

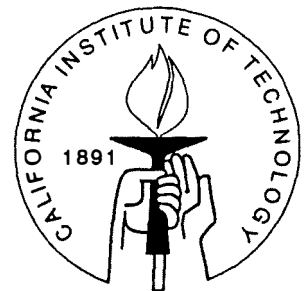
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Notes on Constitutional Change in the ROC: Presidential versus Parliamentary Government

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Abstract

The debate over constitutional reform has moved to center stage in Taiwan, with a focus on two issues: the choice of presidential versus parliamentary government and a determination of the ultimate role of the National Assembly. These two issues, in turn, are linked by a third -- whether the president ought to be elected indirectly by the National Assembly or directly in a mass popular vote. Of these issues, though, the choice between a presidential and a parliamentary system is central, because it requires that we consider the methods whereby chief executives and legislators are elected and, correspondingly, the role of the National Assembly. Beginning, then, with the issue of presidential versus parliamentary government, this essay argues that the most commonly cited arguments over the advisability of choosing one or the other of these two forms are, for the most part, theoretically meaningless and are largely rhetorical devices for rationalizing prejudices about preferred governmental structures and the state's role. Consequently, we attempt here to provide a more useful set of criteria with which to evaluate reform in general and the choice between presidential and parliamentary government in particular. We conclude that although the choice between presidential and parliamentary forms is important, equal attention should be given to the methods whereby a president and the legislature are elected. It is these institutional parameters that determine the character of political parties in Taiwan, their ability to accommodate any mainlander-native Taiwanese conflict, and the likelihood that executive and legislative branches will formulate coherent domestic and international policy.

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Much as one-party rule made the USSR's constitution irrelevant to understanding politics there, one-party rule depreciated the importance of constitutional matters in the Republic of China as well. However, liberalization has revealed the constitutional structures of the successor states of the USSR incapable of fostering coherent democratic politics. Similarly, people fear that the development of competitive politics in Taiwan will reveal equally dangerous inadequacies in its political institutions. Thus, the issue of constitutional reform has become increasingly important, with discussion focusing on two issues: that advantages and disadvantages of presidential versus parliamentary government and the National Assembly's ultimate role. These two issues, in turn, are linked by a third -- whether the president should be elected indirectly or directly in a mass popular vote.

Each of these issues involves sub-issues that require careful investigation before suggestions about specific constitutional reforms can be offered. Resolution of the presidential-parliamentary debate, though, is central. It is central, first, because it requires that we consider not only the powers of these two branches of government, but also the methods whereby chief executives and legislators are elected and, correspondingly, the National Assembly's role.¹

Second, it is central because we want to ensure the ROC's political stability. The specific concern here is that, of the thirty one democracies normally categorized as stable, only four -- Columbia, Costa Rica, the United States, and Venezuela -- can be classified as presidential. Three can be classified as mixed (Finland, France, and Switzerland), while the remaining are parliamentary. Moreover, since 1945, "only 7 of 31 presidential democracies have endured for at least 25 consecutive years, compared with 25 of 44 parliamentary systems ... (Mainwaring 1993, p. 205)"

Finally, it is central because of all the reforms that Taiwan is likely to implement, the most likely is direct election of the president, and this change alone will move Taiwan closer to presidential government. A popularly elected president, even if all other things are held constant, will be a far more powerful figure than a person chosen indirectly by a National Assembly elected for a multiplicity of purposes. An evaluation of the advisability of directly electing the president of the ROC, then, necessarily takes us to an assessment of presidential versus parliamentary government.

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Our focus here, then, is an evaluation of the most commonly cited arguments about the relative merits of presidential versus parliamentary government. The view we present here is that these arguments are often only devices for rationalizing prejudices about preferred governmental structures and the state's role, and that most of them concern particular but not necessarily essential features of presidential and parliamentary government. To provide more useful criteria for choosing between them, our attention should focus on some specific structural details, such as how a president is elected and the bases of parliamentary representation. It is these things that determine the character of political parties, the state's ability to adjust to permanent social cleavages such as ethnicity, the likelihood that executive and legislative branches will formulate coherent domestic and international policy, and, ultimately, the prospects for democratic political stability.

1. Definitions and Classical Arguments

Although we must begin with definitions of presidential and parliamentary government, we do not want to immerse ourselves in a detailed accounting of governmental forms. If we include all possible parameters of institutional design, the list of feasible alternatives is nearly endless. Hence, even though our definitions ignore some important details,

in **presidential government**, the president is elected independently of the legislature for a fixed term, is the country's chief executive officer, and chooses the government (cabinet) constrained only by the necessity of securing the consent of the legislature (which is a requirement designed more to ensure against corruption than to satisfy some specific policy goals set by parliament). Officers in the government serve at the president's discretion -- the parliament cannot dissolve the government or, short of a formal impeachment process, dismiss ministers. A well defined separation of powers ensures a corresponding balance of powers in which executive authority devolves solely on the president and his cabinet, and legislative authority devolves entirely on the parliament.

Conversely, in **parliamentary government**, the president (or nominal head of state in the case of a constitutional monarchy) may nominate the government -- the prime minister and other ministers -- but that government serves at the discretion of parliament and is more the product of coalitional bargains made there. Executive and legislative functions are fused and commonly devolve exclusively upon the government. In addition, the president or prime minister may be empowered to dismiss the parliament and call for new elections.

With respect to the presumed advantages of these two forms, we should give special attention to the fundamental goals of constitutionalism: ensuring that the state does not act to violate the exercise of individual rights and freedoms universally accepted as part of democratic process and establishing a state that is stable so that changes in that structure occur only in a constitutionally prescribed way. With these goals in mind, we can turn to the advantages attributed to presidentialism by Shugart and Carey (1992) and the disadvantages outlined by Lijphart (1992) in his recent volume on presidential versus parliamentary government. First, with respect to the presumed advantages of a presidential system:

1. **executive stability:** Owing to the president's fixed term and to the fact that the legislature cannot dismiss the government, presidential systems are more stable than parliamentary ones (especially those in which governments must be formed by coalitions of two or more parties);
2. **direct democracy:** Owing to the president's direct popular election and to the government's indirect election in a parliamentary system, presidential systems are "more democratic" than parliamentary ones. Shugart and Carey (1992) divide this presumed advantage into two criteria -- accountability and identifiability. First, "the more straightforward the connection between the choices made by the electorate at the ballot box and the expectations to which policy makers are held, the greater the accountability (p. 44)." Second, presidentialism also increases "the degree to which voters can identify before the election the likely alternative governments that may emerge after election (p. 45)."
3. **limited government:** Because presidential systems employ an explicit separation of powers, they generate limited government and provide a better protection of individual liberties. Unlike in a parliamentary system, the legislature in a presidential system, "freed from the threat of a vote of confidence can ratify or check executive initiatives based on the merit of the legislation itself rather than on the survival of the government (Shugart and Carey 1992, p. 46)."

On the other hand and notwithstanding the data most commonly cited about the relative political stability of parliamentary systems, the presumed disadvantages of presidentialism include:

1. **temporal rigidity:** owing to the president's and the government's fixed term, a presidential system cannot adapt to rapidly changing circumstances or to changes in the public's mood. A fixed term defines a political cycle of wholly arbitrary length;
2. **inherent conflict:** the winner-take-all format of presidential elections makes them "zero-sum" to the extent that they can exclude important parts of society from power. With important

parts of the population excluded from power in the executive branch, those parts must turn to the legislative branch for protection and support, thereby exacerbating the legislative-executive conflict inherent in a separation of powers system;

3. **diffusion of responsibility:** the diffusion of policy-making responsibility inherent in a separation of powers makes it difficult for voters to know who to credit or blame for government performance, which makes it difficult to infer the electorate's intent from election returns.
4. **deadlock:** the separation of powers in a presidential system yields an unavoidable threat of legislative-executive deadlock. This deadlock, which arises whenever different parties control the legislative and executive branches, can be resolved only by opening the door to the threat of dictatorship through a strengthening of the powers of the presidency;
5. **false mandates:** A directly elected president may mistakenly believe that he or she has a mandate to lead in some particular direction and may be especially prone to asserting the legitimacy of authoritarian rule in a crisis.

2. General Problems with Assessing the Arguments

There are several problems associated with the using the preceding lists to assess that advantages and disadvantages of presidential versus parliamentary government. First, it is evident from these lists that conclusions about the advantages of one form over another entails a good deal of subjective evaluation, if not downright prejudice. Indeed, we know we have not achieved an objective evaluation whenever the advantage cited by one person appears as a disadvantage on another person's list. What are we to make of an argument in which some persons refer to fixed terms as contributing to political stability, others speak of rigidity; in which some see direct majority rule as a fundamental component of democracy, others see it as a path to dictatorship; and in which some view a separation of powers as an essential brake on governmental tyranny, whereas others view it as inviting governmental inefficiency and inaction?

Second, evaluations of these two forms of government based on various indicators of governmental performance that concern academics, such as citizen participation rates in elections, levels of domestic violence, and turnover in governmental ministries, are also inconclusive. Without well-defined, measurable criteria it is far too easy for different persons to focus on different features of political systems and to reach different conclusions about their advantages and disadvantages. We are not even certain that some commonly cited criteria provide a meaningful measure of anything. Consider citizen participation. Although Powell (1982) uses participation (e.g., election turnout) as a key criterion of governmental performance and although high school civic textbooks tell us that citizens are not fulfilling their "democratic duty" if they fail to vote, does low turnout indicate that a society

is functioning poorly or well? After all, low levels of turnout in elections can characterize a satisfied electorate as well as an unhappy and alienated one. Similarly, does governmental (as opposed to constitutional) instability mean that policies are erratic or does it mean merely that politicians have found an inconsequential way to rotate official position?

A third problem is that such lists of advantages and disadvantages obscure the fact that framing the constitutional reform task as a choice between a presidential and a parliamentary system is but an incomplete specification of the institutional choices that must in fact be made. Choosing a presidential system entails more than simply creating an elected chief executive and asserting that a separation of powers exists. We must also fill in important details about the method of electing a president (simple plurality rule, majority rule with a runoff, an electoral college), about the possibility of term limits (the length of a term and the number of terms a president can serve), and about that office's legislative powers (a line item veto, the power of legislative initiative, the authority to call for a national referendum, the power to dissolve the legislature, the right to rule by decree in an emergency). Choosing a parliamentary system requires that we decide whether constructive votes of no confidence are required, whether and under what circumstances the head of state (president or monarch) can dismiss the government, and whether members of the cabinet can simultaneously be members of parliament.

Also, there are those institutional choices that must be made regardless of governmental form, but which greatly influence the state's character and operation. Shall the state be federal or unitary? If it is federal, how will jurisdictional responsibilities be allocated among the different levels of government? Will the legislature be bicameral or unicameral, and if it is bicameral, what will be the responsibilities of the different chambers? What will be the form of legislative representation -- single-member constituencies or some method of proportional representation (PR)? If representation is through single-member constituencies, will elections use simple plurality rule or majority rule with a runoff? If representation is by some method of PR, what will be the size of districts and will election be by party-list PR, by a single non-transferable vote, or by some other method? It might seem that matters would become simpler if we were to focus on a specific country, but even for Taiwan we can list at least these questions as requiring answers:

1. Shall Taiwan have a presidential system with a strict separation of powers -- a system in which he can select ministers (with the "advice and consent" of the Legislature) that only he can fire -- or should it weaken his power further and move more explicitly to parliamentary government?
2. What are the advantages of retaining the current mixed system?

3. If the current system is retained, should the constitution nevertheless continue to require the formal concurrence of the president and prime minister on legislation?
4. Should the president be elected in a direct vote or indirectly by the National Assembly?
5. If the president is directly elected president, should the timing of presidential and parliamentary elections coincide and what terms of office should the constitution establish?
6. If the president is directly elected, shall the ROC use: (a) simple plurality rule; (b) majority rule with a runoff if no candidate receives more than 50 percent of the vote on the first ballot; (c) a direct vote with a runoff only if no one wins 40 percent of the vote; (d) some form of preferential voting such as approval or alternative voting?
7. If the president is directly elected, shall he be subject to a term limit. That is, will a president be allowed to run for reelection? How many times?
8. Shall members of the legislature continue to be elected by a single non-transferable vote system, or should Taiwan change to: (a) a single-member electoral system as in Britain, the United States, and Canada; (b) national proportional representation as in Israel; (c) regional proportional representation as in Belgium, the Scandinavian countries, Austria; (d) a mixed single-member and PR system as in Germany and Hungary?
9. If single member districts are employed, should there be a constitutional requirement that representatives reside in those districts?
10. If a bicameral legislature is adopted, should the two chambers be selected according to different electoral rules and should their election be simultaneous?
11. Shall the National Assembly continue to hold legislative and referendum power, as well as the unilateral power to amend the constitution?²

3. The Law of Unintended Consequences

Although even this list is incomplete, it illustrates the innumerable decisions that must be made in designing or reforming a constitution and it reveals as well that those choices cannot be reduced to answering a single question such as "Should Taiwan have a presidential or parliamentary system?" A problem with finding answers to even more narrowly construed questions, though, is that decisions about different things interact in ways that are frequently difficult to predict. To illustrate, consider America's federal structure and the question: Why hasn't the national government aggrandized all powers in such a way as to render American federalism an historical relic? Riker (1964), in answering this question, cites four elements of the U.S. Constitution as being especially relevant: (1) the requirement that national legislators be residents of the states they represent; (2) the flexibility given to state governments (which have the right to design republican governments to their own liking) to prescribe the manner of election of national representatives; (3) the absence of any device

(legislative initiative or the authority to dissolve the legislature) that allows the president to control legislative parties or even the party he nominally heads; and the manner in which the president is elected, which requires a broader regional appeal than would be required in a direct vote system. The important point now is that these constitutional provisions do not each contribute to American federal stability in some independent way. They interact to produce a subsidiary consequence -- two political parties that are highly decentralized creatures organized at the state and local level. It is this consequence, which is the product of all four constitutional provisions taken together, that explains stability.

America does not have two national parties -- it has fifty Republican and fifty Democratic state parties that, although coordinating every four years to nominate and elect a president, function continuously to compete at the state and local level. Hence, national legislators are elected according to rules set within their states and as part of campaigns run by state party organizations. The result is that even if these legislators aspire to national and international visibility, they cannot ignore local needs. And with a president who can influence their electoral destinies only slightly, the existence of the presidency provides only the weakest incentive to form strong national party organizations, which means that the national legislature remains protective of local and regional concerns.

But these facts do not explain why legislative coalitions and parties do not form strictly on a regional basis. This possibility is precluded by another fact, the importance of the presidency. Briefly, the rewards of controlling this office provide the incentive for state parties to coalesce as loose alliances under the same labels -- Democrat and Republican. That only two such coalitions form (as opposed to many as in the European parliamentary systems) follows from the "winner-take-all" character of election rules. Specifically, the absence of a runoff system that would otherwise afford minor parties the opportunity attract disaffected voters and thereby block the election of a winner provides such voters with a strong incentive to either abstain or to vote for the least objectionable major party. The primary guarantor of American federalism, then, is not some constitutional guarantee of autonomy or, as in Russia, some series of multilateral and bilateral treaties between national and regional governments. Instead, it is a consequence of a delicate constitutional balance formed by a combination of constitutional provisions that decentralize party structures but that also compel parties to negotiate their internal contradictions in order to compete successfully for the presidency.

Aside from the issue of the ultimate form of reunification with the mainland, Taiwan, of course, is not preoccupied with the issue of federalism. Nevertheless, this American example illustrates two general lessons that must be acknowledged by anyone who would draft or revise a constitution:

Lesson 1: *Individual constitutional provisions rarely if ever account for the performance or character of a political system. Rather, that performance is more commonly the consequence of a complex interplay of forces established by several provisions simultaneously.*

And,

Lesson 2: *The impact of a specific constitutional provision is likely to be realized only indirectly through its influence on "extra-constitutional" institutions -- most notably, the form and function of the political parties that emerge to compete for public office.*

Hence, constitutional reform in Taiwan or in any other country for that matter cannot proceed by focusing exclusively on unidimensional choices such as "president-versus-parliament" or "the method of electing a president" or "the constitutional amending powers of the National Assembly" or "proportional representation versus a single non-transferable vote scheme versus a single member plurality rule system." That is, reform cannot focus on only one of the questions posed in the previous section. Rather, reform must take cognizance of all relevant provisions in the state's structure. Unfortunately, this is rarely if ever an easy task and, in fact, complexity seems to compel the reformer to try to isolate the analysis of different constitutional provisions from each other so that each can be assessed in as narrow and self-contained a context as possible. It is important to emphasize, then, that if complexity is a problem when trying to understand the influence of several provisions simultaneously, it is only slightly less so when deducing the consequences of even seemingly simple isolated provisions.

To illustrate the inescapability of complexity and the futility of trying to isolate the analysis of specific proposals for reform, consider whether a federal government's constitution ought to allow the possibility of secession? At first glance, it might seem that if we want to design a stable state, our answer ought to be NO. A secession clause appears to legitimize secession and, thereby, appears to make it more probable. On the other hand, suppose we are compelled to consider such a clause as part of the initial bargain forming a federal state. Suppose, in particular, that the democratic unification of mainland China and Taiwan is feasible only if the different parts of China, having developed different forms of political-economic organization, are granted the right to unilaterally secede.

By sanctioning the act of secession constitutionally -- even sanctioning it under highly restrictive conditions -- federal subunits are promising to act in a certain way in the event one of them chooses to leave a federation. Specifically, they are promising not to block the secession if certain conditions are satisfied and if certain procedures are followed. But then we should ask: what guarantee does a federal unit that chooses to secede possess that the promise will be kept? On the other hand, if there is no secession clause or if it is explicitly prohibited, why should we assume that states are in fact

more likely to block a secession than if no clause prohibited such an act? After all, if federal subunits choose between seceding and not seceding or between moving to block a secession and not moving merely on the basis of their individual self-interest, what reason do we have for supposing that a secession clause will effect perceptions and beliefs about this self-interest?

Reversing our argument, suppose federal subunits believe, when secession is constitutionally permitted, that a secession clause makes secession more likely. Then, suppose they act more equitably toward each other so as to reduce the incentives to secede and to increase the likelihood of the federation's survival. In this event we can argue that a secession clause, rather than increasing the chances of secession, in fact makes secession less likely. In any event, it is evident that the ultimate effect of a constitutional secession clause is something other than wholly obvious. And rather than suppose that the consequences of such clauses can be deduced in isolation of other aspects of the state's political and economic structure, it is perhaps best to confront Lesson 1 directly and embark on the best comprehensive analysis possible.³

For another example, consider Horowitz's (1991) assertion that alternative voting reduces ethnic tensions in presidential systems. Briefly, in alternative voting, a voter indicates both a first and a second preference, where a second preference is considered only if no candidate receives a majority of first-preference votes. The advantage Horowitz cites for this procedure is that it provides an incentive for parties to appeal to voters across ethnic, linguistic, religious, or geographic divisions. Even if a candidate knows that a voter will not rank him first because he is from the "wrong" ethnic group or region of the country, that candidate will still have an incentive to try to be ranked second by the voter.

What Horowitz ignores, though, are the incentives of voters. We know that simple plurality voting encourages the formation of a few parties (Duverger 1959, Palfrey 1989, Feddersen et al 1990) owing largely to the unwillingness of voters to "throw away" their votes for minor party candidates that cannot win. This strategic incentive, though, is reduced under alternative voting to the extent that a voter can "throw away" a first preference ballot by voting for an emotionally appealing candidate there and by ranking a more viable but perhaps less appealing candidate second. The question, then, is whether these incentives increase an extremist or otherwise divisive candidate's opportunities to secure public visibility. Indeed, alternative voting, by this account, appears to eliminate one of the great advantages of simple plurality rule, namely the pressures it exerts for the consolidation of parties across ethnic divisions and the negotiation of ethnic conflicts within party structures. If we think, then, of the application of alternative voting to an ethnically divided society, we can imagine a circumstance in which extremist candidates will act to increase the general election salience of divisive ethnic or secessionist issues.

Thus, the actual influence of alternative voting, like a secession clause, depends on something more than a formal constitutional description of this procedure. It depends also on, for instance, the opportunities afforded extremists to influence the actions of a society's mainstream parties as well as the social structure to which this procedure is applied. But what we want to emphasize here is that nearly every feature of constitutional design generates effects that "ripple through" a political system, are mediated by other constitutional features, and that interact with other forces created elsewhere in a constitutional document. This fact, when combined with our limited knowledge of the effects of things, generates a third lesson of constitutional reform:

Lesson 3: *The "political law of unintended consequences" is likely to apply with particular force to constitutional provisions, if only because those provisions influence so many things simultaneously.*

4. Presidential Elections as Zero-Sum

Lesson 3 is a cautionary note and it should not be interpreted as an excuse for failing to make constitutional reforms if there is compelling evidence that reform is necessary. Moreover, in Taiwan we must also recognize that we cannot predict with certainty how existing institutions will perform in the emerging competitive political climate. Thus, we are not trading uncertainty for certainty. Rather, we are trading uncertainty of one type for uncertainty of another. In anticipation, then, of the likelihood that we cannot avoid the need to anticipate consequences of action and inaction, we return to the arguments for and against presidentialism.

Bypassing the issue of temporal rigidity, let us consider first the issue of whether direct presidential elections, in contrast to indirect methods or to a parliamentary form that renders the office of president largely ceremonial, are dangerously zero-sum and divisive. The assertion that presidential elections are zero-sum is, of course, true to the extent that one candidate's plurality is the negative of the pluralities of the remaining candidates. But this fact refers to the payoffs of candidates and not to those of anyone else, and we see little reason for concerning ourselves with a candidate's payoff when evaluating a political system. Presidentialism warrants Linz's (1978, 1990) negative denotation "zero sum" if and only if the gains to those who support a victorious candidate come wholly from the losses of those who support the opposition. And it is here that we begin to encounter conceptual difficulties. Specifically, we can sustain such an assertion if and only if society is divided into two antagonistic groups in which compromise is impossible. But in this circumstance it is difficult to see how any democratic system, presidential or otherwise, can induce a stable constitutional order.

The critique of presidentialism as zero-sum, then, verges on vacuous hyperbole. Nevertheless, if presidential systems do exclude certain groups from "ruling circles" whereas parliamentary systems do not, then we can still make a strong case for parliamentary democracy. But as Horowitz (1991) establishes, no such argument can be sustained without referring to other features of a system's constitutional structure. In fact, it is far easier to argue that parliamentary rule is more likely to be exclusionary. If a parliamentary system contains a large number of parties, if a government must be formed of some coalition of parties because no party is a majority, and if those parties represent distinct and well-defined interests within society, then any governing coalition short of an all-encompassing collegial agreement must exclude easily identifiable interests. On the other hand, if, following Liphart's (1984) normative imperative, a collegial agreement is possible, then we suspect that it matters little whether the government is presidential or parliamentary (except perhaps to those who hold public office).

On the other hand, if only a few parties compete -- say two or three as in most British systems -- then the parliamentary system will look like a presidential one. And in this instance, the "zero-sumness" of the government will depend, as in a presidential system, on the character of these few parties. Specifically, if electoral rules induce the parties to be non-exclusionary and to compete across society's divisions as in the United States, then the system will not be "zero-sum." But if each of these parties competes for votes within some exclusive domain, then the parliamentary system will be as zero-sum as any presidential system. Thus,

Lesson 4: The character of both parliamentary and presidential systems, including the extent to which either is subject to a "zero-sum" critique, depends on the number and types of parties that arise in them, where that number and type depend on things other than whether the system is presidential or parliamentary.

We can best elaborate on the argument that Lesson 4 summarizes by referring specifically to Taiwan. No aspect of institutional structure influences the number and character of political parties to a greater extent than does the rules under which presidents and legislators are elected. But we also need to appreciate that electoral rules are merely devices that mediate between underlying social structure and political outcomes (Sartori 1986, Ordeshook and Shvetsova 1993). Thus, to understand the relationship between rules and outcomes and the extent to which political competition approximate the zero-sum condition, we must consider the nature of the structure over which rules operate. In Taiwan, there is only one social division that looks like an ethnic one -- that between "native Taiwanese" and the approximately fifteen percent of the population who classify themselves

as "mainlanders." Thus, although intermarriage blurs distinctions, we should ask how this "minority" might be impacted by a "winner take all" presidential system, how it might be impacted by a parliamentary system, and how that impact can be directed so as to neither threaten political stability or the rights of any subset of the population.

Focusing on presidential systems, there are three basic ways to elect a president, although the third one -- election by the National Assembly -- can be modified by changing the procedures whereby members to the Assembly are themselves elected. In any event, those three ways and their probable impacts are:

1. **Simple plurality rule:** If Taiwan elects its president by simple plurality rule, then even if the native-mainlander division remains salient, with eighty five percent of the population, the major parties in Taiwan will be "Taiwanese." We can also assume that Duverger's law (1959) will apply so that only two such parties will compete. Correspondingly, it is not difficult to foresee the major parties competing against each other for the fifteen percent of the population we might define as "mainlander" as each seeks the essential margin of victory. In this circumstance, a mainlander party would disappear or become inessential, at least in the context of presidential elections. And, short of complete assimilation, mainlanders would begin playing a role in ROC politics that parallels that of Jews in the United States explicitly represented by no party, but appealed to by the major competitors.
2. **Majority rule with a runoff:** Alternatively, if Taiwan chooses a majority vote procedure and requires a runoff election if no candidate receives a majority of the votes cast, a mainlander party might form and survive as a minor party. Electoral support for such a party would arise from the fact that votes for it can block a first-ballot victory by one of the major "native Taiwanese" parties, thereby allowing it to attempt to secure concessions from one party or the other in return for supporting that party's presidential candidate on the second ballot.⁴ However, we cannot assume that only a "mainlander" party will form to oppose the two "native" parties. The eventual party structure will depend on things such as the electoral rules used to elect members to the legislature. If those rules employ proportional representation, then five, six, or more parties can easily be sustained; On the other hand, some number between three and five will most likely be sustained if electoral rules require single-member constituencies using plurality rule (Shugart and Carey 1992).
3. **The National Assembly as electoral college:** This is a difficult alternative to evaluate, since the viability of small parties depends on how members to the Assembly are selected. On the one hand, this system will operate much like simple plurality rule if members are elected in single-member districts using plurality rule. Since there is no great correlation between

geography and mainlander-native identities, mainlanders will play a pivotal role within a good number of constituencies and that although not represented by an explicit party, they will be courted by the major "native" parties. On the other hand, if members of the national assembly are elected in multi-member districts using the single non-transferable vote, by majority rule with a runoff as in France, or by proportional representation, then a mainlander party may survive, but only as a minor party that would in all likelihood be under-represented in the Assembly owing to a swing ratio that commonly over-represents the larger parties.

We will not argue at this time about which of these scenarios is "best." There are far too many other matters that must be considered before we can assert that one system ought to be preferred over another. If the ROC were a federation encompassing a diverse geographically expansive population (e.g., the United States, Russia, Indonesia, or mainland China), we would urge institutional structures that encourage a two-party system -- a National Assembly that acts like an electoral college so as to ensure parties that made broad geographic appeals. So if reunification with the mainland under a democratic constitution is a viable goal, the National Assembly as electoral college can be retained with the idea that its form would be generalized upon reunification. But if the ROC's domain is limited to Taiwan, greater flexibility in governmental forms can be tolerated without endangering the state's performance or stability. Thus,

Lesson 5: The likelihood that a party will form or otherwise survive to explicitly represent "mainlander" interests depends less on whether an ROC president is directly or indirectly elected than it does on the method of election or, in the case of election by the National Assembly, by the method whereby members to the assembly are elected.

5. Direct elections and democracy

Turning to the argument that direct election of a government (or at least, of its head) is somehow more democratic than the indirect selection provided for in a parliamentary system, we should first define "democratic." However, this is neither the time nor the place to enter into an extensive discussion of such matters. It is sufficient to refer again to Lijphart's (1992) discussion, from which we can infer these three alternatives: (1) a democratic system gives people a reasonable chance to replace one set of leaders with another; (2) a democratic system adheres to a separation of executive-legislative-judicial powers; and (3) a democratic system is a governmental form that produces policies responsive somehow to the public interest.

The second criterion is a mere description of presidentialism, and we see no reason why it should be equated with democracy or why a system with a well-defined separation of powers is necessarily more democratic than one with less. And the third criterion falls into the tar pit of the inherent ambiguity of the notion of "the public interest." Indeed, the supposition that there is a well-defined public interest to be discovered by direct election leads to a dangerous populism in which representative democracy is replaced either by system in which nearly everything is decided by popular referenda or a system in which an elected autocrat assumes dictatorial powers under the guise of being the unique voice of the popular will (Riker 1982).

This leaves the first criterion, and, despite its imprecision, we see no way to use it to differentiate between parliamentary and presidential systems. Both systems offer citizens the opportunity to replace their leaders in the event that a sufficient number of them deem current policies unacceptable. But neither parliamentary nor presidential systems adhere to the idea that allowing the direct expression of citizen sovereignty is a goal to which any democratic state ought to aspire. A democratic system must also provide reasonable guarantees of individual and minority rights, which is accomplished only if simple majority rule does not dictate policy in every instance: "This radical error ... as regarding the numerical as the only majority, has contributed more than any other cause to prevent the formation of popular constitutional government, and to destroy them even when they have formed" (John C. Calhoun 1853), and, as Madison observed in *The Federalist Papers*, "[Majoritarian] democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths."

Stable democracies mute the radicalism of simple majority rule through a variety of devices. In a presidential system, those devices include the separation of powers and, commonly, a bicameral legislature in which both chambers share legislative responsibilities and thereby afford minorities ample opportunity to block legislation in one chamber or the other that they deem detrimental to their interests. In addition, rights are protected by a system in which neither citizens nor any single part of the state can amend the constitution directly -- which suggests immediately, of course, that the National Assembly's power to unilaterally alter the constitution ought to be modified to require citizen approval. Finally, rights are protected by an judiciary that is not normally elected and enjoys long tenure, and thus has some independence from day-to-day political pressures.

An independent judiciary, including a Constitutional Court that rules on the constitutionality of legislative and executive actions, is maintained in most parliamentary systems. However, a separation of powers, bicameralism, and complex processes for amending constitutions are generally eschewed in favor of a more unified state. Nevertheless, protection of minority rights is provided for either

by a party system, generated by proportional representation election schemes, that seeks to provide direct representation of the major cleavages within society (as in most continental European countries) or by legal traditions and procedures that assume the status of immutable constitutional provisions (as in most systems that follow the Westminster model).

Citizen sovereignty, then, is not the only criterion a political system must meet to be called democratic, and we cannot employ this criterion when evaluating presidential or parliamentary systems unless we also examine the overall design of the system and how it can protect minority rights and insulate itself from those momentary public passions that can threaten those rights. Thus, as Sun Yat Sen argued in 1920 in his presentation of "The Five-Power Constitution," democracies must contend with two competing goals: the desire to protect liberty and the necessity for maintaining order. Extreme liberty leads to anarchism; extreme order to tyranny. Thus, the two goals can be interpreted as protecting minority rights and securing majority will, and a constitution must strike a balance between them. In short,

Lesson 6: Citizen sovereignty is the fundamental characteristic of democracy; but it is not the sole criterion with which to evaluate a political system. Democratic systems must also contain institutional devices that blunt the influence of public opinion so as to protect the state against momentary public passions that would otherwise lead the state to infringe on the rights of individuals and minorities.

6. Diffusion of Responsibilities

The issue of whether the direct election of a president is more democratic than the indirect selection of government provided for in a parliamentary system also bears on the question of whether a separation of powers so diffuses authority that it becomes impossible for voters to attribute responsibility to specific elected officials, makes their vote less meaningful, and makes it difficult to infer the intent of the electorate. If true, then the opportunity to select a chief executive officer directly (or indirectly through an electoral college) only appears "democratic," but in fact confuses the concept of citizen sovereignty.

Certainly, a separation of powers and the separate election of president and members of the legislature combine to give voters a complex choice that is often difficult to interpret. But it is difficult to interpret only if one is looking for some measure of the "public will." And as we have already argued, social choice theory tells us that there is no reason to suppose this will exist or that democratic institutions can be fashioned to find it. On the other hand, we also cannot deny that a separation of powers makes it difficult for voters to attribute blame for, say, a dismal economic

performance or for some foreign policy blunder. Should Americans, for example, blame Lyndon Johnson for immersing them in a Viet Nam war, or does blame go also to a congress that authorized budgets to prosecute that war? And how should a voter evaluate his representative when that representative sometimes votes with his party and sometimes against it? In contrast, parliamentary forms appear to give voters the opportunity to vote directly on the government's overall performance and, thus, appear to provide a better guarantee against governmental blunders and excess.

Appearances, however, can be deceptive. First, unless a single party controls parliament, voters can only decide whether to support or oppose elements of the coalition that form a government. And even a repudiation of the dominant party in that coalition does not preclude that party from participating in the next government. Thus, although parliamentary government may give voters a clearer view of who is responsible for policy, it gives them anything but perfect control over the formation of a new government and, therefore, over future policy. Second, insofar as interpreting the outcome of a parliamentary election is concerned, if voters are strategic -- if, instead of voting merely for the party whose platform is closest to their ideal, they vote in anticipation of the coalition and policy that is likely to prevail in parliament -- then we cannot suppose that the proportion of votes a party receives equals the proportion of citizens at or near that party's policy platform (Austen Smith and Banks 1988). Consequently, inferring electoral intent from electoral returns is complicated by the extent to which voters are strategic. Finally, if electoral accountability is maximized in a parliamentary system through the use of election rules that encourage only a few parties (the Westminster model), then the dangers associated with the absence of a separation of powers are maximized. However, if we guard against the absence of a separation with electoral rules that encourage more parties -- party-list proportional representation -- then we diminish electoral accountability to the extent that individual legislators become accountable to their party rather than any specific constituency or constituent. Hence,

Lesson 7: Short of adopting a system that conforms to a dangerous populism, neither a presidential nor a parliamentary system provides voters with a "clean" control over governmental policy, neither allows us to infer "electoral intent" without ambiguity, and neither ensures electoral accountability.

7. Deadlock

Perhaps the most repeated charge against presidentialism is that it leaves open the door to immobility of the state whenever different parties control different branches of the government -- to executive-legislative deadlock. This argument, though, contains an ideological prejudice in favor

of an activist state and runs counter to Jefferson's view that "the government that governs best is the government that governs least"? More correctly, we should ask: When is deadlock a good thing and when is it a bad thing? In addition, we should also ask: Are presidential systems more likely than parliamentary ones to be deadlocked when deadlock is a bad thing; and are parliamentary systems more likely than presidential ones not to be deadlocked when deadlock is a good thing?

Unfortunately, providing an unambiguous answer to these questions requires a yet-to-be-constructed theory of political-economic process. Although we may agree that deadlock is good when it concerns the abrogation of individual liberties, consensus evaporates when we consider specific policies. Opponents and proponents of abortion in the United States, for example, regard deadlock differently, and their overall positions depend critically on the status quo. Similarly, those who might oppose a majority seeking to trim budget deficits by raising taxes might view deadlock differently from those opposed to further growth of the public sector.

We need also to appreciate the fact that parliamentary government does not wholly avoid the problems associated with deadlock. Deadlocks in presidential systems may merely be more apparent, because they appear in full public view when branches of the state collide and because they manifest themselves most commonly as governmental inaction when there is some consensus that action is required. In parliamentary systems, on the other hand, they are partially hidden because they arise as conflicts between opposing coalitions within a single branch of government and because they manifest themselves as cabinet instability that itself seems an active response to social preferences.

Nevertheless, we cannot deny that deadlock in presidential systems has led to coups in some countries and to the rise of dictators elsewhere through the over-adjustment in a president's powers. Thus, it is imperative that we look more closely at the fundamental source of deadlock in a separation of powers system.

The usual explanation is that the likelihood of deadlock increases as the number of hurdles required to pass legislation increases. In presidential systems, legislation commonly requires approval in each of two legislative chambers plus the signature of the president. In pure parliamentary systems, on the other hand, the government is the creature of parliament, so that only approval of one chamber is critical (the upper chamber may also play a role, but generally it is inconsequential to final outcomes).

From this perspective, deadlocks are manifestations of "political friction." But there is an especially important thing that contributes to this friction in systems that rely on representation via single-member district schemes or that have a strong federal character. With single-member legislative districts, there is a fundamental conflict between legislators and presidents that arises regardless of whether the party controlling the presidency is the same as the party controlling the legislature. A president must rely on his position as the sole nationally elected official as the primary

basis for his political power and authority (Nesutadt 1960). But using this power sets him in conflict with legislators, whose position derives from satisfying local (parochial) interests. Legislative interests derive from voters who, although they may vote on the basis of national concerns when casting a presidential ballot, vote on the basis of local concerns when choosing legislative representation (Niou and Ordeshook 1985). So if narrowly construed local interests conflict with national ones, the opportunities arise for executive-legislative deadlocks that preclude the realization of rational social policy. Notice now, though, that the problem with executive-legislative deadlock is not occasioned by presidentialism per se. Rather,

Lesson 8: *One source of executive-legislative deadlock in presidential systems is regional legislative interests that are uncorrelated or negatively correlated with national interests. And it is occasioned as well by the fact that voters, when voting for president versus representatives to the legislature, vote on the basis of different imperatives -- national matters in one case, local matters in the other.*

Thus, we might reasonably hypothesize that the specter of executive-legislative deadlock in presidential systems is lessened if all members of the legislature, or at least the lower chamber of the legislature, can be forced to answer to something other than narrowly drawn regional constituencies. That is,

Lesson 9: *Because executive-legislative deadlock in presidential systems can arise from divergence in the interests of legislators and the president owing to their differing electoral bases of support, one way to reduce the likelihood of such deadlock is to lessen the connection of legislators to narrowly drawn constituencies and increase their connection to more national ones.*

Lesson 9 suggests two possible solutions. The first is to strengthen the link between presidential and legislative elections in accordance with the following lesson:

Lesson 10: *A way to lessen the connection of legislators to narrowly drawn constituencies and to increase their connection to more national ones is, first, to require that legislative and presidential elections be held simultaneously and, second, to not place any term limit on the office of the presidency.*

The first part of this prescription allows the president to use the presidential campaign to influence the election of legislators, to make their fortunes dependent on his, and thereby, to make them more amenable to presidential leadership. The second part -- exclusion of presidential terms limits -- does the same, since being a "lame duck" is especially damaging to a president's ability to exert influence over politicians who must anticipate their own prospects for reelection.

A second solution to executive-legislative deadlock suggested by lesson 9 is to implement a presidential system that allows for party-list PR within the lower or both chambers of the legislature, since PR presumably makes legislators more dependent on national constituencies than does single-member district representation schemes. Contradicting this argument, though, is the fact that PR increases the number of parties likely to compete in elections and increases the discipline of parties who are identified with distinct and narrow policy issues such as those that correlate with ethnicity, language, religion, or class. PR and presidentialism, then, threatens a different type of deadlock than the type commonly associated with the United States. Specifically,

Lesson 11: The combination of party-list PR and presidential government, although less likely to produce the geographicly based type of deadlock observed in systems with single-member legislative constituencies, produces instead a type in which legislators answer primarily to narrowly defined ethnic, religious, linguistic, or economic groups in society.

The deadlock referred to in Lesson 11, in fact, is historically the most deadly for political stability in presidential systems. As Mainwaring (1993: pp 199-200) observes, "the combination of presidentialism and multipartism makes stable democracy difficult to sustain ... Not one of the world's thirty one stable democracies has this institutional configuration and there is only one historical example -- Chile from 1933 to 1973 -- that did so. Multiparty presidentialism is more likely to produce immobilizing executive/legislative deadlock than either parliamentary systems or two-party presidentialism."

We can speculate why deadlocks from multipartism are more deadly than those from constituency based regionalism, but we suspect that any such speculation involves the argument that the resolvability of ethnic issues differs fundamentally from the issues that arise when legislators merely want to ensure a "fair share" of government benefits (military bases, farm subsidies, and so on) for their local constituencies (Horowitz 1989, 1991). Lesson 9, 10, and 11, then, point to an especially important aspect of political institutional design that can be summarized as an additional lesson:

Lesson 12: *The design of a presidential system requires an assessment of the institutional variables that precede two different forms of deadlock. In particular, creating multi-member (party-list PR) legislative constituencies in lieu of single-member constituencies reduces the threat of deadlock from legislators who are primarily concerned with local matters at the expense of national concerns; but it increases the threat of deadlock that arises when parties represent society's more permanent cleavages -- ethnicity, race, religion, language, and so on.*

The likelihood of realizing the dangers associated with multipartism in presidential systems depends on a variety of design variables under the control of the constitutional reformer. It depends, for instance, on whether the president and parliament are elected at the same time and, thereby, on the extent to which a presidential candidate can tie the fortunes of parliamentary representatives to his electoral prospects. It depends also on a number of things we previously identify as influencing the number and form of political parties -- on the method whereby a president is elected, on the magnitude of parliamentary districts, and on the extent to which district boundaries correlate with social cleavages. For example, we can mitigate against the dangers of multipartism by requiring that,

1. the president be elected by a direct vote, with a runoff called for, as in Costa Rica, only if no one receives at least 40 percent (as opposed to 50 percent) of the popular vote;
2. national party-list PR be avoided in favor of more numerous, smaller districts; and
3. the president and parliament be elected at the same time.

The choice of a presidential versus a parliamentary system, then, is not a simple dichotomous choice, for we must also set the values of a number of important institutional design parameters. But in setting those parameters, we must also take cognizance of Lessons 1, 2 and 3 -- by the Law of Unintended Consequences and by the role of seemingly tangential constitutional provisions. To illustrate, consider Costa Rica, which is a presidential system in which its unicameral legislature is elected by PR within each of its seven provinces. However, a form of single member district representation emerges nevertheless since the dominant party assigns its representatives specific subregions of each province and, within the national budget, makes specific provision for these legislators to allocate "pork barrel" to their "constituents." Legislators can serve only one term, and so the party subsequently rewards its legislator's with ministerial or ambassadorial positions, depending on the party's performance in each legislator's assigned district. The small size of the legislature (57 deputies) ensures that enough vacancies will exist for such a reward system to be implemented. Thus, the influence of presidentialism and PR is influenced by the fact that legislators can serve a single term and by the fact that the legislature itself is small.

However Taiwan's political system is configured, the form of deadlock that **must** be avoided is a failure to respond appropriately to a strategic threat from the mainland, but it is difficult to imagine such a circumstance in the event of a clear and present danger. Taiwan should also seek to avoid deadlock that might thwart the implementation of policies that draw the mainland closer to democracy, but economic imperatives are overtaking political ones so that deadlock is of minor concern here. Taiwan's situation is also different from that of Russia or from those Latin American states that have proved unstable under presidential rule. Taiwan neither requires any wholesale restructuring of its economy nor must it contend with well-defined class or ethnic conflicts that can be resolved only under massive redistributions of property and wealth. Thus, the type of deadlock most likely to arise in Taiwan under presidential government is the type that characterizes the United States in which legislators are preoccupied with parochial constituency interests and thereby fail to formulate coherent domestic policy. Our discussion of Lessons 9 - 12 suggest that the simplest solution in the event that Taiwan moves to a presidential system with a strict separation of powers is either to require simultaneous presidential and legislative elections, to not impose any especially term limit on the president (such as a one-term limit) and to maintain current electoral arrangements for members to the Legislative Yuan -- namely, SNTV in multi-member constituencies -- or to implement party-list proportional representation (PR) with reasonably small districts.

8. False Mandates

Perhaps no criticism of presidentialism has a firmer theoretical basis than the last one on our list - that directly elected presidents who receive majority support via some "artificial" device (for example, an electoral college or a runoff system that allows only the two strongest candidates to compete on the second ballot) are likely to misinterpret their victory as legitimizing unusual, even authoritarian policies (Linz 1990). In fact, social choice theory supplies the reasons for supposing that true majority mandates are rare (Riker 1982) -- specifically, in any circumstance characterized by variegated interests, it is unlikely that a single policy or campaign platform exists that can secure majority support against all alternatives. Regardless of the policy we consider, there is another that can, in principle, defeat it in a simple majority vote. Thus, candidates secure majorities only because election laws limit the alternatives that voters can consider (as in the case of a runoff) or because such laws give minority support the appearance of majority support (as with an electoral college that allows a candidate to receive a majority of electoral college votes with but a simple plurality of popular votes).

Social choice theory, then, tells us that, except for some unusual circumstance (such as when national security is at stake), no public official can properly claim a popular mandate because such a mandate might not exist. But this fact, of course, does not preclude election winners from asserting

the existence mandates or from believing they have one. And in this event, there is no reason to suppose *a priori* that everyone will interpret an election's outcome in the same way, thereby setting the stage for conflict that, in Linz's (1990) terms, "may erupt dramatically."

The problem with this critique, though, is that it is directed more at the method of electing a president than at anything else and it can be leveled as well at parliamentary governments. Specifically, it is not difficult to imagine election laws that greatly benefit an especially strong party - - Taiwan and Japan's single non-transferrable vote scheme is precisely such a device (Cox and Niou 1993). And to the extent that SNTV discourages candidates from competing except under the umbrella of the dominant party, that party maintains its legislative predominance and, thereby, maintains its claim to a popular mandate.

Insofar as presidential systems are concerned, it is true that direct election of a president, especially through devices that artificially magnify a candidate's apparent support, can be dangerous. But again the fault lies less with presidentialism per se than it does, as another reflection of Lesson 1, with other constitutional provisions. The possibility of false mandates is precisely why viable presidential systems must be characterized by a balance of executive, legislative, and judicial powers, why a president should not be given any great authority to suspend constitutional provisions, and why a president should not be given extraordinary constitutional tools to threaten the legislature. The dangers attributed to false mandates arise also from an inability on the part of the legislative branch to fulfill its functions owing to fractured party and leadership systems that preclude effective action - - fractured systems that arise as much from the methods of electing the legislature as from anything else, including even the existence of the presidency itself.

9. The Role of the National Assembly

The arguments we offer in this essay should not be construed as favoring a presidential system or a parliamentary one. Instead, they should be interpreted as a call for a **coherent** system -- presidential or parliamentary -- where the choice is made on the basis of meaningful criteria and an understanding of the interplay of institutions and individual incentives rather than on prejudice or theoretically vacuous academic arguments. But the call for coherence requires that we look once more at the role of the National Assembly -- an institution that holds executive, legislative, and judicial powers. An Assembly with the power to elect the president, to initiate legislation, and to revise the constitution wholly abrogates a separation of powers, usurps legislative and executive authority, and makes the ROC neither a presidential nor a parliamentary system.

Suppose the ROC chooses to move closer to being a presidential system by making that office head of the executive branch (i.e., allowing the president to appoint the prime minister and not requiring

that the president and any minister cosign legislation before it becomes law). However, continuing to allow a powerful Assembly to choose the president merely undermines one of the great advantages of presidentialism -- namely, the fact that in seeking to win the office of the presidency, parties coalesce and internalize many of the conflicts that can undermine political stability.

The most obvious solution to this constitutional quagmire is to reduce the Assembly's powers, such as by rendering it primarily an electoral college, and by transferring the power of legislative initiative to the president and that of constitutional amendment to the legislature and the people. In all likelihood, Sun Yat Sen's original design mirrored a concern that characterized the framers of the American constitution -- a fundamental distrust of the electorate's ability to not be aroused by transitory public passions so as to elect demagogues and tyrants. Thus, those framers erected an electoral college to intervene between the people and the eventual selection of a president. We can suppose that the National Assembly, as the "repository of the people's sovereignty" was intended to serve the same purpose. However, in the two hundred years since the crafting of the U.S. Constitution, we have learned that electorates are capable of far greater wisdom than elites are otherwise willing to ascribe to them. Thus, the electoral function of a National Assembly seems no more necessary to the functioning of Chinese democracy than is the electoral college essential to the American system.

Alternatively, the National Assembly could be converted into an upper legislative chamber, so that the power of initiative and constitutional reform are shared by both chambers and so that the president is elected directly and wholly independently of both chambers. This, of course, takes us closer to the American model of executive-legislative structure, and we suspect in fact that the ultimate resolution of the National Assembly's powers lies in this model.

A powerful national assembly makes no more sense in a parliamentary system. The essential argument for such systems, as we have seen, is that in forming a unitary state, we can eliminate many of the inefficiencies that characterize separation of powers systems. But how does this argument survive in a system in which there are two competing parliaments? We have here neither a separation of powers nor a balance of powers, but rather a confusion of powers.

Whatever form reform ultimately takes in Taiwan, though, it is essential to continually reemphasize the fact that the "devil is in the details" -- the rules under which members of the legislature are elected, the timing of presidential and parliamentary elections, the existence or non-existence of term limits, the powers of each chamber with respect to making law, their authority over foreign affairs (ratification of treaties), and so on. Thus, rather than argue forcefully for one system or the other, we conclude simply that the debate over presidential versus parliamentary government in Taiwan and over the rules under which a chief executive should be elected must take cognizance of the lessons this essay outlines. Lessons 1, 2 and 3 are especially important since, as long as we keep

them in mind, we are guaranteed against formulating or accepting overly simplistic arguments. These three lessons ensures that we view constitutional reform as a complex task of political institutional design in which the various pieces of reform must be made, as in any engineering effort, to fit together in a coherent way so as to achieve stated objectives.

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Notes

1. Of course, the debate over the virtues of presidential versus parliamentary government is not new for China. In 1906, five years before the ROC's birth, Sun Yat-Sen stated his preference for a presidential system with a clear separation of power. Adapted to China, he called for a "Five-Power Constitution" that was to consist of a five-branch national government composed of Executive, Legislative, Judicial, Election, and Control Yuans. The Executive Yuan was to be headed by the president, elected by the people from each borough who also elected representatives to the Legislative Yuan. But as reflected in the various constitutions adopted by the Beijing (1912) and Nationalist governments (1928), a clear concern over the dangers of excessive presidential power was evident. In this way the 1912 constitution, designed by Sung Chiao-jeng, curbed President Yuan Shih-Kai's authority in much the same way as the ROC's current constitution does, by incorporating some features of a parliamentary system, chief among them being the requirement that the premier, nominated by the president, had to be confirmed by parliament and had to co-sign bills with the president.
2. Confusion over the National Assembly's role (and, thus, over the general design of the national government) stems in part from Sun Yat Sen's incomplete specification of his constitutional design. In 1924, in his "Guideline of Nation Building for the Nationalist Government," he offered an interpretation of the Assembly's role: "[It] represents the citizen's sovereignty ... [It] has ultimate authority over election and recall of government officials, and the initiative and referendum of laws." The Assembly, then, was to exercise four power in the name of the people: suffrage, recall, initiative, and referendum. But how? Directly or indirectly? Actively or passively? Answers to these questions are not clearly specified in Sun Yat Sen's works.
3. For a theoretical analysis of the influence of constitutional secession clauses on the stability of federal governments and, correspondingly, for an argument that such clauses can influence the likelihood of secession, see Chen and Ordeshook (1993).
4. Notice though that the survivability of such a party is reduced if, as in Costa Rica, the threshold required for a runoff is lowered from fifty percent to forty percent.