MANAGEMENT OF INCONGRUENCE IN SEMI-PRESIDENTIALISM: TAIWAN AND BEYOND

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Abstract

Semi-presidentialism is prone to built-in friction that is not present in either parliamentarism or presidentialism. Its Achilles heel is incongruence. It is the need to manage incongruence that semi-presidentialism develops into different sub-types, and adopts electoral reform to bring the system back to congruence. This paper begins with a typology of the subtypes, followed by a discussion of direct and indirect presidential control of government (DPC and IPC). It then looks into Taiwan’s experience with semi-presidentialism since 2007, and its shifts between the phases of congruence and incongruence. Its existing mode of presidential supremacy and the possible alternative of compromise are analyzed and compared. Finally, the electoral reforms that act to minimize incongruence is discussed as a strategy to manage the inherent problem of semi-presidentialism.

Management of Incongruence in Semi-presidentialism: Taiwan and Beyond

Semi-presidentialism has become a popular constitutional choice of nascent democracies since the early 1990’s. Taiwan (Republic of China) adopted the system in 1997 by making the amendments that grant the Legislative Yuan (the parliament) the power to vote no-confidence on the government. With a popularly elected president already installed in 1994, Taiwan fulfilled the requirements of semi-presidentialism by 1997 and joined this constitutional club of more than fifty countries. However, as there is a wide range of operational possibilities that semi-presidentialism demonstrates in different countries that adopted it, one could not be sure of what subtype of the system Taiwan would end up having. Some subtypes of semi-presidentialism witness balance of power tilting to the president’s side, some see power falling into the hands of the parliament, while still others observe a tug of war between the president and the parliament with the balance in flux. A semi-presidential country is forced to choose a subtype when it faces incongruence, i.e. when the presidential party fails to control the parliament, and the inherent tension in the system erupts. It turned out that when Taiwan was faced with incongruence in 2000-2008, the president prevailed over the parliament (Legislative Yuan, LY). One would be curious to know the causes of this choice, and whether it would reappear when incongruence arises in the future.

Incongruence is the Achilles heel of semi-presidentialism. It exposes the built-in vulnerability of the system and pits the president against the parliament over who should compose and control the cabinet. This inherent tension is not revealed under

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1 Here we adopt Robert Elgie’s definition of semi-presidentialism that removes “considerable powers of the president” from Maurice Duverger’s famous three conditions that he uses to define the term. For the definition of semi-presidentialism, see Duverger (1980), Vesser (1997), Bahro, et al. (1998), Elgie (1999a, 1999b, 2007b), Elgie and Moestrup (2007a), Elgie and Moestrup (2008).

2 The huge variation among semi-presidential countries and the uncertainty about the actual center of power prompted the production of a most recent volume in semi-presidential studies with the telling title of Where is power? Semi-presidentialism in multiple perspectives (Shen and Wu, 2012).

3 Incongruence is different from cohabitation which suggests a president is forced to share power with a prime minister coming from an opposing political party. Incongruence does not necessarily lead to cohabitation: the president may be able to impose his choice of the prime minister on an unwilling parliament.

4 As semi-presidentialism is defined in terms of direct presidential election and cabinet responsibility to the parliament, dual accountability is always possible. One can characterize the system as a parliamentary frame coupled with a popularly-elected, and thus legitimately powerful president. There is thus inherent tension between the president and the parliament over control of the government.
congruence. It is much easier to manage differences between the president and the parliament (and the prime minister) under the roof of the same political party than if the major actors are from opposing camps. When faced with incongruence, a whole range of possibilities are open to the system, with the result hinging on the balance of power between the president and the parliament. It may operate like a parliamentary system, or a presidential system, or something in between. One would not be able to know \textit{a priori} which institution, the president or the parliament, is more powerful until the system is tested by incongruence.\textsuperscript{5} It is the particular way in which a semi-presidential country manages incongruence that reveals the true nature of the system.

Typically a semi-presidential system would shift between congruence and incongruence as determined by electoral outcomes. It may stick to the same mode of operation, i.e. the same pro-president, pro-parliament, or balanced solution, whenever incongruence occurs. This would make the adopted subtype of semi-presidentialism discernable. However, incongruence is always unpleasant, and the mode of management often unsatisfactory, particularly those involving significant power sharing. There is a natural tendency for a semi-presidential country to either “presidentialize” or “parliamentarize” its system, i.e. to tilt towards either the presidential or the parliamentary end so as to reduce uncertainty. However, as even this may not be satisfactory, a semi-presidential country may opt for a change of its electoral system or election schedule so as to minimize the chances of incongruence. France leads in this development, and Taiwan follows suit.

This paper aims at delineating the development of the semi-presidential system in Taiwan and explores into its possible turns into the future. It begins with a discussion of the subtypes in terms of the president’s role in cabinet formation. It then analyzes the system through the prism of direct and indirect presidential control of government (DPC and IPC) and uses that framework to compare Taiwan with other

\textsuperscript{5} Under incongruence, the presidential track and the parliamentary track vie for dominance, and the result is uncertain, hence semi-presidentialism may be characterized as an “uncertain two-track constitutional system” (Wu 2011, 2).
semi-presidential systems. Towards the end of the paper, we will discuss the strategies taken by Taiwan and other semi-presidential countries to manage incongruence.

The subtypes

Incongruence forces semi-presidential systems to adopt subtypes. But how are subtypes defined? Semi-presidentialism is a parliamentary system coupled with a popularly elected president. The government is responsible to the parliament, like in a parliamentary system, while the president may or may not wield considerable power, for his direct election does not automatically grant him great authority. As such, the critical variable that differentiates operational modes in semi-presidentialism is the role that the president plays in the system. How the president would act in relation to the parliament and the premier is the core issue that defines a particular semi-presidential system.

Whether a president is powerful under semi-presidentialism is determined by his control of the government, which in turn is determined primarily by whether he can appoint/dismiss the cabinet unilaterally. This is the case because by definition the parliament in a semi-presidential system can remove the cabinet, and so hold the premier and his colleagues responsible. On many occasions the parliament can also determine the prime minister and the composition of his cabinet. Only when the president is also equipped with such appointment/dismissal power can he vie for control over the government with the parliament. In this paper, we would concentrate on the president’s appointing power as the most important indicator of the sub-system of semi-presidentialism in which the country finds itself. We also

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6 In this regard, a most popular classification scheme in the study of semi-presidentialism is offered by Shugart and Carey in which two subtypes of the system are identified. President-parliamentarism gives the president power to unilaterally dismiss the prime minister, while in a premier-presidential system the president does not have such power. The Shugart-Carey dichotomy has facilitated researches to explore into the impact of the level of presidential powers on democratic survival and performance in semi-presidential countries. The major problem with such approach is that it concentrates on constitutional stipulations and thus fails to grasp the operational reality. Obviously legal norms do not determine system performance directly. It is the behaviors of political actors who operate in the constitutional system and may or may not be bound by it that determine system performance. The other major problem of the Shugart-Carey dichotomy is its focus on the dismissing power of the president, to the neglect of the more important appointing power. It is often the case that a constitution would stipulate clearly how the prime minister would be appointed, but the same document does not necessarily specify how he could be removed, as is the case of the Republic of China Constitution with its Additional Articles. Furthermore, the appointing power may imply the dismissing power, but not vice versa. For the literature on the relation between subtype and democratic survival/performance using the Shugart-Carey dichotomy, see Shugart and Carey (1992), Shugart (2005), Protsyk (2006), Kirschke (2007), Moestrup (2007, 2008), Elgie (2007a, 2007b, 2008), Elgie and Moestrup (2007a, 2007b), Tsai (2009). For a discussion of the shortcomings of the Shugart-Carey typology, see Wu (2011, 21-22).
concentrate on the behaviors of the president, i.e. whether he really exercises power to determine the composition of the cabinet, instead of the mere constitutional stipulations.\textsuperscript{7} The president may play four roles as far as his appointing power is concerned. He may be a \textit{broker}, a \textit{partner}, an \textit{imposer}, or a \textit{commander}. These four roles correspond to the four subtypes of semi-presidentialism.\textsuperscript{8} A \textit{broker} president acts like his counterpart in a parliamentary system. He yields to party leaders in forming government under both congruence and incongruence. The corresponding subtype is \textit{quasi-parliamentarism}. A \textit{partner} president actively participates in cabinet formation, but not beyond what a parliamentary party leader would do. As a result, he may either command the government when his party holds majority in the parliament, or watch his power migrate to the prime minister who leads an opposing majority in the parliament. This subtype is \textit{alternation}. An \textit{imposer} president appoints his favorite prime minister and form government under congruence, and imposes his authority on the cabinet only in areas specified by the constitution under incongruence. His constitutional authority makes him always a vital participant in cabinet formation. This is \textit{compromise}. Finally a \textit{commander} president dominates the cabinet as in a presidential system. He acts in this way whether his party holds majority in the parliament or not. Here we find a system of \textit{presidential supremacy}. In short, the president in a semi-presidential system can play broker, partner, imposer, or commander. The subtypes that correspond to the four presidential roles are \textit{quasi-parliamentarism} (QP), \textit{alternation} (ALT), \textit{compromise} (COM), and \textit{presidential supremacy} (PS).\textsuperscript{9}

\textsuperscript{7} For an initial attempt to use the behavioral patterns in the study of democratic breakdown in the semi-presidential world, see Wu (2009a).


\textsuperscript{9} The typology used here is behavioral and thus different from the Shugart-Carey dichotomy, which is legalistic. It is also different from those typologies that define different phases of a system as separate subtypes. A most prominent example of which in the study of semi-presidentialism is offered by Cindy Skach, who differentiates SP into “three qualitatively different, \textit{electorally generated}, subtypes (italics original)” of \textit{consolidated majority}, \textit{divided majority}, and \textit{divided minority}. She then calculates the years of republic in each subtype for the French Fifth Republic and the Weimar Republic (Skach 2005, 120-121). This scheme, and those that elaborate on it, such as the one developed by Shen Yu-chung (2004), treat a country’s semi-presidential system as a combination of phases of different subtypes, so that it would be difficult to talk about a French system or a Russian system, for example. Each country system is understood as a collection or sequence of subtypes, making it difficult to grasp the essence of the system. The typology here seeks to characterize a country’s semi-presidential system with a realistic grasp of its operating principle that governs different electorally generated stages. Only this way can semi-presidential systems in different countries be clearly characterized and effectively compared.
The relation between the president and the premier is determined by the subtype. Under PS, the premier is the chief lieutenant of the president. Under QP, the premier wields ultimate power while the president serves as power broker during cabinet formation. Under ALT, the president either dominates the premier when the presidential party controls the parliament, or succumbs to the premier’s leadership when the latter leads an opposing majority party in the parliament. Under COM, the president either dominates the premier as under ALT (congruence), or shares power with him (incongruence). The relation between the president and the premier is a direct function of the particular subtype in which they find themselves.

How the four subtypes of semi-presidentialism distribute in the world? Robert Elgie (2011) finds 56 countries that have adopted semi-presidential constitutions in the contemporary world. Among the 56, we find 42 to be democratic, excluding those that are utterly undemocratic.⁹ Those semi-presidential democracies readily coalesce into three groups: established democracies (a total of six in Western Europe and

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⁹ A minimal standard is used to exclude only those countries that are utterly undemocratic. We put into the “non-democratic” category those countries that are ranked as “not free” in the Freedom Rating, and given a score of less than 6 in Polity IV consistently (Wu 2011, 5).
Scandinavia), post-Leninist countries (mostly in Eurasia, totaling 15), and post-colonial countries (a total of 21 primarily in Africa, but also scattered in Asia, mainly Francophone and Lusophone). Originally entrenched in Western Europe, semi-presidentialism rapidly expanded into the post-Leninist countries in Eurasia, and into the post-colonial world in the 1990’s, riding the third wave of democratization. Given that West European countries have the strongest parliamentary tradition, it is only natural that the subtype emerging there would heavily tilt toward QP, and with some ALT and COM. Post-colonials are the other extreme. The weakest parliamentary tradition there suggests a heavy tilt toward PS, with minor cases of ALT, COM and QP. Finally post-Leninists have a medium position, and find their East European wing tilts towards QP, ALT, and COM while the post-Soviet wing tilts towards PS.

Direct and indirect presidential control

Before shifting to the case of Taiwan, we need to explore a bit into the mechanism that determines the presidential role and subtype in a semi-presidential system. The literature on semi-presidentialism heavily tilts towards its performance, or the downstream study. The research on how a semi-presidential system actually functions and the reasons behind it is woefully inadequate. The large-N statistical analysis that correlates legal stipulations in the constitution (such as Shugart-Carey dichotomy) and system performance (such as democratic survival or cabinet stability)

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11 They are Austria, Iceland, Ireland, Portugal, France and Finland.

12 In Eastern Europe we find Bulgaria, Slovakia, Slovenia, Croatia, Macedonia, Poland, and Romania. Among the post-Soviet republics are Armenia, Georgia, Kyrgyzstan, Russia, Ukraine, and Lithuania. Finally in Asia there are Taiwan and Mongolia.

13 In the post-colonial cohort three subgroups can be found: Francophone, Lusophone, and others (mainly Anglophone). Among the Francophones are Burkina Faso, Central African Republic, Gabon, Madagascar, Mali, Mauritania, Niger, Senegal, Togo, and Haiti. Among the Lusophones are Cape Verde, East Timor, Sao Tome and Principe, Guinea-Bissau, and Mozambique. Finally in the others (Anglophone) category we find Peru, Singapore, Sri Lanka, Namibia, Tanzania and Yemen.

14 The distribution of subtypes can be measured by the Presidential Authority Score (PAS). The PAS is the 1-4 score we assign to QP, ALT, COM, and PS to quantify the presidential power in cabinet formation in the four subtypes. We find that for West European democracies, the average PAS is 1.5, suggesting rather weak presidential power in cabinet formation. The post-Leninists have an average PAS of 2.6, with the East Europeans standing at 1.7, the post-Soviets at 3.5, and the Asians at 3. This is a significant increase of presidential authority compared with West European democracies. Finally, the post-colonials have an average PAS of 3.4, with the Francophone countries standing at 4, the Lusophone countries at 2.6, and others (mostly Anglophone) at 3. Finally, the overall average PAS of the 42 semi-presidential democracies is 2.8. In short, the post-colonials have an average PAS that is higher than that of the post-Leninists, which in turn is higher than that of the West Europeans. Among the post-Leninists, the post-Soviet presidents are more powerful than their counterpart in Eastern Europe, while among the post-colonials, the Francophone presidents wield greater power than the Lusophone ones. Taken as a whole, the empirical data convince us that the further away a semi-presidential country is from Western Europe, the core of parliamentarism, the more powerful is its president in forming cabinet and so the higher is the country’s Presidential Authority Score.
that is prevalent in the literature misses the core issue of where the power is actually distributed in a semi-presidential system, and how that power distribution is determined (Wu 2011). In the following we would address these two critical issues.

Since the default mode of semi-presidentialism is parliamentarism, we would concentrate on how a president in this type of system could exercise power over government as the key variable that defines the subtypes. Two modes of presidential control over government can be identified: direct and indirect. The direct presidential control (DPC) is exercised through the president’s constitutional power to appoint/dismiss the prime minister and cabinet. Such power may be clearly stipulated in a written constitution or built on constitutional practices. Societal factors and political culture also come into play in this regard. In countries where there is a long historical tradition of presidential supremacy, popular perception of the prime minister may simply be a chief lieutenant serving the president. With the president directly elected, it is only natural that people would consider him the ultimate ruler of the country, and hold him responsible for the performance of the government. Direct presidential control of the government is thus not only legitimate, but desirable and necessary. In short, direct presidential control of the prime minister and cabinet is based on constitutional power and popular perception. It has little to do with the president’s role in party politics or in the parliament.

Indirect presidential control over government (IPC) hinges on whether the president can control the parliament, and via parliament over the government. As such the indirect control denotes a route that has two legs. It is a detour. As the second leg, i.e. parliamentary control over government, is an integral part of a semi-presidential system, we need only to concentrate on the first leg, i.e. presidential control over parliament. Here one can find three factors, the accumulative and combined effect of which determines the degree of presidential control of parliament. The factors are presidential control over party (whether the president is party leader), party control over coalition (if such coalition exits), and party/coalition control over parliament (majority, one among multi parties/coalitions, or minority player). Naturally if the president controls his party, and his party forms majority in the parliament, then the president is in a most powerful position. He can dictate to the prime minister who is held responsible to a parliament that has fallen into the hands of the president. The other extreme case on the opposite side is when the president is not the leader of his

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15 A similar analytical framework is offered by Olivier Duhamel and discussed by Pei-Chih Hao in which the president’s position in the party, the role of the presidential party in a coalition, and the balance of power between the presidential party/coalition and the opposition in the parliament are critical variables (Hao 2012, 176).
own party, his party is a weak player in a coalition, and that coalition only forms a minority in the parliament. That way the president is in no position to determine the prime minister and cabinet members and hold them responsible to him. The president’s indirect control over government would be minimum or non-existent.

We can calculate the president’s indirect control over government, or IPC. Let PP be presidential control over his party, PC be party control over coalition, and CA be coalition control over parliament, with all three indicators ranging between 0 and 1, then IPC would equal PP*PC*CA, and also range between 0 and 1. When the president is the paramount leader in his party, when his party completely dominates the coalition (or not in any party coalition at all), and when the presidential party/coalition forms a majority in the parliament, then IPC is 1. On the contrary, when any of the three indicators is 0, then IPC is 0. Hence we know when a president is not the leader in the party (his election has more to do with his seniority and the symbolism, domestic and/or international, that he represents), the presidential party is not in any influential position in the coalition, or the coalition is a minority player in the parliament (there is a opposing majority party/coalition), then the president wields no indirect presidential control over government at all.

Now we know that total presidential control over the government, or TPC, is composed of DPC and IPC, and IPC = PP*PC*CA. This is shown in figure 1. A semi-presidential system would be in equilibrium when DPC and IPC agree, i.e. if the president is strong in both direct and indirect control over the government, or if he is weak on both accounts. For the former one can imagine a president has full appointment/dismissal power over the government and enjoys popular mandate to rule. He is also the leader of his own party which hold majority in the parliament. Institutional, party/electoral, and cultural factors converge to make him a powerful president in the system. The other extreme case is when the president has only titular power over appointment/dismissal of prime minister and cabinet, and the society has a strong parliamentary tradition which does not recognize the president’s role as head of government. This is coupled with the president’s weak position in his own party, the junior role played by the presidential party in a coalition, and a minority position for that coalition. No president can exercise any influence over government under those circumstances. Both very strong and very weak presidents are easy to predict. However, mixed cases are less conducive to extrapolation of this sort.
Figure 1  Direct and Indirect Presidential Control over Government

Indirect presidential control over government: presidential control over party, party control over coalition, coalition control over parliament

Direct presidential control over government: institution and culture

System inherent: parliamentary control over government

President

Parliament

PM & Cabinet
Mixed cases can be found when the different components in either DPC or IPC disagree, or when the thrust of DPC and IPC collides. Relatively easy to solve is when the various components in IPC disagree. Because $\text{IPC} = \text{PP} \times \text{PC} \times \text{CA}$, disagreement among the three indicators would nevertheless yield a single result. Thus for example no matter how strong the president’s role is in his own party, as long as that party or the coalition it joins plays a minority role in the parliament, then the president simply cannot control the parliament. Internal disagreement in DPC is more difficult to solve. One can imagine an institutionally strong president finding himself in a culturally weak position, as in the case of West European semi-presidential democracies such as Iceland and Austria, or an institutionally weak president in a culturally strong position, as in many of the Francophone semi-presidential countries in Africa that follow the French model (i.e., ALT). Either way the president faces a dilemma. If a culturally-weak-cum-institutionally-strong president follows the cultural impetus and constrains himself despite great institutional powers, one can expect stability, as we see in Western Europe (Iceland, Austria). However, it is more difficult for a culturally strong president to accept an institutional straightjacket, and constrain his ambitions, for such are the expectations of his own and of the society at large. When he does claim control over the government, there will be resistance from the parliament. The disturbances following the adoption of ALT constitutions in some Francophone countries vividly remind us of the prominent institution-cultural gap there and its consequences.  

By far the most frequent disagreement among the components of presidential control over government is found between DPC and IPC, and it is the system’s response to this disagreement that differentiates between the subtypes. This is shown in figure 2. When the presidential party/coalition does not hold majority in the parliament, the president fails to control that body ($\text{CA} = 0$, $\text{IPC} = \text{PP} \times \text{PC} \times \text{CA} = 0$). In figure 2 we use the dotted blue line to show the incongruent relation between the president and the parliament. This means the president could not exert control over the government via party politics. He is then left only with direct control (DPC). If he either has great institutional power, or prestige as bestowed by political culture and  

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16 From 1990 to 2005, among the 12 African countries that experienced a politically divided executive, 10 cases (83 percent) subsequently suffered a coup d’état (Kirschke 2007, 1373). Prominent cases include Niger, Burundi, and Congo Brazzaville. In Burundi, the 1994 accords granted the position of prime minister to the major opposition party. In Niger and Congo Brazzaville defections from the presidential coalition shifted the balance in the parliament and made it possible for the opposition to gain control over the position of prime minister. After the bitter experience of cohabitation and power sharing, the governments of President Mahamane Ousmane in Niger and of President Sylvestre Ntibantunganya in Burundi were toppled by military coups. One year later, President Pacal Lissouba in Congo Brazzaville was overthrown by the former president with the help of Angolan troops.
tradition, or both, then there is a temptation for him to exert control over the
government, as he is likely to do under congruence, starting with the appointment of
the prime minister and cabinet. If he demands total control, and the parliament yields,
then we have presidential supremacy as existing in many post-Leninist and
post-colonial countries. If he demands partial control, typically in areas of national
security, and the parliament agrees, then we have compromise. If despite institutional
powers, the president finds himself culturally and/or institutionally bound, and cannot
but respect parliamentary control over the government, then he may yield to the
parliament. If the president is the leader of his party (PP = 1), then this action is
alternation, for when the president- parliamentary relation becomes congruent in the
future, power would revert to the president’s hands. If the president is not the leader of
his party, and he yields to the parliament, then this is quasi-parliamentarism. In short,
incongruence (CA = 0) puts DPC to the test by pitting the president against an
opposing parliament. In figure 2 this is shown in the competition between the
president (blue ray) and the parliament (red ray) over the control of the government,
with likely conflict (the yellow blast). The resultant subtype shows the relative
strength of presidential power vis-à-vis parliamentary power in forming and
controlling the government.
Figure 2  DPC and IPC in Disagreement

- **Direct presidential control** over government: presidential control over party, party control over coalition, coalition control over parliament
- **Indirect presidential control** over government: presidential control over party, party control over coalition, coalition control over parliament

**System inherent:** parliamentary control over government

**IPC = 0**
Every semi-presidential system has to be tested with incongruence to reveal its true nature. An untested semi-presidential system is one that always gives the presidential party majority in the parliament, hence perpetuating congruence. Under these circumstances, one can only be certain about whether the system is QP, but would not know how it would behave under incongruence. Very much like the French Fifth Republic before 1986, or the ROC prior to 2000, one may guess, but would never be certain, about the mode of operation of the system once incongruence occurs. At the bottom of this is the strength of the president’s direct control over the government has not been pitted against an opposing parliamentary majority who enjoys built-in control of the government. Only under incongruence can the president’s IPC be removed, and the duel between the president (endowed only with DPC) and the parliament commenced, with the result of which determining the operational mode of the system, the subtype in which the semi-presidential country finds itself.

It is in this light that we begin our analysis into the development of Taiwan’s semi-presidential system. At the beginning, Taiwan had an untested system, for semi-presidentialism was adopted with the Kuomintang (KMT) controlling both the presidency (Lee Teng-hui) and the Legislative Yuan (parliament), i.e. with president-parliamentary congruence. The KMT president could wield both DPC and IPC. The test came when Chen Shui-bian was elected president in 2000, with the LY still under the KMT’s control. This is when the ROC president lost his indirect control over the government, and had to rely completely on his direct powers. As it turned out, the institutional and cultural factors favor a PS solution to the constitutional crisis, and Chen repeatedly appointed DPP politicians his prime ministers, with the only exception of Tang Fei, a leftover from the outgoing KMT cabinet who served as a transitional figure. Taiwan unmistakably took presidential supremacy as its subtype when the test came. However, whether it would remain on this route remains to be seen.

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17 If under congruence, the president still yields to the parliament in forming government, then the president is acting as a broker, and the subtype can only be QP (see table 1), for under any other operational mode the president would dominate cabinet formation under congruence.
Taiwan: from congruence to incongruence and back

Taiwan’s basic government structure was laid out in the 1947 Constitution of the Republic of China promulgated on the Chinese mainland. After the defeat of the ROC government by the communists in 1949, the Kuomintang government fled to Taiwan and reestablished a state structure on the island. Although the Constitution’s legitimacy has been repeatedly challenged by the pro-independence political forces, it is still in force, making Taiwan one of the very few nascent democracies that have kept its pre-transition constitution. The 1947 Constitution established a parliamentary system with a strengthened position for the government vis-à-vis the parliament (Legislative Yuan). Its most important impact was the creation of the position of prime minister (President of the Executive Yuan) who led a government that was responsible to the parliament. This cardinal principle has never been altered.

Taiwan was not a semi-presidential country for two reasons: the Constitution did not provide for direct presidential election and did not hold the premier and his cabinet fully responsible to the parliament, and the country was frozen in a presidential dictatorship under the Temporary Provisions Effective during the Period of Communist Rebellion (Dongyuan kanluan shiqi linshi tiaokuan). In 1991, Taiwan responded to the global trend of democratization by annulling the Temporary Provisions. The 1947 system was formally restored and the extraordinary presidential

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18 Among the post-Leninist countries, Taiwan and Hungary are the only two that kept its pre-transition constitution in force long after democratization. Hungary adopted a new constitution in April 2011 that went into effect on January 1, 2012. This makes Taiwan (the Republic of China) the only post-Leninist country that has still kept its pre-transition constitution. The most important reason of course is the 1947 ROC Constitution adheres to democratic principles and went into effect before the advent of the KMT’s party-state rule. For a comparison between Taiwan and European post-Leninist countries in their constitutional engineering during and after democratic transition, see Wu (2006b).

19 Under the 1947 Constitution, the president of the Republic of China was elected by the National Assembly and not by a popular vote. The president can nominate the prime minister to the parliament, but cannot directly appoint him. Appointment is possible only after parliamentary confirmation. There was no stipulation about the dismissal of the premier by the president. The way in which the premier was accountable to the parliament showed signs of the framers’ intention to strengthen the administration. Parliament could not pass a motion of no-confidence to topple the cabinet. The premier could be forced to resign only when his administration and the parliament disagreed on important government policies, bills or budget, and when his request for the parliament to reconsider its position was turned down by two-thirds majority of the parliament. Even under such circumstances the premier had the option of bowing to the parliament and implementing its resolution. In theory the premier could hold on to his position during his tenure whatever the parliament did. This was obviously an imperfect mechanism of accountability to the parliament.

20 The legacy of the rule of the two Chiangs is a heavy dose of strongman politics and a popular belief that the country should be led by the president who is ultimately responsible for the performance of the government. People in Taiwan are also used to seeing the prime minister acting as the chief lieutenant of the president, which is a natural result of combining the prime minister as head of government (from the Constitution) and the president as the ultimate ruler of the country (from the experience of authoritarian rule).
powers annulled legally. However, no sooner had the Temporary Provisions been confined to history than the KMT president Lee Teng-hui began strengthening the presidency. He did it by directing the KMT’s super majority in the National Assembly to amend the Constitution by passing Additional Articles suffixed to the main text (xianfa zengxiu tiaowen). This was a period of emerging semi-presidentialism. Lee’s first major move was to institute the popular election of the president in 1994. He also restored many presidential powers that the two Chiangs enjoyed during the authoritarian years. In 1996 Lee was reelected by popular vote as the Ninth President of the Republic of China.

In 1997 President Lee made a grand constitutional swap with the DPP, granting the parliament power to vote no-confidence on the prime minister and the cabinet in exchange for the presidential power to appoint prime minister without parliamentary consent. In the past, the president had to co-determine the prime minister with the parliament, while the parliament had no power to remove the prime minister. Now the parliament lost the power to confirm the prime minister, but gained the power to remove him. In one stroke, dual accountability was established. The post-1997 government found itself accountable to both the parliament and the president, the former for the parliament’s vote of no-confidence, and the latter for the president’s power of investiture (and by extension the power of dismissal). In short, through the constitutional amendments in the 1990s, Lee was able to consolidate the president’s position, and turned Taiwan into a semi-presidential system (direct presidential election cum government responsible to parliament).

At Taiwan’s full entry into semi-presidentialism in 1997, it was not noticed that dual accountability was inherent in the new system, and a serious test was forthcoming. This was because there existed a united government and the relationship between the president and the parliament was congruent. After the December 1998 parliamentary elections, the KMT’s majority in the Legislative Yuan was beefed up from 51.8 per cent of seats to 54.7 per cent. President Lee dominated the political scene as the ROC president cum KMT chairman. He wielded both direct and indirect control of the government, as shown vividly by the President’s replacement of Lien Chan with Vincent Siew as prime minister in September 1997. The congruent relation between the president and the parliament hid the vulnerability of the semi-presidential system until the next presidential election altered the political scene. In March 2000, with the KMT camp divided, the DPP’s candidate Chen Shui-bian managed to secure a plurality and won the race. Suddenly Taiwan shifted from united to divided government, and from congruence to incongruence. This is the Achilles heel of
semi-presidentialism. All the inherent contradictions of the system were exposed. Chen was facing a difficult situation. He was a minority president by getting only 39.3 per cent of popular vote. Furthermore, he now faced a parliament wherein his own party held only 28.4 per cent of the seats, compared with the KMT’s 50.7 per cent and the Pan-Blue’s 61.8 per cent. He did not have any control over the parliament, which means IPC was zero. His DPC was bluntly pitted against a Blue-dominated parliament.

What Chen did was not untypical of a semi-presidential president. Unable to appoint a DPP politician to be the prime minister for fear of negative response from the opposition and from abroad, while unwilling to surrender power to the KMT after just winning the presidential election, Chen chose Tang Fei, the defense minister of the outgoing KMT cabinet, to be his first prime minister. This surprise move was not taken after consultation with the KMT. Tang was invited to form a new government as an individual, unrelated to the KMT. However, Tang proved to be simply a transitional figure. Once Chen felt he was in full control of the situation, and when Tang’s policy concerning the Fourth Nuclear Power Plant was in variance with his, Tang was swiftly replaced by a DPP politician, Chang Chun-hsiung, in October 2000. From that time on, Chen changed his prime minister four times. All his choices, from Chang Chun-hsiung (2000-2002), Yu Shyi-kun (2002-05), Frank Hsieh (2005-06), Su Tseng-Chang (2006-07), to again Chang Chun-hsiung (2007-08), were veteran DPP politicians and powerful faction leaders in the ruling party. When Chen insisted on his prerogative in unilaterally appointing the prime minister, the Pan-Blue controlled parliament failed to vote no-confidence on the government. For eight straight years, Taiwan experienced divided minority government. This is a clear indication that Taiwan had developed into the subtype of presidential supremacy. Incongruence put Taiwan’s semi-presidential system to test by pitting the president against an opposing Legislative Yuan. The president prevailed and firmly put the government under his control. It is clear that the president’s DPC based on institutional and cultural factors were stronger than the parliament’s claim on the government.

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21 This was the case not only when the president seemed to have the latest popular mandate while the parliament carried an older, and thus weaker mandate (from May 2000 through January 2002, and from May 2004 through January 2005), but also when the parliament was elected after the president, thus holding a more recent mandate than the president (from February 2002 through April 2004 and from February 2005 through May 2008). Whenever the parliament had a more recent mandate from the people right after parliamentary elections, Chen appointed a new prime minister to replace the old one (Yu Shyi-kun replaced Chang Chun-hsiung after the December 2001 LY elections, and Frank Hsieh replaced Yu Shyi-kun after the December 2004 LY elections). However, what Chen did was to replace a DPP politician with another one, disregarding the fact the DPP was always outnumbered by its Pan-Blue rivals in the parliament. In short, Chen appointed and dismissed prime ministers at his will. The president held the premiers accountable to him.
After eight years of incongruent government, Taiwan was ready for a radical change. In the January 2008 parliamentary elections and the following presidential elections in March the KMT won landslide victories.\textsuperscript{22} What these elections meant for Taiwan’s constitutional system was its reversion to congruency. After eight years of bitter conflict between the president and the parliament, both are now firmly in the hands of the same party.\textsuperscript{23} Before the reversion to congruence, however, there was debate during the electoral campaign on how the system should be operated. The KMT had long advocated that the constitutional structure of Taiwan is a dual-executive system (\textit{shuang shouzhang zhi}), and it was highly critical of the DPP’s disrespect of the majority in the parliament. During the campaign for the parliamentary elections, the KMT presidential candidate Ma Ying-jeou promised that if the Pan-Green were to capture the majority in the LY, and if he was elected president, then he would respect the parliamentary majority and appoint a Pan-Green prime minister, bringing about a “Blue-Green cohabitation” (\textit{lanlü gongzhi}).\textsuperscript{24} This showed that Ma did not insist in holding the prime minister accountable to him if the KMT and its allies failed to capture parliamentary majority. If a DPP prime minister is appointed, it would then be hard for Ma to dismiss him as long as the latter enjoys the support of the parliament. On the surface this would look like the French system during cohabitation, or ALT. However, appointing a Green premier under divided government did not mean Ma would leave the whole cabinet to the discretion of the DPP. As Additional Article 2 to the ROC Constitution stipulates that the president shall determine major policies for national security, Ma interpreted that as

\textsuperscript{22} In the parliamentary elections the KMT routed the DPP 14.8 per cent in popular vote. This gap was further augmented by the new electoral system when it comes to seat distribution in the Legislative Yuan. Whereas in the past Taiwan used the SNTV system that provided a nice match between the vote share and seat share, the new Mixed Member Majoritarian (MMM) system with two thirds of the seats from single member districts and one third from proportional representation (with a 5 per cent threshold), strongly favors the winner. The results devastated the DPP. It captured only 27 seats (23.9 per cent) in the LY, compared with the KMT’s 81 seats (71.7 per cent). The March 2008 presidential election proved no less disastrous for the DPP than the preceding parliamentary elections. Reflecting the popular mood at the time, the KMT’s candidate Ma Ying-jeou defeated his DPP opponent Frank Hsieh by a huge margin of 17 per cent of popular vote.

\textsuperscript{23} Although political observers were quick to point out the latent competition between President Ma Ying-jeou, the KMT Chairman Wu Poh-hsiung, and Legislative Yuan Speaker, Wang Jin-Pyng, the new KMT troika, no one seriously questioned the political dominance of President Ma, whose charisma proved highly instrumental in bringing about the KMT’s grand victories.

\textsuperscript{24} Ma made the promise on June 24, 2007, in his address to the KMT’s 17th National Congress that elected him presidential candidate for the party. Ma pledged that “I will not modify the constitution at will, but will earnestly observe the constitution. I will follow the dual-executive spirit of the constitution and let the majority party or majority coalition to form the government. If the DPP controls majority in the Legislative Yuan, I will appoint a DPP prime minister and realize a Blue-Green cohabitation.” Interestingly enough, Ma’s respect of parliamentary majority in cabinet formation was criticized by his opponent, the DPP presidential candidate Frank Hsieh, who thought such idea would lead to total chaos (\textit{United Daily}, June 25, 2007, A4).
empowering the president to have a say on the personnel of the cabinet members directly related to national security, viz. ministers of defense and foreign affairs and director of mainland affairs council, the cabinet-level agency in charge of cross-Strait relations. This meant a portion of the cabinet would still be responsible to him, even under incongruence. This is clearly a COM solution under hypothetical circumstances. It helps us to look into the constitutional thinking of the KMT.

After Ma was inaugurated, he initially attempted to delegate significant powers to the prime minister, and develop a pattern of division of labor with him. In May 2008 Ma invited Liu Chao-shiuan, a veteran technocrat, to be his prime minister and to form the new KMT government. Ma then worked out with Liu on who should take what position in the cabinet. During the process Ma made it clear that he should determine the ministers of foreign affairs and defense, and the director of the mainland affairs council. Liu had more say on other ministerial positions, primarily in the economic and domestic realms. Ma then carved out the bulk of state affairs for the prime minister to take charge, while constrained himself to security matters. The president thought he should stand on the “second line,” leaving the premier in full control of the government. This brought about an uproar of protest from the people who did not know why they should elect a president who constrained himself and left everything to a prime minister whom none had expected to be in that position when Ma was elected. The constitution-abiding, self-constraining role that Ma imposed on himself was in contradiction with popular expectations of an all-powerful president who could lead the nation through challenges. Since Ma’s inauguration the skyrocketing energy prices, the international financial crisis, and most critically the devastating impact of Typhoon Morakot that struck Taiwan in early August, 2009 all forced Ma to take the lead in directing government actions. He began frequently holding press conferences, delivering speeches, visiting areas struck by natural calamities, and giving interviews to show his leadership in an attempt to restore public

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25 Power sharing under COM has two major forms: presidential ministers and presidential reserved domain. The former is based on the presidential prerogative in filling specific cabinet posts, sometimes through the constitutional provision that requests the president be consulted when such posts are filled. The latter is based on constitutional provision or presidential assertion that the president should determine policy guidelines in specific areas. The former concerns cabinet personnel, the latter concerns policy and its implementation. Even though the two COM forms are often based on constitutional provision, its existence relies more on political practice and tradition. Of course, these two forms of power sharing do not need to be mutually exclusive. What Ma proposed is clearly presidential ministers.

26 One can of course dismiss Ma’s campaign promises as merely tactics aimed at attracting light-Green and middle voters, and thus not worthy of consideration. However, electoral promises do have impact, particularly if incongruence does arise from the election results. Ma’s promises also reflect his understanding that it would be difficult for him to withstand the assault by a Green majority in the LY if he refuses to compromise on cabinet formation.
confidence in the government amidst unprecedented challenges. Ma’s partnership with Liu was finally broken after the government found itself under mounting criticism from both domestic and international media for lack of effective actions in the wake of Typhoon Morakot which left 700 deaths, the worst in Taiwan’s typhoon history. Ma’s popularity plummeted to unprecedented lows. One month after Morakot struck, Ma accepted the resignation from Liu and his cabinet. Wu Den-yih, the KMT’s secretary general, was swiftly appointed by Ma as the new premier. A new government was formed. Among the members in the cabinet, one found Ma’s favorites filling important posts. The erstwhile functional division of power between the president and premier simply disappeared. Ma took the lead in changing the premier and reshuffling the cabinet.\(^27\) In October 2009, Ma further strengthened his position when he resumed the KMT’s party chairmanship that he had relinquished to Wu Poh-hsiung when he got entangled in an embezzlement case in early 2007. Now he became the indisputable leader of the government (replacing the premier) and the ruling KMT (assuming chairmanship).

The way in which Ma was forced to stand on the front line vividly showed how popular expectations limited the choices of political actors under semi-presidentialism. People in Taiwan do not accept a titular head of state. When the president is elected by popular vote, so are his campaign promises, and it takes strong presidency to fulfill those promises. Also, whenever there is anything wrong with the government, the opposition directs their criticism to the president, holding him responsible. The logic of direct presidential election and the lack of parliamentary tradition make Taiwan an unlikely place where one would find the premier and government solely responsible to the parliament. Here we find the strong influence of political culture.

Ma’s first term ended in 2012, and the specter of incongruence again hovered about and haunted Taiwan. It was not unlikely that the ROC’s 13th president would face a Legislative Yuan in which he/she did not have control. How would the candidates respond to this likely scenario? The incumbent President Ma did not repeat what he said in 2007 about “Blue-Green cohabitation,” but the DPP presidential candidate cum chairperson Tsai Ing-wen did address this issue in the last week of the campaign. In a televised debate among presidential candidates, Tsai promised that she would not take all if she won, but would form a “grand coalition government” (da lianhe zhengfu) in the spirit of “consociational democracy” (xieshangshi minzhu). Such design is to seek consensus among citizens on critical and controversial policies.

\(^27\) Highly indicative of Ma’s influence in the cabinet reshuffle of September 2009 was the appointment of Jiang Yi-huah as Interior Minister. Jiang is a close protégé of the president.
such as cross-Strait relations. Tsai nevertheless gave a caveat: “Coalition government is a parliamentary concept, and as we are a presidential system, any application of that concept can only be in its spirit and not literal” (United Daily, January 7, A1). Adding to the concreteness of her proposal, Tsai further suggested that the future premier did not have to be a DPP member. Political observers debated on whether Tsai’s proposal was merely an electoral gimmick, a device to conjure up the possibility of appointing James Soong premier and keep Soong’s voters away from Ma, or a genuine platform that suited Taiwan’s needs.28 Whatever the merit of Tsai’s proposal, the event helped us to look into the constitutional thinking of the DPP.

Compared with Ma’s 2007 proposal on “Blue-Green cohabitation,” Tsai’s “grand coalition government” was not specifically predicated on incongruence, namely the DPP failing to capture majority in the Legislative Yuan. While Ma clearly indicated that he would appoint a Green premier if the DPP captured majority in the parliament, Tsai failed to make likewise promises, contenting herself with the possibility of a non-DPP premier. With all the differences, the thrust of the two proposals point to the same direction: the president has to share power when facing strong parliamentary challenges. As it turned out, the possibility of subtype shift is temporarily removed for Ma beat Tsai in the presidential election held in January 14, and the KMT was able to keep its majority in the concurrent parliamentary elections. The president-parliamentary relation remains congruent.29 However, incongruence remains a likely scenario in the future. Do the pre-election proposals by Ma and Tsai hint at possible changes in constitutional practices that could shift Taiwan away from presidential supremacy towards some mode of power sharing between the president and the parliament should incongruence arise in future’s time?

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28 James Soong is the leader of the People First Party (PFP) and a candidate in the 2012 presidential election. Even though widely considered as no match for Ma or Tsai, his performance might nevertheless determine the ultimate outcome of the race, depending on whether he took more votes from Ma’s Blue camp or from Tsai’s Green camp. As Soong was originally a KMT stalwart, the DPP calculated that the stronger his showing, the better chance Tsai would have in defeating Ma, hence the speculation that Tsai’s eleventh-hour proposal was aimed at Soong’s supporters.

29 Ma won by a margin of 6 percent, considerably narrower than the margin he enjoyed four years ago when he defeated Frank Hsieh, but still quite solid. In the parliamentary elections, the KMT captured 64 seats, or 56.6 percent, compared with the DPP’s 40 seats, or 35.4 percent. As in the presidential race, the KMT’s margin of victory over the DPP was considerably reduced in the Legislative Yuan, but the KMT still retained a solid majority, guaranteeing congruence.
Management of incongruence

Whether Taiwan would keep itself in the PS mode depends on the actions by future presidents when faced with an opposing parliamentary majority. Chen’s track record was to exert firm control of the government under such circumstances. Ma’s campaign pledges would shift the operation mode from PS to COM, thus retaining control of the government only in areas directly pertaining to national security. Tsai’s proposal lies somewhere between Chen’s practice and Ma’s pledge. The three positions are shown in table 2 below. The major difference between Ma and the two DPP politicians is while Ma considers him bound by the constitution to appoint his political rival as prime minister under incongruence, Chen and Tsai perceive no such necessity, and consider the appointment of the prime minister and cabinet members within the purview of presidential prerogatives. However, Tsai is willing to be more flexible in exercising her presidential powers, hence the talk of non-DPP prime minister, grand coalition, and consociational democracy. Chen is not without flexibility, though, as shown in his appointment of Tang Fei at the beginning of his first term. Once he found he could resist the pressure from the Blue-dominated parliament, he did not hesitate in pushing his power to the limit. In short, the DPP politicians perceive the forming of government under incongruence primarily from a tactical point of view, while Ma does perceive a necessity to respect the majority in the parliament. Although we do not know whether future KMT presidents would think as Ma did, there is a clear difference between the constitutional thinking of the two major political parties in Taiwan. Here lies the possibility of Taiwan shifting from PS to COM in the future when incongruence again rises.

<table>
<thead>
<tr>
<th></th>
<th>Appointment</th>
<th>Chen</th>
<th>Tsai</th>
<th>Ma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congruence</td>
<td>Both prime minister and cabinet member</td>
<td>President dominant</td>
<td>President dominant</td>
<td>President dominant</td>
</tr>
<tr>
<td>Incongruence</td>
<td>Prime minister</td>
<td>President dominant</td>
<td>President discretion: does not have to be DPP member</td>
<td>Appoint a DPP prime minister</td>
</tr>
<tr>
<td></td>
<td>Cabinet members</td>
<td>President dominant</td>
<td>Possible grand coalition in the spirit of consociational democracy, but under a presidential system</td>
<td>Presidential appointment of security ministers only</td>
</tr>
<tr>
<td>Mode</td>
<td>Presidential Supremacy</td>
<td>Modified Presidential Supremacy</td>
<td></td>
<td>Compromise</td>
</tr>
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In all likelihood, COM is as much as a ROC president can go in terms of his concessions to the parliament on cabinet formation. For COM to take place, the president would need to accept that the government is responsible to the parliament, and so is in need of confidence of that body. This realization may come from a specific reading of the constitution or from an understanding of political reality on the ground. In both cases, Blue politicians are more inclined to accept COM than their Green counterparts, for respect of parliamentary majority is the KMT’s established position, and also it is widely believed that the DPP is a more ferocious opposition party than the KMT, so that it would be quite inconceivable that a KMT president could monopolize cabinet formation when faced with a clear DPP majority in the Legislative Yuan. Even though COM suggests that the president has to respect the parliamentary majority, it also suggests that the president should control special domains reserved by the constitution for him. This makes it easier for the president to accept the power-sharing scheme. It also conforms to public expectations that the president should be the nation’s commander and take care of national security. In all, COM is a genuine alternative to PS for Taiwan, and it has a greater chance to appear under a KMT president than under a DPP president. We can elaborate on this a bit by showing different combinations of outcomes from the presidential and parliamentary elections and the corresponding patterns of cabinet formation in table 3. As can be seen clearly, Taiwan’s only experience with incongruence under Chen shows the president would stick to his prerogative in determining the cabinet no matter who controls the parliament. On the other hand, Ma’s reading of the ROC Constitution led him to pledge that a DPP prime minister would be appointed if that party holds majority in the LY, though the president would retain his power to appoint security-related ministers in the cabinet. Tsai’s proposal is a weak version of Chen’s practice, and does not alter the DPP’s basic stance that the president has the full legal power to determine the composition of the cabinet.
### Table 3  Electoral Results and Subtypes

<table>
<thead>
<tr>
<th></th>
<th>Blue majority in LY</th>
<th>No majority in LY</th>
<th>Green majority in LY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue president</td>
<td>President dominant in cabinet formation¹</td>
<td>President dominant in cabinet formation³</td>
<td>Appoint a DPP prime minister; security minister still under presidential control, COM⁶</td>
</tr>
<tr>
<td>Green president</td>
<td>Chen model: president dominant in cabinet formation, PS²</td>
<td>President dominant in cabinet formation⁵</td>
<td>President dominant in cabinet formation⁷</td>
</tr>
<tr>
<td></td>
<td>Tsai model: PM does not need to be a DPP member; grand coalition possible; all appointments still under presidential discretion, modified PS⁷</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

³ Tsai’s proposal, January 2012.
⁴ Extrapolated.
⁵ February 2002 to January 2008.
⁶ Ma’s pledge, June 2007.
⁷ Extrapolated.

Taiwan’s experience between 2000 and 2008 was quite bitter. Neither the Green president nor the Blue parliament was able to have its way. Politics was characterized by gridlock and stalemate as the two camps vetoed each other’s proposals. Although Taiwan’s democracy did not collapse, it was painfully strained (Wu 2009a; Wu and Tsai 2011). If such is the experience of PS, COM does not offer any brighter prospect. The Polish case is a good example here. The Polish “presidential ministers of the interior, defense, and foreign affairs” were the legacy of democratic transition of the country. Later the presidential power to determine the three critical ministers was incorporated into the “Little Constitution” of 1992, which required the prime minister

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³⁰ As Poland moved through the process of democratization, the Polish United Workers’ Party (PUWP) went into Round Table talks with Solidarity to lay down the future constitutional structure. In order for General Wojciech Jaruzelski, the leader of PUWP who was slated for the presidency of the country, to wield effective control over the government, it was agreed that the critical ministers of foreign affairs, defense and the interiors shall be determined by the president. Solidarity made the concession to strike a deal with PUWP for the latter’s support for democratization. After the failure of the Communists to form a government in the aftermath of the parliamentary elections in June 1989, Solidarity’s Tadeusz Mazowiecki succeeded in gaining support by the Communists’ erstwhile allies in the parliament and formed a cabinet. However, in Mazowiecki’s government one finds Deputy Prime Minister and Minister of Internal Affairs Czesław Kiszczak, and Minister of National Defence Florian Siwicki from the Communist Party, and Foreign Minister Krzysztof Skubiszewski a non-partisan. Those were Jaruzelski’s choices. The president acted as an imposer here.
to consult the president about the appointment of the three ministers. Between 1990 and 1995, Lech Wałęsa insisted on exerting his presidential prerogative, and appointed his favorites into cabinets headed by opposing prime ministers. As the relationship between the president and the premier was tense, the presidential appointees in the cabinet acted as saboteurs to undermine the prestige of the premier. The conflict between the presidential ministers and the prime minister often resulted in the former’s resignation and conflict between the president and the premier over their replacements. The animosity between the president and the parliament was also exacerbated. Partly to redress this defect, Poland passed a new constitution in 1997 that significantly reduced the president’s power, including his prerogative to appoint the three presidential ministers in the cabinet. The new constitution removed the basis of Poland’s COM system at one stroke. Since 1997, no president was able to appoint his ministers inside a cabinet led by an opposing premier, i.e., during incongruence. This was the case under the reign of the moderate Aleksander Kwaśniewski as well as the flamboyant Lech Kaczyński, despite the latter’s attempt to revive the presidential prerogative. Thus Kwaśniewski had to content himself with the full authority by Jerzy Buzek to determine his right AWS-UW cabinet (1997-2001), and Kaczyński with Donald Tusk’s full control of his PO-PSL coalition government (2007- ). Presidential ministers have disappeared in those cabinets during incongruence. Since 1997, Poland has turned itself from COM to ALT, and the president has changed his role in cabinet formation from an imposer (Wałęsa) to a partner (Kwaśniewski and Kaczyński).

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31 The president had his way with the Bielecki and Sushocka cabinets, but failed to get Olszewski to appoint his nominee defense minister (McMenamin 2008, 130). As the parliamentary elections of 1993 brought into power a left government led by the post-Communist Alliance of the Democratic Left (SLD) and the Polish Peasant Party (PSL), Wałęsa came into conflict with the prime minister, Waldemar Pawlak (PSL) and Józef Oleksy (SLD). Even under such tension, both Pawlak and Oleksy accepted Wałęsa’s prerogative in appointing the presidential ministers in their cabinets, partly in an attempt to achieve good relation with Wałęsa (van der Meer Krok-Paszkowska 1999, 182). They are Foreign Ministers Andrzej Olechowski and Władysław Bartoszewski, Interior Ministers Andrzej Milczanowski and Defense Minister Zbigniew Okoński (Jasiewicz 1996, 1997).

32 A famous example was Oleksy’s interior minister Milczanowski accused his boss of passing on state secrets to Russian agents, while Oleksy refuted such accusations and criticized President Wałęsa for destabilizing the state (Jasiewicz 1997, 472).

33 This happened when Andrzej Olechowski tendered his resignation over disagreements with Pawlak, and when Pawlak fired Defense Minister Adm. Jerzy Kołodziejczyk. Wałęsa and Pawlak collided over the replacements to the two presidential portfolios. Ultimately, Wałęsa was able to bring down the Pawlak government by delaying the state budget, and then accusing the Sejm for failing to pass the budget in time, a condition stipulated by the Little Constitution for the president to dissolve the parliament. The threat of dissolution drove a wedge between Pawlak and his coalition partner SLD, and caused the latter to launch a constructive vote of no confidence on the Pawlak government. In short, Wałęsa was able to dislodge the premier whom he cohabited with. This shows the tension in a COM system under incongruence (Jasiewicz 1996, 437-438).

34 The election of Bronisław Komorowski as president of Poland in 2010 to succeed Kaczyński who died in a tragic plane crash near Smolensk may signal a further change of Poland’s
The Polish experience shows that COM is not a panacea for incongruence. Furthermore, COM is a highly delicate system that is difficult to operate. If both PS and COM leave much to be desired as a mode of operation under incongruence, then the best solution might be to prevent the occurrence of incongruence in the first place. This is where electoral reform set in. In order to have congruence, there needs to be a majority party in the parliament, and that party has to be the presidential party. To satisfy the first condition, one needs a majoritarian electoral system. To meet the second condition, electoral schedule needs to be adjusted to maximize the coattail effect of the presidential election on the parliamentary election. France, the most prominent case of semi-presidentialism, made electoral reform exactly to bring about favorable conditions for congruence. Its two-stage electoral system is highly majoritarian, and the flirting with proportional representation was short-lived. This guarantees a two-party, or at least a two-bloc system in the parliament. However, if the majority party is not the presidential party, and the parliament has a newer mandate, then France would go into cohabitation, a mode that is not more pleasant than COM or PS. In order to avert that, the French politicians first equalized the terms of the president and the parliament to five years through a constitutional referendum in 2000. Then they manipulated the election schedule so that the presidential election would be followed by the parliamentary election in less than two months (seven weeks between the two first rounds). This helped to maximize the coattail effect and led the presidential party to victory in the following parliamentary elections without fail (2002, 2007, and 2012). Each time the winner of the presidential race encouraged the voters to vote for his party so that he could be helped, and not hindered, by the majority in the parliament. Up to this point, the electoral reform has successfully saved the politicians from their worst nightmare—inequivalence and cohabitation.

What happened in Taiwan is strikingly similar. The major parties, the KMT and the DPP, share the same interest of maximizing the advantages of the big parties semi-presidential subtype. This is because in ALT the real power holder is the president during congruence, but Tusk is unlikely to play a subordinate role to Komorowski who won the presidential election with the backing of Civic Platform (PO) that Tusk leads. Whether this would lead Poland toward QP remains to be seen.

35 Another prominent example is Finland, which has developed “presidential reserved domain” as its form of COM. The Finnish experience has no less built-in tension than the Polish one. For a discussion of the Finnish COM and its evolution toward less presidential authority, see Anckar (1990, 1992), Arter (1985, 1987, 1999, 2009a, 2009b), Nousiainen (1971, 1988), Nurmi (1990).

36 COM is not a popular choice. Among the 42 democratic semi-presidential regimes in the world, one finds only two contemporary cases (Finland, Romania), and two historical cases (Poland, 1990-1997; Ukraine, 2004-2010), plus two very unstable African cases with dubious democratic credential (Kenya, Zimbabwe) (Wu 2011).
despite their ideological differences. They agreed to change Taiwan’s electoral system from single non-transferrable vote (SNTV) to mixed member majoritarian system (MMM) that tends to bring greater seat dividend to the big parties. The Seventh Constitutional Amendment passed by the ad hoc National Assembly brought about that change. It strengthened the position of the KMT and the DPP at the expense of the small parties, hence consolidating the bi-party system. Under MMM it is more likely to find a majority party in the Legislative Yuan than under SNTV which is more proportional. The two-party system has since been further consolidated. In the same constitutional amendment the term of the legislators was extended from three to four years, to be equal to that of the president, whose term had been reduced from six to four years in 1992 (Second Constitutional Amendment). The equalization of terms made it possible to hold close parliamentary and presidential elections (in 2008), or to hold them concurrently (in 2012). In the latter case, coattail effect was maximized. As in France, the adoption of a majoritarian electoral system, the equalization of presidential and parliamentary terms, and the holding of honeymoon or concurrent election act to maximize the possibility of congruence, i.e. the presidential party holding majority in the parliament, and avert incongruence and its unsatisfactory solutions: presidential supremacy (which is a minority government), compromise, or alternation (cohabitation). As in France, the electoral reform has thus far produced expected results: congruence since 2008.

Conclusion

Semi-presidentialism is prone to built-in friction that is not present in either parliamentarism or presidentialism. Its Achilles heel is incongruence. It is the need to manage incongruence that semi-presidentialism develops into different sub-types, and adopts electoral reform to bring the system back to congruence. After fully adopting semi-presidentialism in 1997, Taiwan has gone through the process of shifting between congruence and incongruence. It was forced to make the hard choice on the mode of operation under incongruence. From 2000 to 2008, Chen led Taiwan into an unmistakable presidential supremacy. The bitter experience of that period prompted Ma to advocate compromise as an alternative. As Ma and the KMT won the presidential and parliamentary elections in both 2008 and 2012, Taiwan reverted to congruence, and his solution to incongruence has not been put to use. As Taiwan has made a host of electoral reforms that act to minimize the chances of incongruence, the need for thinking of its solutions seems dampened.
However, the electoral defense against incongruence, as it may be called, can break down easily. For one thing, the DPP is thinking of separating the presidential and parliamentary elections again. That would bring about a counterhoneymoon election the effect of which is not as predictable as a concurrent election. For another, a successful vote of no-confidence may lead to the dissolution of the LY and its early election, bringing a lasting mismatch between the presidential and parliamentary elections, and disturbing the coattail effect. As Taiwan’s experience with incongruence is more limited compared with France, the Taiwanese voters may be less loath to tinker with split voting, hence increasing the chance of incongruence even when concurrent election is to stay. In short, there is no guarantee that the electoral defense will work, and incongruence can reappear. This would leave us with the same hard choice as Taiwan faced in 2000. Given the formidable barrier to amending the ROC Constitution, Taiwan needs to think hard about the operation choices under incongruence. Such of course is a common task for all semi-presidential countries, except the quasi-parliamentary regimes of course.
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