

Constructing a Presidential System with Corresponding Powers and Responsibilities

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Taiwan's current semi-presidential system with both a president and a premier results in unclear distribution of powers and responsibilities as well as difficulties in implementation among other serious issues. The fundamental solutions are a reorganization of the current five branches of government into a three-branch separation of power, and a transition to either a presidential or a parliamentary system. Taiwan's current central government system is dictated in the Constitution of the Republic of China, designed some seventy-years ago for the whole of China; therefore any change of government system would entail constitutional reform. In terms of theory, presidential systems and parliamentary systems each have their strengths and weaknesses, and neither is superior or inferior in an absolute sense. However, given Taiwan's situation and political ecology, a presidential system is the more viable choice.

The main arguments against a parliamentary system for Taiwan are: (1) Turning the presidency into a figurehead is contrary to the public's conception of the president, and abolishing direct popular presidential elections would be unacceptable to the people. (2) The citizenry would not entrust the exercise of executive power to members of Parliament (legislators). When constitutional reform was first put in motion in the 1990s, many constitutional scholars initially favored adoption of a parliamentary system. However, after considering direct presidential elections and the quality of legislators, the majority of academics came to support adoption

of a presidential system. Moreover, Taiwan's central government comprises numerous departments and bureaus, and political appointees number close to one hundred. If legislators were to serve in the cabinet, the size of Parliament would have to increase significantly. With the call to "halve the size of Parliament" still reverberating, the populace would not lightly accept a seeming reversion to the past. (3) Taiwan's political party ecology is still unstable. Adopting a parliamentary system would introduce too many variables, possibly leading to a multiparty system and government instability.

The reasons behind Taiwan's introduction of direct popular presidential elections in the 1990s are: (1) coalescence of national solidarity and a strengthened sense of national identity; (2) protection of national sovereignty and the enhancement of Taiwan's international status; (3) expression of people power and promotion of democratization; (4) consolidation of the leadership center in order to better defend against foreign interference or intrusion. Presidents Lee Teng-hui and Chen Shui-bian did advance these aims when in office, but Ma Ying-jeou has failed dismally. Ma's performance demonstrates that a directly-elected president will not necessarily make headway in these areas. However these grounds for direct presidential elections are nonetheless valid, especially as a change to a presidential system is likely to reinforce those desired effects.

Some people are concerned that a presidential system will lead to dictatorship. In actuality, a dictator coming into power is all but implausible given the ever-increasing democratic literacy of the Taiwanese public and rising people power. The Sunflower Student Movement and the November 2014 local elections demonstrated how the public could rein in an overreaching president. In any case, a parliamentary system is no guarantee against dictatorship. This is particularly the case when there exists a dominant party capable of forming a majority government; the party leader would serve as premier and parliamentary majority leader, in effect controlling the executive and legislature, as well as the party. This scenario could conceivably give rise to a dictator.

And then there is the winner-take-all myth of presidential systems. Actually, in order to ensure smooth operation of the government, the president must communicate, coordinate, and share power with the legislature and the opposition party. In contrast, one-party domination is more likely to emerge under a parliamentary system. Or conversely, it may produce a coalition cabinet (due to the proliferation of smaller parties) in which everyone shares in the spoils but attribution of responsibility for either success or failure is problematic; the chaos of the French Third and Fourth Republics offer sufficient evidence of this issue.

Modern nations are increasingly trending toward becoming “administrative states,” where policy-making power is increasingly concentrated in the hands of the executive. As such, the head of the executive should be directly determined by the people. Democracy requires us to make the executive power accountable to the people.

Parliamentary systems are affected by party-related factors and replete with unknowns, and often result in indirect democracy. Presidential systems, however, are able to answer to the contemporary demands of direct democracy, and also to avoid issues related to political spoils as they progress toward a system of checks and balances between the executive and legislature. **BT**

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