problems, gather public opinion, and respond to it adequately.³⁸

³⁷Chen Te-yu, “Guojia fazhan yu xingzheng zhongli” (National development and administrative neutrality), *Zhongguo luntan* (China Forum) (Taipei) 26, no. 11 (September 1988): 7.

³⁸Ibid., 7-8.

Chen's views, which happened to coincide with the official point of view, acted as a guide for subsequent discussions and elaborations. The official draft of the bill was heavily influenced by Chen's ideas, especially with regard to his concept of "administrative stance and attitude." His points noted above, with the exception of the second half of point three (which somewhat concerns the quality of neutral competence), were quoted in the explanatory remarks to the draft of the bill submitted to the Legislative Yuan in 1996.³⁹ In subsequent drafts of the bill, these points remained intact.

To be sure, Chen's views were evolving and maturing. His original viewpoint of "administrative neutrality," which appeared in a paper published in 1990, was that it "simply refers to civil service political neutrality."⁴⁰ But he started to distinguish political from administrative neutrality in his subsequent discussions. In October 1993, Chen further elaborated the concept of administrative neutrality in a talk delivered to a nationwide conference of personnel officers. He divided administrative neutrality into two dimensions: one concerned with the administrative system, and the other pertaining to the stance adopted by civil servants while handling their official duties. For the former, Chen claimed that there was no need for a political official to be politically neutral, but he did need to be administratively neutral because he controlled administrative resources that could potentially be channeled to partisan causes.⁴¹ Chen's ideas reflected a popular concern that was echoed by a senior personnel official in the Examination Yuan. This official also suggested that administrative neutrality should apply to both administrative agencies and

³⁹Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji (xubian)* (Collected documents concerning the Law of Administrative Neutrality for the Civil Service, II) (Taipei: Ministry of Civil Service, 2003), 14.

⁴⁰Chen Te-yu, "Xingzheng zhongli wenti zhi jiantao" (Review of the issue of administrative neutrality), in *Chongjian xingzheng tizhi* (Rebuilding the administrative system), ed. Shiau Chyuan-jenq (Taipei: National Policy Research Information Center, 1990), 113

⁴¹Chen Te-yu, "Xingzheng zhongli de linian yu shijian" (The ideas and practices of administrative neutrality), *Quanxu yu gongbao* (Civil Service Appointment and Protection) (Taipei) 3, no. 9 (March 1994): 22-23.

Table 1
Implications of Administrative Neutrality in Taiwan

	Partisan/political behavior	Administrative behavior
Political officials	No restriction	Neutral (administration by law and fair enforcement of the law)
Career officials	Prohibited while on duty; limited while off duty	Neutral (administration by law and fair enforcement of the law)

administrators. If the agencies had to perform in a neutral manner, so to should the heads of the agencies.⁴²

In April 2002, during a consultation meeting held by the MCS, Chen explicitly took the side of the Examination Yuan and expressed support for the enactment of a law of administrative neutrality rather than of political neutrality. He further reduced his two-dimension thesis mentioned above to a structural relationship between political neutrality and administrative neutrality. The function of the first dimension was to try to keep the administrative system neutral with regard to the political process (i.e., political neutrality); that of the second was to maintain fairness, impartiality, and *administration by law* in the administrative process. As a result, he theorized, administrative neutrality is a *superior function* (上位概念) in the sense that political neutrality is only one part of administrative neutrality (see table 1 for illustration).⁴³ After that, an explanatory remark was added to the draft law noting that political neutrality was a narrower concept than administrative neutrality.⁴⁴ It should be noted that when the Legislative Yuan started its examination of the bill in March 1995, Kuan, on behalf of the MCS, claimed before legislators that the scope of administrative neutrality was narrower than that of political neutrality.⁴⁵ One

⁴²Hsu Yu-shou, "Quanmin zhengfu yu xingzheng zhongli" (The government of the whole people and administrative neutrality), *Kaoquan jikan* (Examination and Personnel Quarterly) (Taipei), no. 25 (January 2001): 3.

⁴³Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (2003), 168.

⁴⁴*Ibid.*, 38.

⁴⁵Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (1995), 618.

can see from this how the concept of “administrative neutrality” was ill-defined at the outset.

Logic and Paradoxes Revealed in the Legislative Debates

The logic and the paradoxes behind the concept of administrative neutrality were further revealed in the course of the lawmaking process. The major challenge to the law came from legislators, especially those belonging to the opposition Democratic Progressive Party (DPP, 民主進步黨). Some legislators advanced private bills to redirect the policy line of the Examination Yuan. One of these bills, drafted by DPP legislator Huang Er-hsuan (黃爾璇), was passed by the legal system committee of the Legislative Yuan in 1996. Even though these private bills failed to overrule the official version in the end, the lively debate that took place between legislators and personnel officials and among legislators revealed the logic, as well as the paradoxes, behind the concept of civil service neutrality in the unique context of Taiwan.

As noted above, some bones of contention were the definition of civil service neutrality and the scope of its application. The foremost matter was whether the law should be based on the premise of administrative neutrality or of political neutrality. The draft of the bill advanced by Huang Er-hsuan bore the title “Law of Political Neutrality.” Huang, a professor of politics, contended that the concept of civil service neutrality was known around the world as “political neutrality” rather than “administrative neutrality.” Administrative neutrality should refer to a neutral attitude toward “administrative clients” (i.e., recipients of government policies and services).⁴⁶ This point of view was not only supported by DPP legislators but also by a KMT legislator, Liu Kuang-hua (劉光華). Liu added that there were only a few provisions concerning administrative neutrality in the official bill, all the others were mostly directed at regulating the political activities of civil servants. So it was more justifiable to call it the “Code for Regulating Political Activities for the Civil

⁴⁶*Lifayuan gongbao* 84, no. 53, Committee’s Record (October 21, 1995): 499.

Service.”⁴⁷ Similar views were shared by some of the scholars who attended the symposiums mentioned above.

In response to the call for political neutrality, Kuan Chung, during the first examination of the bill in the Legislative Yuan in 1995, asserted that “it is not possible for politics to be neutral, but it is possible for administration to be so.”⁴⁸ Another official of the MCS, further defending the official point of view before legislators on a later occasion, noted that calling for political neutrality of civil servants might mislead people into thinking that all civil servants were neutral in their political stance and should not join any political party.⁴⁹ This assertion was later added to the explanatory notes of the official bill.

The above argument seemed as if it was being conducted between two worlds speaking different languages rather than bringing out the contrasting views of the two parties, because in the West, “political neutrality” per se does not require civil servants to give up their own political thoughts and rights. To be sure, this point was only one face of the coin for the MCS. The other face was the official stance that the concept of political neutrality failed to cover the *more* significant concept of “*administration by law and fair enforcement of the law*.”⁵⁰ At that time, before Chen Te-yu had integrated the concepts, the MCS had yet to clarify the nature of the relationship between the concepts of political neutrality and administrative neutrality. Sometimes, the ministry seemed to regard them as being two separate concepts. If this was the case, the law should not contain (too many) provisions concerning political neutrality. The MCS’s last resort in defending its stance was usually “administrative neutrality has become a well-accepted term defined by social norms.” Then the term “administrative neutrality” might be considered as an alternative to political neutrality only.

⁴⁷Ibid., 524

⁴⁸Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (1995), 622.

⁴⁹*Lifayuan gongbao* 84, no. 53, Committee’s Record (October 21, 1995): 532.

⁵⁰Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (2003), 31.

The term “political neutrality” did not appear in the provisions of any official draft of the law before 2007. The MCS managed to rule out that term with regard to the law.⁵¹ However, when the bill was examined by the legislature in May 2007, Joanna Lei (雷倩), a KMT legislator, reiterated an oft-quoted view that using the term “political neutrality,” which involved imposing adequate restrictions on the political activities of civil servants, was close to the international usage. In line with Chen Te-yu’s notion, Lei further suggested that administrative neutrality was a *superior function comprising administration by law, fair enforcement of the law, and political neutrality*. The then minister of civil service, Chu Wu-hsien (朱武獻), accepted her reasoning.⁵² The term “political neutrality” appeared in the provisions from then on.

Even after narrowing one’s focus to the concept of *administration by law*, one could still challenge the stance of the MCS. Questioning *administration by law* as the core value of neutrality, some legislators argued that *administration by law* should not fall within the scope of civil service neutrality. Huang suggested that *administration by law* should be enforced by a law of administrative procedure (a law that was enacted in 1999) and a civil service basic law (something which remains in the law-making process at the time of writing).⁵³ Another DPP legislator argued that *administration by law* per se was a must for civil servants, so it did not make sense to enact an administrative neutrality law to enforce it.⁵⁴ A KMT legislator suggested “[if] *administration by law* means neutrality, then [we] should amend those laws that are not neutral enough, [there is] no need to make an administrative neutrality law.”⁵⁵

However, Kuan Chung refuted the above point and explained that *administration by law* should be differentiated from administrative neu-

⁵¹According to a comment drawn from an interview with an MCS official (on March 16, 2011) in charge of the final enactment, it seems to have been considered too sensitive and inappropriate to associate civil servants with “politics.”

⁵²*Lifayuan gongbao* 96, no. 44, Committee’s Record (May 31, 2007): 23-25.

⁵³*Lifayuan gongbao* 84, no. 53, Committee’s Record (October 21, 1995): 530.

⁵⁴*Ibid.*, 531.

⁵⁵Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (1995), 639.

trality. He argued that working according to the principle of *administration by law* only met the minimum requirements of administrative neutrality. *Fair enforcement of the law* was also necessary to attain the goal of administrative neutrality.⁵⁶ Kuan further remarked that *administration by law* worked in favor of the “rule of law”; whereas administrative neutrality worked in favor of “party politics.” To maintain administrative neutrality, Kuan thought, was to ensure the fair competition between parties that helped guarantee the legitimacy of the government.⁵⁷ It seems that what Kuan meant by “fair” enforcement of the law was limiting civil servants’ discretion to make the administration immune to partisan disputes. To further defend his point, Kuan argued that *administration by law* and *fair enforcement of the law* were deeply rooted in Western democracies, but this was not the case in Taiwan. Therefore it was necessary for Taiwan to establish a variant of the civil service neutrality system in order to imbue the civil service with these two ideas.⁵⁸

Under an amendment proposed in 2007 by Lu Hsueh-chang (呂學樟), a KMT legislator, *fair enforcement of the law* was adjusted to *fair implementation* (執行公正) to avoid the double use of “law” (法) in the thrust of the statute.⁵⁹ Therefore, the thrust of the approved statute reads: “in order to ensure administration by law, fair implementation, and the political neutrality of civil servants, and to adequately regulate civil servants’ participation in political activities, this law was enacted thereon” (Article 1).

The scope of the law’s application was another crucial matter. The first official draft confined the scope to career civil servants, with application *mutatis mutandis* to top administrators of public schools and public enterprises. But the draft of the bill advanced by Huang Er-hsuan extended it to teachers in public schools, managers of public enterprises, military officers, and political officials including some top state leaders—the

⁵⁶Ibid., 584.

⁵⁷Ibid., 3, 640.

⁵⁸Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (2010), 400.

⁵⁹*Lifayuan gongbao* 96, no. 44, Committee’s Record (May 31, 2007): 21.

heads of the Judicial Yuan, the Control Yuan, and the Examination Yuan. Creating a system of civil service neutrality was commonly seen as a way of cracking down on the diversion of state resources to partisan ends, especially in election periods. These state resources were not only under the control of administrative agencies of the government but also of all state-funded organizations, including public schools and public enterprises. In this regard, the DPP's intension was to use this legislation to "de-partisanize" all state-funded organizations.

Even though this aim of the DPP was, to a certain extent, justifiable in the then context of the collapse of the party-state in Taiwan, it was quite controversial to undertake such a full-scale political sterilization. Liu Kuang-hua, in spite of his taking the same line when he cast doubt on the legitimacy of the administrative neutrality law as noted above, queried the DPP's motives, as the party seemed to be less concerned about enacting a law to protect civil servants than about creating a level playing field for opposition parties in elections.⁶⁰ The MCS also criticized Huang's version for deviating from the thrust of the official version which was aimed at protecting career civil servants.⁶¹

The MCS also agreed that it was necessary to regulate the administrative behavior of political officials. However, the ministry insisted on using a separate statute to realize this aim, as a different set of restrictions applied to political officials, to whom it does not make sense to apply the principle of political neutrality. Teachers were often accused of transmitting politically biased ideas to their students, but the MCS argued that teachers were not engaged in government administration and to apply the law to them would put it in conflict with the principle of academic freedom.⁶² The armed forces are not under the jurisdiction of the Examination Yuan, so the Examination Yuan had no authority to make laws regulating the behavior of military officers. To be sure, the "de-partisanization" of the mil-

⁶⁰*Lifayuan gongbao* 84, no. 53, Committee's Record (October 21, 1995): 511.

⁶¹*Lifayuan gongbao* 85, no. 55-2, Committee's Record (November 6, 1996): 168.

⁶²Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (1995), 651.

itary was formally achieved by the passing of the National Defense Law in 2000 that requires members of the armed forces to swear allegiance to the nation and to eschew individual, regional, or party affiliations. The de-partisanization of the state administration was achieved when the KMT withdrew its party branches from government agencies in the mid-1990s.

Although the DPP assumed power in 2000, the government did not put forward such a radical version of the neutrality law as that advocated by Huang. The two official draft bills submitted to the Legislative Yuan during the period of DPP rule followed the line of the previous version. However, the DPP government failed to get the law through the legislature during their eight-year rule. This failure is commonly interpreted as being due to the lack of interest of the “ruling” DPP in the legislation. Interestingly, when Kuan Chung was appointed the head of the Examination Yuan after the KMT regained power in 2008, he contrived to push forward the process and the bill was passed into law in 2009.

As in the earliest draft, the final version of the law applies to career civil servants, including administrative staff in public schools. There was some controversy over the cases applying *mutatis mutandis*. The official bill only applied the law *mutatis mutandis* to certain kinds of personnel who might abuse the use of state resources in non-administrative agencies, including teachers holding administrative positions in public schools, staff holding administrative positions in publicly-funded social and academic institutes, and major decision makers in public enterprises. During the final examination of the bill by the judicial and legal system committee of the Legislative Yuan in March 2009, the law was revised to apply *mutatis mutandis* to all staff in publicly-funded social and academic institutes. This revision was blasted by scholars, especially by researchers at the Academia Sinica who were amongst those affected.

Lessons to be Learned from the Experience of Taiwan

The purpose of Taiwan’s civil service neutrality law appears to be quite similar to that of the Hatch Act of 1939, which was to clean up

politics in reaction to “pernicious political activities” in the New Deal era.⁶³ But the “pernicious political activities” in Taiwan were of a more “pernicious” kind, left over from an over-politicized party-state regime. The KMT used to utilize (i.e., politicize) the state machine in order to penetrate into society for the purpose of fulfilling the ends of the party, especially those concerning social control. The retreat of the party machine from the state, which was driven by democratization, did not eliminate all kinds of political intervention, as new kinds of politicization, a corollary of democratization, emerged. Moreover, in addition to the political bosses of civil servants, more sources of politicization outside government agencies are now penetrating into the civil service system, including elected representatives. They are competing with each other for state resources and so civil servants easily become involved in their political disputes. The establishment of administrative neutrality can be seen as a reaction to this new situation, just as the Hatch Act was a reaction to the excesses in the political use of public employees by New Deal agencies.⁶⁴

However, it should be noted that the application of the principle of political neutrality to the civil service in the United States did not start with the Hatch Act; it dates back to the Pendleton Act of 1883 which set up a merit-based civil service system to replace the spoils system. The social agenda that was behind the promotion of civil service neutrality in Taiwan was not the replacement of a spoils system but the “de-partisanization” of the party-state regime. In particular, this was the aim of the DPP, as it suspected the loyalty of the KMT-affiliated civil service workforce, even after the first direct election of the president in 1996 and the coming to power of the DPP in 2000. It is important to remember that although political officials are supposed to perform only political and policymaking tasks, authority within government agencies in Taiwan is highly concentrated in the hands of the top executive officer, usually a political official,

⁶³Leon D. Epstein, “Political Sterilization of Civil Servants: The United States and Great Britain,” *Public Administration Review* 10, no. 4 (Autumn 1950): 281-90.

⁶⁴*Ibid.*

and this facilitates political intervention in day-to-day administration, as his/her civil servant subordinates tend to be as obedient as they were in the authoritarian era. As in the past, political executives are always being accused of taking advantage of the administrative resources at their disposal for electioneering or other partisan activities. That is why some people still tend to be sensitive about or disapprove of top officeholders, including political appointees, canvassing on behalf of candidates, something which is described as being “anti-administrative neutrality.” The public expects them to be a one hundred percent “public servant,” instead of a “party servant,” once they obtain public office. When Chen Shui-bian (陳水扁) assumed the presidency in 2000, Taiwan’s first non-KMT president promised to run a “government of the whole people” (全民政府), instead of a government of the DPP. It was a very appealing idea at the time. This is another reason why the issue of the scope of the application of the law became so different and controversial in Taiwan.

As noted in this paper, however, agenda setting for the legislation was in the hands of personnel officials who had initiated the neutrality system primarily to serve the interests of career civil servants rather than to create a level playing field for competing political parties. In the West, politicians seeking to counter the partisanship of their political rivals have usually been behind the creation of such a mechanism. This aim was shared by the DPP, but the party did not take control of the agenda. Instead, it was a defensive action on the part of the bureaucracy to avert the “political harassment” they might suffer as a result of democratization. The Western experience of *taking politics out of administration* and *taking administration out of politics* fails to adequately account for it. Instead of these two themes, the author argues that this move by a Taiwanese bureaucracy accustomed to Chinese-style *Beamtenherrschaft* was an attempt to “re-insulate” itself from politics.

This phenomenon may be shared by other democratizing/politicizing states with a tradition of strong bureaucracy. The experience of Hong Kong bears a resemblance to that of Taiwan in this regard. In line with practice in the United Kingdom, the colonial government in Hong Kong claimed that its civil service worked in a politically neutral manner. However, this

civil service neutrality is a myth, as Hong Kong's civil servants, especially the top ones, were, as Scott argues, already playing a dual policymaking and policy implementing role during the colonial era.⁶⁵ They were "politicized" career officials, like their counterparts in authoritarian Taiwan. Since around the time of the handover to China in 1997, civil servants have been subject to increasing political pressure, as they have needed to openly justify and defend government policy and lobby for support from a legislature that is formed increasingly of elected legislators. The strict application of the principle of *anonymity* to the civil service was repeatedly called for by senior civil servants themselves in order to uphold the principle of political neutrality. In 2002, this problem of *policy neutrality* was preliminarily settled by placing a layer of minister-like "principal officials" above the top civil servants.⁶⁶

Interestingly, neither *anonymity* nor *policy neutrality* has been a subject matter in Taiwan.⁶⁷ The deep influence of the United States, where these mechanisms have never been considered, may account for this. Hence, Taiwan follows the non sequitur of postwar U.S. public administration, as suggested by Overeem, in that the politics-administration dichotomy is dismissed but the value of political neutrality is preserved.⁶⁸ Taiwan's personnel officials and scholars of public administration have never recognized the issue of *policy neutrality*. The scholars prefer Kaufman's notion of "neutral competence."⁶⁹ But this does not mean that

⁶⁵Ian Scott, "Civil Service Neutrality in Hong Kong," in *Democratization and Bureaucratic Neutrality*, ed. Haile K. Asmerom and Elisa P. Reis (Hampshire: Macmillan Press, 1996), 277.

⁶⁶Chor-yung Cheung, "Public Service Neutrality in Hong Kong: Problems and Prospects," *Australian Journal of Public Administration* 68, Supplement 1 (March 2009): 17-26.

⁶⁷As far as I have been able to find, only one scholar, Hwa Lee-jinn, ever spoke openly about the concept of anonymity, and he did so during a conference on administrative neutrality in 1994. The concept seems not to have attracted any particular attention from officials or scholars. See Examination Yuan, *Wenguan zhidu yu guojia fazhan lunwenji* (The proceedings of the civil service system and national development) (Taipei: Examination Yuan, 1996), 105.

⁶⁸Overeem, "The Value of the Dichotomy."

⁶⁹The late Hsu Pin-sung, a scholar of public administration who was seconded to the Examination Yuan as a minister without portfolio from 1996 to 2002, advocated "neutral

policy politics never happens in government administration in Taiwan. In the United States, the problem is solved by political appointments to government agencies which mean that top executives are highly politicized.⁷⁰ In Taiwan, the problem may be mistakenly understood as one of *partisan neutrality*. Joanna Lei revealed a case concerning this during the examination of the administrative neutrality bill. A senior career official who was sent to the Legislative Yuan to answer questions was suspected of having been sanctioned by his superior for his “inadequate” response in the session. Lei made the point that the official was abiding by the principle of *administration by law*, so how come he had suffered this kind of political punishment?⁷¹ Her criticism would have been framed differently if it had been made in the context of Hong Kong, as noted above.

It is still common for senior career officials in Taiwan to justify and defend government policies before legislative bodies, especially local councils. However, it is difficult for Taiwan to avoid the issue of *policy neutrality* by politicizing all top executive positions in government agencies as is done in the United States, as that would be construed as sabotaging the “good” tradition of recruiting civil servants by examination. The problem of *policy neutrality* has the potential to provoke a crisis for the public administration in Taiwan in the absence of a protection mechanism such as *anonymity*.

All in all, the development of civil service neutrality in Taiwan stems from the demand for de-partisanization of the state. More interestingly, the neutrality mechanism was actively pursued by a powerful bureaucracy for the purpose of “re-insulation from politics.” That was a

competence” as a quality of civil service neutrality, see Ministry of Civil Service, *Gongwuyuan xingzheng zhonglifa zhuanji* (1995), 373. Another public administration scholar from a younger generation, Chen Don-yun, also advocates this notion in a recent work. See Chen Don-yun, *Minzhu zhili: gonggong xingzheng yu minzhu zhengzhi de zhiduxing tiaohu* (Democratic governance: an institutional reconciliation of public administration and democracy) (Taipei: Wunan, 2009), 249-80.

⁷⁰Patricia W. Ingraham, *The Foundation of Merit: Public Service in American Democracy* (Baltimore, Md.: Johns Hopkins University Press, 1995), 92-111.

⁷¹*Lifayuan gongbao* 95, no. 17, Committee’s Record (April 21, 2006): 251-52.

unique but essential process for the public administration of a party-state regime in the process of transition to democracy. However, achieving de-partisanization in the unique Taiwan context could not avoid the universal problem of (re)building the politics-administration relationship. The politics-administration dichotomy or other equivalents was inevitably a starting point for it, because the division of power and responsibility between politicians and administrators, as Overeem contended, is a constitutional doctrine for a democracy.⁷² Taiwan is not an exceptional case. Despite denying the dichotomy, the locally-developed concept of “administrative neutrality,” albeit a controversial one, was advanced under the shadow of the dichotomy when the line between administrative behavior and political behavior was drawn. Overeem’s argument does, therefore, hold water.

However, does it follow that civil service neutrality should be simply confined to partisan politics as Overeem suggests? This does not hold water. *Policy neutrality* matters, even though Svvara seems to be contradicting himself by associating neutrality with partisanship, because *anonymity* is a well-functioning mechanism for guaranteeing the de-politicization and stability of the civil service workforce. Hence, the author asserts that pursuing policy neutrality should *not* be equivalent to dismissing the idea of the politics-administration dichotomy. The dichotomy still offers a useful foundation for establishing a formal function of public administration. It is also an appropriate analytical framework for examining the relationship between politics and administration. But it does not mean that we should overlook the overlapping of the two spheres in practice, which is what Svvara asserts.

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⁷²Overeem, “In Defense of the Dichotomy,” 143.

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