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**A JOINT SYMPOSIUM:
CONSOLIDATING TAIWAN'S DEMOCRACY:
CHALLENGES, OPPORTUNITIES, AND PROSPECTS**

WEDNESDAY, MARCH 22, 2006

10:15 A.M.-12:00 P.M. – **KEY PILLARS OF DEMOCRATIC CONSOLIDATION**

“CONSTITUTIONAL STRUCTURE AND REFORM”

**DR. CHU YUN-HAN, PRESIDENT,
CHIANG CHING-KUO FOUNDATION FOR SCHOLARLY EXCHANGE**

“ELECTORAL SYSTEM”

**DR. EMILE C.J. SHENG, ASSOCIATE PROFESSOR OF POLITICAL SCIENCE,
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“LEGISLATIVE STRUCTURE AND REFORM”

**DR. SHIOW-DUAN HAWANG, DEPARTMENT OF POLITICAL SCIENCE,
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DR. BUSH: Okay, we're going to start our first panel of the morning, if we could. Networking is great – good opportunities here. But we want to get started on the substance of our program. The first session, as mentioned this morning, is going to look at so-called key pillars of democratic consolidation and three topics that were mentioned in the keynote addresses as critical components of democracy building. Particularly in the context of Taiwan, we look at constitutional structure and reform, the electoral system, and legislative structure and reform. Perhaps in the context of that discussion, it would be worthwhile to broaden some of these topics a bit more. I think there are some issues that go between and among these large topics that we may want to get into in question-and-answer. We have plenty of time this morning to get into them.

We have three renowned Taiwan scholars to discuss political development in Taiwan. First up is Chu Yun-han, who is a distinguished research fellow at the Institute of Political Science at Academia Sinica and professor of political science at National Taiwan University. He is president of Chiang Ching-kuo Foundation for Scholarly Exchange. He taught at Columbia University, and he also is coordinator of the Asian Barometer survey, which does regional surveys on democracy, governance, and development – it covers much of East Asia. He'll talk about constitutional structure and reform.

Second up to talk about the electoral system is Emile Sheng. Many of you know, I'm sure, that he is professor of political science at Soochow University with a Ph.D. from Northwestern and is a public figure, I know, in Taiwan, who is often seen on television talking about opinion polls and public opinion of various sorts.

Then finally, to talk about legislative structure and reform, Shiow-duan Hawang, chairperson and professor of Department of Political Science at Soochow University with a Ph.D. at Emory in my hometown of Atlanta, Georgia, or at least where I was born. Professor Hawang was elected president of the Taiwanese Political Science Association, 1998 to 2000.

I know Chu Yun-han has a presentation so we'll start with him. Then afterwards, again, we'll have plenty of time for discussion and questions.

CHU YUN-HAN: Good morning. It's certainly a pleasure to be here. You know, I was given the assignment to talk briefly about the ongoing debate on the question of constitutional change and its future evolution. When I listened to the very illuminating keynote speakers this morning, you reminded me of my two worst fears in professional life. One is to speak immediately after Carl Gershman on the topic of democracy. The second is to speak immediately after Dr. Tien Hung-mao on Taiwan's democratization, and I got both of them this morning. But I have no complaints. Carl, you know, I always regard as one of my intellectual mentors on the question of democracy. And Hung-mao, you know, we know each other so well, and he's my former boss. So I have no complaints.

Incidentally, I found out I can probably skip some of my slides. A lot of points have been already adequately covered by the two wonderful presentations early on. Let me just toss out some of my key points here. First of all, I want to give you just a very compressed retrospective overview of the process of constitutional crafting, if you will, over the last 15 years. I would argue that the politics of constitutional reform are certainly not an enviable aspect of Taiwan's democratization. The constitution has been amended seven times between 1991 and 2005. After so many rounds of constitutional revision, the existing constitution lacks the kind of broadly based legitimacy that a constitution in a consolidated democracy normally enjoys. And also the current constitutional design for the governing structure still suffers from quite a few weaknesses.

I will explain what factors have contributed to the complication of the crafting of constitutional structure. Well, first of all, all those constitutional changes didn't take place under ideal conditions. You know, Taiwan has inherited a number of historical constraints. To start with, Taiwan had to cope with an unsettled sovereign status in the international system, a polarized conflict over national identity at home, an absence of core commitment among the contending elite to rule of law, and also something Carl Gershman mentioned, the underdevelopment of a culture of constitutionalism, that is a strong belief, a widely shared belief in things like protection of human rights, limited government, and separation of powers, accountability, and so on and so forth.

I think in the past, the constitutional crafting process was further complicated by the strategic choices of key players – some leaders and political parties that orchestrated constitutional changes at particular junctures of democratization. The pact-making process was littered with their hidden agenda, short-term political calculations, and improvised compromises. Some of the compromises have been very ill-conceived and also have brought out a lot of unintended consequences. And I think the most worrisome aspect about the legitimacy of our constitutional order is that at its most fundamental level, there's no strong consensus among contending elite and the general public about where the final destination of constitutional change is or should be.

For people who strongly believe in Taiwan independence, all revisions undertaken within the framework of the ROC constitution were meant to be transitory. To them, the only acceptable final destination is the creation of a new constitution that manifests the general will of Taiwanese people and signifies the island's independent sovereign status. On the other hand, for people who avow to preserve and defend the existing state structure, the ROC constitution and all political symbols it carried constituted a cornerstone of their political identity. To them, all the amendments adopted at each round of the constitution revision process were meant to be binding and lasting, at least until additional changes are demanded by the great majority of the people and materialize only through the amending procedure prescribed in the constitution. So they oppose any attempt to abolish an existing constitution through extra-constitutional means such as plebiscite, which unfortunately happens to be the favorite of Taiwanese nationalists. So this is, I think, one of the really fundamental challenges our constitutional order has to cope with.

Secondly, I would argue that there is no strong consensus among the contending elite about the nature of the government structure as it emerged after seven rounds of amendments. When the representatives of the two major parties – the KMT and DPP – coalesced to draft the current government structure during the fourth round of revisions – that’s in 1997 – the newly amended system was sold to the public at that moment as a localized version of a semi-presidential system featuring a dual-headed executive and modeled after the French First Republic. But this bipartisan understanding of the moment has no binding power, and it’s not all shared by some weighty members with each party who were not directly involved in the constitutional crafting process. I’m specifically referring to President Chen Shui-bian. He was, at that time, the mayor of Taipei, and he was not directly involved in the negotiations. Actually he held a press conference and specifically declared his distance from the compromise reached between Hsu Hsin-liang and a representative of President Lee. And DPP chairman Hsu Hsin-liang later left the party so it makes that consensus or bipartisan understanding even less credible.

Also, the emerging government system also departed from the French model on a number of important dimensions. For instance, the president is elected under our system by plurality. There’s no electoral threshold, you know, required for getting elected. So you might have a presidential-elect with only a very weak popular mandate. Also, the old provision about the parliamentary confirmation of a premier was removed so the president has more leeway in appointing the premier. In a French system, even though the constitution does not require a vote of confidence, there is nevertheless a long standing convention that incoming premiers have to seek approval in the National Assembly – but we don’t have that convention in Taiwan.

At the same time, as compared to the French system, Taiwan’s parliament is much more powerful than its French counterpart in steering the legislative agenda. For that reason, it also does its best to cripple the government when the situation is called for. Finally, the French system has more effective built-in mechanisms to break a potential deadlock between the president and the assembly during a period of cohabitation. Either the president can try to repack the legislature by dissolving the National Assembly or the Assembly can force out a cabinet that no longer enjoys the support of the legislature. Under Taiwan’s current system, the president cannot dissolve the assembly on his own initiative. Instead, the president can dissolve the assembly only when the Legislative Yuan unseats the cabinet with a vote of no confidence.

So with those, you know, major departures from the French system, a lot of scholars worry how the system may function under the circumstances when the president doesn’t have a majority support in the parliament or no party can commit a majority support in the parliament. How the system might function is highly unpredictable. Under our system, a minority may choose to avoid a French-style capitulation and take the risk of confrontation with the hostile majority in the parliament. In retaliation against the president, a majority of the parliament may choose to strangle the government piece by piece, rather than unseating a sitting cabinet and forcing a political showdown. By so doing, it simply prolongs the political gridlock and pushes off the showdown to the next

parliamentary election. I guess most of us people sitting here are well familiar with our recent past. So, you know, that's exactly what happened over the last six years.

So what we end up with is, I would say, since the year 2000, six years of crippling gridlock. It lingers on until today. Unfortunately, neither the December 2001 Legislative Yuan (LY) election nor the December 2004 LY election changed President Chen's political fortunes. The pan-Blue, still has effective control of the majority in the parliament, even though it has a smaller margin. At the same time, Taiwan's electorate was appalled by an extremely nasty and seemingly endless political battle and the political paralysis that brought. The only tie-breaking device, I just mentioned earlier, under such circumstances, turned out to be worthless. Under President's Chen's veiled threat of disbanding the parliament, the KMT-PFP coalition chose to avoid a vote of no confidence and the risk of entering a stamped re-election. The main reason for their decision to avoid such a showdown was that under our old electoral system – that's the single non-transferable vote system (SNTV) – any incumbent knows that, if they re-enter a race, there's no guarantee that he can be easily re-elected. So they have to compete with their own party nominated-candidate in order to get enough votes to get elected. So old incumbents will become extremely reluctant to take that risk, and this is the main reason why, theoretically, the only tie-breaking device turned out to be useless. So that prompted the recent debate of how we can fix the problem to avoid the reoccurrence of those unfortunate political stalemates.

I believe that there are basically three approaches to making the constitutional structure more balanced and coherent. I label them the Minimalist approach, the Fine-tune approach, and Big Bang approach. I will just elaborate individually momentarily.

Starting with the Minimalist approach, it favors a good enough remedy that will require minimal surgical changes to the constitution. It assumes that it is very difficult to get a new amendment adopted because it requires three-quarters majority in the parliament so we should place more emphasis on alternatives to formal constitutional revision. These alternatives include the introduction of new constitutional conventions through consensus building among political elite, propelling the Council of Grand Justices to deliver more constitution interpretation to do away with ambiguity and inconsistency, and/or introducing detail-oriented law, which only requires a majority of votes in the parliament to be adopted, to fill up the gap. So this is what I call the Minimalist approach.

In contrast, followers or the proponents of the Big Bang approach believe that the semi-presidential system is not a viable option, and the system as-is is full of ambiguity and contradiction, so the country would be better off if we start all over again by replacing the existing system with either a pure presidential system or a pure parliamentary system. They also avow to abolish the five-power government, which was based on Sun Yat-sen's political theory, and they favor a normal three-power system that was widely adopted in the western democracies. Lastly, what I call the Fine-tune approach – in terms of the amount of change, I think lies somewhere between the two. It wants to eradicate the loopholes and flaws in the current system in a more systematic way

while upholding the belief that a fine-tuned semi-presidential system can be as viable as either pure parliamentary or presidential systems.

As we all know, the parties will take sides on those issues. At the risk of oversimplification, I will argue that, at this point, the leaders of pan-Green are strongly in favor of the Big Bang approach. That's why they talk about a "new constitution." The leaders of pan-Blue are strongly in favor of the minimalist approach. It is no coincidence that the Big Bang approach not only is more congruent with the core commitments of pan-Green, but also arguably suits the DPP's short-term political needs better. In a similar vein, the Minimalist approach serves the KMT best, both ideologically and politically. But this, you know, would surprise no one. Everything ends up with division, right, between the pan-Blue and pan-Green. I would say most political scientists consider a Fine-tune approach more desirable than the Minimalist approach, while treating the Big Bang approach as either too idealistic or too radical.

If you ask political scientists, if they go for the Fine-tune approach, what should be the method to eradicate those loopholes and flaws in a more systematic manner, you will usually come up with those four recipes. There's no consensus in those, but I think that really reflects the prevailing view. First, the parliamentary confirmation of the appointment of premier should be restored. Secondly, the SNTV rule for electing the LY members should be replaced with either single-member district plurality rule or proportional representation, or a combination of the two. Third, an incoming president should be given the power to dissolve the parliament so he can repair it. At the same time, there should be an electoral threshold to make sure that any elected president can have a strong public mandate and also, you know, to justify his power to dissolve the parliament. Fourth, the term of the president and that of parliament should be unified, and the two elections should be synchronized to the extent possible. You probably also know that actually point number two and point number four were essentially incorporated into the last amendment adopted last year. So in a sense, the Fine-tune approach is already half-way through so I think it has a more credible claim.

Nevertheless, if you go for the Big Bang approach, then you still have to settle the issue of which system we want to install. The DPP and TSU traditionally embrace a U.S.-style presidential system. However, over the last few months, surprisingly more and more DPP and TSU political figures rediscovered the merits of a parliamentary system. They echo the view espoused vigorously by Shih Ming-te, whom I respect a great deal. Shih Ming-te argues that the introduction of the popular election of the president has polarized the electorate, excessively politicized society, and produced demagogues as well as an imperial presidency. So he is strongly in favor of moving the system away from the semi-presidential toward a parliamentary system. Some DPP politicians also argue that if we want to move the system to a parliamentary system, then we have to undo the last amendment, which reduced the size of the chamber by half. They argue that would be a too small chamber to sustain a robust parliament system. So they argue that we should restore to at least 200 seats, maybe even more, to meet the requirements of a parliamentary system.

Proponents of the Big Bang approach also recognize that it's intrinsically difficult to introduce those sweeping changes under constraint of how the constitution can or should be amended. It requires a three-quarters majority in the parliament and also a referendum, which also requires the approval of the absolute majority of all the eligible voters. So they tried to come up with other ideas for how might you expedite the whole process. Some legal scholars nowadays are vigorously promoting the view the principle of popular sovereignty is so fundamental that it is above all parts of law, including the existing constitution. It is intrinsically democratic if the majority of people want to replace the existing constitution with a new one through a plebiscite. They encourage the president not to be bound by the strenuous constitution – many procedures prescribed in the existing constitution – but to convene an ad hoc constitution assembly and send a draft constitution – a new constitution through a plebiscite, by invoking this democratic first principle. And I think you would definitely predict that all those positions are adamantly opposed by the pan-Blue, especially the KMT.

So here's the KMT counter-point. They argue that what the country urgently needs is to enhance the stability of the constitutional order and strengthen its authority, rather than endure another round of constitutional crafting. They also argue that the crippling political gridlock their country has experienced over the last six years could have been avoided had President Chen observed the spirit of the current constitution, especially based on the bipartisan understanding about the nature of the system struck during the fourth round of constitutional amendments. They argue that a system of dual-headed executive can be augmented with a further amendment to the constitution. The new electoral rule adopted last year – and it would be first applied in the December 2007 election -- should make the vote of no confidence in the future a more credible device for breaking the deadlock. Furthermore, they argue that a system can be augmented by introduction of a sensible constitutional convention by which all future presidential candidates shall pledge to respect the will of the majority in the parliament over the appointment of the career -- as well as the right to form the government.

To make this argument more credible, Ma Ying-jeou, in his capacity as chairman of the KMT, actually publicly made the pledge on the last constitution day that, if in the future a KMT president faced a DPP-controlled parliament, the KMT would follow the French precedent of cohabitation and ask the DPP to form the government. And the two camps come out with all the justifications to support their own arguments. At the same time, they always evaluate the most likely consequences for them through their partisan lens. The KMT supporters strongly believe that the call for a parliamentary system is an unjust and unsavory political ploy to pull the rug out from under the feet of Ma Ying-jeou, as well as to undermine the solidarity of the pan-Blue camp because a parliamentary system might be somewhat appealing to people like James Soong and Speaker Wang Jin-pyng, who, you know, feel that if Ma becomes the candidate and is elected, that's a winner-take-all system. Their role on the political stage will diminish over time. The KMT supporters, especially supporters of Ma Ying-jeou, also suspect that the DPP wants to use the re-enlargement of the LY to lure the outgoing LY members to defect from the pan-Blue camp because most of them were going to lose their jobs after the size of the chamber is cut by half.

The KMT strategists also note – I would argue that they take the recent county magistrate election as a bellwether event, so they're optimistic that they will enjoy a landslide victory in the December 2007 LY because the system somehow is in its favor, that it would aggravate disproportionality. Just in the last county magistrate election, the KMT, in terms of popular vote, did not really score a major victory, but they did in terms of actual seats. You know, they won almost two-thirds of the county government. They also anticipate a decisive win in the 2008 presidential race so it wants nothing to stand in the way. They want to minimize uncertainty. That's why they definitely want to abide to this Minimalist approach.

I think the division between the two camps is always entangled with the underlying commitment – core commitment toward the issue of national identity. Most of the advocates for an overhaul of the constitution promote their political blueprint on the banner of a new constitution movement. Most leading DPP figures, even before the 2000 power hand-over, on record, they had long avowed to abolish the existing constitution. I think, at least sentimentally speaking, for them, the existing ROC constitution really symbolized the imposition of Chinese rule over Taiwan, as it was adopted by the Nationalists in mainland China around 1949 and with only token participation by a few Taiwan-elected National Assembly deputies. Also for them, the existing constitution is an eyesore in proof of the undisrupted political lineage passing down from Chinese Republic, founded by Sun Yat-sen. They believe that Taiwan cannot claim to be an independent state without severing this legal bond. Also they are kind of, you know, frustrated by the fact that, even though they are coming to power, somehow the DPP has to give in and give up its long-time aspirations. You know, they have to live with the existing constitution; they feel very agonized by the constant reminder by the pan-Blue political figures that the one-China principle is enshrined in the ROC constitution and prominently reiterated in the preamble of the section of constitutional amendments.

The preamble stipulates that all the following amendments are adopted to cope with the need of the circumstances before the country becomes reunified. My colleague and my former student, Julian Kuo, a DPP LY member – that tells you my age, okay – once bitterly described this agony as something like a Taiwanese nationalist soul being locked inside a One-China cage. For many DPP leaders, if I may use this metaphor, it's like five more nails provided by U.S. government to reinforce the cage, the structure of the cage. For that very reason, the pan-Blue camp, you know, view the Big Bang approach as a deliberate effort to undermine the existing state structure and purge the One China principle out of the constitution.

Now, obviously President Chen will be the key player for the months and years to come. He will be the one really to have the power to set the parameters of the next round of constitutional change. The most critical question is whether he will abide by the constitution-amending process prescribed by the existing constitution. Up to this point, I think it's on record that he has pledged repeatedly that he will do so. He restated his pledge in his seven-point statement that came with his announcement of the – I will use

the word termination – I believe that’s a more accurate translation than otherwise – (laughter) – of the termination of National Unification Guidelines and National Unification Council. I don’t have Webster by my side, but I’ll stick with that. On the other hand, in his Lunar New Year pledge at the end of January he talked about how to create a new constitution and push this new constitution through a referendum in 2007. It all sounds like he wanted to abandon the existing constitution and go straight for the adoption of the new constitution. Well, you can read the message in different ways, but I do think that a lot of DPP support lately is read this way, okay, that his agenda will be to introduce a new constitution – at least introduce sweeping change to the existing constitution.

Many scholars are deeply baffled by two similarly contradictory pledges. They oftentimes ask, you know, how a new constitution can be created to amend the existing one. It’s almost like having your cake and eating it, too. So you have to somehow reconcile these seemingly two contradictory pledges. At this point, the prospect of getting a three-fourths majority in the LY for any kind of constitutional reform proposal initiated by the DPP looks very dim, as how the KMT view it, and what their political calculation is and so on and so forth.

Another thing, a recent interview by the *Washington Post* of President Chen actually acknowledged this same prospect, and he used this scenario to assure the audience in the United States that it is unlikely that any controversial issue such as redefining the country’s jurisdiction and the national moniker will be eventually put on the table. So what’s all the fuss about the new constitution movement?

Well, I don’t really have a crystal ball to tell you how this saga of constitutional debate will unfold, but a lot of political observers, when they analyze what would be President Chen’s best strategy not only to sustain himself as the leader and to remain effective for the remaining two years, and also to earn his place or to claim his legacy, especially in front of the DPP core constituency, argue that President Chen probably will try his best to push for a new constitution. The effort might be aborted in the end, but he can at least earn the credit for having tried his best. Whether he will eventually go down the route of actual constitutional reform means to stay outside the boundary of the existing constitution, which I think is something we should follow very closely in the months ahead.

I will stop right here. Thank you.

(Applause)

DR. BUSH: Well, Dr. Chu has laid out, I think, many challenges that Taiwan faces in constitutional change, but he also lays out challenges for the next two speakers to add anything to that very comprehensive presentation.

Dr. Sheng?

DR. EMILE C.J. SHENG: Distinguished guests, it is a great honor for me to be here. I'm really grateful to have the opportunity to present some of my thoughts about the electoral system in Taiwan. How does it affect the future politics?

I was given very specific questions in the invitation letter. First is, "What went wrong in the 2004 presidential election and how can we try to fix it?" Secondly is, "How can we make changes in the legislative election rules so that we can have better legislators?" So my presentation today will be divided into these two different sections. I noticed that it's getting close to my bedtime – (laughter) – so if I start to mumble and stop making sense – it's almost 12:00 in Taipei now.

Okay, so let me start with the 2004 presidential election. That is a very divisive election, and it has some long-lasting negative consequences. I remember Professor Hawang and I were conducting a post-election interview. This is an academic, face-to-face interview. Then before we conducted the actual project, we had this pilot study, and then we have this session with our interviewer, asking them what some responses from the original questionnaire are.

So there is this set of standard political knowledge questions we ask every year – it's been there for about 20 years. One of the questions is do you know who the United States president is, and do you know who the vice president in Taiwan is? Then this second question kind of elicited answers repeating the slogan, "No truth, no vice president." So the respondent declined to give the answer of who the vice president is because they think right now there is no vice president. So you can see from this simple example that that's almost three or four months after the election and you still see these strong emotions among the electorate that this is not really a fair election.

So what can we do to fix this? When I think of this topic I think, this can probably not be solved by electoral rule changes because this is not really caused by the electoral rule itself, because if you look at in 1996 and the year 2000, we have presidential elections under the same rule, and of course losers are bitter, but they did not create the effects that happened in 2004. So I think if you look at the reasons why 2004 is so controversial and left this kind of lasting scar, I think there are basically two reasons, and the first reason is that this is the mobilization strategy of the incumbent party because we have a defensive referendum that is at the disposal of the president. The president can call a defensive referendum at any time on any given question because the condition to hold a defensive referendum is that as long as there is a perceived threat from China, then that can be really broadly explained. The last time the explanation is that because like 600 missiles are aimed at Taiwan. So that constituted the legal reason for the president to call the defensive referendum.

So if that can be done in 2004, it means that every time, as long as the Chinese missiles are still directed toward Taiwan, the president can always call a defensive referendum. So I think that's the first reason, because that created a lot of legal disputes, and even because the election results were contested and in the end the court kind of ruled that having the referendum in the same day as the presidential election does not

really fit into the original spirit of the law. But it didn't really make it clear that this is unlawful. So what I'm saying is that in the future, this can still be used as a mobilization strategy in any election as long as the incumbent president thinks that he or she can hold a defensive referendum at any given time on any given topic.

The second of course is the gun-shooting incident. On March 19, one day before the presidential election, there was this assassination attempt to kill the president and the vice president. So that became kind of like a controversy. What really happened? Even as I was writing this paper, one year after the police ended the investigation, the families of the victim came out and denied all the testimony they gave. They said they were coerced by the police.

So early public opinion polls show that the majority of the public doesn't think that story that the police gave is really convincing. So right now really I don't know what to believe. I think both sides lack – there are two accusations in Taiwan. One says that Chen Yi-hsiung, the alleged attacker, shot the president, and the other accusation is that the president staged the whole event himself. So right now really both accusations did not produce enough evidence to sustain either accusation.

That also has an effect on the media because I remember after the 2004 presidential election, every election during the campaign process, the pundits and the media are discussing what might happen the day before the election. So either it does not matter if it's the legislative or the county magistrate, people are guessing. Last time there were two bullets; this time are there two missiles? Or maybe there is a jet – a fighter jet kind of coming down across the Taiwan Strait. How would that affect the election if that happens the day before the election?

So of course none of these happen in the legislative and county magistrate election, but that created an effect. Everybody was second-guessing themselves when they make election predictions because in Taiwan you never know what's going to happen the day before the election with that experience.

Because these are the two reasons I think the presidential elections were so controversial, I submitted probably two proposals to kind of change the situation. Number one is that maybe in the future in order to really have a defensive referendum – because that clause was aimed to give the president a weapon against China if China really wanted to force Taiwan into any like unification decision. If that's the case, then maybe we should design a balancing act to stop the president by using this privilege unilaterally. So if the president's defensive referendum proposal has to be passed by the LY, then maybe this can be stopped. This particular right of the president can be stopped in using, I say, mobilization strategy during elections. So I think that is my first suggestion.

Secondly, I think there can be a neutral council that is set up to decide under what situation an election must be postponed. So either side can ask for a postponement of an election if maybe – if tomorrow is the voting day and today a jet fighter falls in the

Taiwan Strait and nobody knows what's the real cause, then maybe it's time to stop the election for a week and let everybody know what happened – what really happened, and then we can have the election. So if there is a neutral committee that can rule under certain conditions with the proposal of either camp, then maybe that's another way to stop this whole guessing about what's going to happen the last minute of an election.

My sure conclusion is that what happened in 2004 is really not the fault of the electoral system because a single member district electoral system does not naturally lead to this sharp division. So changing the electoral system probably won't help, but some of the mechanisms I suggested might help into making the election less controversial.

My second section of the presentation will focus on the Legislative Yuan. I think in the past the SNTV system – Single Non-Transferable Vote Multimember District – that was a past electoral legislative system in Taiwan – and those created a lot of negative effects such as extreme candidates, because you need probably 3 to 5 percent of the vote to get elected. That's why you see all these fights aired on the sports channel here in the U.S. of our legislators, because they're really just trying to make a name for themselves so that voters can recognize them, and they only need 3 to 5 percent of the voters to really want to see them fight, and they can get elected.

That's why I think a lot of Taiwanese people are tired of the Legislative Yuan, so that created momentum for the change last year. Last year we changed the system to a single-member district dual ballot system, also coupled with the reduction of the number of seats from 225 down to 113. So these are the two major changes. I think these changes have some positive effects. I expect future legislators to be of better quality than the current makeup, but also it's going to bring some potential negative effects. I'll shortly present some of the negative effects that might happen.

Number one, what are the influences on our party system? I think it's very clear that a single-member district tends to produce a two-party system. So I think that's going to happen in Taiwan. The next couple of years will be the process of both Green and Blue camps integrating and producing a two-party system. Actually, just a few days ago, this Monday, I was invited to a TSU central committee meeting to give them a talk about how TSU should design their electoral strategy under this new system. So I teased them a little bit because it was quite ironic for me as a scholar to observe because during the whole process it was really TSU and DPP pushing for these changes, and Kuomintang kind of blocking them from happening. As a scholar I was thinking, how come people proposing this system that is so disadvantageous for themselves and Kuomintang keep blocking? (Laughter.) This is such a good system for them. That kind of went on for two years, and I really don't know why. Suddenly Kuomintang thought, why stop this? Then when they let go, it just passed – (laughter) – and now TSU has to have these meetings to see, okay, what should we do about this?

So I think the small parties of course will face difficulties in future elections because I think – no need for me to elaborate on that. That's the single-member district system. Also, there is a second vote for party, but if you look at the current party image

and the level of support that they enjoy right now in Taiwan, I think really the small parties are no competition for the bigger ones. So I don't expect the smaller parties to gain substantial support from the second party vote. Also, the party seats only consist of 30 percent of the total seats, so it's not really a lot – only 34 seats out of 113.

So I think the first change it will enforce is that Taiwan will probably go into a two-party system like the U.S.

Secondly, although they have on the political landscape, I think it is going to reinforce the current regional division. If you look at the county magistrate map, you can see very clearly that DPP wins in the South and Kuomintang wins in the central and northern areas. So I think once the Legislative Yuan election is also conducted under the single-member district vote it will be quite difficult for DPP legislators to win in the northern and central part of Taiwan, and likewise for Kuomintang legislators in the south.

So we will probably see this kind of regional division be reinforced, even at the legislative level. As an example – for example, right now there are 20 LY seats in Taipei city. The DPP alone has eight, and I think TSU has one or two; I'm not quite sure. In total the green has about 9 or 10 out of 20. But in the future, if the seats are reduced to eight, and it seems the DPP would be doing very, very well if they win two out of eight. Most likely they are going to win one, and that – and for even that one district, it is not a safe bet.

So I think this kind of tells you how – with these new changes. The same thing happens to Kuomintang legislators in the south. It will be very difficult for them because in the past it is a proportional system. So right now the regional division will probably be aggravated. That is probably not good for Taiwan's democracy. Imagine if you're a DPP supporter living in Taipei and you need a legislator to help you fix something, push – to go to; you can't find anyone, and the same thing for Kuomintang supporters in the south. So that is something. We have to track how this affects Taiwan citizens' political efficacy and their political – how – whether they have long-lasting effects.

Number three, if you look at the parties of strength in LY, I think I'll give you three reasons why I think the new rule is very beneficial to Kuomintang. I think number one is that the constitution kind of protects small counties. So no matter how small, you are protected with at least one seat, and there are six counties: Chiayi, Miaoli, Taitung, Jinmen, Matzu, and Penghu, these six small counties, they have very, very small populations, but they have one legislator.

So if you look at all of these counties, probably with the exception of Chiayi City, where both sides have about equal electoral strength, the other five are all predominately pan-Blue counties. So what I am saying is that the pan-Blue got some advantage here. They have very little population support but it translates to one seat nonetheless. Even in the Chiayi City election two weeks ago, the Kuomintang's candidate won in a one-on-one race. So this tells you that all six counties that have smaller populations, which don't

deserve a seat, would probably have a pan-Blue legislature because of the constitutional protection of smaller counties.

Secondly is that the mountain-region population in Taiwan is only less than 2 percent of the total population, but they are protected and have six seats. In the past, and even currently, they are predominately pan-Blue; they are pro-pan-Blue. So once again this is not proportional to their population, so less than 2 percent of the population got six seats.

So in other words Kuomintang will probably have 12 seats in their advantage. In the past they already have this advantage but because there were 225 seats in total, this is not that significant. Once it is cut down to 113 you can see that. You have already got, like, 12 seats, even before the election is started. So we had a simple calculation and we found out that DPP has to win at least 55 percent of the popular vote in other districts in order to have a chance to get a majority. So that is very – that is a difficult task for DPP.

So that is two reasons, and the third reason is the uneven distribution of votes. As you can see from past presidential election outcomes, the Kuomintang has a slight comparative advantage in the central and northern parts of Taiwan, but the DPP has an overwhelming advantage in the southern part in the past because it is a proportional system. So all of these extra votes for the DPP in the south now translate into extra seats, but in the future, it doesn't matter if you win by 51 percent or 95 percent, you get one seat nonetheless.

So what I'm saying is that the electoral advantage – the huge electoral advantage DPP had in the past will disappear because in the past – because the DPP always has a better election strategy, they always nominate the optimum number of candidates, so they always enjoy a seat bonus. In 2001 they got 33 percent of the votes and they got 39 percent of the seats, and in 2004 they got 36 percent of the votes and got 40 percent of the seats. So they always have better seat performance than their vote, but in the future this might change. This is going to change in the Kuomintang's advantage because of the reasons I just gave.

The Kuomintang can win more efficiently in the central and northern part of Taiwan. As long as they win by one vote, they have got the seat. So – and this will be – this will work to the DPP's disadvantage. So I heard the people – on Monday, people in the TSU told me that the DPP has an inner estimate that they have got – they probably only have 29 seats under the current – under the new rule. I think that Director Lai here probably can give us more details – (laughter) – because I don't know if that is true.

The next thing is in the legislative operation. Legislative operations, I think, are going to create clear incumbent advantage that didn't exist in the past. In the past in Taiwan, if you run as a legislator, it's that the process is like throwing a coin or like buying a lottery ticket because it doesn't matter if you are performing good or bad because you don't know if you are going to get elected or not because that system is very

confusing. If you're too high in the polls, then people will think you have too many votes. They may think, let's save the other comrades in your party.

Because of this strategic voting on the voters' part, the results are quite confusing. A lot of times you see those leading in the polls losing in the end. So the incumbent doesn't really enjoy that advantage in the past, but in the future if one district has only one candidate – I mean, one incumbent, then the incumbent advantage will be very clear. So what I am saying is that I expect Taiwan legislatures to start to develop this seniority system like the U.S.

Once you win the 2007 election, then it will be very difficult for you to lose if you are not involved in traditional scandals. So this will prompt us to think in advance. Maybe we should consider term limits and maybe ethical codes and conducts– try to stop – like if there is really seniority developed in the Congress in the LY that they do not develop into an interest, they do not hold on to specific interest domains.

Finally, it's that party organization. I think it's going to be more candidate-centered because of the reason I mentioned earlier. So parties' control of legislators is going to decrease quite obviously. One other thing – the TSU politicians did not agree with me. I kind of thought the vote buying would be decreased in the new system, but maybe this is the difference between scholars and politicians. Their own experience told them that it won't, so we'll have to wait and see empirically how that works out because my logic is mathematical.

In the past, 95,000 eligible voters produced one legislator. In the future 220,000 voters would produce a legislator. So by simple math you know that you need more votes – you need to buy more votes to win. So I thought it should be – it should decrease effectively vote buying at the local level, but they told me they are just going to spend more money, they think. (Laughter) So it is not going to decrease.

They basically agreed with a lot of the assessments I told them, but this is one thing that most of them do not agree with me, so I'm going to maybe just –

In conclusion, I think I'll try to add a little bit to what Dr. Chu has said. I think what I said is really based on the current constitution, but right now I heard a lot of rumors floating around that there are coalitions building, building up to try to have this new constitution. It seems quite reasonable and workable because the couple – the main proposals are using the – changing the system to a parliamentary system, and that will probably get support from Wang Jin-pyng and James Soong – anyone that doesn't start with the last name “Ma” (laughter).

So probably in the Kuomintang most of the political elites who are not on my side probably would like to see this – are probably not opposed to this. Of course this is also to President Chen's advantage. So there is this, like, not legal alliance, but you can see that they are working on the same direction.

Plus, the proposal is to, again, increase the seats from 113 to 200, and this is proposed to induce the support of the current legislators because I have three students working as legislative aides and they all come to me and say about their bosses, “I am so worried about their future,” because they don’t really know which district they should pick, and they are really uncertain about their future. So if anyone comes to them and says, okay, if you come aboard, then we can try to make – have this constitutional amendment and increase the seats back to 200. So that will create incentives for the current legislators to vote against their party’s instructions.

Also I think the other strategies to add are aboriginal rights, protection, women’s rights, decreasing the voting age from 20 to 18 – if you add all of these components into the new proposal then it will be quite difficult for the Kuomintang to come out and oppose it because this will be kind of like reform versus anti-reform, and the whole package will include a lot of interests from different groups, so I am eager to see how this works out, but I think probably the role the new constitution will play will be the – in 2008 will be the same – a role that the referendum has played in 2004 both as a mobilization strategy and if – who knows; maybe it will just come true because a lot of forces might work together.

I think I have gone too long. I will stop here. Thank you.

(Applause)

MR. BUSH: Dr. Hawang.

DR. SHIOW-DUAN HAWANG: I’m short here. Can you see me? (Chuckles)

It is my pleasure to be here, and I was told to deal with the topic about legislative structure and reform. As you know, the Legislative Yuan in Taiwan has played a very important part in Taiwan’s democratization process in the past few years. However, recently the performance of the Legislative Yuan is notorious in public eyes.

Almost every survey shows that more than 70 percent of the respondents were not satisfied with the performance of the Legislative Yuan; and some of them even thought the Legislative Yuan is the source of political chaos. Among several institutions including central government, local government, political parties, the police, the military, and bureaucracy, the Legislative Yuan is the least trusted institution in Taiwan. What is the problem with the Legislative Yuan? What are the most serious institutional problems that the Legislative Yuan face and how might they be remedied? That will be my topic.

I think the first problem the Legislative Yuan faces is the constitutional status over the Legislative Yuan. But Professor Chu just talked a lot about the constitutional problem, so I will save some of my time on that. But I agree there is virtually no consensus among the political elites about the nature of the governmental structure. I think this is the problem; also, the legislative gridlock or the stalemate between the

Executive Yuan and the Legislative Yuan actually derive from this kind of lack of consensus.

In the parliamentary system, it is obvious that those who are in the majority will form the government. In a presidential election, the winner will be the president, who will form the government, regardless of which party will win the majority in the congress, but in Taiwan there is still a lot of argument about who should form the government – the president’s party or the majority in the Legislative Yuan, and that is still creates a lot of debate in Taiwan.

Even though Professor Chu just said that Chairman Ma Ying-jeou says, if the KMT wins the presidency and the party does not control a majority of seats in the Legislative Yuan, he will let the opposition party form the government. But many people, including some KMT members, do not believe that after eight years of being an opposition party, they can give away the right to form the government.

So I think that would be the problem. In order to solve the problem probably the minimum approach is very – they have got to solve their problem. Eventually they still need to do the constitutional amendment to solve their problem. But I will not talk too much about their problem; I will focus more on the second problem about the internal structure of the Legislative Yuan. There are many problems concerning the internal structure of the Legislative Yuan, including lack of specialization in the committees, information is not open for inter-party negotiation, and procedure by which committees have become the veto player in the Legislative Yuan.

As you know, the committee system is the heart of the legislative process in the U.S. Congress, and the committee members usually develop this specialized knowledge under the committee’s jurisdiction. However, it is not the case in Taiwan – there is a seniority system regarding joining a standing committee. In each Legislative Yuan, the terms of three years divides into six sessions. Each legislator can join six different committees in three years of their service. So they can run around from this committee to another committee.

So if a legislator spends his time at six different committees each term, it would be very difficult to develop legislative expertise. There is also no seniority system regarding the selection of the convener. A newly elected legislator can serve as a convener of a committee. Moreover, instead of a single chairperson, there are three conveners, usually each from a different party. Each takes a turn serving as a chair, and almost everybody in the legislature can become a convener; if he or she really want to be a convener they will get elected.

So there is virtually no authority and they do not get any respect for being a convener. Also I just said that there is no seniority system, no legislative expertise in the committee, so they are looked down upon by the committee system; they will not respect it also. So it became a vicious circle because if the committee is not respected, so the

legislators have no incentive to devote their time and energy to their committee, and their work will gain less respect. So it is just a vicious cycle.

The internal structural problem is the transparency problem. Even though the general trend for the Legislative Yuan is getting more open and more acceptable to the general public, and if you look at a website of the Legislative Yuan, you will get more and more information there. But there is some problem – inter-party negotiation. The inter-party negotiation was set up to facilitate the progress of reviewing the legislation. But today inter-party negotiation has become the so-called “black box” of the legislative process – many under-the-table exchanges as they occur during the negotiation, and also the non-party members gain a lot of weight in there.

Another problem is that they do not keep records during the negotiation process. So we do not know what is going on during the inter-party negotiation process, and they can turn down all of the decisions by the committee.

The other internal structure legislative process is the procedural committee. The procedural committee, which has become the focus of media attention for the past two or three years, has become the killer of bills. It can block any bill without any public debate. During the period of unified government, no proposed bill was blocked in the committee. However, during the period of divided government, especially during the Fifth Legislative Yuan (2001-2004), more than 2,000 bills were blocked there, one-third of them proposed by the Executive Yuan.

The procedural committee is supposed to set the order of bills to be discussed in the chamber, but it has started to do the substantial review of the bills without any serious discussion or debates. The records of the procedural committee are not open as other standing committees. All of the records from the chamber meetings are open; everybody can access them and gather data, but the records of the procedural committee are not open at all.

So if citizen participation and transparency are the way to keep the legislators more accountable and responsible, I think what the procedural committee does is certainly far from that. I think the Legislative Yuan faces the corruption problem. According to a report by Transparency International in Taiwan, 78 percent of respondents say corruption in the legislature was either serious or very serious. This was done in the end of last year. I think if the corruption problem is not resolved, it eventually will, as the legitimacy of the Legislative Yuan starts to decline.

Actually, the behavior of the legislature in Taiwan is regulated by very few restrictions. For example, the board director and chairman of a security company may become members of the financial committee, and again access to insider information; or they can become the members of a transportation committee in order to win construction contracts.

Also, many legislators have some other position besides serving as legislators. According to the survey by the Taipei Society, for the Fifth Legislative Yuan, 71 out of 225 legislators have positions on the boards of 176 profit-making companies.

Moreover, 95 legislators have director or president positions in non-profit organizations. Even though article 22 of the legislators code of conduct is clear – when legislators encounter issues involving possible conflicts of interest, they should abort participation in the review and voting process, but there is virtually no punishment when a legislator violates the conflict of interest rules, rendering this article impotent.

No legislator has been reported to the discipline committee for violating the regulation regarding conflict of interest. Actually for the past three years, no meeting has been held for the discipline committee. The legislators involved in ongoing legal proceedings or who are in violation of the regulation regarding conflict of interests are eligible to be members on the discipline committee. So their committee does not enjoy the highest level of political trust in there.

We have a political campaign contribution bill that was just passed in 2004 which says that all candidates shall report their funds to the Control Yuan. However, the Control Yuan did not function for the past year because the Legislative Yuan refused to approve the members of Control Yuan that were nominated by the president, and that is basically the problem that the Legislative Yuan has faced.

The second part I'm going to deal with is what needs to be done in the future. Well, regarding the constitutional problem, I think the pressure that Professor Chu just talked about – the pressure of passing the constitutional amendment is very high – makes it almost impossible to change that kind of a situation unless there is consensus among different political parties.

But I think that the two fundamental changes are sure to make the Legislative Yuan being elected at the end of 2007 a far different organization because of the constitutional amendment ratified in 2005. The first change will be of course – Professor Sheng just talked about the size of the Legislative Yuan being cut in half. The second change to the electoral system was a change from SNTV system to a two-vote system. Perhaps I think it may be a good time to make some reforms right now when the legislature realizes that half of them or more than half of them were not back again in the next legislature. So their personal interests will be less at stake.

So they might start to think about some changes for the future. In terms of the internal structure of Legislative Yuan, I think a lot of issues need to be resolved including the committee structure, selection of the committee chairman, the information transparency problem, and the prevention of conflict of interests.

Regarding a committee structure, when the legislator size is down to 113, I think the committee structure will need to be changed also. If a legislator can join one committee, as it used to be, then the size of each committee will be too small. It would

be very risky – if committee decisions are controlled only by a very small number of legislators. Therefore, I think that each legislator should be allowed to join at least two different committees, but they are not allowed to move from one committee to another committee in order to develop legislative expertise.

Also, the committee assignments should be done according to seniority, and each committee only needs one chairperson, and no junior legislator should be allowed to be a chairperson. Moreover, in order to increase the specialization of the committee, we need to give them more staff support there. Also I think the standing committee should give more defense power and more responsibility layer.

When a bill is overturned in inter-party negotiation, it should be sent back to the committee for approval. Also, regarding the inter-party negotiation, I think we need more information and written records about the process and content of inter-party negotiation. At least when they overturn the article passed by the committee, they should give a very strong reason or a strong justification for that.

Another part is regarding the procedural committee. I think the issue goes back to the original power to just set the order of the bills in which the bill will be deliberated in the chamber meeting. If a bill is blocked for more than two sessions in the procedural committee, then the issue automatically sends to the Yuan sitting for the review.

Finally, regarding the corruption problem, I think it requires several reforms to regulate campaign spending and to strengthen the legal system. Actually there are several sunshine laws that have been discussed very openly in the Legislative Yuan, including the campaign finance law, the political party law, and the lobby law. However, only the campaign contribution law has been passed. I think unless all so-called sunshine laws are passed and seriously implemented, the corruption in the Legislative Yuan will not be reduced.

Moreover, the Legislative Yuan needs to revise internal laws regulating the behavior of legislators to preclude any conflict of interests there. In other words, the Legislative Yuan should set limitations and ethical guidelines on outside economic activity and personal finance, governing the activity of legislators. Also, the discipline committee should be given more power to deal with the ethical problems in the Legislative Yuan.

Finally, though I say it may be a good time to do the reform in the Legislative Yuan, I think it's the only -- a lot of push from the outside, especially including the scholars, NGOs, media, or general public to push them. You know, if there is no outside power to push them to do the reform, it's very difficult for them to do that.

Just two days after I finished my paper, there was a group of legislators in the Legislative Yuan. They just passed some revisions on the avoidance of conflicts of interest and pending rules on making profit outside of the Legislative Yuan. Even though it has been passed in the committee, think it still will face difficulties in the procedural

committee meeting. But in the long run, I'm still very optimistic about that. If the public or the media and also the scholars push for that, I think eventually they will do something about that. Thank you.

(Applause)

DR. BUSH: Thank you very much. As an American, I'm shocked that a legislature can be dysfunctional – (laughter) – and take care of its own and not impose discipline. But all three of you lay out very much that there are structural problems – that there are both political structural problems that go to the constitution, that go to the sense that there's a mix of systems here – presidential and parliamentary – that haven't been resolved, also geographic differences and political differences in that way.

Before we turn to questions here, I want to take the prerogative of the chair and pick up on a point that Dr. Hawang made right at the end, which is the oversight function. One of the aspects, I think, of democracy that's not discussed directly today is this issue of the media. What is the state of the media – and maybe I'd ask all three – in providing the necessary oversight? I mean, expecting, as you suggest, the legislature or the politicians to provide their own oversight is to wait for a while, I think – is to be rather idealistic. But the media is often the ones that provide it, and that may be a sort of unique system that I would like to hear more about on that regard.

One other is the generational change – demographic issue. I mean, some people think that, okay, there's the idea of *xin taiwanren* – there may be changes in the demographics of Taiwan – and that the simple north-south divide may continue or maybe over time will change as identity changes both for the better or potentially for the worse. But I wanted to get a sense from you all if you think the younger generation might change the nature of politics – or the political aspect of things – and also the media's role in oversight or not providing it.

DR. CHU: Okay, well, I will give my best shot, but I'm sure my two colleagues will probably give you more satisfactory answers. Well, we all know that we have a very vibrant media sector, to put it modestly, and a very, you know, sometimes overeager press. On the one hand, I think that it should be taken as a healthy sign with all the kinds of pluralism and diversity. But at the same time, they can be also a source of problems in the sense that they might actually – for sensational journalism, they try to aggravate the differences and actually create the artificial polarization of conflict. Oftentimes, the remarks of political figures are taken out of context and then blown out of proportion. This has been a very familiar story. At the same time, unfortunately, I think this happens everywhere, including in this country. There is this tendency, you know, to turn political coverage into some kind of entertainment business. So it's even driven with very short memory, you know, always chasing after the hot topic of the day. But no topic can stay, you know, in the headlines for more than three days.

But I don't think there's much you can do about it. You know, it's independent. And there are some – I would argue that elements, you know, partisanship also can be

identified, when it comes to how media takes positions. Also, I think, in the past the government also tried to gingerly allocate their advertisement budget, tried to discipline media in a very subtle way, which I don't think is very healthy. Also we have the so-called advertisement buyer cartel association, which also poses some kind of subtle threat to the independent media.

But by and large, I would argue that we still have the freest and most vibrant media across East Asia, despite all the – you know, all the problems I just mentioned. So I would argue that, yes, the media still play a very important role in terms of accountability. At least, you know, whenever there are new revelations, the media will immediately know the place to expose a problem and to follow up. So it constantly imposes some kind of constraint on the government and also on the LY.

I will leave the question about the demographic change to my dear colleague Emile. But let me just say briefly – my own survey – well, I should say, survey conducted collectively among all of us shows that actually the younger generation are more open-minded when it comes to the issue of either cross-strait or identity than the older generation is. Actually, it's more polarized. They are also more practical. So I take it actually again as a positive development that gives more flexibility, you know, to resolve a lot of unsettled issues.

DR. SHENG: Thank you. I'll briefly comment on two questions. I think Taiwan is one of the rare places you can see that there are political talk shows from 6:00 to 12:00 – (laughter) – probably about 10 each day. I'm not saying per week. I'm saying every day. So of course, I think the media has to be made partly responsible for the political kind of the confusions and the controversies that we are seeing in Taiwan. But I think if you see how the media works there – I think, first of all, ideology definitely played a part. A lot of these talk shows do not have guests of different opinions. They basically find people with the same ideological position and then start bashing the other side. So if you accidentally flipped to a different station on the same day, you would feel like you are in two different countries because they have, like, absolutely opposite opinions on why things happen and who is responsible.

But I think, in general, I'm optimistic because I think in the early days, the U.S. also had suppressed parties. This is just a natural process. When you start having democracy elections, you see that naturally. I already sensed a lot of signs seeing that a lot of these forces and more ideological confrontation is decreasing. I think that in the near future, we will see the media operating in a more independent way, instead of in a more partisan way. Of course, another thing is the ratings consideration because, as I heard, even in the States, the Fox News has twice the ratings than CNN. So if you present your discussion in a more partisan way, I mean, in Taiwan I think you can see that those shows – the more partisan the shows are, the higher ratings they have. So that might be another commercial consideration.

Secondly, on the generational change, I think – that's another reason I'm optimistic about Taiwan's political future because I really see that the young people think

very differently as the older generation. Let me give an example. There was this focus group in my class where a U.S. scholar was doing a research for six months in Taiwan so I invited her to my class. After she presented her study, we had a focus group discussion. The interesting thing is that – this is the first time, too, I heard my students talk about some political ideologies. Couple that with what I found during public opinion polls. So I have some conclusions, which is that the younger generations have no sentimental feelings toward China. This could go either way. They don't hate China, and they don't, kind of, identify themselves as Chinese. So I think the interesting thing is that, if you look at Taiwanese identification, you'll see that more and more people identify themselves as Taiwanese, instead of Chinese or both. And that's just natural because if you ask an 18-year-old, how can he identify himself as a Chinese. He never has those experiences, but that does not mean that they have negative feelings toward China.

So I see two dimensions developing separately. These younger generations identify themselves as Taiwanese. But if you ask them, given the chance, are you willing to work in China, or are you willing to study in China? They respond positively with a very, very high percentage. So all I'm saying is that, in the future, when you see people cite polls telling you that more and more people identify themselves as Taiwanese, that's an objective number. But how do we interpret that? Does that mean that more and more people are pursuing independence actively? Probably I wouldn't jump to that conclusion because you have this economic dimension and you have this identity dimension. The two dimensions might not go in the same direction. And all I'm saying is that the younger generation has no baggage as the elderly does.

So I was surprised by this student in my class. She said she really disliked China. And then when she turns into domestic politics, and her next sentence is she really dislikes the DPP. So that kind of just hit me because to me, those sentiments don't coexist. For the older generation, they have this whole set ideology. If you don't like China, then you don't like the Kuomintang, then you think three links are bad for Taiwan's economy. So all these things kind of are packaged together. But if you look at the younger generations, to them, these are separate dimensions. They do not identify themselves as Chinese. They think they are predominantly Taiwanese. And maybe some of them don't like China, but when they turn to domestic politics, they can coexist pretty well in their own ideology that they support pan-Blue. And to me, I can't imagine this type of thinking in someone more than 40 years old. But in the younger generation, they are developing a very different and, I think, a very open-minded position in their self-identity. So I'll stop here. Thank you.

DR. BUSH: Thank you. Dr. Hawang?

DR. HAWANG: If you ask people, what talk show are you watching? If you get an answer, you will know his political standing. (Laughter) I think that is the problem – media. I remember during the year 2004 when they had a presidential debate between Lien Chan and Chen Shui-bian, and each TV station did their own surveys. But they just ask, you know, if you think Lien Chan has performed better, and you just push button one. If you think Chen Shui-bian performed better, you push button two – something like

that. You see in different TV stations – for those regarded as Blue media, Lien Chan performed better – a lot better. For those regarded as Green media, and you will see the respondents say Chen Shui-bian performed a lot better. So I mean, that's – there's a lot of ideological difference among the media.

Actually, the media reporters will do a lot regarding the legislative downsizing from 225 to 113, and it's because of the media report on that. Also a lot of people are not satisfied with the Legislative Yuan, so, I mean, those two things come together, so the legislative size was cut down.

You know, the media are more entertaining and event-driven. I am a member of a Taipei Society, and we are doing something to criticize the government, the media will report. But if we are pushing for legislative reform, they are not that interested. So we have a problem to get their interest on that, but if we are going to do the legislative reform, we certainly need the media to do the reports.

Regarding the young generation – I agree with both of them that, for the young generation, they avoid ideological confrontation, and they are more practical. So I think in the future, there will be a lot of difference. Thanks.

DR. BUSH: Thank you very much. As they say in the business, you get the democracy you deserve. So I mean, if crusading journalism were salable, as you say, then I think there'd be more of it, I suppose, and that would be very necessary. There are several folks who want questions. I want to take most of them. We have about five minutes, but let's take them all in line. Ma'am, sir, and then we'll take those four.

Q: Question from an academic linguist's point of view to address to Dr. Sheng. You mentioned this self-identification of being Taiwanese. I think this is probably going back to, you know, ages ago – *benshengren* and *waishengren*. You know, that kind of identification. So my question is, is this identification, given traditional identification, asserting itself in current day? You know, it used to be in the past there was no other way to identify yourself except as *benshengren* and *waishengren*. So I don't think that is a recurrent political identification. Thank you.

DR. BUSH: Okay, sir.

Q: Blair King from the National Democratic Institute. Dr. Sheng, I was intrigued by your description of the regional variations in terms of party support, and so I have two related questions about legislative districting in Taiwan. First, just a factual question: what are the current rules on how they draw districts? Second, looking to the future, do you see this scenario as being at all possible or likely – that is, sort of a backroom deal between the DPP and the KMT in which they agree to redraw districts in a way perhaps along the lines of American districts such that it provides greater guarantees for KMT support in the south and DPP support in the center and north? This is based first of all on an assumption that there are pockets of support they can be based on, and so is that a correct assumption? Second, would this even be allowed under the rules?

Q: James Tang, Brookings. My question concerns the notion about democratic consolidation in terms of the discourse of whether the current discussions about constitutional reform and electoral changes and all that actually address that sort of dimension, or is it really something being driven more by political consideration and competition? Related to that is these sort of rationality of the irrational – seemingly irrational – behavior of the TSU and the DPP as far as electoral reform is concerned. These are all, as you've said, seasoned politicians. So what is the wider context of that? And my impression after listening to the presentations is that the current discussions and direction on many of these changes seems to be addressing, if not – if we try to rise above the realpolitik of the electoral positioning more towards effective governance rather than representation – a wider representation in terms of the sort of electoral reform that people seem to be supporting – is that sort of the main theme as far as the discussions about democratic consolidation is concerned? Thank you.

Q: Mike Fonte again, the Washington liaison for the DPP. Dr. Sheng, perhaps I misunderstood you, but from your presentation it would seem that you do not accept the legitimacy of President Chen's presidency. By saying that you accept – you're not sure whether the Blue's accusation that the two bullets were a manufactured incident – and, you know, that's a pretty serious question and of course it has roiled all the political waters for the last two years now. And I think – you know, we go on about whether the CEC is objective or not, nonpartisan, whether the mobilization of the referendum really brought both sides out because of the way it was operating. I mean, there are many questions, but I really would like to hear you on that particular issue because I think whatever you think about the recantation by the Chen family of the police report, the second part of whether this was a manufactured incident is a very important issue, I believe.

Q: Thank you. Alan Romberg, the Henry Stimson Center. I want to try to draw Chu Yun-han out a little bit on the final point he was making about needing to keep an eye on what was going to happen in terms of constitutional revision. It seems to me that it was very clear when President Chen first proposed a new constitution to be approved by referendum in the fall of 2003 he meant a brand-new constitution – get out a blank piece of paper and start writing and have some kind of referendum process that was not what is currently in the constitution. And that's pretty evident when he said the reason he wanted to do this is because you would never pass any amendments through the LY. Now I think he uses the same language for political effect, but he is, as you pointed out, committed in various ways and on various occasions to following the constitutional procedure.

It seems to me that while it is, potentially in his eyes, to his political benefit to have all sorts of issues raised in this bottom-up, outside-in process so that some of the more fundamentalist issues get out there and stir up his supporters at the DPP, that if he really played with an extra constitutional process he would – first he'd precipitate a crisis with the PRC and with the United States. With the PRC I don't see how you can write a new constitution – a new one, writing into it all of the theoretical links to the mainland.

The best you can do is to leave them alone. But I can't see anybody in Taiwan writing a new constitution which would incorporate – or very few people anyway – would incorporate those links.

So it seems to me that he is counting on the complication of the constitutional process to allow all of these issues to be raised to the political advantage of the DPP, but then be able to rest assured that there would be no crisis. So I wondered if you would comment on that.

MR. MITCHELL: Okay, we've run past our time, but I would ask the indulgence of my co-chair and also the folks out here. We do have lunch ready, but if we could wait another 15 minutes to give folks – it will be five minutes each to take on these I think five different issues – or five or six different issues – and then we can wrap up. But with that let's go right in order.

Dr. Chu.

DR. CHU: Well, let me start with Alan's question. If I understand your question and comment correctly, I think you basically answered your own question already. (Laughs.) I tend to agree with you, so I think that's probably the only word you need from my side.

President Chen, he actually, two years ago, as a symbolic gesture he set up a new constitution office within the presidential office. Even though there is no statute that authorized him to do that, he put it up as an advisory body. If you look at people at that time who were invited to join that office, they are the people who, as I mentioned in my presentation, advocate more very vigorously about this democratic first principle: that you don't have to abide by the existing procedure, you can always invoke the democratic first principle by going to the citizens for approval. But I don't know whether that really gives you a clear hint. You can interpret that yourself.

Let me address James Tang's question about how we reconcile our mundane analysis about the existing political situation with the abstract concept of consolidation. Well, I think there are different approaches to a serious democratic consolidation. Again, the Minimalist – if I may use the word – was simply saying, now, if the current democratic system is not under any stress of being toppled or replaced by a non-democratic alternative, then it will stay on for a long time; it's safe, right? So you don't have to worry about the collapse or backsliding. If you use the bare minimum criteria, then you can definitely certify, I think, Taiwan's new democracy is probably consolidated in a sense. But I think more and more people, you know, are not very happy with that Minimalist definition and I think they want to broaden the concept. They especially think, you know, eventually you need a very extensively base value and belief among both elite and the general public believing the "preferability" of a democratic system, believing in its organizing principles: equality, responsibility and things like that.

If you use that measure I would say we still have – I shouldn't say we have a long way to go but I do think we are not quite there yet. I think all the episodes that we witnessed over the last few years didn't help much to strengthen that belief.

I think I will stop right here.

DR. SHENG: There are three questions for me. Number one is about the Taiwanese identity. I think this is a quite complicated question because even scholars, they – there are scholars coming on and question the format of this question because your choices must be exclusive in a questionnaire. So are Taiwanese and Chinese really exclusive concepts? This goes back to the question of what does it mean? I often hear people telling me, what does this question mean when I say I'm a Chinese? Is this *zhongguoren*? Does it mean that I'm a citizen of PRC or does it mean I'm an ethnic Chinese?

I remember when we discussed this in our class. The students will ask the professor to first clarify what she means by – when you ask me if I'm a Chinese or not. So obviously when people answer this question, I think maybe they're answering different questions. But if you compare the answers across time, I think it's still meaningful because it reflects the political context that was changing. So I really can't tell you what it means when the numbers identify themselves as Taiwanese went up over time, but I think it probably reflects the political climate and the context of politics, how it's changing.

The second question is about the LY redistricting. I think the procedure is like this: I think the county election committees are now drawing the districts' proposals, so it's done in 23 different counties. Once they pass their county-level electoral committee, they will submit their proposals to the central election committee, and the central election committee will have a final say on the final proposal. So far I have had the chance to attend two of the public hearings that was held – actually the two most complicated counties because where the numbers are large the more possibilities to draw. I attended Taipei County and Taoyuan County, which incidentally are the two largest counties.

Originally I thought, it's going to be a political fight, drawing this, but to my surprise actually legislators from all parties showed up, and basically there is actually a fair proposal that most people would agree on. So it seems like right now, at least at the county level, I don't see a lot of controversies going on.

For other counties it's relatively simple. If all counties have only one legislator, you don't have to draw it, but even if counties with two or three – like for two you either draw it north-south or east-west because the law says each region, they have to be adjacent to each other. You can really gerrymander the thing. So I think that the rule is pretty fair so far.

So I think the county level does not have a big problem. I don't know if it's going to – if other controversies will arise when it goes to the central level, but so far I think the

first stage – from the ones that I attended and also from the ones I heard, there is really less controversies than we would expect.

And the third question is on the legitimacy of the president. I think really – first of all, I think what I think is not important. The court has decided, I think for democracy – to me personally I think that 2004, the most amazing thing for Taiwanese democracy is that although there is this controversy after the election, basically people kind of took what the court decided. So it doesn't matter what you think, but President Chen is still the president, and he's going to be the president until 2008. So I respect the legal ruling of the court.

But as to the gun shooting incident, I think what I just presented is really saying that. I'm not sure what really happened that day. So, so far I think both sides – the accusation of both sides didn't really produce enough evidence to sustain the accusations. So I really had the chance to read the report just last week because, I have to be honest, I wasn't really that interested in these accusations in the past. But last week on the television program I host, we talked about this topic, so I actually did read the report filed by the police, and honestly I really don't think they did a good job in presenting the case. But on the other hand, if you want me to believe that the president staged the whole incident and after two years there is no leak, that's also hard to believe.

So what I'm saying is that these two scenarios are both very difficult for people to believe in, so that's why I said earlier that I really don't know what happened, what is the truth that day. But for me that's probably secondary to – because the incident already filed two contests in court to file for invalid election and invalid result, and they lost on both counts. So I think following the legal procedure – I think I respect the legal procedure. So President Chen is – I think, to me, his legitimacy is no doubt – I have no doubt that – I've been doubting his legitimacy but I'm just expressing, I really don't know what happened, the story behind the gun shooting incident.

MR. MITCHELL: All right, I think our cold sandwiches are getting cold – (laughter) – but we've had a very rich discussion. I want to thank our three presenters here this morning. Please join me in thanking them. (Applause)

We'll take a break.

(End of panel)