

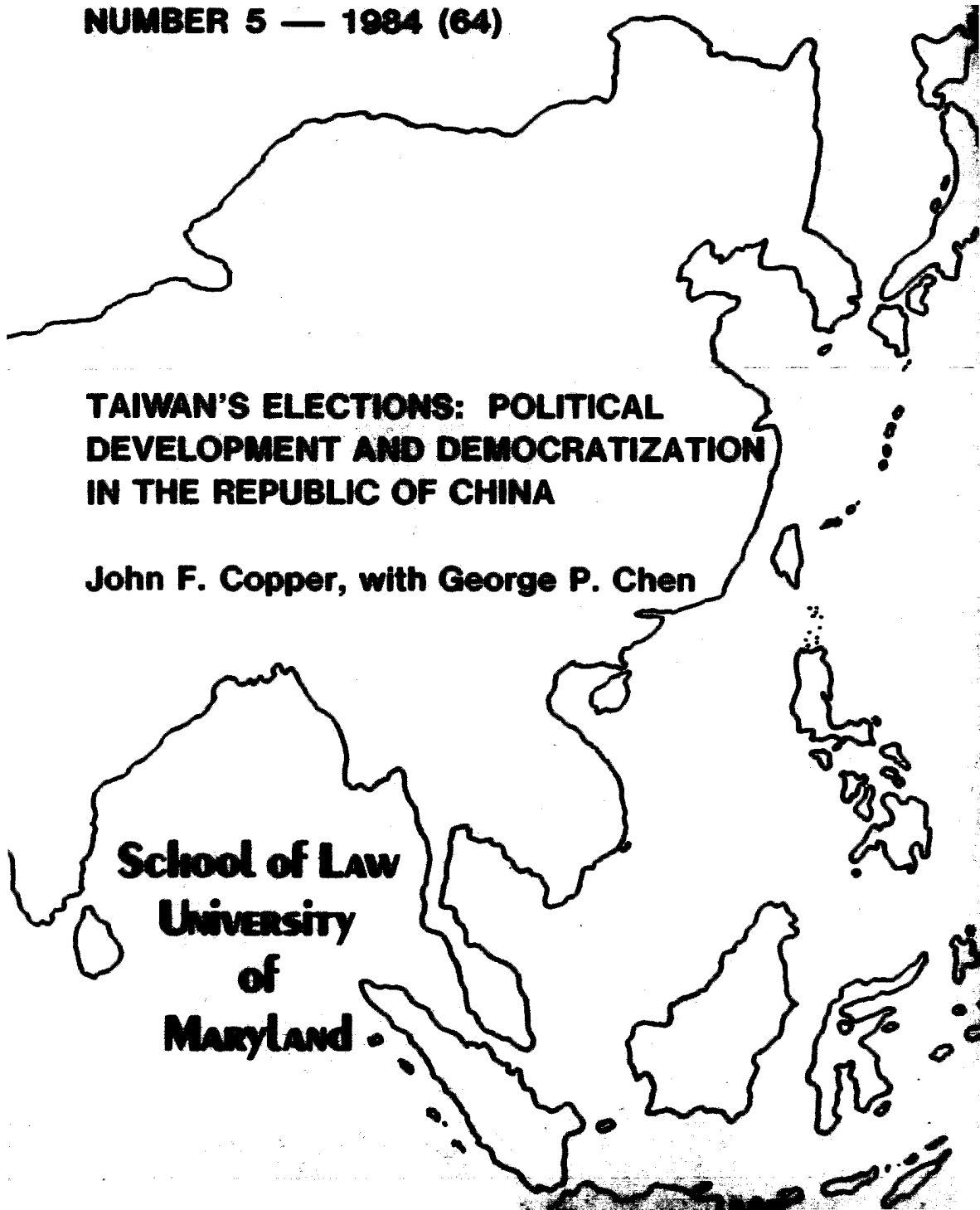
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**TAIWAN'S ELECTIONS: POLITICAL
DEVELOPMENT AND DEMOCRATIZATION
IN THE REPUBLIC OF CHINA**

John F. Copper, with George P. Chen

**School of Law
University
of
Maryland**



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Preface

During the 1950s many developing nations sought to adopt democratic systems by following the Western model of political development. Almost all of them failed.

In the 1960s transplanting democracy to the Third World was still a goal of the West. The experience of Vietnam, however, underscored the fact that it did not work very well. In the 1970s and early 1980s there was more realism in the West concerning the appropriateness of “quick fix” means of democratizing the rest of the world. Still there was much emphasis upon human rights, and, with that, political rights and freedoms. Democracy was still a goal and its advocates were usually not patient.

During this same period Taiwan institutionalized democracy at a measured pace. Elections were first made a meaningful part of the political process at the local level. Government at all levels was made more responsive to public demands and the needs of economic and social change.

As a result, by 1980 the nation was ready for party competition in elections that coincided with expanded political freedoms and an enlarging of the size of the National Assembly and the Legislative branch of the government. The process of democracy “from below” seemed to prove to be the right approach, as did putting economic modernization and social change before democratization.

To some extent, however, Taiwan was under pressure to make the system democratic through meaningful elections, even though maintaining stability was considered a *sine qua non*. The U.S., which had considerable influence over political decisions in the Republic of China, wanted democracy. Taiwan also needed to make a favorable impression with the international community in order to defend its right to exist in the face of threats by the People’s Republic of China to “liberate” Taiwan and incorporate the Republic of China’s territory. Thus, it had to take risks in terms of speeding up the process of democratization.

Taiwan has been a success story in terms of elections, democracy and political development; it is, in fact, a model for other non-Western nations. Obviously it will be studied more as other nations’ leaders and more scholars and observers of events outside their own country realize its significance. This study is only a beginning.

More precisely, this work focuses on Taiwan’s elections and re-

lates the election process to political development. It is a process that deserves both attention and analysis not only in the Republic of China but in all developing countries.

*John F. Copper, with
George P. Chen
June 1, 1984*

TAIWAN'S ELECTIONS: POLITICAL DEVELOPMENT AND DEMOCRATIZATION IN THE REPUBLIC OF CHINA

John F. Copper
George P. Chen

CHAPTER 1 INTRODUCTION

For a number of years many in the West have held great expectations regarding the growth of democracy in China. Some of the reasons for such hopes were valid, some spurious. Clearly, however, democracy was premature. The evolution of democratic institutions in the West took several centuries. Why should China differ? Perhaps it should take longer.

Indeed why should democracy develop in China at all? China was thought to have the makings of a democratic nation because of its so-called democratic culture: little central government; the imperative of good and virtuous government, which restricted the ultimate authority of all political leaders; a class system which was not rigid; government which conducted itself in the name of the people; considerable mass participation in local government; and finally the presence of individualism, free speech, and religious freedom.¹

Added to this, in 1911, China, behind the leadership of Sun Yat-sen, repudiated the ancient imperial system and its autocratic rule and established a republic. And although democracy at that time had its enemies, it was neither repudiated by the masses nor defeated by dictatorial forces or tendencies in subsequent years. Chiang Kai-shek—a Christian, whose wife and frequent spokesman was Western educated, followed in Sun Yat-sen's tradition of democracy. Chiang was an ally of the West during World War II and knew how to make friends—whom he and China needed. He maintained during internal and external crises China's democratic institutions in form if not in practice.²

During World War II China's political system and its political culture were contrasted with Japan's, which were highly undemo-

1. For further details on these points, see Lawrence K. Rosinger, *China's Crisis* (New York: Alfred A. Knopf, Inc., 1945), pp. 3-5 and Creighton Lacy, *Is China A Democracy?* (New York: John Day Co., 1943), pp. 12-17.

2. Lacy, *supra* note 1, pp. 73-74.

cratic, militaristic and authoritarian. Some in fact, saw the antipathy between the two as evidence of their different political traditions and proclivities. China, by contrast, was seen as a bastion of individualism and democracy in Asia.

Many in America felt U.S. aid would help realize democracy quickly in China. Others argued that the establishment of democratic institutions in China was possible to a meaningful degree only when the war ended. But most anticipated that it would be realized. The belief that China was a world power or soon would be and that for this reason it should—or must—be a democracy provided a strong impetus to think that China would democratize. This would solve two problems: China could be fully accepted by the West, and there would be no fear it might disrupt the international system. It also meant that the Communist dictatorship in the Soviet Union would be balanced or offset.

In 1949 the West suffered a big disappointment. It even had to search for scapegoats for the fact that Communism won in China over democracy. Chiang Kai-shek and the Nationalists were generally written off as proponents of authoritarian dictatorship and special privilege—not democracy. The Nationalists were labeled corrupt and incompetent. To many the Communists were seen as reformers and by some even as true democrats—though this view did not last long in the West except among the extreme left and a few naive idealists.

Informed scholars meanwhile generally admitted that it was premature to think of China, either the People's Republic of China or the Republic of China, as evolving a working democratic system soon. For the next ten years, those that felt that Western influence and a free economy were important, gave the Republic of China some hope, but not much. Seeing attempts at democracy fail throughout the world during the 1950s, the Republic of China on Taiwan was generally categorized as an example of the authoritarian-development model.³ Whether democracy was to evolve from this kind of system was uncertain. To some it depended upon the further success of economic development. To others it depended on much more.

During the 1960s and 1970s the world realized that Taiwan had

3. Gabriel A. Almond and Bingham G. Powell, *Comparative Politics: A Developmental Approach* (Boston: Little, Brown and Co., 1966), p. 383. Almond later refers to Taiwan as a preindustrial nation. See Gabriel A. Almond (gen. ed.), *Comparative Politics Today: A World View* (Boston: Little, Brown and Co., 1974), p. 34.

become an economic miracle. But what about political development? Some argued that the gap between economic development and political modernization had produced a revolutionary situation—some even anticipating a change in the system by force.⁴ Others argued that the gap was of little importance. More careful observers noted that significant progress in political modernization had already been made (though admittedly most of it was little advertised) and that more was in the making.⁵

However, the latter view was heard infrequently. And it was not widely accepted. Most argued that political modernization required a change in the structure of the political system and changes in its basic workings. Others cited legal and constitutional changes as a *sine qua non* of political development. There was still another reason to pay little attention to political development in Taiwan: most scholars felt that Japan was a much better model to study. Democracy was clearly working there, and its economic miracle was even more impressive. Others focused on the People's Republic of China because of, or, in spite of, its totalitarian communist system. Its politics were much more exciting to study and its success or failure was much more relevant to the rest of the world. Finally few regarded the Republic of China as a nation that would accomplish democracy quickly and even fewer regarded it as either an economic or political model for developing countries in spite of evidence to the contrary.

There appear to be four basic reasons why Taiwan has, in spite of a lack of attention, succeeded. One is its history. China's past holds many of the preconditions for democracy. And this is even more true of Taiwan than the mainland. Second, the Nationalists brought with them to Taiwan in 1949 democratic institutions—even though they did not make the system they transplanted to Taiwan a working democracy at the top. Third, Taiwan has experienced economic growth of the kind and magnitude which has engendered a new material culture, a middle class and a mass interest in politics. These factors contribute to the growth of democracy in almost any

4. Those who knew little about Taiwan or who held such a view based upon theoretical perspectives promoted this view. It is a perspective often espoused by the *Far Eastern Economic Review*. (See e.g., *Asia 1984 Yearbook*.)

5. See John F. Copper, "Political Development in Taiwan," in Hungdah Chiu (ed.), *China and the Taiwan Issue* (New York: Praeger Publishers, 1979), pp. 37-76; John F. Copper, "Political Development in the Republic of China, 1949-1981," in Hungdah Chiu and S.C. Leng (eds.), *China: Seventy Years After the Hsin-hai Revolution* (Charlottesville, Va.: University of Virginia Press, 1984).

setting. Finally, Western influence and pressure (especially from the United States) has been continuous as it has been pervasive. Both were of the right style and in the right measure to foster democratic political development.

By 1980, it was evident that these factors, combined with specific political leaders and events, were reinforcing each other to the extent that democracy seemed to be ready to bud. In any case, the election held at the end of that year was clearly a watershed event in terms of Taiwan's political system transforming into a democratic one. Those there at the time were astonished and impressed that the country held a competitive election campaign and that candidates discussed and debated issues with such candidness and freedom.

This, of course, could have been staged for the benefit of the U.S., which had just broken diplomatic relations with Taipei and moved its embassy to the People's Republic. The election was referred to by some as a "period of freedom" or a political "holiday" granted by the government. Yet the experiment, if that is what it was, turned out well for the most part. In fact, the subsequent, though smaller and less important, elections confirmed that free elections can be held in the future without cause for worry about political instability. During these elections, the electorate expressed much greater concern about tangible issues rather than ideology. Hence, while the public has not been reluctant to criticize the government, those who have not done so constructively or have done so in a spirit of opportunism or radicalism have generally been repudiated.

As a result, several conclusions seem to be warranted. One, the Republic of China has finally attained democracy, though it is in its early stages of development in some ways. Further democratization will probably transpire quickly. Those that in the past felt that this was possible were not wrong; they were simply incorrect about the timing. Two, Taiwan's progress deserves much more attention and study from the West than it has received. There are many lessons—ranging from how Taiwan should be treated as a member of the international community to learning how Taiwan accomplished what it did. In fact, scholars of political development may want to examine Taiwan's transition from an authoritarian (authoritarian-development) system to one of democratic-development. Finally, Taiwan's experience will be instructive for Third World countries who are experimenting with economic development and political participation and feel that the two must be related but do not know

how to accomplish this.⁶ Taiwan's elections are especially worthy of attention inasmuch as they have been the barometer of political development and reflect the connection or ties between economic and political modernization.

The following pages will examine in-depth Taiwan's experience with elections. This includes relating Taiwan's history and culture and the impact of economic development to political development while connecting competitive elections to political modernization. The study will assess elections before 1980 in terms of laying the foundation for a more important election. A single chapter analyzes the 1980 election—the watershed election—due to its importance. Another chapter treats the several local elections in 1981 and 1982, which afford evidence of the fact that progress made in that crucial election was not lost or reversed. Because of its importance, the national election of December 1983 is also dealt with in a separate chapter. That election offers still further proof of the significance of elections in the Republic of China's political system and evidence of political development of a democratic kind in that nation. Finally, the conclusion deals with the importance of elections and their significance to Taiwan's polity and the process of democratization.

This study is necessarily cursory on some issues. Its purpose is to tell the reader, especially those generally unfamiliar with the country, how Taiwan has changed in terms of making elections a meaningful part of the political process and how elections reflect both the change toward a democratic system and political development. This process, of course, is still going on. The authors hope that the reader realizes where Taiwan has come from, what it has accomplished, and where it is now in terms of it becoming a fully modern democracy.

Although the Republic of China is a small country it is still an important one for several reasons. It is a focal point in world affairs because the People's Republic of China claims Taiwan is its territory. The growth of democracy in Taiwan will no doubt help win support from other nations for an alternative view. Similarly the contrast between the two Chinas, the Republic of China on Taiwan and the People's Republic of China, is marked. This will draw attention to Taiwan as the more successful "China." It is no coincidence that Taiwan's economic success is something that the People's

6. For further details on this point, see Chalmers Johnson, "The Taiwan Model," in James C. Hsiung (ed.), *Contemporary Republic of China: The Taiwan Experience, 1950-1980* (New York: Praeger Publishers, 1981), pp. 9-18.

Republic of China is emulating. It has no doubt also been asked: why not emulate its political system also?

Finally, Taiwan's democratization process, of which its elections are a major part, is interesting for still other reasons. It has been carried out in a climate of considerable risk in terms of the magnitude of an external threat. It has also been criticized by an independence movement that challenges the government of the Republic of China in terms of its legitimacy. It has had its critics and detractors in the West. And it has been accomplished in haste. Though the context in which Third World nations must adapt to a changing world is not quite the same, Third World leaders generally perceive their situation as one that demands quick movement. Thus they are in need of a model. Taiwan has clearly done in a very short time and during a period of adversity what Third World nations now will have to do. The West did not. Thus, others should view Taiwan's political development experience, of which its elections are a central fundamental part, as a precedent and a lesson.

The next chapter begins with a look at where Taiwan started. It examines Taiwan's political history and political culture in order to provide a background to understand the role of elections in the democratic processes which evolve later.

CHAPTER 2 ELECTIONS AND THE POLITY OF THE REPUBLIC OF CHINA

To understand the importance of elections in Taiwan and their impact on the democratization process there, it is necessary to first comprehend the role of participation in the political system in Taiwan wherein elections play a major role. This necessitates seeing the election process in the context of Taiwan's political history and political thought, and the structure of the government in the Republic of China. The role of exogeneous factors, particularly the pressure applied by the United States to establish a democratic system and the impact of economic growth, both directly and indirectly, are also crucial to understanding the election process in the Republic of China. The next chapter examines the last two factors.

Political thought in Taiwan is for the most part of Chinese origins. Both the early migrants to Taiwan (which now constitute the majority of the population) as well as the Chinese who came after World War II (mostly in 1949 after the Nationalists were defeated by the Communist forces on the mainland), were steeped in Chinese political tradition. But China is a large country and variations in terms of political thought and tradition among the provinces are considerable. Furthermore, Japan ruled the "native" Taiwanese, i.e., the Chinese who moved to Taiwan before Japanese occupation, from 1895 to the end of World War II, thus creating some new attitudes in terms of political culture. Foreign powers prior to the Japanese colonial period also ruled Taiwan. China experienced foreign encroachment and limited political control, but never foreign rule.

For these reasons foreign influence in Taiwan historically was both greater than and different from that in China. Similarly the period of Japanese rule had a distinct effect upon the political thinking and political culture of the Taiwanese, though it did not necessarily stimulate democratic thought.¹ It is also accurate to say that in 1945 Taiwanese were more cosmopolitan than their brethren from the mainland, yet the latter were better educated and were more politically astute. In any event similar Chinese political tradition that

1. The Japanese rule of Taiwan from 1895 to 1945 stimulated democratic thinking in the sense that it promoted economic development, which to some extent fostered the need for an open, representative political system. Japanese exclusivism also fostered a desire among the Taiwanese for democracy in order to gain greater equality. Also, during the last years of Japanese control, greater political participation was promoted in order to win support of the population in the context of Japan losing the war.

may or may not have included democracy influenced, more or less, both groups.

Arguing that China has no democratic tradition, some China scholars note that serious consideration was never given—considering the writings on politics throughout thousands of years of Chinese history—to a democratic system of government.² Confucius advised that the average person should not take an interest in politics. Chinese leaders were also authoritarian and at times despotic. Clearly Chinese political tradition is different and in some ways less democratic when compared to the West.

On the other hand, China's political tradition contributed to and was molded by a bureaucratic system wherein political power was legitimized through an objective civil service recruiting examination that disregarded class, profession, and birthright. Political power throughout most of Chinese history was in the hands of the scholar cum official, not those with the force of arms or money—as in the case of most other political systems. Moreover, in the Chinese bureaucratic system the scholar-official idealized good government which meant maintaining the support of the people and generally preserving a high level of ethics in politics. In short, they considered a good and just rule—meaning fair treatment of the people, peace and prosperity—their goals. Rulers who were unsuccessful in this effort generally did not stay in office long. In other words the notion of *vox populi, vox die* was part of the Chinese political tradition—translated as the “mandate of heaven.” This was certainly not an undemocratic tradition.³

The social class system in China was also flexible, enabling an individual of any class, if he (women were not given opportunities in education or politics) possessed the mental capacities to pass the civil service examination, to become an official and at the same time a member of the scholar gentry class. Thus a peasant could rise to enter the imperial court and advise the emperor on political affairs. This advice, which according to tradition and custom the emperor had to receive graciously and gratefully, was generally followed. Hence, in theory egalitarianism was at least built into the Chinese

2. See Joseph R. Levenson and Franz Schurmann, *China: An Interpretive History* (Berkeley: University of California Press, 1969).

3. See John K. Fairbank, *The United States and China* (Cambridge: Harvard University Press, 1972), chapter 3, for further details. Cf., W. T. de Bary, “Chinese Despotism and the Confucian Ideal: A Seventeenth-Century View,” in John K. Fairbank (ed.), *Chinese Thought and Institution* (Chicago: University of Chicago Press, 1957), pp. 163–203.

political system and any male, regardless of his birth, could become a political leader.⁴

Also the Chinese political system, while unitary in theory, was loosely organized or decentralized, in terms of its actual operations. Because of this the Chinese political system historically was less despotic and more democratic than is generally assumed.⁵ China was theoretically governed from the emperor's court; yet, because of its vast size and population, officials sent from the capital to rule the provinces and political units on down to the village relied upon local leaders to get their work done harmoniously and effectively. This, in fact, they had to do, or suffer being recalled, which would result in a less than favorable efficiency report. Bad effectiveness reports meant slow or no promotions and little chance to serve in the imperial palace. Thus, competition between and among local families (generally extended families) or cliques characterized local politics in China. Central government officials served to a large extent in a go between role or mediating role in local politics rather than ruling by fiat.⁶ This mediating role was an important one to all concerned. It also represents a kind of democratic tradition as did the decentralization of political power itself inasmuch as it kept political decision making largely in the hands of those who best understood their constituency and who were close to those ruled.

The leadership style of the government of the Republic of China on Taiwan, as well as the Nationalist Party, reflect this tradition. Chiang Kai-shek ruled with a Confucian aloofness and espoused an attitude that politics was a matter for a professional elite. Yet, he also mirrored a concern for the welfare and will of the people and a preoccupation with morality and justice. Chiang Kai-shek encouraged democratic political participation at the local level notwithstanding his preoccupation with national unity and security. He never preempted local government and seldom undermined the work of local government officials.

His son, Chiang Ching-kuo, who is now President, also main-

4. T'ung-tsu Ch'u, "Chinese Class Structure and its Ideology," in Fairbank (ed.), *supra* note 3, pp. 235-50.

5. Decentralization of political authority is seen in Chinese political culture as a product of the fear that our centralization of power leads to both tyranny and turmoil. See Richard S. Solomon, *Mao's Revolution and Chinese Political Culture* (Berkeley: University of California Press, 1971), pp. 141-42.

6. See Lucian Pye, *The Dynamics of Chinese Politics* (Cambridge: Oelgeschlager, Gunn and Haim, Publishers, Inc., 1981), p. 141. Pye explains this in terms of personal relations.

tains this tradition. He seldom makes public speeches. He alone makes decisions on certain issues. He disciplines his subordinates as if they were responsible to him personally. But he allows local government to function democratically—in fact, more democratically than the central government. Looking at China's past it is easy to see why this is not a serious contradiction.

Chiang Ching-kuo has, however, broken from tradition by giving considerable time to the press and by expressing his concern for the masses by mingling with them and showing an interest in their problems. He also heeds public opinion on many important issues, has mandated that the government represent all of the people of Taiwan and that the Nationalist Party recruit from every segment of the population. More important, he has helped make elections an important part of the political process.

The Nationalist Chinese government can justifiably be accused of authoritarianism in many respects; yet unlike political elites in most developing nations it has never acted to suppress local democracy. In fact, as we will see in following pages, mass participation in local politics has been encouraged ever since the Nationalists moved to Taiwan and local government there has been for some time as democratic as local government in most Western countries. Nor has there been any political leader in the Republic of China openly attack democratic principles. Constitutionalism has been upheld as well as a democratic system of government. The obstacles to the development of a working democracy have been precipitous change causing political instability; never has there been a repudiation of ultimately realizing democracy.

Of equal importance to Taiwan's Chinese political tradition is the historical experience of Taiwan as an autonomous political entity prior to Western rule, the influence of European contact and control, and the 50 years of incorporation into the Japanese empire before World War II. All three affected the attitudes and the disposition of the Taiwanese toward politics in some profound ways. Similarly the impact of the West on China, which served as the catalytic force to bring an end to the imperial system and the rise of a democratic movement led by Sun Yat-sen, influenced the political outlooks and culture of the Mainland Chinese (those who came to Taiwan after World War II). The latter also contributed to a unique experience and a special attitude toward democracy when it merged with Taiwanese experience after 1945.

Due to the unique local political conditions, people in Taiwan developed special political views and traditions. In fact, in some

ways Taiwan's political culture was somewhat different from China's. These differences are important in understanding why Taiwan has some advantages in developing a democratic political system in contrast to the People's Republic of China.

First, since a generally less civilized and clearly unfriendly non-Chinese population already inhabited Taiwan, the early Taiwanese migrants established enclaves and lived along the coast. For this reason, coupled with the mountainous geography of Taiwan, political organization in Taiwan consisted of family or local clique rule (in the coastal areas), which later started to evolve into a kind of feudal system.⁷ As a result force of arms and money both played a more important role than it did in China in terms of wielding political power and determining the hierarchy of political influence.⁸ In this sense Taiwan's political culture resembled European and Japanese feudalism (and the American political tradition which came from Europe). This was an advantage in terms of importing Western democratic tradition and Western political institutions. They fit better and were understood better.

Moreover, unlike China, Taiwan came under foreign influence from the 15th century. In fact, for some years European powers ruled or controlled Taiwan. Likewise it became a trading nation early on—engaging in commerce with both the Europeans and other Asian countries, unlike China which was economically self-sufficient. Early trade fostered cosmopolitan attitudes and a tendency to look outward for ideas about political administration and government. It also gave rise to a more open, free and pluralist society.⁹

Japanese rule in many senses reinforced an already developing non-bureaucratic political tradition. The Japanese political system was a feudal one like the European systems, and was hierarchial and authoritarian with power based upon wealth (largely in the form of land ownership) and arms (in the form of samurai retainers). At the time it ruled Taiwan, Japan ended its period of insularity and was a nation whose sights were external to its borders rather than internal.

7. Ralph N. Clough, *Island China* (Cambridge: Harvard University Press, 1978), p. 6.

8. See Karl Wittfogel, *Oriental Despotism: A Comparative Study of Total Power* (New Haven: Yale University Press, 1957), for further details regarding the argument that arms and money were essential to holding political power, or were the basis of political power in feudal Japan and were not in "bureaucratic" China.

9. See George M. Beckman, "Brief Episodes—Dutch and Spanish Rule," in Paul K.T. Sih (ed.), *Taiwan in Modern Times* (New York: St. John's University Press, 1973), pp. 31–42.

This reinforced Taiwan's cosmopolitan tradition and made the population of Taiwan think in terms of foreign models for economic and political development. It also weakened Taiwan's insularity and Chinese political tradition.

During the period of Japanese rule Taiwanese were fully cognizant of the fact that they were governed by a foreign nation and that they were not accorded the privileges and rights accorded Japanese—even though Japanese control was generally considered efficient and beneficial (in that it eradicated local banditry which plagued Taiwan before 1895 and brought economic progress to Taiwan unmatched elsewhere in Asia except in Japan itself). Thus democracy meant greater political freedom and rights. During the Japanese period the Taiwanese population also became more aware of the development of modern political institutions in Japan and the West, of which they were not immediate beneficiaries. But they associated these institutions with their political future.¹⁰ As we will see in a following chapter some progress was made during the Japanese period to establish political forms that were in a rudimentary sense democratic.

Meanwhile democratic tradition sprouted in China in the form of opposition to Manchu rule and imperial tradition. In 1911 Sun Yat-sen, a man brought up with Western political thought—having lived in the U.S. for a good part of his early life—led a revolution that overthrew the ruling government of China. Sun then established a republican form of government—the first in Asia.

Sun realized, however, that democracy must be founded upon a democratic political culture and that this was to a large extent missing in China. In order to bridge this gap he envisioned the gradual evolution of democratic institutions and practices, with political power turned over to the people only after a period of tutelage. The fact that his democratic revolution was immediately preempted and that plans to establish a democracy had to be abandoned in order to avoid civil war aptly demonstrated Sun's reality—the reality that the Chinese state was not ready for democracy. On the other hand, the fact that Yuan Shih-kai (who assumed the mantle of political authority from the Manchu government by virtue of his controlling a strong modern military force), tried to establish himself as a new emperor and failed because of widespread opposition to returning to the old imperial system of government constituted positive proof

10. See Hyman Kublin, "Taiwan's Japanese Interlude, 1895-1945," in Paul K. T. Sih (ed.), *supra* note 9, p. 352.

that democracy and republicanism had caught on in China even if the roots were not completely embedded.¹¹

In fact, it can be argued that the successive failures of various warlords to rule China, the survival of Sun's political ideals and his political system during Chiang Kai-shek's campaign to eradicate warlordism and unify China, and the persistence of plans to build democracy during the war with Japan and subsequent civil war between the Nationalists and Communists, seem to confirm the respect for and desire of a system of government founded on mass political participation. Chiang Kai-shek clearly had ample opportunity to scrap Sun's ideals—ideals which in many senses were a burden and interfered with his efforts to unify and rule China and fight the Japanese and Communists. Similarly the struggle between the Nationalists and the Communists for the minds and souls of the Chinese people was not one between forces for and against democracy; both sides advocated democracy. Rather it was a matter of how political participation should be rendered meaningful and democracy implemented. For Mao Tse-tung democracy meant something very different from that which evolved in the West.¹²

Democracy had manifold origins in terms of political culture and has come to mean many things in Taiwan. When the Nationalist government recovered Taiwan in 1945 and even more when Chiang Kai-shek and his followers, numbering over a million, fled to Taiwan, democracy became the common goal and the standard of judging both the right of Chiang and his group to rule Taiwan as well as its effectiveness. Democracy has since been invoked by those who want a more rapid transition of political power to the Taiwanese and those who feel that the Republic of China's future is on Taiwan, not in trying to return to the mainland or in negotiating with the Communists, and that to make this possible the nation needs the support of the international community. Thus, democracy serves as a common language and inspiration.¹³

Asserting that mass participation in political decision making—the basis of democracy and a republican form of government—was both necessary and inevitable in Taiwan when examining the system of government created by the Constitution written in 1946 and put

11. Immanuel C.Y. Hsu, *The Rise of Modern China* (New York: Oxford University Press, 1970), p. 571.

12. See Frederic Wakeman, Jr., *History and Will: Philosophical Perspectives of Mao Tse-tung's Thought* (Berkeley: University of California Press, 1973), p. 26-27.

13. See F.A. Lumley, *The Republic of China Under Chiang Kai-shek* (London: Barrie and Jenkins, 1976), p. 91.

into force in 1947 serves as an even stronger argument. This Constitution served as the basis for establishing a democratic form of government in China in 1947 and remains the legal and organizational foundation for the government of the Republic of China on Taiwan today. It was based philosophically upon the basic concepts of democracy set forth by Sun Yat-sen to fit the Chinese environment in his *Three Principles of the People* and more specifically upon proposals setting forth democratic principles and the structure of the government of the Republic of China found in his last will (especially regarding the National Assembly), and the draft constitution written in 1936. The last two documents reflect the need for detailed planning before democracy could be implemented and all were committed to that as a goal.

The Constitution of the Republic of China contains provisions for guaranteeing fundamental rights to citizens found in what is generally labeled a "bill of rights" in Western democracies.¹⁴ All citizens having reached the age of 20 years have the right to vote and those 23 years or older possess the right to be elected to public office. Elected officials are subject to recall, and citizens are given the rights of initiative and referendum.

In terms of mass participation, or more specifically the influence of the ballot, the most important organs of government were made elective; positions in others were to be filled by appointment. This was similar to democratic systems that existed elsewhere at that time. The most important elected bodies were the National Assembly and the Legislative Yuan (or branch of government). One of the five branches of government (China adopted three of the functions of Western political systems—executive, legislative and judicial—plus two from the traditional system—examination and control), the Control Yuan was elected indirectly. Because China was a nation with numerous enclaves of people (for reasons of history, geography, language and culture), who were not part of the political influence—the election system also protected minority rights.

The National Assembly was designed to be the highest political organ representing the people, and was given the functions of electing (also recalling) the President and Vice-President and amending the Constitution, directly or by voting on amendments proposed by the Legislative Yuan. It was also given the powers of initiative and

14. See Lih-wu Han, *Taiwan Today* (Taipei: Cheng Chung Book Company, 1978), chapter 2, for further details on the Republic of China's political system. Cf., *Republic of China: A Reference Book* (Taipei: Tung Hsing Culture Press, 1983), Part II.

referendum according to special laws to be subsequently written. Delegates to the National Assembly were to be elected on a geographical basis, though special provision was also made for the representation of Mongolia and Tibet, Overseas Chinese, women and occupational groups. These representatives of the people, the Constitution stipulated, would be elected for a six-year term and could not concurrently hold another political office. The National Assembly would be convoked 90 days prior to the expiration of the presidential term and at other times under special circumstances.

The President was given powers and duties resembling those given heads of state in Western democratic systems. The Vice-President was given no actual political power, but would assume the powers given to the President in the event the office of the president became vacant.

The Legislative Yuan was made the highest law making body in the country and its members were to be elected proportionally from the various geographic regions of China in a similar, but not identical manner, as the National Assembly. Like members of the National Assembly, members of the Legislative Yuan were prohibited from holding other political office. Unlike the National Assembly, however, delegates to the Legislative Yuan were given only a three-year term, though they could be reelected. The powers given the Legislative Yuan were almost identical to those given the U.S. Congress: passing statutory and budget bills, declaring war, approving treaties, and granting amnesty. The President and Vice-President of the Legislative Yuan were to be chosen by its members. The Control Yuan was constituted with powers of consent, impeachment, censure and auditing. In the case of impeaching a President or Vice-President checks and balancing applied. An impeachment motion required a vote from one-fourth of the total members of the Control Yuan. To be enacted it must be followed by a resolution presented by a majority to the National Assembly. The Control Yuan was also given the power to investigate the activities of public functionaries and propose corrective measures in the event of malfeasance by government officials or organs of government.

Members of the Control Yuan were to be chosen by provincial and municipal councils, local councils in Mongolia and Tibet, and the Overseas Chinese. Members serve a six-year term and are eligible for reelection. As in the case of the other elected bodies mentioned above Control Yuan members are not allowed to concurrently hold other office.

In addition to the power of the ballot given citizens of the Re-

public of China to elect members of those organs of government just mentioned, the populace was indirectly given some influence or control over other organs of government. This they were given via their franchise in picking members of the National Assembly, the Legislative Yuan and the Control Yuan. These organs choose delegates or approve nominations of officials in the other major branches of government. In the case of the Executive Yuan—the highest administrative organ of the government—there are several checks on its power that ultimately reflect the public's will. The Legislative Yuan has to approve the appointment of its head, the Premier or President of the Executive Yuan. The Legislative Yuan is also given the authority to interpellate, alter by resolution or refuse the Executive Yuan's reports on policy. (The Legislative Yuan can be asked to reconsider, but in essence it possesses something akin to veto power.) Finally the Legislative Yuan is empowered, if it does not change its views upon hearing entreaty from the Executive Yuan, to approve any resolution relevant to its lawmaking role by a two-thirds majority, thereby going over the Executive Yuan. If that occurs the President of the Executive Yuan must accept the resolution or resign.

In the case of the Judicial Yuan—the highest legal organ of government—the Control Yuan is empowered to consent to or reject appointments to that body made by the President of the Republic. The Examination Yuan, which has the responsibility for hiring for civil service positions, making efficiency reports on government officials, and formulating promotion and retirement policies, is checked by the Control Yuan—the latter having the authority to consent to or reject appointments of members of this branch of government.

According to the Constitution, local government is to consist of two basic levels: the province and the county (hsien). Each province elects a provincial assembly and each county a county assembly. Specific powers are delegated to the provinces with little oversight or recourse as is the case in most federal systems of government. In short, there is clear constitutional authority for local democracy.

Inasmuch as the National Assembly, which adopted the Constitution in 1946, was comprised of members elected in the mid-1930s and had considerable political experience, and since the Nationalists were in a favorable position vis-à-vis the Communists at the time, due consideration was given to debating the Constitution and its provisions—including the power and authority given the electorate. The same, however, cannot be said of the elections which followed. Elections were held amid Communist successes on the battlefield.

Political chaos prevailed in some parts of the country while in other the government was isolated from its constituents.

Subsequently, in 1948, in the context of a full scale war with the Communists, the Constitution was amended by adopting "Temporary Provisions Effective During the Period of Communist Rebellion." These laws gave the President the authority to take emergency measures not subject to the procedural restrictions of the Legislative Yuan. The "Temporary Provisions" also forbade the forming of new political parties. Though this action was clearly legal and, moreover, justified by almost any criteria given the circumstances, the continuation of the "Temporary Provisions" after the government moved to Taiwan has been seen by many observers as a paramount obstacle to the development of democracy. Likewise, as economic and social change has fostered more intense demands for political participation, especially competitive elections, the "Temporary Provisions" have become a symbol of the government's authoritarianism and its unwillingness to truly implement the Constitution and establish representative democracy. This is a subject that will be discussed in following chapters in greater detail since it relates directly to the realization of democracy as well as the significance of the right to vote and is relevant to the degree of choice in all elections held in Taiwan.

Except for the controversy surrounding the "Temporary Provisions," the Constitution of the Republic of China clearly was written by men of considerable foresight and is a document that has, like the U.S. Constitution, come to be regarded in many respects as sacred. It is a document that the overwhelming majority of the population supports in terms of the political philosophy it embodies and the organizational structure and operation of the government that is based on that document.

In other words, the Constitution of the Republic of China and the system of government it legitimized have become implanted. This same history is common to almost all constitutional, democratic systems. For that reason, political opposition in Taiwan has almost always been couched in constitutional terms. It generally centers on how quickly the spirit of the constitution should be implemented and in what manner. Even the staunchest opponents of government do not advocate scrapping the constitution and establishing some other kind of political system.¹⁵ This is important; it says there are ground

15. Clough, *supra* note 7, pp. 64-66.

rules. Democracy in other countries developed in this context; democracy has generally not survived in other environments.

In summary, then, the Republic of China's political system was founded upon democratic principles and mass participation. Sun's political philosophy, which assumes a "training" period for the people to become knowledgeable and responsible citizens, has not been discarded or replaced. All children in Taiwan's schools study Sun's teachings; government officials and members of the Nationalist Party read and quote his writings. Regarding the implementation of democracy the question is one of timing, not whether or not democracy is, as defined in the Constitution, desirable or applicable.

Both the political structure and organization of the government of the Republic of China in functional terms, are democratic in form. Elections put the system into operation and have since sustained it. These elections have not been as meaningful as they might be because of the "Temporary Provisions" which preclude party competition. The fact that the Republic of China claims jurisdiction over the mainland of China as well as Taiwan and attempts to represent the former in absentia also means that the system is not representative of just the territory it governs although it has evolved in this direction as time has passed. Without elections and without elected officials whose work and decisions depend on the mandate of the people, Taiwan's government, both national and local, would not retain its legitimacy. Again it is not a question of whether, but one of degree.

Elections also serve other functions in the polity of the Republic of China. First, they fulfill a purpose that they only recently have begun to accomplish in Western democracies: They give a voice to the disenfranchised or marginally franchised—minority groups, women, and special interest groups that need special representation. The Constitution recognizes the special rights of minority and other groups that are not represented or are underrepresented in the political system as it would otherwise work. Without elections this promise would be meaningless. Elections in Taiwan also give additional political power to labor, professional groups and certain other organizations. The electoral process in this way formalizes political representation for certain interest groups and facilitates what scholars of political development call interest articulation.

Second, elections bridge the gap between local government and the national government. In the traditional Chinese system the scholar-gentry officials did this. This has been the task of the Nationalist Party in Taiwan since 1945. But the Party cannot do this effec-

tively and with credibility unless elections are held to reflect competition for political office and rank within the Party. In the future, it may be done by other parties as well as the Nationalist Party.

Third, elections facilitate the role of the national government as broker and mediator in local politics. Democracy in Taiwan has developed primarily from the bottom up because the people were more interested in local politics and were given a greater voice there. Thus elections must be held at the national level in order to keep pace with progress in political development. At the same time national elections provide an opportunity for the central government to check on the honesty of local elections and ensure that they work according to constitutional provisions and that the whole system—local government and central government—is working effectively and its parts operate in tandem.

Fourth, elections reflect ethnic differences between the Taiwanese (and among them as well) and the Mainland Chinese that came to Taiwan after World War II. The latter group has dominated government and education for the past three-plus decades; the former has dominated business. There are differences in outlook and purpose that need to be brought into the open, articulated, and measured. Elections do this. They also reflect in some cases the fact that differences or gaps do not exist when they are widely presumed to. Fortunately for the growth of democracy in Taiwan the gap between the two groups has closed significantly in recent years; and elections have proven this.

Finally, elections mirror progress, or the lack thereof, made in realizing democracy and the effectiveness of the political system in providing mass participation. In Taiwan's case there has been tremendous pressure from both inside and outside the system to make democracy work, as will be seen in the next chapter. Elections are a functional reaction to this pressure. Elections also are a gauge of how much progress has been made and how much remains to be made.

CHAPTER 3 INTERNAL AND EXTERNAL PRESSURES EVOKING POLITICAL PARTICIPATION AND ELECTIONS

As noted in Chapter 2, the infrastructure or foundation for participatory democracy is present in Taiwan, as are the legal and constitutional structures for a democratic system. Elections, however, have been impeded by special circumstances and events. At the national level (quite in contrast to the local level) elections were, until 1980, less than meaningful for a variety of reasons, most of which in the legal sense relate to the "Temporary Provisions Effective During the Period of Communist Rebellion." The "Temporary Provisions" were used to justify freezing elected positions, thereby retaining the representatives of provinces on the mainland in the National Assembly and the Legislative Yuan and some other elected bodies after the government moved to Taiwan. In fact, this situation still exists, though as we will see to a much lesser degree than in the past.¹

The situation just described made the political system of the Republic of China at the top one which was democratic in structure and in most senses democratic in spirit. But as the system operated it was more authoritarian than democratic. Also there was a gap between the level of participation and the way the political system worked at the local level as compared to the national level. In short, the central government, rather than being a model of democracy that trained the population for future democratic politics, had the opposite effect; it impeded or at least stalled the development of participatory democracy. Meanwhile, democracy was allowed to work at the local level, and did.

Since the early 1950s there has been pressure, both internally and externally, to change this situation. This, in fact, helps to explain what may be described as amazingly quick progress toward participatory democracy, perhaps even a transition to a fully democratic system, during the last five years. Meaningful elections beginning with the watershed election in 1980, local elections in 1981 and 1982 and another competitive national election in 1983 are all evi-

1. The preconstitutional National Government on July 4, 1947 issued orders to suppress the communist rebellion in China. Subsequently the National Assembly enacted the "Temporary Provisions Effective During the Period of Communist Rebellion" as an attachment to the Constitution—which was enacted the next year. The second plenary session of the National Assembly, held in Taipei in March 1954, decided that the "Temporary Provisions" should remain in force. The "Temporary Provisions" have, however, been revised four times.

dence of "transition" to democracy. In short, after 1980 Taiwan entered a kind of "take off" stage in terms of the process of democratization.

The factors which gave rise to or fostered this accelerated evolution of participatory and competitive democracy may be generally classified as: (1) the impact of economic development (including cultural change evoked by economic development); (2) the influence of the United States on politics in Taiwan, of both an indirect and a direct (or intentional) nature; and (3) Taipei's need to present a positive image to the global community to win support for its continued existence as a sovereign nation-state in the face of threats by the People's Republic of China to incorporate Taiwan using the threat of military force combined with diplomatic and other efforts to accomplish that.

Taiwan's economic development for more than three decades has provided the impetus for marked changes in the society, new and stronger demands for participation in political decision making, and the intertwining of economic and political decision making. For reasons which will be explained below, the impact of successful economic growth has been nothing less than spectacular. In this connection, one would also bear in mind that economic growth, and the material and other comforts it has provided, have been accepted as the foremost or priority goal of the overwhelming majority of the population. Moreover, there has been mass participation in realizing the economic miracle; basically no one has been left out of the economic development process either in terms of making it happen or realizing its benefits. And as a result of this process of working together to promote economic development, the masses have given the government due credit for planning and engineering growth. Few are under the illusion that it happened by accident or was the product of external forces.

As a product of Taiwan's rapid economic modernization, the government has gained tremendous prestige and support from the people. In short, the government is credited with making the economic miracle occur. This has helped to offset some of the pressures for a more democratic system. At the same time it has made top government officials perceive that they have the support of the masses, thereby making the government more willing to put democracy into practice.² It has similarly compensated for the govern-

2. See Copper, "Political Development in the Republic of China, 1949-1981," *supra* Chapter 1, note 5, for further details.

ment's failure in foreign affairs (though these "failures"—which will be discussed later—were seen as inevitable by most of the population).

To understand the magnitude of the social change fostered by economic modernization and its impact on political outlooks and demands, it is necessary to realize the scope of the economic development Taiwan has experienced. Some figures are helpful: Just over thirty years ago, in 1952, the gross national product of the Republic of China was \$1.33 billion; in 1982 it was estimated at almost \$50 billion. Per capita income rose from around \$45 annually at the end of World War II to a projected \$2,600 in 1984—or more than a fifty fold increase.³ Taiwan's economic growth over the last thirty years has been one of the highest in the world. Moreover, while per capita income lagged behind growth for some time due to a high rate of investment, incomes have increased as fast or faster than GNP over the last decade. This has given the population rapidly increasing buying power—unprecedented in the island's past. In fact, this has occurred at such a pace that Taiwan has probably become a mass consumer-oriented society more quickly than any in the world.

Moreover, the changes in social attitudes resulting from economic prosperity are even greater than they would normally be because of the even distribution of incomes that has also occurred during this same time period. In 1952 incomes differed between the top 20 percent of the population and the bottom 20 percent by a factor of fifteen (incidentally not particularly high for a developing Third World country). By 1980 the gap between the same two groups dropped to 4.34 times, putting the Republic of China in the category of low income inequality. Now, in terms of equality of incomes, Taiwan exceeds both the U.S. and Japan not to mention most communist countries (including the People's Republic of China).⁴

3. See Shirley W.Y. Kuo, Gustav Ranis and John C.H. Fei, *The Taiwan Success Story: Rapid Growth with Improved Distribution in the Republic of China, 1952-1979* (Boulder, Co.: Westview Press, 1981), p. 7 for further details on Taiwan's rapid economic growth in GNP and per capita income terms. For the latest statistics, see *The Free China Journal*, April 8, 1984. Cf., Chu-Yuan Cheng, "Economic Development in Taiwan and Mainland China: A Comparison of Strategies and Performance," *Asian Affairs* (Spring 1983), pp. 60-86. Cheng puts Taiwan's per capita income at \$50 annually at the end of the war, or about the same at the mainland. According to official figures, Taiwan is now more than 8 times that of the People's Republic of China.

4. See Yuan-li Wu, "Income Distribution in the Process of Economic Growth of the Republic of China" (Baltimore, Md.: University of Maryland School of Law, *Occasional Papers/Reprints Series in Contemporary Asian Studies*, 1977-No. 2) for further details on Taiwan's income distribution.

Income equalizing has occurred at such a pace that, according to World Bank reports, Taiwan has the most equitable income distribution of any rapidly developing country in the world.⁵

Some other facts about Taiwan's economic development are also relevant in terms of explaining the impact of economic growth upon social and political change. Inasmuch as Taiwan has few natural resources and suffers from a severe population density problem (almost three times as many people per square mile of arable land as Japan and four to five times that of the People's Republic of China) Taiwan's economic development had to be based upon astute planning, the rapid industrialization of the island's economy and foreign trade.

Economic assistance was important, as will be seen in the following pages, but it played no role after the mid-1960s. Also considering the fact that most of the nations receiving foreign assistance at that time (and since then as well) did not use aid productively, its effective utilization in Taiwan obviously reflects effective government planning. (In fact, very few countries that have received U.S. or other outside economic assistance can argue that it was used effectively to promote economic development. Cuba's situation in the 1960s was similar to that of Taiwan's during its economic takeoff period and it received from the Soviet bloc six times the aid in per capita terms given by the U.S. to Taiwan during the peak years in the 1950s. Yet during that decade Cuba failed to show even moderate economic growth.)⁶

Thus, it appears that acumen in planning and a commitment to economic growth by both the government and the population primarily account for Taiwan's rapid economic growth. This being the case, it is axiomatic that the effects of economic growth have been desired by both the political elite and the masses, and both have sought to functionally adjust socially—though one might argue that simply because of the magnitude of Taiwan's economic growth to-

5. See John C.H. Fei, Gustav Ramis and Shirley W.Y. Kuo, *Growth with Equity: The Taiwan Case* (Washington, D.C.: The World Bank, 1979), pp. 325–26. Cf., Ian M.D. Little, "An Economic Reconnaissance," in Walter Galenson (ed.), *Economic Growth and Structural Change* (Ithaca, N.Y.: Cornell University Press, 1979), p. 498 and Wan-yong Kuo, *The Past and the Prospects for Income Distribution in Taiwan* (Taipei: Institute of Economics, August, 1976).

6. A. James Gregor with Maria Hsia Chang and Andrew B. Zimmerman, *Ideology and Development: Sun Yat-sen and the Economic History of Taiwan* (Berkeley: Center for Chinese Studies, China Research Monograph 23, 1981), pp. 87–88.

gether with its pervasiveness in terms of the mass impact this adjustment was at least to some extent destabilizing.

The scope of social change engendered by Taiwan's rapid economic growth must also be seen in the context of understanding how that growth was achieved. It is worthy of note that its growth was not based upon the sale or use of the nation's natural resources, as was the case of many other rapid growth countries. Instead growth was based upon the use of human resources which required the rationalization of the economy, specialization in production, foreign trade, quality control and good marketing techniques. This made possible a quick shift from an agricultural-based economy to an industrial-based one. All of this was planned and overseen by the government.

The degree to which government planning worked can be easily documented. In less than thirty years between 1952 and 1981 the general index of industrial production increased threefold. The average annual growth rate in construction was 20.3 percent; in manufacturing it was 14.5 percent; and in public utilities it was 11.6 percent. This translates to a 40 percentage point gain in the share of the GNP by the industrial sector, compared to 11 percent for the U.S. and 22 percent for Japan during its first 40 years of industrial growth.⁷ Although agricultural productivity continued to increase during this same period, this was accomplished only because of improved farming methods and seeds—since there was a massive movement of labor from rural Taiwan to the cities. In fact, industry absorbed new labor at a rate of 9 percent annually throughout most of the period.⁸ As a result Taiwan became quickly urbanized.

All of this had many effects. First, it resulted in the cities becoming younger. Second, it created new political inputs due to crowding in the cities, the greater need for services and higher standards of living. Third, it created a more politically active population and voting electorates with different (and generally more adaptive and progressive) political attitudes. The importance of these factors will be discussed at greater length in subsequent chapters.

The rapid process of industrialization had many other spin-off or side-effects. Already mentioned is the growth of consumerism based upon vast improvements in individuals' buying power and standards of living. The magnitude of change in this realm is nothing less than spectacular. During a period of less than thirty years

7. *Ibid.*, p. 77.

8. See Kuo et al., *supra* note 3, pp. 13-17.

from 1952 to 1981, Taiwan experienced increases in the following indicators as follows: Calorie intake rose from 2,070 per day to 2,830. Protein intake increased from 49 grams per day to 78. The average life span increased from 58 years to 72. The number of households with television sets shot up from zero to more than 100 percent.⁹

By the 1970s automobiles, motorcycles, refrigerators, air-conditioners and washing machines were commonplace. So were many other consumer goods such as stereos, tape recorders, cameras, and color televisions. In short, within twenty years of the government of the Republic of China moving to Taipei, Taiwan had grown into a full fledged consumer society facing all of the implications of that change. Prosperity fostered materialism, breaking down old values. This altered both the thinking and behavior of the Republic of China's populace, engendering, in fact, a new political culture. Economic decision making and political decision-making merged or overlapped. A new affluent class became more interested in politics. Family ties and loyalty diminished. Nationalism increased. The desire of the masses to participate in political decision making rose.

Before examining the demand for political participation that followed Taiwan's prosperity, it is necessary to look first at some of the intermediate causes and effects. One important effect of increasing living standards and the development of a materialist culture was the fact that consumerism tended to level ethnic as well as social class differences. This was even more true than it might have been otherwise since the Taiwanese (who dominated business) benefited more from the economic growth policies of the government (dominated by Mainland Chinese) than did the Mainland Chinese themselves. Economic growth and prosperity also reduced the influence of the ideologues in politics. Specifically it undermined the policy of return to the mainland—inasmuch as it created a tremendous standard of living gap between Taiwan and the People's Republic of China. According to official statistics released by the two governments in 1981, Taiwan's living standard was more than ten times higher.¹⁰ This created a greater sense of self identity as well as inde-

9. For some of the early figures on increases in living standards and the social and other effects of economic growth, see Yung Wei, "Taiwan: A Modernizing Chinese Society," in Sih (ed.), *supra* Chapter 2, note 9. Cf., Clough, *supra* Chapter 2, note 7, pp. 71-72.

10. The People's Republic of China underestimated its per capita income in order to categorize itself in the "poorest" nation category and thus qualify for the most generous loans from the World Bank and other international aid giving organizations. Realistically its per capita income is probably one-sixth to one-eighth of the Republic of China.

pendence and nationhood.

However, rapid economic development after years of poverty also tended to evoke some insecurity regarding retaining the benefits of better standards of living and material possessions. This without doubt offsets to some degree the progressive forces fostered by consumerism and the growth of a material culture. In fact, this may help explain the fact that in 1979 following the violence in Kaohsiung initiated by progressive anti-government forces, the population, which had generally supported the protestors' demands for change, clearly turned around when it became apparent that the anti-government forces might create conditions that would destabilize the political system and hence hurt the economy.

Another important moderating influence associated with Taiwan's economic prosperity is the fact it has given the business community in Taiwan, which like business groups elsewhere is basically conservative, an increasing influence in politics. This is true both in the sense that the business community can affect government decision-making, but also because business has increasingly become a stepping stone to important positions in government. Similarly, engineering economic growth has built meaningful bonds between Taiwanese businessmen and Mainlander Chinese officials and helps to explain an interesting integrative phenomenon: In political contests in recent years many Taiwanese business leaders have been reluctant to support more progressive Taiwanese candidates. The reason for this is that the latter are less pro-business and are seen to endanger a very good working relationship that now exists between business and government. This situation has also prompted many Taiwanese to join the Kuomintang or Nationalist Party (even though it is still seen by many Taiwanese as a "Mainlander" Party). This situation, plus the breakdown of ethnic barriers that has occurred for other reasons, make it possible for the KMT to become a "Taiwanese" party eventually and/or facilitate the mutual absorption of the two ethnic groups.

Another important factor to consider regarding Taiwan's economic growth and its impact on politics, especially political participation, is the fact that Taiwan's period of rapid growth paralleled a time of decline in the West in ways that affected perceptions of the Western economic growth model. Particularly during the latter decade or decade and one-half of Taiwan's rapid economic development phase, the U.S. and most Western European countries were no longer experiencing significant or impressive growth. Instead, Japan was at a center stage in terms of an economic growth model. As a

result, both Japan's economic and political system emulated and competed with Western models.

Japan's political system, while certainly a participatory democracy, does not emphasize individual and civil rights as much as political systems in the U.S. and most other Western countries. Political and social stability, a lower crime rate, and compromise rather than confrontation (especially litigation) characterize the Japanese system. Perhaps most noteworthy in the context of studying Taiwan's elections, Japan does not have a very meaningful political opposition in the party sense. Rather it has one dominant political party. Many in Taiwan see this as an advantage in terms of political stability as well as economic development which depends upon a stable political environment.

In addition, most people in Taiwan during this same period viewed (and still view) the U.S. as a nation that suffers from serious social problems such as crime (which makes it impossible to walk freely on the streets of most American cities), serious drug problems, an alienated youth, racial tension, mental illness, mistreatment of the aged, and other serious social problems. Most people in Taiwan attribute such social maladies to a political system that lacks effective controls and provides too much freedom, or is too democratic. They see excessive party competition as the cause of political polarization and some of the other problems endemic to the American political system. Clearly, the huge majority of the population of Taiwan was and remains of the belief that these problems should be avoided and that the U.S. political system that grants too many political freedoms and rights is in many respects not a model to emulate.

Finally, it is important to note that the Western liberal democratic model of political development had been discredited in the 1950s by Third World countries—in fact, by most that tried to use it. In the immediate post-World War II period, many developing nations adopted the U.S. political model and established a two party competitive democratic system—only to find that it polarized the society and created confrontation politics in the country, which led to conflict and instability. Nearly all of the newly independent nations that adopted it subsequently abandoned the two party model. Similarly, the federal system and the local autonomy which the U.S. and other Western nations promoted did not work well in developing countries. In most cases, economic development and increasing political control over the population from the top seemed to be mutually supporting.

The nations that were successful in the 1960s and 1970s fol-

lowed the Western model selectively. Singapore, South Korea, Hong Kong and the other economically successful nations in Asia did not use the decentralized, competitive party democratic model. Rather the political systems of these nations, with the exception of Hong Kong, like Taiwan combined authoritarian political control, strong influence of the technocrat and a high level of distribution of the benefits of economic growth provided for by the government. These governments used economic growth and the opportunity for the individual to benefit from economic development and a free market system and political freedoms to win popular support. Granting the right of political participation through mass movements, campaigns, and demonstrations, which the communist nations (especially the People's Republic of China) gave its citizens in lieu of a better material life had little appeal.

Another by-product of Taiwan's economic success and higher standards of living was a marked increase in the level of education throughout the nation. The following figures indicated the magnitude of this: In 1950, 80 percent of school age children were in school; in 1979 this figure had increased to more than 99 percent. In 1950 there were 139.6 students per 1,000 people; in 1979 there were 262.3 per 1,000. At the elementary level, in 1950 there were 1,231 schools in Taiwan enrolling 906,950 students; in 1981 there were 2,444 schools with 2,213,179 students—and increase of 144 percent. At the secondary school level, in 1950 there were 128 schools enrolling 79,948 students; in 1981 there were 838 schools with 1,253,333 students. This was an increase of 1,467.7 percent. In higher education, in 1950 there were seven schools enrolling 6,665 students; in 1981 there were 104 schools with 358,437 students. This was an increase of 5,277.9 percent.¹¹

More and better education, of course, increased the literacy rate and fostered increased social awareness and changed political attitudes. It also had other effects. It happened so quickly (Taiwan in the early 1980s had a level of education about 4 times the norm for a country with its level of GNP) and the number of people with advanced education grew so rapidly that it perpetuated attitudes that lent themselves to elitism (or elite democracy), as well as detached or aloof attitudes towards politics.¹² This no doubt offset some of the egalitarian idealism that might otherwise have made greater de-

11. See *Republic of China: A Reference Book*, *supra* Chapter 2, note 14, pp. 219-26 and Gregor et al., *supra* note 6, pp. 80-81.

12. Gregor et al., *supra* note 6, p. 80.

mands for participatory democracy and in some measure countered growing positive attitudes toward political freedoms and democracy.

Another variable that has inhibited the development of participatory democracy patterned after the West is the strength and richness of Chinese culture. Although the importance and the direct relevance of this factor is difficult to assess, there is obvious resistance to wholesale Westernization of the society or political system in Taiwan based on tradition. In fact, many in Taiwan perceive an "over-participation" in many Western democracies in the sense that demonstrations and protests represent excesses in granting rights to the individual while society's concerns are ignored. Some other avenues of political expression are also considered undesirable and unwanted. Even elections in the United States and other Western countries are viewed to some extent as too devisive, too frequent and too costly in terms of money and talent.

Having assessed the major internal dynamics fostering social and political change that can be tied to greater demands for political participation and voting in Taiwan, it is now necessary to examine external pressures upon the Republic of China to institute change and expand the role of the electorate in terms of both the frequency and significance of elections. While it is difficult to say whether the external pressures contributing to progress in making the franchise more meaningful are more important, it is clear that the internal and external pressures have been and are mutually reinforcing. In fact, together their effects have been greater than were the two factors to operate separately.

Although the Republic of China's ties with the United States have constituted the most important source of exogenous influence (which will be discussed below) there have also been other sources of influence. One of the most important of these is the Overseas Chinese. The Overseas Chinese were in the past (and they remain) an important source of material and spiritual support for the Republic of China. And even though most are not active participants in the politics of the nations where they reside (generally because they are more interested in business and in many countries are forced to maintain a low profile politically), they have generally been strong supporters of a "free" and "democratic" China. This is especially true inasmuch as they associate capitalism with democracy and are both practitioners and advocates of the former.¹³

Also relevant is the fact that as Taiwan's economy experienced

13. See Clough, *supra* Chapter 2, note 7, pp. 131-34.

rapid growth—foreign trade in large part making this possible—Taiwan's businessmen came in contact more frequently with businessmen in capitalist countries that advocated, or assumed, participatory democracy both in principle and as a political system compatible with capitalism and the capitalist free market model of economic growth. Government officials in Taiwan had many of the same contacts. During the years after about 1960 this had a particularly strong impact on the government of the Republic of China.

Also, since the Republic of China in its contact with all foreign nations claims to be "Free China"; it was, and is, therefore, under some obligation to give evidence of mass participation in the political system in order to justify this claim. Albeit in the past this may not have been of overriding importance in maintaining relations with most Third World countries, it is now. Needless to say it is vitally important for Taipei in maintaining contacts with most Western nations in the context of competing for contacts and the People's Republic of China's efforts to isolate Taipei.¹⁴

Evidence of political participation is especially important regarding Taiwan's relations with the United States. In fact, a more in-depth analysis is warranted here.

The view of the U.S. government during World War II was that Taiwan was territory "stolen by Japan" (so stated in the Cairo Declaration) which should be returned to the Republic of China. On the other hand, the Atlantic Charter—which stressed the desires of the people living in territories whose future was yet to be determined—was also important in relation to deciding Taiwan's future. The Charter of the United Nations incorporated this thinking, which has thus been reinforced a multitude of times.

While self-determination was not an issue in 1945, since the population of Taiwan did not want the Japanese to remain and welcomed incorporation in the Republic of China, it has subsequently been of some relevance insofar as the Republic of China's claim to represent all of China has eroded and Taiwanese demands for more democracy and more representation in the government have increased. It is also important in light of various "independence" groups, known collectively as the Taiwanese Independence Movement, which advocate an independent, autonomous Taiwan while rejecting ties between Taiwan and the mainland. Their views have been heard sympathetically in the U.S. Hence, U.S. public view regarding Taiwan's legal status may be said to relate to self-determina-

14. *Ibid.*, Chapter 5.

tion and hence the legitimacy of the government of the Republic of China relates intimately to the democratization process.¹⁵

Understanding the influence the U.S. had on the Republic of China since it moved to Taiwan is also crucial to understand how the U.S. has pressured Taiwan to democratize. In 1950 the U.S. at the onset of the Korean War provided the Nationalist Chinese government with a respite from communist attack by neutralizing the Taiwan Strait and shielding Taiwan from invasion. The Nationalists used that time to engage in a process of introspection and self-analysis to take stock of their failure on the mainland. The Nationalists then thoroughly cleaned the government and the Kuomintang (even though a good share of corrupt and dishonest officials had already fled the country).

Due to the fact that many talented men and women fled from communism to Taiwan, the Nationalists were able to muster quickly a tremendous reservoir of dedicated and honest bureaucratic and administrative talent and plan for the future in terms of strengthening the economy. Implementing Sun Yat-sen's ideals regarding the participatory democracy was on the agenda, though due to the state of tension (officially war) between the Republic of China (the Nationalist Chinese) and the People's Republic of China (the Communist Chinese) and low public demands it was given a lower priority. Moreover, economic development was regarded as the necessary precondition for democracy and it had widespread appeal as a national goal.

As a precondition to understanding the specific kinds of U.S. influence vis-à-vis political development in Taiwan that will be mentioned below, it must also be realized that in the 1950s Mainland Chinese and Taiwanese alike had great respect for the U.S. as a nation and this included the American political system. Not only was this true, but personal relationships were built as a result of an American presence in Taiwan at various levels. Diplomatic representatives, military aid personnel, missionaries, and students throughout the 1950s, 1960s and 1970s established very close and cordial relations with both government officials and the population of Taiwan. Mutual respect and understanding was the rule—quite in contrast to suspicion and hatred which have frequently characterized the interaction of foreign people and cultures elsewhere in the

15. See John F. Copper, "Taiwan's Legal Status: A Multilevel Perspective," *Journal of Northeast Asian Studies*, Vol. 1, No. 4 (December 1982), pp. 57-69 for further details.

world.¹⁶

The first set of joint actions taken by the U.S. and the Republic of China to help build an infrastructure both for economic development and democracy was land reform. Inasmuch as the Nationalists realized that this was a major reason for their defeat by the Communists, while they owed nothing to the Taiwanese landlords and had large amounts of formerly Japanese owned or controlled land to distribute, there was generally no disagreement that land reform should be implemented with haste. To the American advisors in Taiwan it was a key to promoting economic growth because more equitable land ownership and higher agricultural productivity were viewed as closely related. It was also seen as a means of promoting political development since it made the peasant independent of the landlord and gave him a stake in the political decision-making process.

The land reform program instituted in 1950 was extremely successful. In fact, it was a model of success. It erased the hold landlords had on the peasants and generally destroyed remnants of the feudal political system which was part of Taiwan's past and which had been reinforced by Japanese control for fifty years. It not only freed the peasant, but it also made him more efficient in terms of producing food since he became highly motivated as owner of his own land. Increased productivity in the agricultural sector as already noted had secondary effects upon economic and political change since it made possible the industrialization of the nation by releasing labor to the factories and by prompting a rapid increase in the urbanization of Taiwan's population.¹⁷

U.S. economic assistance was also an important source of pressure as well as inspiration to build democratic institutions. From 1950, when U.S. economic assistance was restored to the Republic of China, up to 1964 when it ended, the Republic of China government was beholden to the U.S. for its help. This gave the U.S. leverage over political decision-making and made Taipei more sensitive to keeping the U.S. Congress happy so that financial help would not be discontinued. Thus, while U.S. aid had little or no effect in democratizing many political systems in Third World countries and perhaps its social and political effects are generally overstated, in the case of Taiwan there were special reasons why it had an impact of considerable magnitude upon the political system and particularly

16. For further details, see Neil H. Jacoby, *U.S. Aid to Taiwan: A Study of Foreign Aid, Self-Help and Development* (New York: Praeger Publishers, 1966).

17. See T.H. Shen, *Agriculture's Place in the Strategy of Development: The Taiwanese Experience* (Taipei: Joint Commission of Rural Reconstruction, 1974), p. 275.

upon political participation.¹⁸

First, U.S. aid was justified every year in Congressional debate primarily in terms of fighting communism. In the case of the Republic of China this had specific significance since communism constituted an immediate and direct threat. Thus, U.S. aid was more generous than it would have been otherwise. Also, since the U.S. in large part blamed itself for Mao's success in China it wanted to see democracy succeed in Taiwan and make Taiwan a showcase of democratic institutions as well as the effectiveness of U.S. aid. In fact, the two were seen as related—particularly in Taiwan. Hence, in order to portray itself as anti-communist to the U.S. Congress, the government of the Republic of China had to present the image of an evolving democratic system. To some extent democratization consisted for the most part of window dressing. This was particularly true of the 1950s and 1960s when Taiwan was not yet ready for democracy. But this situation changed in the 1970s.

Second, the government as well as the population of Taiwan was obsessed with economic development. At first, the government saw aid as a means of building its military strength in order to recapture the mainland. Soon, however, it became a symbol of its ability to reform, the superiority of the Three People's Principles over Communism, and its claim to represent China in world affairs. Finally the Taiwanese population had still another motivation: they had experienced prosperity under Japanese rule and wanted economic growth restored after a period of decline during and immediately following the war. In other words they had done it before; they wanted to do it again.

Third, U.S. aid, regardless of whether economic or military in categorization, espoused specific objectives that related to or was synonymous with political development. The most obvious of which was the request for elections. And whereas this approach was generally ineffective or counterproductive in inducing democratically held elections in most developing countries, Americans had more hope for Nationalist China than other Third World countries. High officials, who were mostly Mainland Chinese, of course were cautious inasmuch as they were a minority and harbored the fear they might be voted out of office or become victim of an "uprising of the masses." There was also the fear that democracy instituted too quickly, as other Third World nations experienced in the 1950s,

18. Jacoby, *supra* note 16, pp. 62-63.

would lead to instability. Moreover, Taiwan was “under seige” and political change was seen as risky.

Throughout the 1950s and 1960s, the growth of democratic processes in Taiwan generally disappointed the U.S. During this period Washington’s disapproval, in fact, constituted additional motivation for the government of the Republic of China to increase political participation, or at least go through the motions. When aid appropriations were voted on in Congress, mention was often made of the lack of party competition in Taiwan and the slow progress made in establishing democratic rule. In fact in Taiwan’s case, this tended to be stressed more than was true of other nations because of American expectations stemming from the concepts of a “free” and “unfree” China, the reports of Christian missionaries in Taiwan, economic growth and the expectation that capitalist-style economic modernization should produce democratic institutions. In fact, expectations in the U.S. were exaggerated due to the problem of not understanding the government’s minority status vis-à-vis the Taiwanese and the insecurity caused by the threat from the Mainland—which the government of the Republic of China generally perceived to be larger than it actually was and Americans saw to be less than it really was.

During the 1960s as concern increased in the U.S. regarding minority and civil rights, as well as voting rights, sympathy grew considerably for the Taiwanese. Many advocated that they would be better represented in their own nation. The U.S. government, in fact, had some difficulties rationalizing support for the Republic of China which many Americans, especially of liberal persuasion, characterized as an authoritarian dictatorship run by an ethnic minority. Thus a two-China policy began to evolve. Both the American government and the U.S. population (which knew little about Taiwan and to whom events were interpreted through the media) began to think in terms of supporting Taiwan as an independent nation—not because of anti-communist but rather because of Taiwan’s right to self-determination.

As a result, support in the U.S. grew, both officially (though this was subtle), and unofficially, for the cause of Taiwanese independence. This was vividly demonstrated in the late 1960s and early 1970s through a series of events, including the escape (which most in Taiwan felt was engineered by the Central Intelligence Agency) of a Taiwanese leader, Peng Ming-min, who had been imprisoned for treason and later released to be placed under house arrest. Another event—a attempt made on Chiang Ching-kuo’s life in New York by

two Taiwanese activists (who were subsequently freed on bail and were "allowed" to flee the U.S.), provided confirmation of U.S. support for Taiwanese independence. In short, while the U.S. government never established any formal contacts with Taiwanese Independence Movement leaders and never officially recognized the movement in any way, Washington put pressure on Taipei to reform by flirting with the Movement.

Toward the end of the 1960s U.S. China policy changed in favor of closer ties with the People's Republic of China, particularly after the Sino-Soviet border conflict and the announcement of the Nixon Doctrine in 1969. Subsequently, secret contacts were held. America's probes to better relations were even more ominous.

Due to the importance of the U.S. economically—aid had been replaced by access to the American market (receiving 30 to 40 percent of Taiwan's exports) in terms of bolstering Taiwan's economic development—and because the U.S. was the Republic of China's only important military ally there was little the government could do in protest. Its reaction instead was to try to bring more Taiwanese into the system (or at least the timing suggests this) by giving them more important positions and encouraging them to join the KMT. On the other hand, it is difficult to be sure of cause and effect in this case. By 1972, Chiang Ching-kuo assumed a more important position in government and was able to break down resistance in the government and party to greater Taiwanese participation. This may have been as important or more important than U.S. pressure. Objectively, it was probably due to both factors almost equally; and the two factors were mutually reinforcing.¹⁹

Still another factor added pressure on the Nationalist government to democratize. The U.S.-PRC détente was followed by efforts by Peking to come to some agreement with the Taiwanese (as opposed to the Mainland Chinese-dominated government and Party) in order to undermine the Republic of China's legitimacy and force Taipei to engage in unification talks. While these appeals were patently unsuccessful, they did cause some concern among the ruling elite in Taiwan. And the Taiwanese rejection was seen as a vote of confidence in the government.

Taipei's diplomatic failures during this time prompted a concern among the population of Taiwan about the Republic of China's future. After the Cultural Revolution ended in the PRC, Peking made a concerted effort to establish formal diplomatic ties with more

19. See Clough, *supra* Chapter 2, note 7, pp. 62–63.

foreign nations. And Peking succeeded at Taipei's expense. Further, in 1971 Peking won a U.N. vote for admission and Taipei was expelled from the world body. Other diplomatic defeats followed. Taipei's waning position diplomatically fostered a grassroots movement that advocated democratizing the political system and abandoning the claim to represent China lest Taiwan be sacrificed in the process of Peking's successes in winning diplomatic ties with most of the nations of the world. There was, in fact, considerable concern among Taiwan's populace that Taiwan's right to self-determination and autonomy would be denied by the U.S. and world community unless Taiwan democratized its political system.

The subsequent proliferation of independent or "outside of a party" (*dang wai*) candidates and a movement to establish party competition, open more seats in the elected bodies of government to representatives from Taiwan (as opposed to the provinces on the mainland which were also represented) and give political candidates considerably more latitude in campaigning all seem to be related to Taipei's failing diplomacy. At least the timing suggests so. Similar demands for more political freedoms in the realms of holding meetings, rallies and demonstrations also increased during this period. The importance of these demands relative to subsequent successful elections and their role in political development are axiomatic.²⁰

However, there is again a problem of identifying the proper causes for the effects. It must be borne in mind that the Executive Yuan, especially after its leadership was taken over by Chiang Ching-kuo in 1972, though not an elected body, was the center of problem solving. It provided the impetus and leadership for building more responsiveness in government, representing mass interests and stamping out corruption. Chiang Ching-kuo brought a number of native-born Taiwanese into the highest echelons of the government and the Party at that time—in fact in numbers exceeding their proportion of the population (beginning in 1972-1973). He also recruited a number of young, American-educated Ph.Ds into high decision making and technocrat roles. He established new procedures for citizens to petition the government primarily through the Executive Yuan. Individuals who perceived their civil rights were violated or who had grievances against the government (local or central) were given an avenue to reach government officials—who were ordered to

20. For details on these trends in 1980 and 1981, see John F. Copper, "Taiwan in 1980: Entering a New Decade," *Asian Survey*, Vol. 21, No. 1 (January 1981), pp. 51-62, and John F. Copper, "Taiwan in 1981: Still with Friends," *Asian Survey*, Vol. 22, No. 1 (January 1982), pp. 47-55.

reply to such cases within thirty days. Wasteful spending and corruption also came under attack. Chiang Ching-kuo even had one of his relatives jailed for corruption.²¹

In December 1978 the government of the Republic of China suffered another blow. The Carter Administration announced the breaking of diplomatic relations with the Republic of China and the establishment of diplomatic ties with the People's Republic of China as well as the termination (after one year) of the U.S.-Republic of China Defense Treaty. These actions precipitated renewed mass concern regarding the government's policies in the context of continuing diplomatic defeats. Concern was manifested in the form of demands for mass participation in the decision making process, i.e., further democratization of the political system.

What followed was a grave disappointment. A large segment of the citizenry asked for meaningful elections at a time when scheduled elections were cancelled because of the shock of the Carter Administration's decision. Many also demanded increased political freedoms and civil rights. There was an atmosphere of feeling that something must be done to save the country. The population seriously questioned whether the government was doing enough or indeed taking the proper actions. Many saw the choice as democratization or incorporation by the People's Republic of China—and very few wanted the latter. Yet because of the emergency, caused by the loss of formal ties with the U.S., steps to accommodate the public demands were postponed.

The government's decision to cancel the scheduled election—also closing the stock market, and taking other measures to deal with the threat of political and economic instability—was no doubt a correct one given the circumstances and the threat of political instability. Still, public demand for greater participatory democracy was founded upon an irrefutable logical argument: that Taiwan, in order to survive as a nation-state, had to get support from the international community and democracy was one of the keys to accomplish this. The Republic of China had just lost formal diplomatic ties with its most important friend and its only military alliance treaty with a global power. Taipei had to parry offers and cope with threats from the People's Republic of China. Nearly everyone in Taiwan felt that refusing to talk with Peking was the correct choice, though admit-

21. Wang Cheng-yi, Head of the Personnel Administration Bureau of the Executive Yuan, was found guilty of accepting bribes in connection with several construction projects. He was sentenced to life in prison.

tedly for different reasons: Taiwanese because they perceived Taiwan to have only tenuous cultural and historical ties to China; Mainland Chinese because they know they were not in a position to negotiate with Peking and had bad experiences dealing with the Communists in the past and had no reason to trust any deal made by Peking now; both because of the loss of standard of living and political and other freedoms they would lose in the process.

In refusing Peking's offers, Taiwan had to present proof to the international community that it was not an authoritarian dictatorship. It had to prove it had made significant progress toward establishing democracy and would continue to democratize in the future. In short, Taiwan had to present a case for nationhood based on democracy and self-determination in order to avoid being sacrificed. Washington and even Peking were watching world public opinion.

Over the ensuing months leftist and anti-government groups organized and pushed for reforms that the government felt it could not make in the context of the threat of chaos domestically and an external threat in the form of Peking's claims to use force to resolve the "Taiwan issue." Thus Taiwan's domestic political scene saw increased public demand to change the political system through mass participation—accompanied by a polarization of attitudes in terms of how and of what speed to accomplish this. The process saw Taiwanese to a considerable extent lining up nominally against the government and Mainland Chinese supporting government policies that represented resistance to change.

The crisis this caused is described in further detail in Chapter 5. It is, however, important to note here that both sides came to realize more clearly that Taiwan had a future only as an independent nation. This meant that the government's official stance regarding one China had to be discarded—though this it was generally agreed should be done *de facto*, not *de jure*, and gradually, not formally in one step. In contrast, it also meant the realization by those opposed to the government's authoritarian practices, that political instability would constitute an opportunity, if not an invitation, for Peking to intervene and incorporate Taiwan and in the process destroy the progress already made in establishing a democratic system—not to mention economic progress and a vastly higher standard of living. Almost no one in Taiwan wished for this.

Finally it meant the realization of all concerned that Taiwan had to continue to make an appeal to the U.S. and the world community for its right to survive. This translated into implementing democracy as quickly as possible without engendering political in-

stability. It also dictated a foreign policy of making the Republic of China's autonomous status and its right to exist known to the global community. Indeed this has happened, though it has generally been subtle and gradual. The world community's call for democracy, personal freedoms and civil and human rights, while not heeded by the political elites of most developing countries, constitute continued pressure on Taiwan to democratize due to its need for global sympathy and support relative to its survival. Taiwan's legitimacy as a nation-state will no doubt in future years continue to be challenged by the People's Republic of China and this will continue to be an impetus to make the system democratic and keep it that way—in order to present the argument that concerning Taiwan's sovereign status, the people should decide.

CHAPTER 4 ELECTIONS IN TAIWAN TO 1980

In order to understand the rapid progress made in political development in the Republic of China as a result of the national election in 1980 and three local elections and another national election since then, it is necessary to first examine the elections prior to 1980 and the progress made in political participation from 1950 to 1980. 1980 witnessed marked, perhaps revolutionary, change in the openness and style of campaigning and holding an election. In some ways, however, the new situation in electioneering in 1980 reflected years of gradual progress—a two steps forward, one step back, kind of development—prior to that date.

Political participation in Taiwan including what political development theorists call interest articulation and interest aggregation, has occurred in four major areas: local elections and local government, national elections and the national government, membership and participation in decisions made in the Nationalist Party or KMT, and finally a political opposition in the form of independents of “dang wai” (outside the party) candidates. In other words, to assess the election of 1980 and where Taiwan is now going it is necessary to give adequate credit to past political participation in Taiwan and the milieu in which political modernization transpired during several decades previous to 1980.

Under Japanese rule no island-wide elective body was allowed in Taiwan, though in 1935—after several years of Taiwanese political agitation—elected assemblies in prefectures, counties and towns were permitted. The democratic process, however, was very limited as several facts indicate: only half of the assembly delegates were elected; half were nominated (by the Japanese colonial administration); elections were arranged and overseen by the Japanese police establishment; and of the first group of 172 assembly representatives, 109 were Japanese and only 63 were Taiwanese.¹

More Taiwanese were elected in subsequent elections, but this did not represent significant progress in terms of political development. At the close of World War II when defeat was certain, additional efforts were made by the Japanese to turn over political power to the Taiwanese; but generally this was improvisation, haphazard and too late. More than offsetting this in terms of political modernization of the democratic kind was the fact that the Japanese colonial

1. Hyman Kublin, “Taiwan’s Japanese Interlude, 1895–1945,” in Sih (ed.), *supra* Chapter 2, note 9, p. 324.

government left in mass and with haste in the fall of 1945, creating a vacuum in terms of political authority and public administration. More than four hundred thousand Japanese departed—leaving a void in the areas of political leadership and administration, police control, economic management and social services.²

To make matters worse, the government of the Republic of China, which inherited Taiwan as a result of the Cairo and Potsdam Declarations, was at war with the Communists from 1945 to 1949. This meant that problems in Taiwan were not given a high priority and little was done to avoid corruption and mismanagement when the political vacuum left by the Japanese evacuation was filled. Taiwan was also regarded by the Nationalist Chinese on the mainland as an area that should serve as a supply area in the war effort. (The Communist Chinese had no interest at all in Taiwan.³) Taiwanese were also viewed to some extent as collaborators because they had done little during the war to resist Japanese control. Thus from 1945 to 1949 Taiwan was ruled to a considerable degree by and after the fashion of carpetbaggers. Democratization was given a low priority or no priority at all and political administration and economic control were handled very poorly.⁴ Finally, the governorship was given to an incompetent, cruel and selfish individual who had little concern about the people he ruled and even less about building democracy.

As a consequence of misrule and a faltering economy, riot broke out in February 1947 against the Nationalist-run government. Military forces suppressed the revolution, which resulted in the killing of ten to fifty thousand Taiwanese. This created a legacy of hatred and distrust of the Nationalists by the local population which to some extent persists to this day. Political opposition, however, failed to form because of lack of training in politics under Japanese rule, no unity among the local population, the absence of Taiwanese with military training and the monopoly of the instruments of force held by the Nationalists.⁵

In late 1949 when the Nationalists were defeated on the mainland, they withdrew to Taiwan to regroup. The influx of over a mil-

2. Yung Wei, "Political Development in Taiwan: Reflections and Projections," in Yung-Huan Jo (ed.), *Taiwan's Future* (Tempe: Arizona State University, 1974), p. 13.

3. Interestingly, at this time Mao and other communist leaders regarded Taiwan as a foreign country.

4. For further details, see George H. Kerr, *Formosa Betrayed* (Boston: Houghton Mifflin Company, 1965), esp. Chapters V. and VI.

5. *Ibid.*, p. 452.

lion people worsened the already deteriorating economic situation and caused additional problems of adjustment in terms of Mainlander Chinese-Taiwanese relations. There was a shortage of housing, resulting in the military often times confiscating houses or land, squatters living where they could, and government officials buying property using force of duress or outright stealing it. Taiwanese were in other ways cheated and treated as second class citizens.⁶

This situation, however, was offset to some extent by subsequent remedial or corrective actions. The governor of Taiwan, who had misruled the island up to 1947, was executed in 1951. The Nationalists had learned many lessons from their defeat on the mainland and were determined to reform. They were especially conscious of the need to build mass support for their policies. The departure of the Japanese and the fact that what Taiwanese leadership existed with political and administrative abilities, or even economic mismanagement talent, was largely decimated in the February 1947 military suppression, meant that the administrative talent the Nationalists brought to Taiwan in 1949 was sorely needed. Finally, fortunately for everyone, only the most loyal and least corrupt of Nationalist officials went to Taiwan; most of the others stayed behind or went to Hong Kong or elsewhere.⁷

For the paramount reason of trying to succeed after having lost the mainland as well as for two other important reasons—the fact that the Nationalists, especially through the Party, could serve as a broker or mediator (somewhat resembling the role of the magistrates in pre-revolution China) between local factions, and because of pressure coming from the dependency relationship with the U.S.—the Nationalists made serious efforts to establish democratic institutions locally. Efforts went so far as to hold meaningful local elections almost immediately after their defeat on the mainland notwithstanding the fact that these elections to some degree challenged the authority of the Nationalist Party and made the facade of democracy at the top appear hypocritical.

Regarding the development of democratic institutions at this time two other important facts need be mentioned. First, Chinese have always regarded local government as more meaningful than the national or central government. The high level of political participation in local politics under the Japanese—higher than in national

6. *Ibid.*, Chapter IX.

7. See Richard Walker, "Taiwan's Movement in Political Modernity," in Sih (ed.), *supra* Chapter 2, note 9, pp. 362-68.

politics—reflected this fact. And this remained true after 1945. Thus, while the view is warranted that political development, especially the democratization process, has occurred in Taiwan from the bottom up, this should not be considered unusual. Furthermore, while local elections are never considered as important by Americans and many other Westerners as national elections, the fact that local elections in Taiwan are considered important should not be considered something out of the ordinary. The same situation prevails in Japan and some other Western democracies.

Second, while democracy was implemented earlier and more extensively in local politics than in national politics, many Nationalist officials viewed local politics as characterized by excessive corruption, infighting and undemocratic practices and have thus been appalled in more than just a self-righteous sense at the workings of local government. This is especially true when thinking in terms of how Sun Yat-sen had hoped Chinese democracy would develop.⁸ Hence, because democracy was already established in local government to a considerable degree and because central government authorities were not threatened (due to their important mediator role) and not embarrassed by it (since they perceived it as a poor representation of democracy in practice and felt they could ultimately do better), meaningful local elections were held in 1950—just a year after the Nationalists fled to Taiwan.⁹ Local elections continued to be significant and democratic, while playing an important role in the political system.

Besides overseeing democratic elections at the local level, the central government in two important respects adopted related policies which made political participation at the local level much more significant than they would have been otherwise. One of these was land reform. Already cited as one of the most successful land reform programs in history in terms of its administration and economic efforts, Taiwan's land reform policies also made local democracy more meaningful inasmuch as it instilled the farmers with an interest in politics and a feeling of being able to control their future. It also removed them from the control of landlords and thereby made genuinely free voting possible.

8. See Arthur J. Lerman, "National Elite and Local Politicians in Taiwan," *American Political Science Review*, Vol. 71, No. 4 (December 1977), pp. 1406–22.

9. In July 1950 the Nationalists supervised local elections in eight counties plus nine city mayorships and city councils for a total of 814 office holders. See *Taiwan Kuang-fu Shih-nien* (Ten years after Taiwan's restoration) (Taipei: Government Information Office, 1955).

Second, the national government took steps island-wide to establish various kinds of organizations—farmer, professional, women, social and others—which subsequently came to play an important role in local politics. Most of them remain active and became important forces in the operation of local and national government. These groups are especially important in election campaigns and have done much for the development of participatory democracy in Taiwan. They also play a major role in what political development theorists call interest articulation. These “interest groups” will be mentioned again in later chapters in connection to a similar role they play at the national level and as an institutionalized part of the election process.

The 1950 elections included voting for Hsien (county) and City councils and for magistrates (county mayors) as well as city mayors in sixteen counties and five cities. Smaller townships (chen) and administrative villages (hsiang) also elected representative councils and village or town chiefs. Campaigning was limited to ten days prior to the election and a number of other restrictions were placed on candidates and campaign activities. In short the election was not as free and open as those in Western democracies. However, electioneering was spirited and participation widely based. Moreover, important precedents were set. Since the first election in 1950, local elections have been held with regularity and voter turnout has been high—never less than 70 percent and in some cases more than 80 percent. (See Tables 3-1 and 3-2 for figures on the number of candidates, offices filled and voter turnout in local elections between 1950 and 1980.)

In December 1951 the first election was held for the Taiwan Provincial Assembly—constituting the first island-wide election ever held. This marked the beginning of self-rule for Taiwan, though, as we will see below, the Provincial Assembly has not gained much in political importance, particularly vis-à-vis the central government. On the other hand, central government authorities delegate decision making power to the Provincial Assembly and emulated it in various ways in terms of dealing with local issues (which in most respects are identical with national issues since the Republic of China has had no contact with much less exercising any control over the mainland). The 1951 provincial election too has been followed by regular elections and voter turnout has been consistently high—falling below 70 percent only once while on one occasion exceeding 80 percent (see

Table 3-3).¹⁰ In 1959 the Organic Law of the Taiwan Provincial Assembly formalized the election of assembly members for renewable terms for four years by direct popular vote. Provincial Assembly elections have been held regularly ever since.

What is the importance of local government? The "government" in Taiwan in the past was really only a number of diffused local governments. The island was never completely unified under early local aboriginal Taiwanese or Chinese (who came from the Mainland and ruled Taiwan after the fall of the Ming Dynasty in 1644) control. The Japanese brought a feudal system of government when they ruled Taiwan from 1895 to 1945. Hence, the Taiwanese of the 1950s (and still to this date to a considerable extent) generally thought of local government as being important and affecting them on the individual as well as family level. They still regard their relationship with local politicians as a personal one and feel a strong sense of obligation to support their favorite candidate by voting. These same views have been transferred to national politics, though sentiments toward the central government and national elections tend to be less strong. This explains both the greater importance of local government and the higher voter turnout in local elections.

Another factor explaining high voter turnout is the fact that when the Nationalist Chinese established political control over Taiwan they established a national identity card system giving every citizen a card he or she carries. This card is used as identification when voting and is marked to prevent one from voting twice. These marks are left on the identity card permanently. No marks connote a non-voter, and this is noticed by others later whenever he shows his identity card. This can be the cause for embarrassment since the majority of the population feels that voting is a duty. The government, however, applies no coercion to vote. For the most part, voters go to the polls because of an interest in politics and a belief that they can contribute and make change happen.

While the national government has used its authority to control or manipulate local political activities in a number of ways, the elections held in 1950 and 1951 were on the whole considered generally fair by those who participated. They accurately reflected public concern about important issues in local politics. They promoted political participation and democracy. And this remained true of

10. A number of scholars believe the National Assembly elections were meaningful in creating the basis for expanded elections and democracy on Taiwan even though the body did not become politically powerful. See, e.g., Ramon H. Myers, "The Contrast Between Two Chinese States," *Asian Survey*, Vol. 23, No. 4 (April 1983), p. 546.

subsequent local elections. Local elections also served as a means of selecting able personnel for important jobs and through this process deciding issues. The importance of local elections, including provincial assembly elections, also stems from rapid growth of the duties and functions assumed by local government as the society bloomed and became more complex. This phenomenon is mirrored, for example, in the magnitude of the increases in expenditures of local organs of government. In 1950 the Taiwan provincial budget was U.S. \$9.16 million; in 1959 it was U.S. \$77.7 million; in 1972 it was U.S. \$472.50 million.¹¹

However, this is not to suggest that the Republic of China in the 1950s was a true functional democracy because of democratic processes at the local level. The national government controlled local democracy by making local government clearly subordinate to the national government. This, however, is characteristic of all unitary systems of government. Authorities in the central government also maintained control through the Party, though this did not specifically impede the development of democratic practices except in the sense that no new parties were allowed, except the existing Young China Party and the China Democratic Socialists Party, so party competition was lacking.

In still other ways, central government authorities impeded the growth of both local and national democracy. National government authorities maintained tight control over local elections through prescribed election procedures and the timing of elections. They took special measures to prevent local politicians from becoming national figures. When this did occur the Party sought to bring them into the Party (and thus preempt them), or discredit them and limit their influence.

Also National Assembly elections were not so meaningful, or were much less so than local government elections. Leadership positions in the National Assembly were generally appointed positions. As a result the National Assembly never evolved into an important institution in terms of either political power or representative democracy. The same thing happened with the mayorships of Taipei and Kaohsiung after a non-Party politician Kao Yu-shu won the Taipei mayorship in 1964 as an independent, following a campaign which had anti-KMT overtones.

The national government has exercised still other prerogatives

11. Walker, "Taiwan's Movement into Political Modernity," in Sih (ed.), *supra* Chapter 2, note 9, pp. 362-68.

to ensure that local democracy does not produce leaders that can rise to the top too quickly. For example, central government officials often change the ground rules for electioneering immediately preceding an election. And as a rule all or most local elections are scheduled at the same time or within a short period of time so that local non-Party candidates cannot help each other or spread their influence or reputation outside of their own local area by getting involved in other elections.¹²

On the other hand, Central government oversight has furthered the development of democracy by dampening tension in local politics resultant of strong factional tendencies that existed in Taiwanese communities. Similarly it encouraged compromise—a necessary ingredient of working democracy. And it alleviated corrupt practices. In fact, one might argue that centrifugal and factional tendencies might have gotten out of hand and destroyed the democratic system at the local level in Taiwan had it not been for the oversight role of the central government authorities.¹³ This did happen in many developing countries at the time.

In any case the point made earlier is especially salient: there was and still is much more political participation and democracy at the local level than in national politics. In fact, allowing a considerable amount of democratic political participation at the local level while patently not doing so in national politics has created a gap in the Republic of China's polity. Decision-making indeed suffers in a system wherein democratically chosen leaders cannot easily rise to the top and where there is considerable overlap in the levels of government (which at times is unclearly designated). The existence of a dual or two-tiered decision making process has also noticeably led to excessive red tape and greater cost in government.

The gulf between local politics and the central government has given rise to still another problem. It has fostered controversy stemming from the fact that the democratization of local politics seems to be leading to an independent Taiwan, while restricting the growth of democracy at the national level (which was justified by the return to the mainland policy and the claim to represent all of China) reflects

12. Edwin Winchler, "Modernization and Participation in Taiwan," Reference Aid INR/REA, U.S. Department of State, October 1978.

13. The intermediary role of KMT leaders has already been cited. For further information on their role in encouraging political participation, see Yung Wei, "Political Development in the Republic of China on Taiwan," in Hungdah Chiu (ed.), *China and the Taiwan Question* (New York: Praeger Publishers, 1973), pp. 96-97.

quite a different perception of the future. And the two seem to be on a collision course.

These problems, however, have to a considerable extent been minimized by a growing concern for efficiency in government in recent years. Effective government has produced policies and personnel selection at the top that have worked to eliminate waste and red tape and bring local and national systems into harmony. So has the important national objective of promoting economic development. The lag in terms of participation at the national level is also compensated for to some extent by the fact that a spirit of democracy has remained extant at the top in the form of the government's official ideology—Sun's Three Principles—even if it has not been implemented to any meaningful extent and authoritarianism has generally characterized the decision-making process in the national government.

Also it is important to note that important changes have transpired in Taiwan in terms of the types of people running for local office since the 1950s. Educated professionals dominated local politics during the 1950s, giving way to local politicians in the 1960s, and young businessmen in the 1970s. The second decade of local politicians tended to be realists and they learned how to live with the contradictions or conflicts mentioned above.¹⁴ The young businessmen who dominated local politics during the 1970s, or at least were at the forefront in terms of political change, formed a kind of opposition to the Kuomintang, yet retained respect for the national government based upon its successful engineering of economic growth. They also derived a working relationship with the national government and an understanding of the rules that had to be observed and accommodations that had to be made if further progress in competitive elections was to be possible.

All of this is not to say that local elections during the period before 1980 were competitive and meaningful and the opposite was true of national elections. Some changes are observable in the years leading up to 1980 which suggest that at the national level democracy was evolving and some permanent trends favoring mass political participation and meaningful elections were developing.

At the national level government officials holding elective office in 1950 consisted mainly of those who were elected when the Nationalist government controlled the mainland. Subsequently, and for a

14. See Bruce Jacobs, "Recent Leadership and Political Trends in Taiwan," *China Quarterly*, No. 45 (January-March 1971), pp. 129-154.

host of reasons, very little new blood was added. The most frequent reason formally given was that a state of war existed between the Nationalists and the Communists. Therefore, like most political systems at war, emergency provisions were in force and democracy (in this case progress toward democracy) was put on hold.

As time passed it became evident that a return to the mainland was unlikely if not impossible in the immediate future, if ever. Still the problem of Mainlander-Taiwanese antipathy and distrust and the fact that the Mainland Chinese minority controlled the central government made it necessary to maintain the return to the mainland policy, the legal state of siege or emergency tied to that policy and martial law, lest democratization bring precipitous "Taiwanization." This would have for all attempts and purposes destroyed the government and the Nationalist Party at the top. This, needless to say, would have led to serious instability if not a complete collapse of political authority. Thus policies which impeded participatory democracy made sense in terms of preserving domestic political stability even though the return to the mainland theme which formally justified them had become a myth.

However, some saw the situation quite differently. In fact, many observers perceived during the 1950s and 1960s a polarizing of Taiwan's politics on the issues of Taiwanese versus Mainland Chinese political power and local versus national power.¹⁵ In retrospect, the seriousness of these problems was exaggerated. By the late 1970s, the question was not so much one of anticipating a government run by Taiwanese at the top or more likely a jointly run government wherein Mainlander-Taiwanese differences are irrelevant, but rather one of asking when this would occur. Controversy over the timing of "Taiwanization," as already noted, was defused or reduced in importance by actions taken at the top, particularly by Chiang Ching-kuo, to recruit Taiwanese into positions in the national government bureaucracy and the KMT. On the other hand, until 1980 the progress in democratizing the national government through electing new representatives to the democratically elected organs of the national government (most of which would naturally be Taiwanese) was very slow. Taiwanese had for some time assumed non-elective and Party jobs at a rate equal to or exceeding their ratio of the population. But until 1969 there were no national elections to accomplish this same process in the National Assembly or the Legis-

15. See, e.g., Hung-mao Tien, "Taiwan in Transition: Prospects for Socio-Political Change," *China Quarterly* No. 64 (December 1975), pp. 615-644.

lative Yuan. And when elections were finally held they were for only a small portion of the seats in these two organs plus the Control Yuan.

The need for a broad national election in which the number of seats up for election was increased was thus pressing. The gap between truly representative institutions at the local level and unrepresentative institutions at the national level had indeed become a more serious problem. Pressure for greater political participation due to economic growth and its accompanying social change was also a factor. So was the U.S. Americans generally failed to notice democracy at the local level in Taiwan; rather they noticed the absence of it at the national level (in part because of the greater importance of national elections in the U.S. and partly because the liberal press in the U.S. was generally antagonistic toward the Republic of China). There was still another important reason: the number of representatives in these elective bodies began to decline due to old age and attrition and there was opposition to the illogical and undemocratic policy of simply appointing Mainland Chinese who ran for election in 1946 and lost as replacements.¹⁶ There were also complaints regarding the fact that delegates to the "democratically" elected bodies were receiving rather substantial salaries for doing very little—in some cases little more than attending a meeting once every six years. Finally, during the 1950s and 1960s, the Kuomintang temporized by making only a small number of appointments to fill vacancies in the representative bodies of the national government leaving many vacancies. This had the effect of reducing the size of two major branches of government and the National Assembly to somewhere around one half of their size as provided by law in 1947. Thus by the late 1960s a kind of constitutional crisis existed.¹⁷

Rather than continue making appointments to solve the problem of attrition and in order to provide some semblance of political participation, supplementary elections were held in 1969. Fifteen new delegates representing Taiwan Province and the special municipality of Taipei were elected to the National Assembly, plus 11 to the Legislative Yuan and 2 to the Control Yuan. This was a beginning, though it was not very meaningful in terms of numbers since the

16. Walker, *supra* note 11, p. 374; Wei, "Political Development in the Republic of China on Taiwan," in Chiu (ed.), *supra* note 14, p. 99; Clough, *supra* Chapter 2, note 7, p. 36.

17. See Joyce K. Kallgren, "Nationalist China: Political Inflexibility and Economic Accommodation," *Asian Survey*, Vol. 4, No. 1 (January 1964), pp. 639–40.

newly elected delegates comprised only about 1 percent, 3 percent, and 3 percent respectively of the three organs of government.

The process was repeated in 1972 and again in 1975 for the Legislative Yuan. In 1972, 53 new members were added to the National Assembly, 51 to the Legislative Yuan and 15 to the Control Yuan. In 1975, 52 more were added to the Legislative Yuan. The fact that the newly elected delegates were younger and more energetic, while many of the older members were incapable of debate and some did not even have the strength to attend meetings, tended to make these bodies both more representative and more democratic than the numbers of those elected to represent Taiwan province actually reflected. This was particularly true of the Legislative Yuan. Furthermore, almost all of the newly elected representatives were Taiwanese—87 percent. This helped reduce the ethnic imbalance in these elective bodies. Meanwhile those elections made another positive contribution by raising the level of education in government: 50 percent of the newly elected were college graduates.¹⁸

The addition of new elective seats also had an impact in terms of convincing the populace of the sincerity of the democratization processes. This was noticeably reflected in voter turnout. In 1969 voter turnout was 54.9 percent; in 1972 it was 68.35 percent and 75.97 percent respectively.¹⁹

On the other hand, competition at the polls between the Party and independents was still limited due to the advantage the KMT had in recruiting and electioneering and restrictions on non-party candidates in the "Temporary Provisions." In 1972, 73 percent of the victors were KMT candidates. A similar situation obtained for the 1975 election of Legislative Yuan delegates. Hence, election competition still consisted largely in winning the Party's nomination after a fashion of one-party dominant states in the U.S. and in safe districts elsewhere in the U.S. and in other Western democracies. Change was clearly underway though its impact was not yet to be realized.

Understanding the election process in Taiwan and the situation in 1980 when the first truly competitive national election was held also requires appreciating the role and the importance of the Nationalist Party or Kuomintang in both local and national politics. There

18. For these and other statistics on Taiwan's elections see *Annual Review of Government Administration—Republic of China, 1981-1982* (Taipei: Research, Development and Evaluation Commission of the Executive Yuan, 1983), pp. 23-28).

19. *Ibid.*, p. 24.

are two other legal political parties in the Republic of China, but, as already noted, they are small and generally unimportant. The KMT is essentially a monopoly or dominant party in a one-party system. As a consequence, important political decisions in many realms are made in the Party rather than during the convening of governmental bodies elected or other. Hence, political development is a realm where Party decisions and actions are very important. This is especially true of elections.

The fact that the Party owns and operates the country's only new service, a major newspaper, the Broadcasting Corporation of China, the Central Motion Picture Corporation and has oversight and censorship powers over all forms of the media reflects the importance and pervasiveness of the KMT in Taiwan's politics. It also runs the China Youth Corps and engages in various types of social work and assistance to the poor, disabled, unemployed and retired.²⁰ In short, the KMT has played an important role in promoting interest aggregation and interest articulation—typical of political parties in one-party systems. Its future role in these realms is subject to question.

The KMT has been and remains a broadly based, large membership party. In fact it became more a mass party in the 1960s. In 1952, Party membership was 282,000. During the 1950s, in order to more firmly establish political control and integrate all citizens into the political system, the Party put a strong emphasis on recruiting. By 1963 the Party had 667,000 members—one in nine inhabitants of voting age. By 1976 the Party had 1,570,000 members or 20 percent of all inhabitants over 19 years of age and over one-third of all adult males. The Party was truly a mass party at this time and the system was clearly a one-party system.²¹

The KMT's strength in most elections in Taiwan during the 1960s and 1970s was proportional to its size and the scope of its other political activities. Generally membership guaranteed a better than 75 percent chance for a candidate to win in a local election. According to its own publications, Party candidates during the early 1960s elections won between 78 and 92 percent of elected positions contested at both the local and national levels.²² Thus membership in the Party was desirable for anyone with political aspirations regard-

20. For a list of Party activities, see *Republic of China: A Reference Book*, *supra* Chapter 2, note 14, pp. 115-16.

21. Walker, *supra* note 11, p. 367.

22. Clough, *supra* Chapter 2, note 7, p. 50.

less of the level of government and regardless of whether the candidate was Mainland Chinese or Taiwanese.

Since the KMT was from its inception a mass party with a broad spectrum of mass support, it has long made special efforts to recruit Taiwanese members even though the Party was ruled from the top by Mainland Chinese in a traditional authoritarian fashion. There was reluctance on the part of the Taiwanese to join for that reason. However, recruitment of Taiwanese was successful even in the 1950s due to the Party's special role in the political process and the fact that most Taiwanese viewed the Party as one of the few avenues to success in politics, or as an organization that would eventually be dominated by Taiwanese, or both. The process of recruiting Taiwanese (Mainland Chinese generally joined the Party without being recruited) was accelerated during the 1970s at Chiang Ching-kuo's behest. At the 10th Party Congress in 1968, it was reported that Taiwanese membership was up more than 10.2 percent from the 9th Congress held six years earlier. In 1972 paralleling the efforts by Chiang Ching-kuo to place more Taiwanese in high political positions, the Party's Central Committee elected Taiwanese to occupy 3 of 16 top Party positions.²³ By 1976 Taiwanese membership in the Party was 70 percent of the total membership and five Taiwanese were members of the Party's highest decision making organ, the Central Standing Committee.²⁴ According to a recent Party publication, Taiwanese are still being recruited into the Party at a rate exceeding their proportion of the population and will soon be represented proportionally in the Party.

The goals of the Party, as reflected in the Party platforms, have also shifted in ways that reflect greater concern with political development and democratization. This is especially noticeable in the Party's deemphasis on counter-attacking the mainland and sponsoring anti-Communist rallies commensurate with greater attention to local problems, welfare, poverty alleviation, or safety, crime, water control and other more immediate and practical problems. There has also occurred a decline in the military membership and influence in the Party as well as a decrease in the average age of Party members. This indicates that the Party is trying to adapt to a new political situation in Taiwan as well as to new international realities. It is now much more a party of Taiwan in terms both of representation and policies.

23. Walker, *supra* note 11, p. 368.

24. Clough, *supra* Chapter 2, note 7, p. 51.

Still, the Party faces some difficulties in terms of future political change and modernization. This is particularly true if the political system is to become truly competitive in terms of democratic elections. The Party is not used to competition; thus, there will be an adjustment crisis, if indeed this does not exist already. The fact that the KMT is identified with the government exacerbates the situation. As the system allows more open discussion and criticism the Party will likely be the brunt of considerable public derision regardless of its performance. In short, as political debate increases in Taiwan the Party's aloof position will be challenged. It will have to accept criticism. It may need to shed some of its responsibilities that belong to the government. This will entail giving up some of its important means of political control.

Second, the Party still suffers from being viewed as a party of Mainland Chinese. Most non-party or *dang wai* candidates have been Taiwanese. This is true and may be so in the foreseeable future in spite of the Party's continued success in recruiting Taiwanese.

Third, the Party faces contradiction in appealing to intellectuals, and, hence, is and will probably continue to be the object of intellectual sniping and criticism. This is so in spite of the fact that those with higher education generally tend to favor KMT nominees over independent candidates—true even of Taiwanese.²⁵ Though perhaps a contradiction, this seems to be the nature of politics in Taiwan, not unlike many other countries, where intellectuals as a group tend to be anti-establishment in terms of sentiment while still supporting the government or majority party.

Fourth, the Party has suffered in recent election contests where open campaigning was allowed because of its mass party nature. Even before 1980 a sizeable number of KMT candidates bolted the Party or did not receive Party nomination and decided to run anyway. Since 1980 this has become a problem that seriously concerns the Party leadership. The Party, due to its size and desire to maintain its mass party character, faces difficulties in imposing party discipline. Some of the Party's leaders, in fact, advocate Party elitism. However, to cut its ranks and membership will be a hard decision and one that contradicts many of the basic tenets of the Party's ideology.²⁶ It thus seems unlikely to happen.

25. Yung Wei, *supra* note 2, p. 21. The author cites a survey done by Tien-chung Huang.

26. In several recent interviews with high KMT officials, this was frequently cited as a dilemma or "sticky question" for the Party leadership.

Finally, one cannot fully understand the elections during the period before 1980 without some analysis of the development of non-Party forces and genuine competition in elections. This is particularly true if one assumes that participatory democracy depends upon party competition or something of the order of party competition in elections. It is also true if one assumes that during the 1980 election non-party candidates behaved collectively as a political party and will ultimately become an alternative or competitor to the Kuomintang to the degree of creating a two-party or multiparty system in Taiwan.

As already noted, the KMT has controlled, regulated, manipulated and dominated elections in Taiwan both at the local and national levels since 1950. Yet there were always independent candidates. The fact that the KMT did not completely prohibit competition may be interpreted as tokenism. However, it may also be seen as reflecting the view that competition in elections must eventually be institutionalized for full democracy to be attained. Most Chinese leaders, in fact, have accepted this premise, even if they have done little to realize it. Many are committed to it.

Beginning in the early 1960s, there were some efforts made to establish a genuine opposition party based upon the presumed need for political change to keep pace with economic modernization. In September 1960, the editor of a local political magazine was arrested for attempting to form an opposition party—though this was not the official reason given for his arrest. The formal charge was not reporting a friend of his who supported Communism in Taiwan.²⁷ Many interpreted this as a signal by the government that political opposition could form, but that its demands must be restrained. Subsequently others made demands that the system be modernized by allowing for other political parties and true competition in elections. The government and the KMT in all cases rejected these bids, though in almost every case party competition per se was not made the issue.

The 1970s saw the beginning of student activism in Taiwan particularly after April 1971 when a large group of students protested the U.S. transfer of sovereignty over the Senkaku Islands (Tiao-yü-tai in Chinese) to Japan (along with Okinawa). These small islands had been used by Taiwanese fishermen and were territory over which Taipei felt it had legal territorial claim. Later student and intellectual debate, which had become more organized, turned to

27. Yung Wei, *supra* note 2, p. 15.

other issues. After Taipei's expulsion from the United Nations in late 1971, it focused on Taiwan's status in the international community and its status and future as an independent nation.²⁸

Subsequently further losses on the diplomatic plane seriously undermined the position of those in the Kuomintang and in the government who resisted change, especially democratization of the political system. In fact, largely as a result of these diplomatic setbacks and the public concern and organized protest that underscored the danger of not acting to win support from the international community for the Republic of China's nation-state status, the top Party leadership changed its position on the issue of expanded democratization of the political system through party competition. KMT leaders also moved to make Party rules more democratic in order to dampen the demand for additional parties. It also began a recruitment drive aimed at bringing more Taiwanese into the Party.

After 1975, when Chiang Ching-kuo assumed the mantle of power following his father's death, the younger Chiang made public statements or promises to the effect that a real opposition would be allowed in future elections. In response, leading up to the November 1977 local and provincial elections a number of activist politicians challenged the government and KMT to allow "genuine" (i.e., party-style) competition in the election. In view of his campaign to get more Taiwanese into government and to present the image of democratization abroad, Chiang Ching-kuo had to concede.²⁹ Perhaps this is what he wanted anyway. In any event the 1977 election witnessed for the first time real competition between the KMT and non-party candidates.

The KMT fared quite well in this new environment, winning 16 of 20 county (or hsien) executiveships, 43 of 45 seats on the Taipei city council, 56 of 69 seats on the Taiwan Provincial Assembly, 293 of 363 borough and township executiveships and 711 of 928 seats on borough and township councils. On the other hand, its share of the popular vote dropped from 69.1 percent (in 1972) to 64.2 percent.³⁰ After the elections both sides seemed to have cause for rejoicing. The KMT won in spite of more open competition. It managed, in fact, to do better than during some so-called surprise elections during the 1950s and 1960s. Non-party politicians won some important

28. Clough, *supra* Chapter 2, note 7, p. 64.

29. See Hung-mao Tien, *supra* note 15, p. 619; Clough, *supra* Chapter 2, note 7, pp. 65-66; Copper, *supra* Chapter 1, note 5.

30. Winchler, *supra* note 12, p. 14.

seats and as a group won a bigger portion of the popular vote than had been the case for some time.

However, the outbreak of riots in Chungli after a ballot marked for an opposition candidate was invalidated by election officials scarred the election. As it turned out, it appeared that the procedure was justified and that the election officials had been wrongfully condemned. The government subsequently showed leniency toward those who had violated criminal codes, and the case, while it attracted international attention due to the outbreak of violence at the time, did not remain an issue of contention for long. Later the KMT demoted a high Party official responsible for the Taiwanization program, making him a scapegoat for the problem. No actions were taken against candidates; nor was economic pressure applied against the businesses supporting the candidates that opposed the government and in whose name the rioting took place. In short, future election competition was encouraged notwithstanding the one violent incident.

Table 3-1 Elections of Hsien and City Councils

Date	Number of Candidates	Number elected	Voter Turnout
July 1950	1,827	814	80.73%
December 1952	1,620	860	79.72
December 1954	1,437	928	78.88
January 1958	1,453	1,025	78.31
January 1961	1,467	929	73.83
January 1964	1,563	907	76.76
January 1968	1,054	847	78.02
March 1974	1,480	850	73.30
November 1977	1,081	857	80.47

Table 3-2 Elections of Magistrates and Mayors

Date	Number of Candidates	Number elected	Voter Turnout
October 1950	90	21	79.61
April 1954	38	21	74.25
April 1957	40	21	78.20
April 1960	35	21	72.49
April 1964	47	21	69.05
April 1968	43	21	74.26
December 1972	39	20	70.31
November 1977	36	20	80.39

Source: *Statistical Abstract of Interior of the Republic of China, 1982* (Ministry of Interior).

Table 3-3 Elections of Taiwan Provincial Assembly

Date	Number of Candidates	Number elected	Voter Turnout
November 1951	140	55	---
April 1954	110	57	74.40
April 1957	118	66	78.20
April 1960	126	73	72.52
April 1963	137	74	69.26
April 1968	129	71	74.28
December 1972	121	73	70.33
November 1977	125	77	80.40

Source: *Statistical Abstract of Interior of the Republic of China, 1982* (Ministry of Interior).

CHAPTER 5 THE 1980 "WATERSHED" ELECTION

Prior to 1969 there was no general election of delegates in any of the Republic of China's elective branches of government. Supplemental elections were held in 1973 and 1975, but these elections added only a small number of representatives to the elected bodies of government. Nor were these elections very competitive: competition took place primarily within the KMT though a few independents ran. Hence, the first real case of party/non-party competition in elections in Taiwan occurred in local elections in 1977. However, neither this election nor any other prior to 1980 truly set a precedent for future elections or represented a transition to competitive party elections.

The 1977 election was not a national election and too little was at stake. Furthermore, the violence that broke out in the city of Chungli during these elections caused many to perceive that elections could not be cited as proof of the compatibility of competitive campaigning and political development of a non-destabilizing nature. In fact, during 1978 and 1979 there was strong opposition within the government and the KMT to increasing the number of seats contested in future elections or allowing candidates more latitude to campaign.¹

Despite this, the Republic of China's top leadership—Chiang Ching-kuo and his close associates—planned a national election for 1978 that might have introduced competition into electoral politics in Taiwan at the national level. More seats in the elective bodies of the national government were to be filled by the electorate. Restrictions on campaigning were lifted. This might have been a watershed event in terms of creating mass participatory democracy in Taiwan. As it turned out, just days before the election President Carter announced that he had decided to derecognize the Republic of China and would transfer formal diplomatic ties to the People's Republic of China. The U.S. being Taipei's only military ally and the most important country with which it had diplomatic ties, the decision was a shock for Taipei. As a consequence the election was postponed indefinitely.

Following the loss of formal ties with the U.S., "diehard" elements in the KMT and government strengthened their position as well as their resolve to suppress the movement supporting democra-

1. See J. Bruce Jacobs, "Taiwan 1979: 'Normalcy' After 'Normalization,'" *Asian Survey*, Vol. 20, No. 1 (January 1980), p. 85.

tization at a more rapid pace, independent or non-party candidates and competitive elections. As a result, in the following months there occurred a wave of suppression of free publishing and free speech and a general clamp down on dissent that in any way challenged the government. In fact, anything that might be construed as a threat to the nation's security was seen with suspicion by the government, and for a time a significant portion of the population agreed.²

This situation, however, did not last long. Progressive elements fought back arguing that diplomatic defeat increased the need for genuine participatory democracy. Only in this way, they contended, could Taiwan impress other countries of the fact that it was truly a nation-state deserving to remain sovereign—not deserving to be sold out to the People's Republic (which had already made its intent known to incorporate Taiwan). Progressive forces similarly asserted that Taiwan must also push ahead with plans to democratize the system in order to maintain a good image in the U.S.—a nation that still remained a friend despite establishing diplomatic relations with Peking.³

In the spring of 1979 Congress passed the Taiwan Relations Act, which in essence gave Taiwan nation-state status under U.S. law. Of equal importance also was the fact that despite the breaking of diplomatic links, the U.S. did not sever trade and other ties, which, continued to grow. Thus, notwithstanding derecognition, the U.S. still held the key to Taiwan's security and to its future in general. This was an argument in favor of the progressives who looked to the U.S. as a model for political development and democratization. Moderate forces in the government and much of the population were thus swayed by the progressives' admonitions.

In the spring and summer of 1979, progressive forces once again began to organize. Now, however, for a variety of reasons, including the fact that it was perceived that the government's credibility had been utterly destroyed by U.S. derecognition and that the situation for Taiwan was desperate, the movement quickly escalated its demands. Moreover, radical activists gained control over the progressive movement—including some who were revolutionaries and who compared Taiwan's situation to Iran's. Opportunists also joined the

2. See Theodore Hsi-en Chen, "Taiwan's Future," *Current History*, Vol. 77, No. 449 (September 1979), pp. 71-73, 83-84, for further details regarding the difficulties caused to Taiwan by the U.S. decision to break diplomatic relations.

3. See Hung-mao Tien, "Uncertain Future: Politics in Taiwan," in Robert B. Oxnam and Richard C. Bush (eds.), *China Briefing 1980* (Boulder, Co.: Westview Press, 1980), pp. 87-94.

movement seeing a chance for themselves to gain political influence. Some with criminal records joined.⁴

Government indecision on some major policy matters and a specific decision at the top to allow greater press freedom also stimulated activism. Thus press control laws were relaxed, allowing opposition groups and even individuals to print and publish anti-government statements which would not have heretofore been allowed. Precisely why press freedom was expanded so much at this time is not known. Perhaps Chiang Ching-kuo felt that it was necessary in order to fully assess the nation's predicament; perhaps he wanted to promote the kind of rapid political change that was necessitated by events—especially elections and his "Taiwanization" program. Or Chiang may have perceived that public debate on vital issues would help him outmaneuver Party hacks and government diehards who wanted a permanent crackdown on protest and censorship of a genuinely regressive sort. In other words, compromise seems to have been difficult or impossible at this juncture and the President seems to have perceived that he had to ride out the storm.⁵

During the summer and fall, progressive forces became more organized and politically even more active. As this happened rightist opposition made up in large part of veterans and veterans groups formed, resulting in several violent conflicts between "opposition" groups and "loyalists." Rightist forces were outnumbered; yet they were well organized and had the support of many government and KMT officials, including several police organizations.

In December 1979, the conflict between progressives (joined by opportunist and criminal elements) and pro-government forces (joined by reactionary veterans and other rightist organizations) turned into violence during a mass demonstration commemorating Human Rights Day in the southern city of Kaohsiung. The demonstrators, after being cordoned off from onlookers and surrounded by police who feared loss of crowd control, attacked the police.

It is uncertain whether the demonstrators reacted in fright or according to plan. (The latter was the case according to those who later argued that the fact they carried clubs and other weapons indicted them). There remain many unknowns about the incident. It is known, however, that local gangs infiltrated the ranks of the dem-

4. For further details, see John F. Copper, "Taiwan in 1980," *supra* Chapter 3, note 20.

5. See John F. Copper, "Taiwan's Recent Election: Progress Toward a Democratic System," *Asian Survey*, Vol. 21, No. 10 (October 1981), pp. 1032-33.

onstrators perhaps at the behest of the police (to make a police crackdown justified), or they acted on their own (in order to take revenge on police who had cracked down on gang activities and had displaced certain underground organizations). It is also certain that news of the incident reached President Chiang. Prior to the outbreak of violence he ordered detainees released (who had ostensibly been beaten while in police custody) and police restraint, probably against the wishes of local authorities. In any event a number of policemen (183 according to the official count, which was probably inaccurate or exaggerated because it included such things as scratches and broken fingernails) were injured. Only one demonstrator was hurt.⁶

Subsequently, government authorities arrested leaders of the Formosa Magazine group that had organized and led the demonstration. In the Spring open trials were held and eight defendants were given prison sentences ranging from 12 years to life. The defendants were allowed attorneys and the right to speak for themselves at the trial. The press, both foreign and local, was allowed to report freely on the trials. According to a number of foreign observers, the government didn't present a very convincing case on issues of democratic principles or political freedoms, or on issues that related to the future of the nation.⁷

On the other hand, it was clear that the "Kaohsiung Incident" as it was now referred to, drastically altered public opinion regarding the progressives. Before the incident a large segment of the public sympathized with the anti-KMT, anti-government opposition at least in principle. In fact, it was widely perceived that the government should not continue to regard itself as being beyond criticism and that some drastic steps needed to be taken to deal with Taiwan's eroding diplomatic isolation resulting from the loss of U.S. recognition. Most felt that one answer was a more democratic system which would justify support by the international community for Taiwan's continued autonomy and the Republic of China's sovereignty.

However, after the "Kaohsiung Incident," public opinion turned against the demonstrators who were now seen as promoting

6. See Copper, "Taiwan in 1980," *supra* Chapter 3, note 20 for further details. This was the account that was given in the foreign media at the time.

7. This was true in part because several of the defendants were rather formidable intellectuals and were able to present a cogent case in defense of their actions. At the same time the government did not seem to be prepared or did not care to engage in debate on the moral and philosophical significance of the event. See Hung-mao Tien, *supra* note 3, p. 89 for further details.

violence which threatened economic development as well as the nation's well being. In fact, the public's sudden change in attitudes surprised many foreign observers in Taiwan. However, this is easily explicable knowing that the Chinese view of violence differs considerably from the Western perspective and that political stability is viewed by Chinese as a *sine qua non* of the nation's survival. This was compounded by a general feeling of insecurity in Taiwan regarding the nation's economic success, which had been attained so quickly. The populace generally espoused the view that Taiwan's economic "miracle" was fragile and it could be lost if care was not taken to preserve the conditions which contributed to it—including, and perhaps most important of all, political stability. It was also widely believed that the People's Republic of China would quickly exploit any problems on Taiwan and was looking for an excuse to intervene with military force—which, of course, to the population of Taiwan would mean an end to their international status not to mention deprivation and the loss of political freedoms gained up to that point (which everyone knew far exceeded those provided by the government of the PRC).⁸

By May, progressive forces in the government and opposition groups began to work on compromises and a *modus vivendi*. This took the form of writing new election laws. It also meant planning an election for the end of 1980. The mood was one of seriousness: the nation's future was at stake and agreements and understandings had to be hammered out. A democratic election had to be held and managed smoothly.

New election laws had been debated in political circles and by scholars and the press for some time. Thus issues simply had to be prioritized and the debate organized. In early 1980 the government, calling on scholars and the populace to participate, sponsored special meetings and debates. Government officials took part, legal and constitutional scholars were invited from abroad, and the press was asked to report on the discussions in order to engage public participation. The final result, officially adopted on May 14, 1980, was the new "Public Officials Election and Recall Law."⁹

The new set of regulations, or the new "Election and Recall

8. See Harry Hsin-i Hsiao, "Political Development in Taiwan Since the Normalization of the Sino-U.S. Relationship," in Hung-mao Tien (ed.), *Mainland China, Taiwan and U.S. Policy* (Cambridge, Ma.: Oelgeschlager, Gunn and Hain Publishers, Inc., 1983), p. 163.

9. See *The Public Officials Election and Recall Law, Republic of China* (Taipei: Hwang Hwa Publishing Company, 1980), in the end of this book.

Law” as it was called, contained 113 articles, and was widely viewed as a market improvement over the previous existing set of election laws. This was particularly true in terms of making the system more democratic. The rights of candidates and restrictions on campaigning were made clear and specific. The new set of laws provided for much greater freedom in campaigning and electioneering. On the other hand, the new laws did not contain provisions allowing for additional parties. This left the opposition with the choice of joining one of the already existing political parties, which to the overwhelming majority was not a real choice at all, or remaining a loosely organized group of independent or *dang wai* candidates, formally or officially not organized at all. Most opposition candidates accepted this as a “rule of the game,” some noting that they could not compete very well as an organized group anyway due to the vastly superior organizational and financial capabilities of the KMT, plus the fact that opposition politicians were not united. Opposition candidates were, it should be noted, made up of various local factions which below the surface, and sometimes openly, disagreed adamantly on many issues of importance.

However, independent politicians found objectionable and openly criticized two provisions in the Election and Recall Law. These were: (1) a provision that specified that handbills and other written materials for dissemination during the campaign required a stamp bearing the printer’s name and address, and (2) the fact that the campaign was divided into two parts: candidate-sponsored meetings and election commission-sponsored meetings with the latter occupying the last few days of the campaign. (As will be seen in subsequent pages steps have been taken to deal with these complaints.)¹⁰ Some other provisions of the election law drew specific, though less animated, complaints.

On the positive side, the election laws took the supervision of elections away from the government, placing it in the hands of a relatively independent Central Election Commission. Also since the election laws tightened procedures and proper conduct was defined much more clearly, there was less chance of the government, KMT, non-party candidates or anyone else committing irregularities. This meant less chance for election tampering, fewer opportunities for cheating by candidates and a generally improved voting process.

In addition to the formal laws and regulations promulgated, there were also gentlemen’s agreements or understandings reached

10. See Chapter 7.

behind the scenes. In fact, these were as important or more important than the formal election laws. These understandings consisted of promises by the non-party, opposition candidates not to advocate or support either Communism or the Taiwanese Independence Movement. Non-party candidates also agreed not to state that they were representing any of those prosecuted (and in jail) as a result of the Kaohsiung Incident. The government in turn promised that the opposition candidates could otherwise have complete freedom of expression. In fact, non-party candidates were guaranteed that the government would control, or, if need be, suppress veterans and other groups that might interfere with their activities. Taiwan's police organizations were ordered to protect and not in any way harass independent candidates.¹¹

In short, before December 1980 the groundwork was laid for the most open, competitive and meaningful election in Taiwan's history. Legal and extralegal election procedures had been worked out. And an unprecedented number of seats in the elective bodies of government were allocated to the territory under the control of the Republic of China. A total of 205 seats in the National Assembly, the Legislative Yuan and the Control Yuan were to be filled by open competitive elections: 76, 97 and 32 positions respectively. The number of delegates to be elected to the National Assembly was five times the number elected in 1969 and approximately half again as many as elected in 1973. The number to be picked by the electorate to the Legislative Yuan was slightly less than double the number elected in 1973 and 1975. The number of seats to be contested for the Control Yuan was sixteen times that elected in 1969 and more than double the number elected in 1973.

In assessing the significance of the number of seats put up for election, one must again consider the fact that many of the members of these bodies then serving were too old to actively participate in debate and their attendance rate was low. Furthermore, with the high rate of attrition due to death or serious illness, the elected candidates though still in a minority had the advantage of time on their side. This was, of course, offset to some extent by the fact that the Overseas Chinese (28 percent of Legislative Yuan and 17 percent of Control Yuan seats) "elected" some additional seats rather than the local population. The Kuomintang in reality picked "elected" representatives of the overseas Chinese. Also, members of the Control Yuan were still elected indirectly, and the National Assembly re-

11. For details, see Copper, "Taiwan's Recent Election," *supra* note 5, p. 1035.

mained in most respects a less than dynamic decision-making body in terms of wielding political power.

The campaign took place in an exhilarating atmosphere. The KMT claimed to represent policies of successful economic growth, material benefits and a safe, secure and peaceful society. The KMT also took credit, generally justifiably, for social welfare and programs for the poor, better housing, health insurance and unemployment benefits—issues which independents and *dang wai* candidates also made campaign issues.¹²

While the opposition was not unified, either formally (since that was illegal) or in spirit (due to factionalism), they generally agreed on enough issues to write a *dang wai* candidate platform. This platform included the following demands or suggestions: (1) more seats in the National Assembly, Legislative Yuan and Control Yuan should be placed up for election; (2) popular elections should be held for the governor of Taiwan province, and the mayorships of Taipei and Kaohsiung; (3) more Taiwanese should be appointed to government positions; (4) new political parties should be allowed to form; (5) the scope of freedom of press, speech, assembly, etc. should be broadened; (6) campaigning for elections should be less restricted; (7) the “Temporary Provisions” and particularly the provisions for martial law contained therein should be abolished; (8) earlier political trials should be reviewed and most or all political prisoners released; (9) the KMT should relinquish many of the powers and prerogatives that in other political systems belong to the government and not to a political party.¹³

During the campaign some *dang wai* candidates vociferously assailed the government and KMT on issues such as bribery, graft, corruption and special privileges. Many chided the establishment for allowing overpaid, senile delegates to hold positions in important elected bodies of the government. Some even compared the KMT to the Chinese Communist Party and complained of the Republic of China’s human rights record as well as the human rights records of

12. *Dang wai* candidates generally advocated more social programs, welfare and higher taxation, especially of higher incomes. This had less voter appeal than was thought apparently for two reasons: it contradicted the *dang wai* candidates view that the government already interfered in individual activities too much and the government had already instituted a host of welfare programs while a shortage of labor had a strong income leveling impact.

13. See various issues of *Pa-shih Nien-tai* (The Eighties), published by *dang wai* leader Kang Ning-hsiang. Cf., Jurgen Domes, “Political Differentiation in Taiwan: Group Formation within the Ruling Party and the Opposition Circles, 1979–1980,” *Asian Survey*, Vol. 21, No. 10 (October 1981), p. 1017.

nations with which Taipei had diplomatic recognition.¹⁴ Many assailed the government for an ineffective foreign policy, mentioning specifically the loss of diplomatic ties and the new unofficial relationship with the United States.

Local citizens were literally flabbergasted at the candidness and vitriolic statements made during the campaign. In fact, during the several weeks before the election there were numerous citizen complaints, both from opponents and supporters of the independent candidates, asking why the police were not arresting the most provocative candidates for threatening public order. Some observers predicted that unrestrained campaign activities would lead to anarchy. Others expressed delight at what they described as a free-for-all campaign and the sudden democratization of the political process.

Observers could notice citizens attending political rallies sponsored by the most extreme candidates often looking behind them and to the side expecting the police to close in at any moment to stop the speeches. But this didn't happen. Many wondered why veterans or other right wing groups did not try to break up public gatherings or speeches given by the most outspoken, anti-government candidates.¹⁵ The answer to both questions, of course, was that understandings had been reached among the competitors and they were generally kept.

Some *dang wai* candidates complained that police were harassing them, but in almost every case it was apparent that if the police were intent upon obstructing their campaign or preventing them from saying what they were saying, they would have been silenced or dragged off to jail before the campaign activities reached the tense pitch that they did. Hence, few believed charges of police interference or harassment; most often they were seen as an effort by *dang wai* candidates to win sympathy from the masses and condemn the government.

A number of independent and *dang wai* candidates made issue of the unfairness of the nation's capitalist system. They immediately discovered, however, that this was not an issue that had a base of support. There was no public interest in changing the economic sys-

14. These charges were made in public speeches and on posters at various campaign headquarters. The most noticeable were at the campaign headquarters of *dang wai* candidate Huang Tien-fu on a main street in Taipei and an area frequented by foreign tourists.

15. This observation is based upon interviews in Taipei and several other cities in Taiwan at the time. Most people obviously did not know about the compromises and gentleman's agreement made between the government and the *dang wai*.

tem. Moreover, a number of noted scholars offered quantitative, empirical evidence in rebuttal, showing that Taiwan's economic growth had provided a more equitable distribution of incomes and material goods than most Western countries.

Opposition candidates also tried to make political capital of Taiwan's serious environmental problems. The electorate generally regarded the issue of environmental destruction as a problem; but it was not one that generated much excitement. The large majority of the population felt that economic growth was more important, at least for the moment, than environmental concerns, or that the government was doing all it could to deal with the most serious problems—air and water pollution. Some *dang wai* candidates also condemned the use of nuclear energy; but they found few listeners. The same was true for the critics of high defense expenditures. Most of the population perceived that a strong defense was necessary to protect Taiwan from external threat. The People's Republic of China had in recent months provided grist for this argument in the form of threats to use force to "bring Taiwan back into the fold."

The KMT officially entered only 42 candidates for the National Assembly contest and 38 for the Legislative Yuan competition. Since 402 candidates ran in total (5 were disqualified), independents (some of which were former KMT members) *dang wai* candidates were given a good opportunity for victory in terms of numbers of candidates fielded. On the other hand, the large number of candidates—while it reflected a greater interest in the election and a genuine feeling of competition—meant that the average number of candidates per seat was larger: 2.76 as opposed to 1.48 for the by-election held in 1972 and an average of 1.77 for seven elections for the Taiwan Provincial Assembly held between 1954 and 1977. This meant that good organization was more crucial to victory than in previous elections.

The election took place with no serious irregularities or even credible accusations of rigging, stuffing ballot boxes, or intimidation. Election officials made greater efforts than usual to be certain that no one voted twice and that no ballots had to be invalidated unless the voter wanted to cast a blank or protest vote. Ballot boxes were translucent and vote counting was done in the eyes of the public. Final tallying was done on television, with local figures telephoned in by each precinct.

Voter turnout was somewhat less than in previous elections due to the bad weather on voting day. 66.43 percent cast ballots for delegates to the National Assembly; 66.36 voted for Legislative Yuan

representatives. Voter turnout was lowest in Taipei and below average in other large cities; it was higher on the offshore islands. In terms of voting groups of blocs, professional and women's associations recorded the highest turnout: over 77 percent.¹⁶

Deciding the victor after the election was difficult. The KMT won 63 of 76 seats in the National Assembly contest for a score of 82 percent of the seats up for election. This, of course, was facilitated by Overseas Chinese and organizational voting which gave overwhelming support to the KMT. In the Legislative Yuan competition, the KMT won 56 of 70 seats giving them 80 percent victory margin.

Though *dang wai* candidates did not make a good showing in terms of the percentage of their candidates winning, they could still boast of victory for several reasons. First, several *dang wai* candidates were among the biggest victors in terms of the number of votes won by a single candidate. Moreover, some of these were the most controversial and the most critical of the government.¹⁷ Also *dang wai* candidates did better than in previous elections, thereby demonstrating a favorable trend. Similarly, of considerable significance when projecting ahead, was the fact that a number of KMT candidates bolted the Party and joined the ranks of the independents. This had the effect of weakening KMT party discipline. Finally, the public generally seemed sympathetic toward *dang wai* candidates and their platform and did not negatively associate them to the degree of just a few months before with the violence of the "Kaohsiung Incident."

KMT officials were generally delighted with the election results in spite of *dang wai* candidates' claim of victory and what from an objective point of view seems to have been an election where there was no overall winner. The KMT did well in Taipei and other large cities, giving evidence that the rural-urban shift, which some sociologists had argued was hurting the Party's base of support, was not a factor working against the Party. Social alienation as a result of urbanization and a rising material culture was not a serious problem. Nor did the KMT suffer from lack of unity in the context of new planks in the party platform. Most important, the Party fared well in spite of the unusual freedom allowed during the campaigning and

16. *Annual Review of Government Administration, Republic of China, 1981-82, supra* Chapter 4, note 19, p. 24.

17. In fact, a number of those connected with the "Kaoshiung Incident" in 1979 were elected including relatives.

what amounted to permitting party-type organization on the part of *dang wai* candidates.

Another factor of great significance was that some of the most anti-KMT opposition candidates were repudiated by the electorate. So were some of the *dang wai's* most important campaign issues. Lastly, the KMT ran with a majority of Taiwanese candidates; this gave the impression (though this was challenged by the *dang wai* that was almost exclusively Taiwanese) of successfully bridging the gap between Taiwanese and Mainlander while changing the Party's image of being Mainland Chinese-dominated.¹⁸

Generally the election was a credit to the nation's political development and to an informed and enlightened electorate. Most of the victorious candidates, whether KMT or *dang wai*, were Taiwanese—thereby further rectifying the Taiwanese-Mainlander imbalance in elected government organs. The level of education of candidates was high: Of candidates winning seats in the National Assembly four held Ph.D. degrees, six M.A. degrees and 45 B.A. degrees; in the case of the Legislative Yuan the figures for academic degrees was eight, nine and forty-two respectively. This upgraded considerably the level of education of these two bodies. The age of victorious candidates was also low: an average of 45 for the National Assembly and 44 for the Legislative Yuan.¹⁹

Most winning candidates were businessmen, who, according to some observers, would guarantee continued close ties between government and the business community and ensure continuity in domestic policies. It may also facilitate stability in politics in general since businessmen were generally winners in local elections during the 1970s and appear to be the group most interested in politics and most capable of providing the type of leadership needed by the nation. On the other hand, a less pro-business viewpoint is apparent among victorious *dang wai* candidates, signifying to some extent a new, and perhaps growing, concern with social welfare, workers' rights and environmental problems.

Ideologues fared poorly in the election. Many candidates deemphasized their ideological views—especially if strong, or if identified with a specific ideological stand. Most who campaigned on a platform of ideology lost. A number of candidates employed sensationalist techniques in their campaign, several hiring movie stars and other celebrities. These candidates were not very success-

18. Over 90 percent of the KMT candidates in this election were Taiwanese.

19. "KMT Wins Elections," *China Post* (Taipei), December 8, 1980, p. 1.

ful. A sizeable portion of candidates followed public opinion polls in building their platforms, or simply took a stand on many issues that seemed to be favored by the electorate. Others took an extremist or critical stand on some issues, in many cases even when it was obvious that if victorious they would not be able to rectify the problems discussed—or at least do so quickly or alone. The electorate was generally skeptical of both these categories of candidates, thereby proving these tactics to be less than effective.²⁰

In terms of less positive trends, those with money, and particularly those willing to spend high sums in the campaign, were generally winners. The average candidate spent around U.S. \$500,000 during the campaign.²¹ Personal fortunes in many cases were used, but many candidates made promises of favors to contributors if elected. The problem of “money politics” will be discussed again in later chapters. Needless to say it is a rapidly emerging problem.

Those with personality and charisma fared better in the election, though this had to be combined with local support and influence for it to be meaningful. Oratory ability and good looks helped candidates, but obviously less so than in most Western elections; in fact, some candidates made no public speeches, having others give speeches on their behalf, and still won.

Education was a qualification to boast about—in fact, very much so. It was a factor of considerably more importance than in past elections or in elections in Western democracies. Experience was also valuable, but it counted no more and probably about the same as in elections in Western countries. A high level of loyalty toward the constituency was considered important by voters, as was an ability on the part of the candidate to maneuver effectively in politics so as to influence law making and other decisions to the benefit of his or her constituency.

When the election was over, government officials moved quickly to remove campaign posters, close candidates' headquarters and end the “political holiday.” On the other hand, the end of the campaign did not mean that no new precedents had been set or that the degree of freedom to criticize the government witnessed during the election was nothing more than a temporary phenomenon. Nor did it mean that in future elections the same openness and competitiveness would not prevail. In fact, while things seemed to return to

20. For further details, see Copper, “Taiwan's Recent Elections,” *supra* note 5, p. 1037.

21. *Ibid.*

normal in terms of excitement and intense public debate, there were certainly no warnings or repression carried out to make sure that progressive politicians and the public understood that the "holiday" had ended. On the contrary the public was to some extent enervated by the election "ordeal" and wished to return to pre-election quiet and calm. Clearly, in terms of competitive elections, a foundation was built. In short, the 1980 precedent-setting election appeared to mark a transition from what theorists would call an authoritarian-technocrat system to a democratic-development one.

The impact of the December 1980 election upon the political process can (and this will be discussed in great detail in the next chapter) also be illumined by examining how it affected subsequent elections and by putting this and subsequent elections in the perspective of democratization and political development (as will be done in Chapter 7). First, however, it is necessary to look at the political issues in Taiwan that survived this momentous election and the immediate implications of the 1980 election.

It is clear that although *dang wai* candidates generally stressed the issues mentioned earlier as constituting the *dang wai* candidates' program, there was a great deal of difference in terms of the emphasis given to each tenet of the so-called "platform." Many candidates failed to mention some of them. Others emphasized only one or two. Obviously not all tenets of the "platform" were as popular with the public as most *dang wai* candidates assumed or an objective observer might think when reading the list of issues. It is also apparent that beneath the superficialities, the *dang wai* proposals in many ways differed very little from the KMT platform, or at least as the latter was emphasized by most KMT candidates.

Generally, there was little public support for abandoning the "Temporary Provisions" and getting rid of martial law. Although this appears to be more clear after subsequent elections, candidates who stressed opposition to either in their speeches received acclaim from only a small portion of the electorate and in only a few cases did it help their campaign. The same is true of the proposals to review the cases of political prisoners and give greater attention to human rights concerns. The reasons these issues were not as popular as *dang wai* candidates anticipated is that they contradicted the public's strong concern about maintaining public security and social and political stability. It also seems that in the minds of the voters associated these issues with excessive Westernization, an increase in crime and other social problems, and the government overly heeding

the advice of foreigners.²² In short, a feeling of nationalism conflicted with these issues.

While it seems clear that there was deep concern for reforming the political system, public support for this was generally limited to democratic reforms promised by the government within the rubric of the Constitution and Sun Yat-sen's *Three Principles of the People* (although as earlier stated ideology itself was not a popular issue), rather than any Western model of solution. In other words, public seemed to support rather sweeping improvements in the political system, yet also saw this as conflicting with stability; this indeed was a dilemma or contradiction for the voters.

Also, albeit the loss of diplomatic ties with the U.S. which followed a long series of diplomatic defeats from 1969 to 1978, seemed to precipitate demands for change, no foreign policy issue was important during the election. In fact, it was quite apparent that foreign policy played only a small role in influencing either candidates or voters. Relations with other nations were mentioned only infrequently by candidates and seemed not to be an issue area to use to get voter attention. However, one exception may be cited. If the issue of "Taiwanizing" the government can be seen as a foreign policy issue, then foreign policy was important. Obviously the electorate wanted a government that concerned itself with Taiwan's problems and opposed perpetuating the myth of ruling all of China. If one translates this into a two-China or a one Taiwan, one China policy, or separatism, then that was one foreign policy issue that was of concern.

In the domestic arena the public displayed strong support for a free market economy and capitalism. Some *dang wai* candidates advocated socialism or socialist-like programs; this attracted little sympathy. In fact, it alienated a large number of voters. It might have been a different case had not the government during the several years prior to the election expended considerable effort in the realms of health insurance, low cost loans for workers to buy houses and apartments, unemployment benefits, and job safety. The electorate seemed to perceive that sufficient progress had been or was being made in these areas.

The same was also true of environmental problems, even

22. There was a fairly widespread perception that the election was being held in large part for the benefit of the United States. This author was in Taiwan at the time and perceived that a fairly sizeable number of people resented this, although they did agree with the other reasons for the election.

though to the objective viewer they were quickly becoming critical. *Dang wai* candidates were not able to make much of ecological concerns, probably because they did not try hard enough and/or because economic growth was considered a higher priority by most voters. Both the KMT and the *dang wai* candidates can be faulted for not taking up an issue that should have been of considerable concern. The same may be said of sanitation, flooding (including sewers) and traffic problems. All of these things were of concern to the voter—but apparently not enough. And because of the newness of this kind of election the focus of attention was on other issues of immediate concern.

Overall, *dang wai* candidates seemed to have made a good start in terms of assuming a new role in Taiwan's politics and in making the system a competitive one in terms of party versus non-party in electioneering. On the other hand, because a cohesive platform did not emerge from the campaigning of the *dang wai* candidates, future competition in terms of special issues that can be identified with one side or the other remained uncertain. This may be attributed to the fact that it was the first real experience in a competitive, open national election for the *dang wai* candidates and because they emphasized too many issues that were not as important as they thought. Alternatively *dang wai* candidates were too limited to local influence by virtue of the rules of the system. In the wake of the 1980 election it was clearly too early to predict how these questions would be dealt with.

On the other hand, it appeared that the KMT also faced some fundamental problems which it showed no signs of dealing with effectively. One basic question related to the role of the KMT as a mass party. Should it continue to be a large party? The disadvantage, namely that party discipline is difficult to impose, was very apparent in this election. The inability to keep party discipline means that the Party has to contend with a problem of members who run for office without Party approval. In the 1980 election a significant number did this and a large enough number won to make this problem of concern. At the time, in fact, this portended to be a serious problem in the future.²³

Another problem for the Kuomintang was that it is associated in the minds of the voters with the government to the extent that most errors made by the government, unpopular decisions and

23. This view was expressed by a number of KMT leaders at this time, sometimes in public.

problems associated with red tape and bureaucracy are blamed on the KMT. In contrast, the Party does not generally get credit by association for government policies that are successful or beneficial to the public. This seems to be a factor of political behavior in the Republic of China that is not unlike most Western democracies: the political culture discriminates against the party in power. What, if anything, can be done to change this is uncertain. In anticipating future elections in 1980 it was a dilemma for KMT leaders.

Sociologists and political analysts have predicted the problem of the Party losing support in the cities for some time and voting trends in earlier elections seemed to support this point. However, the Party dealt effectively with the problem in this election through good organization. It may be that the cynicism expressed toward KMT policies in the past, and which was the basis of predicting Party problems in the big cities, in addition, of course to the large number of younger and more restless voters, will be equally a problem for *dang wai* candidates as they organize into a kind of unofficial or pseudo party. Frequently during the 1980 campaign Taipei voters openly expressed disbelief that *dang wai* candidates would pretend they could solve problems when in office when, in fact, they would have no such authority or power over such issues. They also criticized many who exaggerated their ability to change the system. In fact, some candidates made promises and statements which Taipei voters and the press immediately labelled ridiculous.

One final observation: the two other legal parties fared very poorly in the 1980 election, particularly if one held any expectation that they would gain strength and win significant voter support thereby giving rise to a competitive party system without changing or circumventing the Temporary Provisions. Thus the 1980 election suggested that if independent or *dang wai* candidates were to consider the alternative of joining one of the two smaller parties they should abandon this hope. Likewise, if one thought the *dang wai* people as a group might consider joining en masse one of the two small but legal parties, the prospects seemed very dim.

More can be understood about the 1980 election and its impact on the political system by examining the subsequent elections. Since this was Taiwan's first truly open and competitive national election, subsequent elections reveal the importance of the precedents set and how established they are. They will also tell us how well the election process overall is working, particularly in terms of bridging the gap between local and national elections, and what role both will play in

the continued process of political development in the Republic of China.

CHAPTER 6 "LOCAL" ELECTIONS DURING 1981 AND 1982

From the national election of December 1980 up to the Fall of 1983, there were three "local" elections in Taiwan. On November 14, 1981 elections were held for seats on the Taiwan Provincial Assembly, the Taipei and Kaohsiung City Councils, County Magistrates and Mayors of cities under the jurisdiction of Taiwan Province. On January 16, 1982 elections filled positions on the county assemblies, city council members of cities under the jurisdiction of Taiwan Province, town and village executiveships and mayors of cities under the jurisdiction of respective counties. On June 12, 1982 elections were convened to pick town and village council members.

Events prior to and during all three of these elections, especially the competitive, democratic spirit demonstrated during the campaigning, suggest that the progress made toward participatory democracy in the 1980 election was sustained. In short, local elections over the next two years continued the strides made toward competitive elections and citizen participation in picking government officials up to 1980 and during the national elections that year—thereby refuting the notion that 1980 had been simply an "election holiday." In fact, the events of the three elections that will be assessed in this chapter offer further proof that competitive democracy has been institutionalized in the Republic of China—though there were irregularities that were and remain of concern and the party system in Taiwan is still no doubt subject to considerable evolutionary change. More time and additional elections will be needed to say conclusively that democracy has its roots firmly planted. But, so far the evidence suggests that democratic processes are being regularized in Taiwan and a democratic system is quietly but quickly evolving.

Of the three elections mentioned above, the November 1981 election was by far the most important. This election was provincial (in a sense national since it was nationwide) in scope, while the others were purely local elections. Each election will be examined in greater depth before some final conclusions are made at the end of the chapter that will relate the election process to political development during this period.

The November 1981 election was of special importance for several reasons. First, it was the first election following the national election in 1980 and there were questions in the mind of both central government officials and the general public whether elections of the

1980 sort should or would be held again. Second, local elections are in fact national if Taiwan and the Offshore Islands are considered geographically synonymous with the Republic of China and in the sense that the Taiwan Provincial Assembly represents the entire population of the country. Hence this election may be regarded as a national election of sorts. Third, rather than just a portion of the seats in representative bodies being up for election, as was the case in the 1980 national election, the entire Provincial Assembly had to stand before the people. Fourth, the county magistrates and to a lesser extent the city councils and mayors elected are important officials that possess executive power in the areas where they preside. (The magistrates are the most important officials picked in any local election.) Fifth, many of the officials chosen in this election—and this is particularly true of the members elected to the Provincial Assembly and the magistrates—will bid for higher office later. They are the politicians of the future. Sixth, the officials chosen in this election have considerable power over budget and administrative matters. How effective they are in office is of great importance to the effective operation of the government of the Republic of China.

As already noted, this election must be considered of importance because of its timing—following the precedent setting 1980 national election. After the election of 1980 there was considerable apprehension on the part of central government officials regarding future elections and the relationship between local and central governments. In other words, top officials in the central government and the Nationalist Party expressed concern that democracy at the top was following the pattern of local democracy and that the central government's ability to lead and to give direction to political change was in doubt. Mostly, conservative KMT members and central officials raised this question; however, it was also an issue that was on the minds of other leaders at the top at this time.

Given the fact that violence marred the last election of representatives to the Taiwan Provincial Assembly and city magistrates (during the magistrate election in Chungli) and this was still on the minds of many, there was fairly widespread apprehension about this election, caused simply by the reminder of the last province-wide election. Another question was the expectation that the nation's Election and Recall Law would be violated; it had been in 1980 though not very seriously. Would more serious violations occur? Finally, and perhaps more important, would *dang wai* candidates organize and behave like a political party? If they did, what about the violation of the "Temporary Provisions" and the Election and Recall

Law? This was a major question that arose during the 1980 election and was not resolved.

Regarding the last problem, *dang wai* candidates in the months and weeks preceding the November 1981 election set up various campaign organizations, and, in fact, behaved as a political party. In every election district *dang wai* candidates established consultation and recommendation committees to nominate candidates in a manner very similar to that employed by the KMT.¹ A number of *dang wai* members of the Legislative Yuan and the National Assembly participated, thereby forming a leadership core of the *dang wai* politicians. Kang Ning-hsiang, the generally recognized leader of *dang wai* politicians, even held a meeting to pick official or "mainstream" *dang wai* candidates prior to the election.² On the other hand, *dang wai* politicians were also cautious not to provoke central government officials or the Nationalist Party by so organizing. They took pains to stress the informal, ad hoc nature of their meetings. They also avoided adopting, or at least widely publicizing, antigovernment tenets in their platform. Not only did they seek to avoid challenging the government on the "Temporary Provisions," but they had also learned from the last election that they needed to avoid radical positions, especially ideological ones, inasmuch as this wasn't effective in terms of winning the support of the electorate. Thus the *dang wai* group's slogan "check and balance and progress" was both representative of their mood and avoided provocation.³

There were also various understandings or "gentlemen's agreements" in effect prior to this election concerning what the *dang wai* politicians could say and do during the campaign. Advocating communism or negotiating with Peking were two issues that were clearly off limits. Neither of these, however, was an issue that *dang wai* politicians wanted to talk about and neither had public appeal. Some *dang wai* candidates mentioned them simply to see how far they could go, but this caused no real controversy. Claiming to represent any of those convicted and imprisoned after the "Kaohsiung Inci-

1. Robert King, "Taiwan Opposition Shows Strength in Unity," *Asian Wall Street Journal*, November 18, 1981, p. 6.

2. Andrew Tanzer, "Come to the Party," *Far Eastern Economic Review*, Vol. 114, No. 45 (October 30, 1981), p. 15.

3. Observers, including this writer who was on the scene during the 1980 election and a subsequent local election, perceived that the "understandings" regarding campaign behavior were generally unchanged from 1980. It should be pointed out that there is little tendency for politicians to assail the President personally or to represent factions of the Taiwanese Independence Movement in the U.S. or Japan anyway.

dent" in 1979 or supporting the Formosa Magazine group that had organized the demonstration that led to the violence in Kaohsiung on that occasion, were also taboo. Finally it was generally understood that *dang wai* candidates would not personally attack President Chiang Ching-kuo or other top central government leaders, or advocate Taiwanese independence.

In reaching these understandings regarding ground rules it was uncertain to what extent pressure or assumed punishment served as a deterrent. The fact that these issues were not directly relevant to the campaign and there was no mass support for an anti-government position *per se*, candidates were dissuaded to some extent by public opinion. Even radical politicians admitted that dwelling on these issues would brand a candidate "an extremist" causing him or her to likely lose the election. The fact that ground rules made the 1980 election a successful one while most radical positions taken during that election evoked a negative reaction from the electorate were likewise instructive to candidates in this election and helped to make the style of campaigning and the issues presented acceptable to both sides.

As in 1980, the Election and Recall Law restricted the period of campaigning to ten days before the election, with only government sponsored meetings allowed the last five days. *Dang wai* candidates, however, circumvented this regulation by celebrating birthdays and other events and by holding tea parties and garden parties for a month or more prior to November 14.⁴ These occasions were used to recommend potential candidates and even to introduce those nominated as "official" *dang wai* candidates and to discuss election strategy. They were also employed to solicit campaign funds.

The police ignored most indoor meetings. Some outdoor get-togethers were dispersed. On one occasion Kang Ning-hsiang held a tea party in a public park in Taipei to introduce "official" *dang wai* candidates for positions to the Taipei City Council. The police came, but before taking any action each candidate was allowed a ten minute speech (that included political messages, the candidate's position and an explanation to the crowd concerning why the gathering was illegal), then the rally was cancelled.⁵ This was generally representative of the mood (cum understandings) of *dang wai* politicians and the police. The *dang wai* candidates were allowed to organize and technically to violate the Election and Recall Law in terms of

4. Tanzar, "Come to the Party," *supra* note 2.

5. *Ibid.*

organizing and campaigning as long as they did not do it too blatantly or provoke violence or disturbances in doing so.

Regarding substance, the *dang wai* program and the Nationalist Party's platform differed in few respects. In the cities the majority of candidates of both sides talked about air pollution, traffic, public housing, flood control and clean drinking water. In the rural areas they advocated higher prices for farm products and better schools.⁶ Where the two groups differed was on their attitude toward reforming government: the *dang wai* candidates criticized the government, generally portraying it as bureaucratic and corrupt. Kuomintang candidates underscored the accomplishments of the government. But even here views were not diametrically opposed. Both *dang wai* and KMT candidates focused more on substance issues than they did in 1980 and some of the problems that deserved consideration in 1980 were major issues in this election.

Dang wai candidates did bring up some issues the government would have preferred remain laid to rest. The Chen Wen-cheng incident—the case of a Taiwanese professor teaching in a U.S. university who returned to Taiwan in June and was found dead not long after being questioned by the Taiwan Garrison Command—was the most important.⁷ Chen was known to have ties with the Taiwanese Independence Movement in the United States and his death in the mind of the public, or at least a sizable segment of it, implicated the government and the KMT. The case caused controversy also simply because it was not solved; few murder cases in Taiwan (unlike most Western nations) are unsolved. Thus the issue of police power was brought up as a campaign issue by *dang wai* politicians. And many *dang wai* candidates went beyond the Chen case to make an issue of principle to criticize the police apparatus in Taiwan, though this was limited in most cases to questioning their arbitrary powers.

Dang wai candidates also complained that KMT candidates got the best sites at the choice time of the day during the government-sponsored portion of the campaign, and that *dang wai* and independent candidates were frequently sandwiched in between KMT candidates for campaign speeches. In addition, they charged that the KMT dominated the Central Election Committee.⁸ Finally, *dang wai* supporters referred obliquely to the pre-election period as a

6. Andrew Tansar, "Much ado about little," *Far Eastern Economic Review*, Vol. 114, No. 47 (November 13, 1981), p. 20.

7. *Ibid.*

8. *Ibid.*

“holiday of democratic activity”—suggesting that the system was not democratic at any other time.

Two days before the official campaign period began Kang Ning-hsiang called a meeting and “nominated” thirty-one *dang wai* candidates who were labelled “mainstream” or the “officially sponsored” candidates. Other *dang wai* candidates opposed this procedure and ran as “unofficial” or “non-sponsored” *dang wai* candidates. This created an open rift in the ranks of the *dang wai* group. A similar, though less serious, problem occurred for the Nationalist Party: 31 KMT candidates quit the Party or ran for office without Party approval.⁹ The Nationalist Party headquarters in Taipei also had to expel from the Party five candidates for city council seats for violating Party rules. Four of the five later charged that the nominating procedure was unfair. Clearly, discipline was a problem for both the Nationalist Party and the *dang wai* group, as it had been in 1980.¹⁰

During the campaign a number of “irregular” events occurred and a number of candidates engaged in what most considered questionable campaign practices. Several candidates hired disco dancers and some got celebrities to help campaign for them. One had himself lifted above a crowd by a crane so that he could speak, and be noticed and heard by a large crowd. Another had a friend host a U.S. \$7,000 feast on deer meat. A number of candidates beheaded roosters publicly while taking an oath of honesty—which according to an ancient superstition would guarantee that the person would keep his oath or promise. In response to the latter two activities wildlife groups and enthusiasts criticized the involved politicians and started a campaign against this practice.¹¹

Vote buying or the bribing of the voters was considered endemic and a serious problem. Not just a few candidates passed out cookware, gifts of food, monosodium glutamate and even cash to voters while asking for their support. In fact, the practice of vote buying was so common that it was widely rumored—to the point that many regarded it as common knowledge—that the price of a vote ranged from U.S. \$5 to \$10.¹² On the positive side, the press criticized vote buying and excessive spending during the campaign

9. Andrew Tanzer, “A Vote for Democracy,” *Far Eastern Economic Review*, Vol. 122, No. 47 (November 24, 1983), pp. 27-28.

10. *Ibid.*

11. Robert King, “In Taiwan, Politicians Behead Roosters, Kneel Before Voters,” *Asian Wall Street Journal*, November 27, 1981, p. 2.

12. The local press in Taiwan had for some time been critical of vote buying. This,

and even listed the net worth of some of the candidates. Several newspapers tried to discredit vote buying by taking up the gauntlet against what they called "money politics." This, however, did not seem to have a great deal of effect. The bottom line was that money helped (as was true in 1980), and there seemed little that could be done to change this immediately. In this sense Taiwan seemed to be plagued by one of the intractable problems common in Western democracies. What to do about it still remains of serious concern.

The public was very enthusiastic about the election and participated in pre-election activities in large numbers. In some instances as many as 50,000 people attended a single rally or campaign speech.¹³ The number of campaign rallies and support meetings held throughout the nation numbered in the thousands. Political analysts noted during the election that the level of political participation and the positive attitude toward the democratic process was unprecedented. In short, the spirit of the 1980 election was recreated and in a number of respects was further amplified.

Voting also reflected the enthusiasm for the political process. Voter turnout for the Provincial Assembly election was 71.94 percent. For the Taipei City Council and Kaohsiung City Council it was 67.89 and 76.74 percent respectively. For the mayors and county magistrates the average was 71.94 percent. The median for all four elections was 71.8 percent.¹⁴ This was a bit below the average turnout in previous provincial elections, but considering the generally cloudy, gloomy weather, it was high.

Other than the ubiquitous vote buying, the election must be seen as successful and as positive proof of political development and democratization of the Republic of China's political system. There was no violence and no serious violations of the Election and Recall Law or any other laws (unless one considers the fact *dang wai* candidates organized and behaved like a political party in serious violation of the "Temporary Provisions"). Ballots were counted in record time—four hours.¹⁵ In the past the ballot counting usually continued through the nights making it more likely that someone could tamper with the ballots. In fact, quite in contrast to the last "gen-

however, seems to represent the first effort on the part of the media to expose some candidates' personal worth and make it a campaign issue.

13. Tanzer, "A Vote for Democracy," *supra* note 9.

14. See *Statistical Abstract of Interior of the Republic of China, 1982* (Taipei: Ministry of Interior, 1982) pp. 100-08, for further details on the number of candidates, ratio of successful candidates and other data on this and past elections.

15. Tanzer, "A Vote for Democracy," *supra* note 9.

eral" local election in 1977, when violence erupted following charges of vote tampering, there were no meaningful charges of election fraud or irregularities. *Dang wai* politicians labeled the election very fair in almost all respects.

As in the case of the 1980 election, assessing who won is difficult. Both the KMT and *dang wai* politicians claimed victory, and both had evidence to support their claims. Of the 189 total seats up for grabs, the Nationalist Party won 145 or 77 percent. 108 of 127 officially sponsored KMT candidates won—or 85 percent. This was above the goal of 80 percent declared by Party leaders before the election. 19 of 31 "official" *dang wai* candidates won. This was a higher percentage of victories than in the 1980 election. *Dang wai* candidates won a total of 44 seats. Non-party candidates won 4 of 19 (counting one who left the KMT) county magistrate seats—considered the most important post filled during the election. While this is the same number as *dang wai* candidates won in the 1977 election, inasmuch as 3 of the 4 were regarded as genuine *dang wai* candidates (as opposed to 2 in 1977) this was considered a victory. Also 8 of 9 official non-party candidates won in the Taipei City Council election, giving the *dang wai* group 13 of 51 seats, or more than they held after the 1977 election. *Dang wai* candidates won 10 of 42 seats in the Kaohsiung City Council and 18 of 77 seats in the Provincial Assembly—both slightly less than in 1977. Overall, *dang wai* candidates won about one quarter of the seats contested—nearly the same as in 1977 and 1980.¹⁶

For the KMT, while over 92 percent of its officially-sponsored candidates won in the Taiwan Provincial Assembly election, the number of defections was quite high. Though none repudiated the Party, 78 ran without Party recommendation and 24 of those won. In the county and city magistrate races a number of KMT "defectors" ran though none won. In the Taipei City Council and Kaohsiung City Council races defectors were fairly large in number, though in only one case (in Taipei) did a candidate that repudiated the Party win.¹⁷ "Unofficial" *dang wai* candidates fared even better, although because the *dang wai* group is not so well organized this was not unexpected. It does, however, suggest that even though *dang wai* politicians have organization and are behaving like a political party,

16. "High Percentage Turnout: Enthusiasm Marks Campaign Scene," *Free China Weekly*, November 22, 1981, p. 1.

17. For complete data on the categories of candidates and victories and defeats in the election, see *Chung-kuo Shih-pao* (China Times) (in Chinese), November 15, 1981, p. 2.

they are far from having the party discipline of the KMT or of most political parties in Western democracies.

In terms of the qualifications of the winners, as a whole the results were gratifying. Winning candidates were younger and there were more women victors. The level of education was higher. The average age of those elected to the Provincial Assembly and city council positions in Taipei and Kaohsiung was 42.98 compared to 44.98 in 1977. The average age of mayors and county magistrates elected was 45.7, compared to 45.1 in 1977. Of those elected to seats in the Provincial Assembly 2 had Ph.D. degrees, 6 M.A. degrees, 41 B.A. degrees, 28 high school diplomas,—up considerably from the winners of the 1977 election. Of the mayors and county magistrates 3 had M.A. degrees, 14 B.A. degrees, and 1 a civil service certificate. Of the winners in the Provincial Assembly and the city council races 147 were men and 23 were women (10 in the Provincial Assembly). Of the victors in mayors and county magistrates all were men.¹⁸ Winners of almost all offices were Taiwanese, though in the case of many of the younger candidates elected the distinction between Taiwanese and Mainlander was either not clear or not very important—since some of the “Mainlanders” were born in Taiwan and in the case of some of the younger candidates their ethnic background was not publicized or was not an issue to a fairly sizeable number of voters. This was a first for both of these phenomena.

Comparing this election to similar local elections in Western democracies, the enthusiasm generated was remarkable and the voter turnout was high. The stress placed upon the level of education of the candidates was considerably more. As much or more weight was given by the electorate to candidates' experience. And voters' knowledge of the candidate compared very favorably to the electorates in Western democracies. A significant number of women were elected to positions in the Provincial Assembly, bringing the total there to almost 13 percent—more than in its counter-part body in almost any Western nation. The election of so many women and better educated candidates and considerably more competition in the campaigning were new phenomena, though not completely so. Otherwise voting behavior and the results of the elections did not differ too much from previous elections. Irregularities occurred but not in numbers that compare unfavorably with past elections or with

18. See China News Agency (Taipei), November 14 and 16, translated in *Foreign Broadcasting Information Service, China* (hereinafter cited as FBIS), November 18, 1981, p. V1 for further details.

similar elections in Western nations. Sensationalism was more apparent, but this may well represent a passing phase.

A fortnight after the election the government announced a reshuffling of the cabinet and a number of new appointments at the top. These changes and the injection of new talent at this level of government were no doubt timed to come after the election and to some degree represented the satisfaction with which top government officials viewed the election. Of nine appointments made to the cabinet, top Executive Yuan positions or other high offices almost all were Taiwanese and most were considered young by Chinese standards. Chiu Chuang-huan (age 56 and Taiwanese) was appointed Vice President of the Executive Yuan, or Vice Premier. Lin Yang-kang (age 54 and Taiwanese) was made Minister of the Interior. Lien Chan (age 45 and Taiwanese) was picked Minister of Transportation and Communication. Lin Chin-sheng (age 65 and Taiwanese) became Minister without Portfolio. Chen Chi-lu (age 58 and Taiwanese) was promoted to the position of Chairman of the Cultural Development Commission. Li Teng-hui was promoted from Taipei City Mayor to Taiwan Governor; Shao En-hsin was moved from Taipei County Magistrate to Taipei City Mayor; Chen Shou-shan was moved from Deputy Commander in Chief of the Army to Commander of the Taiwan Garrison Command. All were Taiwanese and young.¹⁹

While critics of the government have argued that many of these positions should be elective, the individuals chosen to fill these posts reflect a continuing effort to get more Taiwanese into high position and to install younger, more educated—especially Western-trained—people in high office. Of special note is the fact that a Taiwanese was made Commander of the Taiwan Garrison Command—one of the nation's important security organizations. Critics of the government had long complained that Taiwanese were ineligible for the ministries of foreign affairs, defense and top positions in the security organs of government. This was now refuted.

On January 16, 1982 another election was held, this time for county assemblies, city councils and mayors (under the jurisdiction of Taiwan Province and respective counties) and town and village chiefs. This election was much less important than the November 1981 election and it consequently received less public attention. Nevertheless campaigning was spirited and voter expectations were

19. Taipei Radio, November 26, 1981, translated in *FBIS, China*, November 27, 1981, p. VI.

high. In all 1,684 candidates competed for 799 seats.²⁰ Actually two elections (or one two-part election) were held: for 19 city and county councils and another for town and village mayors.

In the former category of positions, the Nationalist Party captured 682 of 799 seats. In the latter, the KMT won 299 of 312 offices contested. Of the non-KMT victors, two councilmen elected represented the Young China Party. The other minority party, the Democratic Socialist Party, sponsored no candidates. The rest of the 155 victors were *dang wai* politicians, though the distinction between "official" and "unofficial" *dang wai* candidates was not clear in this election. Of those elected to city council seats, 505 were "freshmen"; 294 were incumbents. Of the town and village mayors, 214 were new; 98 were incumbents. The voter turnout for city and county council seats was 75.25 percent. The turnout for town and village mayor elections was 76.6 percent.²¹

Of the successful candidates for city and county council seats, women got 115 seats or just over 14 percent of the total, doing slightly better than men in relation to the number of female candidates. Women, however, did significantly less well in the town and village mayoral races. Taiwanese won the overwhelming majority of the races in both categories. In fact, Taiwanese won all but one of the mayoral races.

Only one major irregularity occurred during this election. In a township election in the southern part of the island, a KMT candidate won against an independent who dropped out of the race at the last moment. 5,000 votes subsequently cast as protest votes had to be declared void. Election officials initiated an investigation almost as soon as the polls closed. Apparently the candidate who withdrew was bought off; or the other was able, because of the malfeasance by the former, to force him to withdraw. In any event, neither KMT Party authorities nor the government were in any way implicated.²²

On June 12, 1982 an even smaller election was held for town and village council seats. 19,000 candidates applied, including 1,000 women, for 9,914 representative positions. The voter turnout was 68.28 percent.²³ Since party affiliation is of little importance in elec-

20. For further details, see *Free China Weekly*, January 10, 1982, p. 1.

21. See *ibid.*; *Statistical Abstract of Interior of Republic of China, 1982*, *supra* note 14, p. 107.

22. "Kuomintang Sweeps Vote," *Free China Review*, Vol. 32, No. 2 (February 1982), p. 6.

23. "Grassroots Election Going On," *China News* (Taipei), June 12, 1982 and "68% Turnout for Grassroots Election," *China News*, June 13, 1982, p. 1.

tions at this level and since Taiwanese have long been represented at this level, there was no noticeable change in the profile of winners in this election.

Like the previous elections, this one also generated enthusiasm among the electorate and passed without violence or major controversy. The degree of free speech and openness as well as competition mirrored a continuation of the progress in participatory democracy and election competition made during the 1980 precedent-setting election.

A number of conclusions can be drawn from the record of the post-1980 elections. Clearly they supported earlier precedents in terms of election competition and offer proof of the success of the election process in Taiwan. They also give evidence of the direction of political change and some lingering problems.

Perhaps the main significance of the three elections, or groups of elections, is that competitive elections involving the organization of candidates that contested offices with the KMT were further regularized. Elections were not held regularly in the past except local elections. And there was no party versus non-party or KMT-*dang wai* competition. Moreover, the elections discussed above were conducted in a different spirit: that of relating local politics to national politics. This had not really been done before. Finally, elections, even local elections, had been held in abeyance after the U.S. derecognized Taipei in late 1978. The December 1980 election ended a period of suspended elections, but it was only one election. And many felt that it was an exception in the sense a "political holiday" was declared at the time and the 1980 election was not intended to be a model for future elections, but rather simply a "demonstration" of democracy for the U.S. and other foreign nations. This was proven an incorrect judgment by the events surrounding the elections discussed in this chapter as well as their results.

When one can be certain that the election process is truly regularized to include party competition and is genuinely democratic is difficult to say. Perhaps three elections are not enough. Yet maybe fifty or a hundred are not enough. After another national election is held, followed by more local elections one can obviously be more confident that elections have become routine and have become an integral part of the political culture and political system. In any case, 1981-82 seems to be a good start in that direction, continuing the progress made in 1980.

The fact that the Republic of China's Election and Recall Law written in 1980 continued to operate successfully is also significant.

In other words, three more elections were conducted according to a set of laws (which require considerable interpretations) that the participants generally agreed with, or at least accepted. It was generally perceived before 1980 that the election codes then in force were unfair and needed to be rewritten. This was done and in December 1980 an election was conducted using the new set of laws. In 1981 and 1982 three additional tests were made of these laws—successfully in terms of the absence of any violence, voter confidence in the system measured by their participation, and the moderate to low level of complaints registered by both the candidates and the electorate. By almost any standard these elections were conducted smoothly and without incident and based upon fundamental understandings and agreements concerning the need for rules in holding elections and the relevance and fairness of the rules in use.

However, this is not to say that the Election and Recall Law had widespread support in the sense that it should not be changed or rewritten. In fact, that was being done throughout 1983. There were widespread complaints that some specific provisions of the Election and Recall Law were both unfair and undemocratic. Many protests were filed regarding the limits placed on candidates during the campaign period and the shortness of it—just ten days. Rules preventing candidates from advertising in the paper or using television as a means of propagating their positions were also seen as unjust or unreasonable by a significant minority. *Dang wai* candidates complained that students were not allowed to participate in political campaigns. Some knew they could rally students to their cause and thereby obtain cheap or free campaign workers. *Dang wai* candidates also objected that the KMT controlled the press to a considerable degree and they had to present their views in magazines and other media forms that were frequently banned or placed under government restrictions. In short, the election laws worked because candidates realized they could change the laws through legal means. Even though the laws were in need of reform, they were better than no laws or their preceding guidelines.

Third, and perhaps most importantly, the Nationalist Party and *dang wai* candidates have come to view each other as legitimate competition in a game with rules and understandings. This was more true in these elections, especially the first and second (not so much in the third because it was so local), than in the 1980 election. Prior to 1980 the KMT did not view *dang wai* politicians as legitimate, and saw them as little more than opportunists. In contrast, *dang wai* and independent candidates viewed the Nationalist Party as comprised

of those who resisted change and progress or diehards in terms of accepting a competitive and democratic election system. Views on both sides changed during the 1980 election; yet many observers felt that this was only for show or because the top ordered it. Many saw it only as temporary. The 1981 and 1982 elections seemed to indicate that changes in perceptions are, or at least may be, permanent and that the election system in Taiwan is now competitive and founded upon the concept of loyal opposition—an important ingredient in the evolution of democracy.

Another realm where some concluding comments are needed concerns *dang wai* organization. *Dang wai* politicians organized in ways that seemed to be patently illegal according to the “Temporary Provisions.” They held “party” meetings, established a platform, campaigned for each other, and had a campaign fund. Independent observers got the impression that the Kuomintang and the government as well accepted the reality of *dang wai* candidates organizing and behaving as a political party, so long as it is done in an orderly way and if *dang wai* candidates otherwise adhered to the understandings mentioned earlier. Never mind the fact that new parties are illegal. Most KMT and government leaders seemed to be of the opinion that the law prohibiting new parties should remain, even though it should not be enforced, as a precautionary measure or fallback position if instability arises from party competition in elections or excessive and uncontrollable polarization results from campaign. Other KMT officials seemed to reason that it is just a matter of time until the law restricting new parties will be changed. Thus it makes more sense to concentrate on changing the law rather than debating whether or not it is being violated. Still both groups perceived that the *dang wai* group is still factionalized and lacks organization and hence will not present a substantially bigger threat in coming elections than they did in these elections. Thus, let them exist.

Meanwhile the KMT has realized more clearly that it has organization and discipline problems that are not related solely to the *dang wai* competition. The elections discussed in this chapter confirmed what was said in this regard about the 1980 national election. Nationalist Party leaders, as well as candidates at all levels, have come to be more convinced that actions must be taken to deal with candidates who run without Party endorsement or who drop membership in the Party and run as independents. In the future these problems will certainly impair the Party’s image and its very strength. Party leaders after the 1981-82 elections are also more cog-

nizant of the fact that they must concern themselves more with issues and less with ideology. They similarly became more aware of the fact that they must focus more on Taiwan and less (if at all) on "recovering the mainland" and defeating communism. And they learned a lesson that the KMT must eventually become a Taiwanese party if it is to avoid becoming a minority party. It is significant that the KMT organized and planned their strategy in these three elections to support almost exclusively Taiwanese candidates.

Likewise, *dang wai* politicians have come to regard the KMT as competition rather than the enemy. Thus, *dang wai* candidates in these elections generally followed a tack of presenting themselves as talented and experienced individuals who understand the important issues that demand attention. They did not, with just a few exceptions, present themselves as representatives of revolutionary change or as anti-government or anti-KMT. Compared to 1980, the *dang wai* politicians were much more moderate and pragmatic. This must be judged an auspicious trend.

Fourth, the electorate received important training in the use of democratic processes and at the same time got a good dose of realism in terms of the responsibilities and costs associated with democracy. Their idealism was no doubt dampened after seeing several more occasions of politicians promise what they could not deliver and resort to sometimes ridiculous tactics to win the voters' support. They were also exposed to radical views, which they again rejected. More important, they were presented with a long term problem of how to cope with the fact that money and politics have mixed and that wealth is an advantage in a democratic political campaign. Similarly, they were faced with the problem of how they are going to deal with charisma and image building. Looking to the modern Western democracies for solutions to these problems is, of course, futile.

The public has seemingly or at least partially become used to campaign rhetoric and other facets of the electoral processes. Of special note is the fact that the electorate has become skeptical of promises of quick solutions to complex problems and are aware of the risks and dangers of extremism. This quick learning process can probably be attributed to the fact that democracy has been working in local politics in Taiwan for some time, plus the fact that there is both democracy and skepticism in the Chinese psyche.

Finally, the issues that were important in these elections tell a good deal about political change and maturation in the election process. The issues which the public wanted to hear about and which the candidates realized were important and they had to discuss if

they wanted to win elections, were different when compared to the 1980 election campaign. They were predominantly practical, economic ones. In contrast to 1980 election, when a large number of non-party candidates made issue of ending martial law, releasing political prisoners, human rights, unfair election laws, etc., in the 1981 and 1982 elections the main issues were traffic congestion, sanitation, pollution, water control, education, cost of living, health facilities, and unemployment. In other words the public wanted elected representatives to deal with problems that are of direct relevance to them and spend their time on issues with which they have authority or competence to deal. And the candidates realized that the public had these perceptions.

In conclusion, the 1981 and 1982 elections furnished confirmation of the progress made in 1980. It was also a time of settling down to bread and butter issues. It was likewise a time of reaching further understandings about the election process and making democracy something that is not only realizable but also something that has to be obtained according to specific and understood guidelines. All of this seemed to be accomplished.

The 1981 and 1982 local elections also created a feeling of self-confidence regarding another competitive national election in 1983. That election could prove that democracy had become a part of the system at the top. It would not have to be thought of as another experiment. Nor would the freedoms allowed and practiced during campaigning have to be regarded as part of an "election holiday." The 1983 national election is the subject of the next chapter.

CHAPTER 7 THE 1983 NATIONAL ELECTION

On December 3, 1983 Taiwan held its fifth national supplementary election. In this election, 71 candidates were chosen to the Legislative Yuan including 16 picked to represent trade, professional organizations, and other groups. In addition, 27 were chosen to represent the Overseas Chinese. However, since this was an "off-year" election, there was no election of delegates to the National Assembly or Control Yuan. Nevertheless, this was an important election; it was the first national election since the competitive 1980 election, and like that election, it witnessed a campaign and struggle pitting the Nationalist Party against *dang wai* or non-party candidates. In short, it confirmed the role or development of party competition in national elections. It also tested still another set of election laws.

Prior to the election, on July 8, 1983, President Chiang Ching-kuo signed and promulgated a new Election and Recall Law. The 1980 national election as well as local elections in 1981 and 1982 had proven the earlier set of election laws defective in a number of respects and it was clear that revisions and changes had to be made. Suggestions for revision of the Election and Recall Law had been made even before the 1980 election just after it had been promulgated. More serious post-election proposals led after each of three elections to formal discussions that in turn became the prelude to the writing of a new set of laws.

The new Election and Recall Law of July 1983 was in effect a major revision of the earlier set of laws. Forty-nine of the 113 articles were altered.¹ The three themes of changes were: to prevent acts of violence during the election; to eliminate vote buying and bribery; and to prohibit illegal campaign activities. All were serious problems during the 1980 election and during subsequent local elections. Moreover, throughout 1983 due to the increased level of emotionalism about the pending election and what promised to be more competitive elections, many feared that violence might occur, disrupt the election, and reverse the progress made toward democratization so far. Also very serious actions had to be taken to control vote buying and illegal campaign activities.

Specifically, the new Election and Recall Law made a number of important procedural changes that to some degree altered the electoral system and the democratic processes related to it. The method of electing new members of the Control Yuan was changed

1. See English translation of the Law reproduced in the end of this book.

from a single to a multiple vote system. The Control Yuan, which was previously chosen through indirect election, or ballots cast by the Taiwan Provincial Assembly and the Taipei and Kaohsiung city councils on a local constituency basis, suffered from scandal regarding vote buying. In fact, it was rumored that in the 1980 elections one candidate purchased six votes from Taiwan Provincial Assembly members for around U.S. \$3 million.² Provisions in the new Election and Recall Law made this more difficult and at the same time made the Control Yuan more representative of the population—inasmuch as delegates elected to the Provincial Assembly would now be able to choose delegates representing a larger geographical area and a broader spectrum in terms of views and experience. On the other hand, the change favored the Nationalist Party since it worked to split the *dang wai* and independent vote. It is not surprising that the non-KMT opposition strongly opposed the change.

To reduce the incidence of various illegal campaign activities, penalties were increased for campaigning before the official election period opened. More detailed restrictions were applied forbidding the posting of signs and other forms of political advertising in places other than those approved by the Election Commission. The new Election and Recall Law also standardized the size of campaign pamphlets and limited the number of campaign vehicles. Firecrackers were banned (due to injuries caused by them in the last elections) and collective campaigning was made unlawful at privately-sponsored meetings during the first week of the campaign.

The new law also made it illegal for candidates to use the mass media for political campaigning, plus parades and demonstrations for specific candidates. Television and other forms of mass media were not allowed under earlier 1980 election law and a number of candidates had complained of these restrictions. The new law went even further, however, in restricting the use of the mass media by political candidates. In this regard, those who drew up the new set of laws cited public opinion in formulating these regulations: the majority of the electorate had expressed opposition to candidates buying television time—which being especially expensive in the Republic China would favor wealthy candidates and exacerbate the “money politics” problem. The writers of the new election law also sought to avoid the sticky problem of equal time that has become so controversial in Western countries. Clearly more laws would have had to be written had television campaign advertising been allowed.

2. This “rumor” was reported by several *dang wai* magazines.

In contrast to the changes made in electing the Control Yuan, independent candidates generally favored these provisions in the new law.³

The new Election and Recall Law also delineated penalties for violations of the law and defined illegal acts more clearly than the old law. Penalties for vote buying and bribery were explicitly set and the punishment increased in severity. This even extended to the voter who might show his vote before putting it in the ballot box. Ceilings were also imposed upon campaign spending and requirements were specified regarding candidates reporting campaign spending along with sources of contributions. Campaign spending is now limited according to the size of the electoral district, the number of elected officers to be filled and the consumer price index. This ranged from NT \$3,500,000 (U.S. \$87,500) in the smallest district to NT \$5,400,000 (U.S. \$135,000) in the largest for the 1983 supplementary election.⁴ Candidates are also prohibited from receiving contributions from foreign governments, groups, foundations or individuals, and cannot make contributions to other candidates in the same election.

The public generally agreed that a new set of election laws had to be written and was supportive of the results. In fact, polls taken after the new Election and Recall Law was announced, reflected a high approval level. Clearly, firmer election regulations were needed and more specific definitions of illegal acts and punishments were required to make elections fairer. The feeling about the excessive use of money in elections was particularly intense. *Dang wai* candidates agreed with most of the provisions of the new set of laws, though they felt that some of the provisions discriminated against them. Not having sufficient voting strength to prevent the inclusion of these parts of the law, *dang wai* members of the Legislative Yuan boycotted the session that approved the new Election and Recall Law. However, this was not very serious and can be interpreted generally as going on record in complaint. There was little protest afterwards, especially regarding provisions other than those that were seen to weaken or restrict opposition candidates unduly.⁵

3. For further details, see "Revised Election Law Paves Way for Orderly Vote," *Free China Weekly*, July 3, 1983, p. 1.

4. For further details, see "Goals Set for Election in December," *Free China Weekly*, October 2, 1983, pp. 1-2.

5. For example, opposition *dang wai* magazines at this time said very little in opposition to the new election law other than criticizing certain provisions. No effort was made to start a movement against the new election laws.

After the government announced the new Election and Recall Law, potential candidates started preparations for the December election. During the period, October 29 to November 2, 177 candidates registered with various election commissions. Candidates for professional or other groups drew lots to decide their election numbers on November 14. December 3 was the date set for the election of legislators to replace those whose term would expire January 13, 1984 in accordance with both constitutional provisions and the new Election and Recall Law. Candidates registered in six regular voting districts or for balloting in Taipei or Kaoshiung City. Eight days were allocated according to the election law to self-sponsored forums and seven days to government, or election committee-run campaigning.

During the former period, which ended November 25, 2,971 forums were held. 542 were held in Taipei. An average of 1,000 people attended for a total of more than 2 million people during this period.⁶ Chen Ming-tang, a *dang wai* candidate topped all candidates by holding 46 meetings himself. Some candidates, however, decided to forego holding self-sponsored forums. Two candidates from Taipei made no appearances at all; eleven candidates island-wide refused to appear in public at all. The so-called silent candidates were generally not known to the public and had little confidence in their ability to attract an audience.⁷ A much larger number of self-sponsored meetings were held the last day of the eight days, just before the government sponsored meetings started. Campaigning during the period was generally orderly and problems were few in spite of the fact that issues being debated were serious ones, and competition between and among candidates was intense. The Election Committee issued only seven warnings for minor offenses committed by candidates and their workers during this period.⁸

Government-sponsored forums were held from November 26 to December 2. Thirty-seven forums were allocated for Taipei, including 5 for professional and other groups; 16 were arranged in Kaoshiung, including 3 for professional and other groups. 263 were held elsewhere, including 45 for professional and other groups.⁹ According to the new Election and Recall Law, each candidate could speak for only 15 minutes at a time and in a sequence set by the Election Committees. And candidates, unlike the self-sponsored forum, had

6. *China Post*, November 28, 1983.

7. *Ibid.*

8. *Ibid.*

9. *Ibid.*, December 2, 1983.

to speak in person. Most of the candidates gave "packaged" speeches, but the grouping of many candidates together created in essence a debate atmosphere. Candidates were banned from giving speeches at other occasions during this period; they were even prohibited from talking in public about non-election issues. Several candidates violated this provision in the election law by participating in weddings, birthday and tea parties, and other events—as they had done before the campaign started. One candidate, Huang Tien-fu, allowed (or perhaps instructed) his campaign workers to call a news conference to discuss the "unfair treatment of prisoners." Some described this as flaunting the election law; others interpreted his actions as legal. On this issue the new Election and Recall Law is clearly not explicit enough.¹⁰ In any event, the government took no action.

Another candidate, Fang Su-min, distributed a campaign pamphlet with Teng Hsiao-ping's picture (Deng Xiaoping in Pinyin—leader of the People's Republic of China) in it. The government immediately seized these pamphlets, but not before it was reported in newspapers throughout the island. Fang seemed to have wanted to be provocative and test the new Election and Recall Law. Her gesture was not construed as necessarily advocating Communism since the picture made reference to U.S.-People's Republic of China relations.¹¹ In any case, the government took no action against Fang probably because it did not want to be charged with obstructing democratic practices. Subsequently, since the government was pleased with the results of the election and did not want to sully its image abroad it did not pursue the case.

In addition to making numerous public speeches, candidates also had their workers put up campaign posters and made announcements via trucks with loudspeakers. Both of these types of campaign activities were, however, much more restricted than during the 1980 election. Candidates were limited to five trucks each and allocated specific places to put up posters. A number of candidates complained that this limited their freedom of speech. The public, however, generally felt that this made the campaign more orderly and eliminated noise pollution and reduced the problem of clean-up afterwards—all of which were serious annoyances during the 1980 campaign. There seemed to be no split between Kuomintang and *dang wai* candidates on these issues. However, on the use of students

10. *Ibid.*

11. *Ibid.*, December 3, 1983.

as campaign workers, *dang wai* candidates were almost unanimous in protesting new restrictions in the Election and Recall Law. The candidates and the public alike generally accepted the ban on firecrackers.

A considerable amount of campaigning was conducted through letter writing and by candidates getting help from friends. The new Election and Recall Law demanded the standardization of handbills in terms of size and leadership. Some of the handbills were made to look like news releases in order to attract more attention.¹² More handbills were used during the government-sponsored forums because of the restriction on the time the candidates could speak.

As noted above, candidates were not allowed to buy time on television, radio or advertise in the newspapers. Some protested this limitation, but the public was generally satisfied with the restrictions. The new Election and Recall Law also prohibited candidates from hiring entertainers or performers who were not officially approved campaign workers. It remains uncertain how to assess this restriction. Views expressed by both candidates and the public were more mixed on this issue, than concerning other restrictions.

Many *dang wai* candidates started their campaigning in magazines that they owned or campaigned informally for a long period before the election period began. Many used the news or political magazines during the campaign. The government took action against a number of publications—banning four issues of one, confiscating ten and suspending the publication of five magazines for a year.¹³ Nevertheless, the number of *dang wai* magazines proliferated during the months preceding the election with the most important claiming circulation of 15,000 or more.¹⁴ Moreover, there was general agreement that the magazines were able to say many things they were prohibited in the past, even in 1980. *Dang wai* candidates even admitted that freedom of the press had increased compared to anytime in the past notwithstanding the bans.¹⁵

Dang wai candidates generally campaigned on such issues as democracy, greater political participation for Taiwanese, human and civil rights, freedom of speech, lifting martial law and the Republic

12. *Ibid.*, November 29, 1983.

13. Maria Shao, "Taiwan Opposition Gears Up for Elections," *Asian Wall Street Journal Weekly*, October 17, 1983, p. 15.

14. Maria Shao, "As Taiwan Elections Near, Opposition Seeks Unity," *Ibid.*, October 17, 1983, p. 15.

15. *Ibid.*

of China's status in the world community.¹⁶ There was a "gentleman's agreement" between the government and *dang wai* candidates according to which the latter could campaign on any issue and say anything, except that they could not advocate Communism or Taiwanese independence or represent those jailed after the "Kaohsiung Incident." The former two provisions were also written in the Election and Recall Law. Nevertheless, a number of *dang wai* candidates used the slogan "self-determination" for Taiwan, which had been cited by a witness during a hearing by the U.S. Senate Foreign Relations Committee in November 1983 to advance Taiwanese independence. The Election Commission asked candidates not to use the slogan since it was "confusing and misleading" and sounded like advocating Taiwanese independence.¹⁷ A number of *dang wai* candidates continued to use it anyway.

Many *dang wai* candidates criticized the government more harshly than ever for special privileges; allowing pollution to get worse; not doing anything about traffic problems, flooding and other social problems; and for not controlling economic crimes.¹⁸ Most of the electorate considered these valid criticisms. On the other hand, most *dang wai* candidates were not able to offer cogent or realistic solutions other than those already being implemented by the government to deal with the problems.

Koumintang candidates stressed the following themes in their campaign: Taiwan under KMT control and leadership had attained remarkable economic progress (comparing how things were in the past in terms of the comfort and material possessions of the people); political change must be evolutionary, not revolutionary—lest everything that has been gained economically be lost because of political mistakes (making reference at times to Vietnam); the nation faces an external threat—the People's Republic China—and this threat can be dealt with only if the people remain united and keep the faith; the government and the people must transcend ethnic and other differences (referring most to Taiwanese-Mainlander differences)—noting that an overwhelming proportion of the population has a common ancestry. In short, the KMT was standing on its record while advocating peaceful moderate solutions to Taiwan's problems.

KMT leaders played five popular songs at their rallies or made

16. See Maria Shao, "Opposition Courting Sympathy Vote in Campaign for Taiwanese Elections," *ibid.*, November 28, 1983, p. 16.

17. *China Post*, November 22, 1983.

18. For a synopsis of *dang wai* views, see *Min Chu Jen* (Democratic Person), December 1, 1983.

reference to their themes in their campaign literature. These songs propagated the themes just mentioned and were already familiar to most voters. This proved to be a clever and effective way of putting across their campaign tenets and winning sympathy and support for their platform.¹⁹ It also reflected sophisticated advertising techniques and professionalism in electioneering.

The KMT also devised clever responses to *dang wai* candidates' campaign issues. KMT candidates specifically criticized the slogan of self-determination arguing that this concept applies only to people under colonial rule. They also criticized *dang wai* candidates for campaigning on non-election issues and constantly mentioning the 1979 "Kaohsiung Incident." Some KMT candidates in their speeches satirically noted that they had no relatives in jail—making reference to seven *dang wai* candidates that were wives, brothers other relatives or attorneys of those jailed following violence in Kaohsiung in December 1979.²⁰ KMT candidates also underscored the logic of their platform while chiding the emotionalism of *dang wai* candidates and their inexperience and lack of realism.

KMT candidates even criticized the government for special privileges (joining with the *dang wai* on this theme), while calling for more government action to deal with pollution, traffic and other problems. At times, they also, like the *dang wai*, called for more democracy and individual freedoms. At times, the KMT seemed to avoid identification with the government. Generally, however, KMT candidates spent more time applauding the progress made in the realms of human rights and social freedoms (which they often argued could only follow economic development or was an inevitable outcome of the economic growth the government had engineered up to the present time). Nearly all KMT candidates supported the continuation of martial law and during the campaign were able to cite a timely poll indicting great public support for keeping it.²¹

The KMT's campaign reflected a new identity for the party separate from the government and the bureaucracy. This is important since it suggests that the KMT will in the future no longer want to be

19. See "The Way They Were Won," *Free China Review*, Vol. 34, No. 1 (January 1984), pp. 57-62.

20. See *Hsuan Chan* (Election Battle), November 26, 1983.

21. According to a poll taken by the Republic of China Public Opinion Polling Association in November, more than 80 percent of respondents said that martial law in no way inconvenienced them in their daily lives. 9.83 percent said martial law caused them some inconvenience. 1.35 percent replied that martial law caused them considerable inconvenience. See *China Post*, December 2, 1983.

regarded as an official or government party. This, of course, is necessary if the KMT is to win election victories based on its professionalism and its large public support as opposed to its special status. On the other hand, it also means that the KMT can no longer claim "official party" status and will probably have to end many of its ties to organs of government.

A number of both KMT and *dang wai* candidates criticized each other on both substantive and personal issues. A popular issue was overspending during the campaign. One KMT candidate was named the "golden cow" by other candidates for his lavish spending during the campaign. Several candidates were "single issue" candidates—one naming his campaign headquarters the "human rights gasoline station" while campaigning almost solely on that issue. One candidate accused the government of nepotism making this the main theme of his campaign.²² Many used emotional appeals in their campaigns. This was especially true of *dang wai* candidates, some of whom frequently made reference to relatives or friends in jail. Some implied in public that if they lost the election they would not be able to do anything in public again due to the loss of face suffered. One candidate had his wife, a locally famous opera star, do much of his campaigning. She stated repeatedly that she could not appear in operas again if her husband lost, trying to intimidate the voters to vote for her husband.

The KMT had two internationally famous athletes—Chi Cheng (formerly an internationally famous Olympic runner) and Yang Chuang-kuang (former "Iron Man of Asia") among their candidates. Thus the Party frequently made reference to the health of the nation and its informal diplomacy abroad when promoting these candidates. Both added sparkle to the KMT's campaign. Both added to the pluralistic nature of the Party: the former being Hakka Taiwanese, the latter an aborigine.

Generally, the KMT platform as well as Party campaigning were based primarily upon logical arguments regarding their Party's qualifications and ability, achievements of the government and the nation to date under its leadership and the experience of its candidates. This pitch was clearly conservative compared to the *dang wai* campaign. *Dang wai* candidates argued that insufficient progress had been to date in realizing the constitution, implementing democ-

22. In fact, one *dang wai* candidate accused a number of high officials of being related by blood or marriage to other officials. Several of the accusations, however, were mistaken. See *China Post*, November 30, 1983.

racy and in the fulfillment of human and civil rights. They also scorned the government's "return to the mainland" policy and the idea of one China, though these issues were not overstressed since they smacked of advocating Communism or Taiwanese independence. While most voters may not consider such policies a realistic ones, they, nevertheless, opposed radical changes so as not to provoke Peking (which has made it clear that no Taiwan independence will be tolerated) and to foster political instability.

On the whole, the KMT was united during the campaign. Some Party members did not get the KMT to nominate them or officially sanction their candidacy and thus bolted the Party. One or two bitterly criticized the KMT leadership and supported *dang wai* in election issues. Generally, however, the KMT maintained Party unity and Party discipline.

The *dang wai* formed a kind of election or nominating committee (*hou yuan hui*) and thus had "official candidates" and a kind of standard platform. Thus, as in 1980, the *dang wai* was for all intents and purposes a political party—even though new political parties are still forbidden under "Temporary Provisions." The nation seemed no closer to dealing with this contradiction than three years before. The *dang wai* were allowed to do essentially everything a political party does. It seems to be an issue that will be resolved in a Chinese way—by time and inaction.

During the campaign the *dang wai* split into what some described as two factions: a moderate or "reform within the system" group, and an extreme or "reform the system itself" group.²³ This, however, may be an oversimplification since the *dang wai* was in reality even more factionalized than this. Their publications were not coordinated and many simply attacked all other candidates. Thus, both during and after the campaign it was difficult to predict in what direction the *dang wai* was going in terms of its role as a new political force. Some were speculating that it would split into several "parties." Others perceived it was simply suffering from lack of unity as a result of its "adolescent" status and remains a weak, unorganized pseudo-political party.

The results of the election were unequivocally a victory for the Kuomintang. KMT candidates won 62 of the 71 seats being contested; *dang wai* won only 6; others won three. Prior to the election, the KMT held 57 of the contested seats; thus, they gained five. *Dang*

23. See "A Triumph for the Kuomintang," *Asiaweek*, December 16, 1983, p. 23.

wai had nine, suffering a loss of three.²⁴ (Independents had four before, and one was added due to population increases).

Of the 58 candidates officially nominated by the KMT, 56 won—or 96.55 percent. (Calculating on the basis of candidates approved by the KMT but not officially nominated, the figure is 87.32 percent.) Of the “officially,” recommended *dang wai* candidates, 6 of 25 won, or 24 percent. 37 of the KMT victors were incumbents, or 63.78 percent; 21 or 36.21 percent were newly elected. In contrast, the *dang wai* returned only two incumbents.²⁵

The KMT won 73.1 percent of the popular vote, down slightly from 1980. Official *dang wai* candidates won 19 percent of the popular vote, nearly the same as in 1980. Counting independent and *dang wai* candidates together, their vote was 26.0 percent—up slightly from 1980.²⁶ Which ever way the opposition is defined, non-KMT candidates received only about half of the percentage of seats as they received popular vote—reflecting poor organization, bad campaign strategy and a lack of unity.

Of the victorious candidates, 66 were Taiwanese; 5 were Mainlanders.²⁷ Both *dang wai* candidates and winners were overwhelmingly Taiwanese; there was only one exception. This was natural since it is regarded as a Taiwanese “party.” But a large majority of KMT candidates and victors were also Taiwanese, reflecting the decade long “Taiwanization” of the Party—which was carried a step further in this election, with the KMT supporting an even larger percentage of Taiwanese candidates than in the 1980 election. Hence, Taiwanese became much better represented in the Legislative Yuan as a result of this election, though this is not a breakthrough inasmuch as it was also true of the 1980 election and elections previous to that.

Eight women were elected, or slightly over 10 percent. All won by a large vote. 3 were *dang wai*; 5 were KMT.²⁸ According to the

24. For details on the winners and losers and further figures on the election, see *China Post*, December 3 and 4, 1983 and *Free China Weekly*, December 4, 1983.

25. See *ibid.*

26. This figure would vary somewhat depending on how *dang wai* and especially independents are defined. Several observers put the *dang wai* popular vote a bit higher, around 29%, but argue it was essentially the same as in 1980. See, e.g., Maria Shao, “Taiwan’s KMT Scores Big in Election,” *Asian Wall Street Journal*, December 5, 1983, pp. 1, 10.

27. Mainlander here is defined to include sons and daughters of Chinese born on the mainland who came to Taiwan in 1949. Some argue that they should be regarded as Taiwanese since they have never been to China.

28. One of the female winners among *dang wai* candidates was not regarded as *dang*

Temporary Provisions, one woman must be elected for every 5 to 10 legislators. Since women won a sufficient number of seats to fulfill this requirement no special action was required to fulfill this provision. The women *dang wai* candidates tended to be more progressive or radical; KMT women candidates were even more traditional or conservative than their male counterparts. The average age of the women elected was 45—slightly older than male winners.

Of the winners, by age, 13 were in their 30s, 40 in their 40s, 17 in their 50s and 1 over 60. The youngest candidate was 38. The average age of elected candidates was 44.85.²⁹ This compares to 40 for the 1980 election. *Dang wai* candidates and winners were slightly younger than their KMT counterparts, as was true in 1980; the gap, however, was narrowed in 1983. The level of education of winning candidates also rose compared to 1980 and previous elections: 10 high school graduates, 40 with college, university or technical degrees; 21 with graduate education. 11 victorious candidates had M.A. or Ph.D degrees.³⁰ KMT candidates and winners had higher educational qualifications.

6,741,937 people voted in the election, or 63.17 percent of the eligible voters.³¹ The turnout was slightly lower than in the 1980 election and below average for elections in Taiwan. This was true notwithstanding the good weather almost island-wide. There were various explanations for the lower voter turnout. Too many candidates turned off many of the voters with their resort to emotional appeals. Many candidates promised things they could not deliver, turning the campaign into a contest of promising and lying. Money played too large a role, discouraging many potential voters. Some of the electorate decided that increased political freedoms included the right not to vote.³² It is uncertain how big a role any of these reasons played, but all were mentioned by those who did not vote.

As usual, the voter turnout in Taipei was less than the national average: 62.92 percent. Kaohsiung registered 64.14 percent—somewhat above the national average. Voters went to the polls more in the rural areas and less in the cities. The highest voter turnout was

wai by many observers. Her inclusion here is based upon the formal endorsement by *dang wai*. That is also true of the total figure of *dang wai* victors.

29. "6.7 Million Voters Select 71 Legislators: Democracy Moves Forward in the ROC: KMT Wins Huge Vote of Confidence," *Free China Weekly*, December 4, 1983, p. 1.

30. *Ibid.*

31. *China Post*, December 4, 1983.

32. *Ibid.*

on the islands of Quemoy and Matsu.³³

The majority of the KMT winners, as well as their biggest vote getters, generally stuck to the Party platform and would be described as moderates that based their campaigning on issues. Few can be defined as ideologues. Most conducted a clean campaign. A large majority stressed their experience and education. Most praised the government, yet also maintained some distance to avoid being identified with the government.

Most of the *dang wai* winners would be categorized as "progressives" or "radicals." Four of the seven relatives and attorneys of those jailed after the Kaohsiung incident won. In terms of victors, moderate *dang wai* candidates did not fare well. Even the leader of the moderate *dang wai*, Kang Ning-hsiang, lost. This prompted a number of foreign reporters to conclude that the *dang wai* would be in the future more radical since the voters had repudiated the moderates and supported radical candidates.³⁴ Since elections are always complex events, this explanation is without doubt an oversimplification. Furthermore, there is considerable evidence to support quite different conclusion regarding the *dang wai's* appeal or lack of appeal in this election. Further analysis is needed to explain why moderate *dang wai* candidates fared so poorly.

The biggest vote getter among the *dang wai*, Fang Su-min, probably received more votes out of sympathy than because of her radical views.³⁵ Shortly after the trial of the Kaohsiung defendants (that included her husband), her two daughters and mother-in-law were murdered. The crime was not solved. Fang took her only remaining child to the U.S. and returned to Taiwan shortly before the election. During the campaign she carried pictures of her mother-in-law and children and told the story of their murder in her speeches and campaign literature. She campaigned actively and gave emotional speeches in public. On a number of occasions she provoked the audience to become emotional and even to throw money at her.

In contrast, moderate Kang Ning-hsian, standing on his laurels, generally refused to campaign. He expected an easy victory. The polls predicted his win, which until the day of the election seemed certain. Kang's attitude, his meager campaign effort, his split with the *dang wai* radicals and the fact that a disenchanting KMT candi-

33. *Ibid.*

34. *See e.g.*, Maria Shao, *supra* note 26.

35. *See ibid.* Cf., "A Triumph for the Kuomintang." *Asiaweek*, December 16, 1983, p. 23.

date ran without Party approval and appealed to poorer and less educated voters in Kang's district probably explains Kang's defeat more than a shift of *dang wai* voter support from moderate to radical candidates.³⁶

Huang Tien-fu, a *dang wai* incumbent from the same district as Kang and who was defined as a radical, lost for many of the same reasons Kang lost: the split in the *dang wai* and the KMT rebel candidate taking votes away. Furthermore, most *dang wai* candidates that frequently mentioned the Kaohsiung Incident, martial law and human rights without putting forth other issues lost their audiences and ultimately were not voted into office. Ideological *dang wai* candidates, as in the 1980 election, generally lost. Other than the larger number of victors among more "radical" *dang wai* candidates, there is little evidence for a shift in *dang wai* supporters in terms of radicals versus moderates.

It can also be argued that the *dang wai* "moderates" are really misnamed: they are simply more experienced or have had more contacts with the government. Since the *dang wai* vote in large part represents a protest vote as witnessed by the fact that few *dang wai* incumbents won, it naturally did not favor those that were defined as "moderates." In contrast, the so-called "radical" vote may better be defined as protest vote.

In terms of big individual winners in the election, Lin Keng-shen, a male Taiwanese, age 48 and a member of the KMT, was the biggest winner, receiving 141,941 votes.³⁷ Lin was an excellent campaigner and could boast of experience in politics, a clean record, good education and the support of other leading politicians. His large support came primarily from voters who viewed him as highly qualified and expected a good performance from him. The second largest vote getter was Yu Chen Yueh-ying, female, Taiwanese, age 57, recommended and supported by the *dang wai*. Yu was well known because her father-in-law was one of the important *dang wai* politicians in the 1970s and who was arrested following the 1979 anti-government protest after the U.S. broke diplomatic relations with the ROC. Yu may be described as somewhat moderate among the radical *dang wai* politicians.

Fang Su-min, already mentioned, was the third largest winner

36. See Andrew Tansar, "Strategy Wins Out: The Ruling Kuomintang Outmaneuvers a Disorganized Opposition," *Far Eastern Economic Review*, Vol. 122, No. 50, December 15, 1983, p. 17.

37. See *Free China Weekly*, December 4, 1983.

in terms of number of votes. She benefited from a huge sympathy vote and other *dang wai* candidates helping her—including “moderate” Kang Ning-hsiang. She also had a strong base of support in her home town because of this some competing candidates dropped out of the election early, leaving more votes for her.

Dang wai candidates generally were bigger winners than their KMT counterparts, which reflects good individual efforts but poor collective planning. KMT candidates were more consistent in their campaigning and showed more cooperation with other party members in terms of helping others to victory. They also had help from KMT officials in other branches of the government. In contrast, some *dang wai* candidates got some help from some *dang wai* representatives in the National Assembly, the Legislative Yuan, the Control Yuan, and from some sympathetic local government officials, but in relative terms, this was not very profitable.³⁸

A number of implications can be drawn from the results of this, the second national election with party (or Party versus *dang wai*) competition. It was an important election simply because it was held and took place peacefully and without major incident. Some had described the 1980 election as unique or an “election holiday,” suggesting that it was staged for foreign observers and did not set a precedent in terms of genuine political change or democratization. Obviously this charge is no longer credible. The 1983 election was even more open and competitive. At the same time, however, it was less exciting because it was the second one and because understandings between and among the competitors had become customary. In addition, the new Election and Recall Law improved upon the previous set of laws and made possible the new smoother and fairer elections.

The election can be described as mirroring three processes going on politically in the Republic of China: democratization, Taiwanization and rejuvenation.³⁹ Clearly democracy was in action—more so even than in previous elections because both the candidates and the public were less inhibited about exercising free speech. Candidates were more aware of what they should not say in terms of what the public did not want to hear or issues that were not important. Thus, there was more genuine free speech and less free

38. See Tansar, “Strategy Wins Out,” *Far Eastern Economic Review*. Vol. 122, No. 50 (December 15, 1983), p. 15 for further details.

39. See Steve Lohr, “Voting in Taiwan is a Sign of Gains,” *New York Times*, December 5, 1983, p. A7.

speech simply for the sake of free speech. This translates into working democracy.

The political system was Taiwanized inasmuch as the overwhelming majority of the winning candidates were Taiwanese. The KMT, often thought of as a party of Mainlanders, successfully promoted mostly Taiwanese candidates. Thus it can truly be said to be a party of all citizens.

The political system was rejuvenated inasmuch as a legislative body which had an average age of 78 was made younger. The newly elected are more energetic and will tend to dominate debate in the Legislative Yuan even though they are still in a minority strictly in terms of numbers. Considering the fact that many of the older members do not attend Legislative Yuan sessions, and, when they do they lack the ability or energy to engage in debate, the body is already functioning as a democratically elected body.

Some critics have argued that the results indicate this election was less competitive—because the *dang wai* lost. In fact, looking beyond the number of winners and losers, the election results were mixed. For example, the KMT won a slightly smaller percent of the popular vote than in 1980. Moreover, the reason for the KMT victory in this election can be attributed almost solely to two things: better planning and superior strategy. Also the KMT had more candidates. The KMT nominated 58 candidates for 41 seats in contrast to 1980 when it nominated 38 for 70 seats. The KMT also experienced fewer running without Party nomination—6 with approval and 28 without permission 42 fewer than in 1980. Party discipline was maintained much better and members who resisted were effectively punished. This produced a more unified campaign effort and helped foster cooperation and consistency in KMT electioneering. Thus, plus careful and studious planning, won them the election.

If one wants to add something else, it may be good fortune. Not even the staunchest opponents of the KMT accused them of rigging the election. Some criticized certain provisions of the new Election and Recall Law that discriminated against the *dang wai*. But few, if any, had any illusions that this is why the *dang wai* failed in the election. It was their lack of organization, in-fighting, their inferior qualification in terms of education and experience and their resort to emotionalism and non-issues.

It seems likely that the *dang wai* will learn from this election and will do better in the next one. Better planning and a well thought out election strategy should improve their showing in 1986. It seems likely that some of the *dang wai* candidates who won because of sym-

pathy votes will not perform well in debates in the Legislative Yuan; or they will learn some lessons in political realism very quickly. Some already appear to have adopted more moderate views. The losers will probably teach a lesson to others that will run in future elections: that the voting public is concerned with issues and that professionalism in politics is a *sine qua non* for victory.

The KMT demonstrated a high degree of professionalism in this election. This is why they won. It also explains why the Party was able to make concessions in terms of allowing the *dang wai* to compete even more freely and to continue to organize and behave as a political party. One can expect that this will be precedent setting in terms of future party competition. This thus confirms some of the conclusions made about the 1980 election and comments made in previous chapters: that democracy is evolving through competitive elections and party politics. However, it does not necessarily mean that a two-party system is developing. If the *dang wai* remains factionalized, the Republic of China will evolve into a one-party dominant system as exists in Japan. In this connection it is worth noting that there are no working two-party systems anywhere in East Asia.

If this election is a guide to the future there will be less voting along ethnic lines, the military will not influence so many votes, the electorate becoming younger will reflect "younger" issues, and interest groups will probably weaken as will almost all traditional groupings to which politicians appeal. Replacing interest groups will be professional groups and newly forming blocs based upon new interests. The business community and the press will be even more influential in future elections.

Seats representing professional and other groups will probably become more competitive in the future. In the past elections, candidates representing these groups were almost assured election if they won the support of the group or got the KMT nomination. Usually they had both and were only "elected" in a *pro forma* manner. During this election these seats became subject to KMT-*dang wai* competition. The Young China Party and the Democratic Socialist Party also competed for these seats. In fact, there was heated campaigning and party or professional nomination meant much less.⁴⁰ It is likely that they will become even more competitive in the next election.

Polling was more important in this election in that more candidates paid attention to opinion polls in determining what issues to

40. See *China Post*, November 25, 1983 for a description of some of the competition for professional and other group seats, p. 1.

stress in the campaigning. The polls did not prove worthy, however, in predicting winners.⁴¹ But this is likely to come. As mentioned in an earlier chapter, Chinese are basically suspicious of polls; but this is changing.

The role of the press has been changing. It is playing a greater role in campaigns and elections. Before and during this election there was much more editorializing as compared to the past. The press obviously influenced more votes than before. Candidates made special efforts to cultivate the press and did things especially to attract press attention. Some candidates, especially *dang wai* candidates, focused their attention on their own publications. But this was a diminishing trend. More channeled their energies and attention to the established newspapers, both local and national.

Money politics was a less serious problem than in the 1980 election, in large part due to the more vigorous controls established via the new Election and Recall Law and the more severe penalties for violations. There was less vote buying, bribery and vote showing (to prove to the buyer that he actually bought a vote) in this election than in the past election. The use of money, however, remains a serious problem. It seems to be a problem, judging from the 1983 election, that cannot be resolved easily, if at all. Taiwan has simply become too affluent, too quickly. Maintaining the status quo or making marginal progress may be the best that can be expected.

Violence, violations of the election laws and other behavior detrimental to the institutionalization of democratic procedures were not serious problems. Incidents of violence, intimidation and other irregular behavior were minimal. In the 1983 election, controlling violence was facilitated by a high level of public concern about crime, which was increased at the time because of several incidences of crime during the campaign period that did not relate to the election but required stern police action. In any case, there seems to be sufficient public concern and support for police organizations that future elections will not evoke lawlessness, notwithstanding the changed atmosphere of Taiwan's elections and continued apprehension by many that this will occur.

In short, the 1983 election in the Republic of China signifies

41. This was not only true of the polls that predicted that Kang Ning-hsiang was an easy winner. Many other polls published during the campaign were also incorrect regarding voting for specific candidates as well as voter turnout and trends. See, e.g., "Voting Results Predicted in Local Papers," *China Post*, December 1, 1983, and "Two of Ten Non-Partisan Legislators Expected to Retain their Seats," *China Post*, December 3, 1983, and compare the predictions with the actual results.

continued campaign competitiveness, democratization and political development. It marks another step in a long process that over the last ten to twelve years has rapidly accelerated. Taiwan should now be regarded as a model or prototype for other nations to follow. It has democratized quickly without a bloody revolution. The 1983 election is further proof that credit is due for these accomplishments.⁴²

42. For a short analysis of the election in terms of its importance to the United States, see A. James Gregor, "Election Proves Democracy is Alive and Well in ROC," *New York Tribune*, January 26, 1984, p. 1B.

CHAPTER 8 CONCLUSIONS

An analysis of the election process in the ROC—the constitutional provisions for elections, the election laws, campaigns and elections themselves—proves that significant progress in political modernization has occurred. Taiwan's political system now includes party competition. It is much more democratic. Political leaders are much more responsive. Political freedoms have expanded commensurate with the economic freedoms provided several decades ago, making elections much more free and meaningful. Taiwan's leadership is also acutely aware that if the Republic of China is to survive, it must prove that it has the support of the population. Only a democratic Taiwan will survive; an undemocratic one will be sacrificed to the People's Republic of China.

Taiwan's elections are important for still other reasons. Among them is the fact that the Republic of China is a model for other nations in terms of the role elections will play in political modernization. Taiwan has institutionalized representative, open and competitive elections faster than perhaps any country in modern times. Some would say that it was forced to do this—by the United States and the international community. Regardless of the impetus, Taiwan has done it, and successfully so. Other developing nations are also under pressure to democratize, and elections are the most important proof of that process working.

Taiwan's political development is also in many ways unique. It has not slavishly adopted Western democracy. In fact, the Republic of China has avoided some of the pitfalls and undesirable characteristics of Western democracy. It may be in the process of making what some have called "Asian democracy" more widely known and appreciated.

Reiterating several points made earlier before explaining the meaning of this term, Chapter 2 argued that democracy is not new to the Republic of China. Clearly, there are democratic roots in Chinese tradition and political culture. These co-exist with authoritarian tendencies, a bureaucratic system and an innate fear of political instability. Thus, Chinese democratic tradition differs from the Western experience in some important ways. But there are also some important similarities. The rulers' need for popular approval and the concern for the welfare of the masses, both of which give the rulers legitimacy, are similar to the assumptions upon which democracy was built in the West. The importance of morally correct be-

havior among the political elite and its role in establishing political legitimacy are more important traditions than in the West.

Western democracy also influenced Chinese political thought. It began to have a strong impact on China in the 1800s. After Sun Yat-sen's revolution in 1911 China attempted to institutionalize Western democratic political forms. But traditionalism, factionalism, warlordism, World War II, and civil war between the Communists and the Nationalists impeded its progress for some time. When the Republic of China moved to Taiwan in 1949 its leaders faced other problems that distracted them and served as a reason for not implementing democracy immediately. Nonetheless, the system remained constitutionally a democracy. In fact, there were no efforts made to change the system; democracy was to be realized sometime in the future.

While there was pressure on Taiwan from the early 1950s from the U.S. and other Western nations to adopt Western democracy wholesale, the most rapid progress in modernizing and democratizing the system has occurred in the last decade—when economic growth had laid the groundwork for political change and modernization and when it was clear that the excesses of Western democracy could be avoided (and when the Western democratic model was less credible). Thus, the Western democratic political model was used selectively.

Observers have also noted that the process of political development in Taiwan has been an evolutionary one, not a revolutionary one. This viewpoint may, however, be in some ways deceptive. Rapid economic growth and the rather formidable penetration of ideas and culture from outside—coming from tourism, trade and the presence of American military forces in the country until 1979—evoked significant and lasting social change in Taiwan. In the sense that political change did not cause social disruption, democratization in Taiwan has not been revolutionary. In the sense that it has been accomplished in a very short span of time, it has been revolutionary. Why has this generally gone unnoticed? There are two explanations. First, foreign observers especially of liberal persuasion define the R.O.C.'s polity as authoritarian without redeeming or secondary qualities—obviously a superficial view. They have been unwilling to recognize the depth the change that has occurred and are reluctant to redefine the system as a democratic or mostly democratic system. Second, Taiwan's leaders do not want to overstate the democratization of the nation's polity; instead, they want to stress respect for Chinese political culture, which gives the impression that change can

come only slowly. Thus, they do not stress the magnitude of political change that has occurred in Taiwan.

Others have believed that economic development preceded political development and was the cause not the result of political change. Never are such things so clearly black and white or simple cause and effect. Obviously, one could also argue that economic change caused social change, which in turn fostered political modernization. It seems, however, more accurate to say that all of these changes occurred together and were mutually reinforcing. Surely economic and social change could not have transpired at the pace they did had the political system been a primitive one or its political leaders opposed to progress. At minimum the political system allowed change and as it did, it modernized even quicker to allow for further change. In some ways, at least, the political system may be said to have modernized before the economy began to develop. This can certainly be said of the Constitution—which has not been revised or rewritten to adapt to economic modernization and yet is compatible with rapid economic change.

Another point that deserves repeating is the fact that local government in Taiwan was already operating in a democratic fashion in the 1950s. Since the workings of local government, not to mention local elections, were not noticed very much by outside observers, it was assumed that the system was undemocratic and that little political modernization had occurred. The fact that local government operated in a representative, democratic way made possible both economic growth and democratization at the national level at a high rate of speed. This must be taken into consideration to understand Taiwan's political change and the degree of democratization attained by 1984.

Of course, the most convincing proof that political development of a democratic kind has been rapid and is vast in its scope are Taiwan's recent competitive party elections. The 1980 election was positive proof that democracy could and would work. Since then party competition has been a vital part of the political process. The fact that the *dang wai* remain technically illegal and the "Temporary Provisions" have not been amended or discarded matters very little. One must look beyond superficial appearances. The *dang wai* is accepted as legitimate competition that has a right to criticize and propose alternative solutions to problems and new ways of making the system work. Commensurately, *dang wai* politicians have come to treat the KMT as an opponent, not an enemy, regarding themselves as a loyal opposition.

In this connection, political parties and party influenced competitive elections were not part of American democracy in its early stages of development. Nor was this the case in the development of democracy in most other Western nations in the early stages. Thus, one might conclude that by the early 1980s the Republic of China had reached a kind of "take off" stage in terms of the development of democracy. Reaching this stage in just over three decades, considering the external threat Taiwan faced and the centrifugal tendencies fostered by provincial differences that were exacerbated in the late 1940s by a government staffed almost exclusively by Mainland Chinese that controlled the majority Taiwanese, is extraordinary. It is also remarkable when compared to the political development made by most developing countries during this same time frame.

Besides the fact that democracy was allowed to work at the local level from the very beginning and thus "seep up" (many in the West, especially in the United States, think of democracy seeping down, not up), and the existence of competitive elections after 1980, is the fact that government at the top, though not evolving very fast toward democracy in the 1960s and 1970s, particularly in the sense of competitive elections, was by the mid 1970s taking rapid strides in becoming more fair, efficient and responsive to public demands. In other words, the national government during the 1950s, 1960s, and 1970s reformed by getting rid of corruption and red tape and becoming sensitive to the needs of a rapidly modernizing nation economically before undertaking significant political change. Some other countries did it the other way around—with much less successful results.

Hence one can argue that in 1980 competitive national elections were in many ways a natural or logical development of what had transpired up to that time in terms of local democracy matched by reform and efficiency in the government at the top. Outside observers not sympathetic with the leadership of the Republic of China spoke of a "revolutionary gap" that existed because of the tremendous progress made in economic development, not accompanied by commensurate progress in political modernization. This gap was obviously not as serious as it appeared if it was a problem at all. Nor did the distractors realize how easy it was to fill that gap. This is obvious in retrospect; it should have been apparent to the critics sooner than it was.

This is not to demean the importance of encouragement and pressure from the U.S. to democratize the system. Liberals in the U.S. were fond of attacking the Republic of China for its human

rights abuses, its authoritarianism and its "police state" atmosphere. Taiwan was sensitive to this. Taipei's friends in the U.S. were less critical, but were in many ways more persuasive. They said that it was much easier to help Taiwan if it implemented democracy at the national level. Meanwhile Taiwan's citizens were painfully aware of the need to please both the U.S. and the global community in this regard in order to survive. Democracy thus became the lynch pin for survival of the nationstate and the retention of its sovereignty, knowing that the United Nations and the world community supported self-determination as a means of deciding the future of territory in dispute and knowing that a democratic system offered both evidence and the right of choice. The Republic of China suffered a serious shock to its legitimacy in 1971 when it was expelled from the United Nations and again in 1978 when the United States transferred diplomatic recognition to the People's Republic of China. The need for decisive action at this time was apparent to both the government and the populace.

The majority of the electorate in Taiwan if asked about the speed of democratizing the political process would say that it has been too fast, engendering a serious danger of political instability. However, viewed against the emergency situations just mentioned, they would also say that they had to take some degree of risk. The bottom line then is: given the entire situation, the majority would say that the rate of democratization has been about right. And this seems likely to remain so of future political development.

This evokes the question: how democratic is the Republic of China's political processes and political system now? This, of course, is a difficult question. How democratic any political system in the West or anywhere else is cannot be said with any degree of certainty or accuracy. It is in large part a subjective judgment. Nevertheless some assessment needs to at least be attempted.

In terms of participation in regular, honest elections, the Republic of China deserves high marks. Voter turnout compares very favorably to the United States—where turnout is generally just over fifty percent in presidential elections and below fifty percent in off year elections. In fact, Taiwan's record is much better. Taiwan's voter turnout is about the same as European democracies where the rate of voting is considered good or in Japan or Singapore where voter turnout is high. Polls taken asking about confidence in government or the responsiveness of government to the needs and demands of the citizens is also high—in fact, consistently higher than the United States and almost all Western democracies. Perhaps this is

because the average citizen expects less from government. Still, government in Taiwan deserves high marks for instituting changes demanded by the public. Clearly, it has done what the population wants more than in most countries.

In terms of the cost of government, corruption and bureaucracy, the Republic of China would compete well with the United States and other Western democracies. The cost of government is, in fact, much less. So is corruption. Bureaucratic red tape is reflected less in the speed the government passes legislation, issues permits and licenses, and completes private sector projects.

In contrast, in terms of providing for the people's livelihood, the Republic of China would not rank as well. The same is true in the realms of public safety, environmental protection, and similar areas. This, however, is not proof of lower levels of progress toward democracy. The public is less concerned about these things than it is about efficiency in government and lower taxes. Also rather impressive progress has been made in these areas as well as welfare, workers' rights, housing, etc. in recent years. Inasmuch as leaders in most democratic countries the majority, like Taiwan, prefers lower taxes, less government control, these things probably do not reflect just how far democracy has progressed anyway. They are merely demands to which the political system must respond.

Does Taiwan's political system have a problem with undemocratic rules, too much power in the hands of the courts and other non-elective bodies or money control in politics? Clearly it rates well compared to the U.S. and other democratic systems in the first two realms. In the last category the Republic of China has a problem, though it is probably not any more serious than in the U.S., European nations or in Japan or Singapore. It remains to be seen how the Republic of China will deal with "money politics."

The fact that the National Assembly indirectly elects the President is to some degree undemocratic—but it is not unlike the electoral college in the U.S. or the system of electing the heads of governments in parliamentary systems. The fact that many of the representatives of this elected body represent provinces other than Taiwan does make the system undemocratic. On the other hand, something may be said in defense of the National Assembly: it has never selected a president that does not have the support of the population. The U.S. electoral college has. European parliaments have. Also, inasmuch as this is in reality a decision made by the Party, the existence of delegates that are not elected in Taiwan does not, to the degree that some observers suggest, make the system undemocratic.

It will, however, in the future assuming party competition becomes a part of the political system. Yet, the reduction through attrition of old delegates is faster than the growth of the opposing parties in Taiwan.

There are other undemocratic facets about the "Temporary Provisions": but they are not serious impediments to the system evolving further in the direction of competitive democracy. Certainly martial law is not considered an obstacle to a better political system or democracy in the minds of most in Taiwan. Numerous public opinion polls have so indicated. In fact, some would argue that it has furthered the democratic process inasmuch as it preserves political stability—the milieu in which democracy develops. Clearly there is a contradiction in arguing that it should be abolished to make the system more democratic, when the majority wants to keep it.

The fact that the Legislative Yuan has less political power than its counterparts in many Western systems may also be said to constitute evidence of lack of progress in the democratization process. This, however, is typical of presidential systems. In Taiwan's case it is also offset by the popularity of the executive branch of government and high ratings given it by the public as well as its responsiveness to public demands. It is less democratic than the Legislative Yuan in the sense it is not elected; however, the Executive Yuan is considered more reflective of public demands and is certainly more efficient.

That the judicial branch of government in Taiwan is not as powerful as its counterparts in Western democracies may in this context be said to be a point of argument in favor of greater democracy in Taiwan. Inasmuch as the judiciary is not elected the fact it has less authority would mean Taiwan's political system is more democratic. Clearly, the Judicial Yuan in the Republic of China has not encroached upon legislative authority as it has in many Western democracies.

Discussing minority rights and basic freedoms, Taiwan in a number of respects compares favorably to Western democracies. Minority rights are protected in the Constitution and provision is made in the electoral processes to represent various groups that would otherwise not be sufficiently represented. In other words, the election system of the Republic of China as specified in the Constitution protects various minorities from the "tyranny of the majority." Professional labor (labor is not well organized in Taiwan and therefore needs representation—though it is not suffering in the sense labor conditions are not improving or that business can exploit

unemployment), women and racial minorities are given special representation. This is not yet common in most Western democracies. In the constitutional sense it may be said that the Republic of China is ahead of most Western democracies in protecting minority rights since Western constitutions generally do not contain such provisions.

In this connection, the representation of Overseas Chinese in Taiwan's elections has been criticized as undemocratic and labeled by some as an advantage arrogated by the KMT. The legal argument in support of this is the fact that Overseas Chinese are regarded as citizens of the Republic of China. In the sense they are guaranteed certain citizen's rights this makes more sense. On the other hand, it is not justified otherwise (especially politically) and may become a more contentious issue as it becomes more and more clear that the Republic of China represents Taiwan only and that the citizens of Taiwan alone should have the right to elect their political representatives.

Women are given a special place in the Republic of China's electoral system. Women have won more seats in elective bodies than in almost all Western democracies. Singapore—rated the second best political system in the world by the *Book of the Bests* and generally ranked as one of Asia's most democratic systems—has only one woman in the legislative branch of government. Japan, the U.S., and most European nations have considerably fewer than Taiwan. Never has the electorate in the U.S. come close to electing eleven percent women to either the Senate or the House as happened in Taiwan in the last election. Hence, this aspect of "affirmative action" is probably no longer needed in Taiwan—if it ever was.

Taiwan's aborigine population—a group similar in status and livelihood to the American Indian in the U.S.—is better represented both constitutionally and in real terms in the Republic of China through elections than their counterparts are in the U.S. or in most other nations. They are given special electoral rights and have been given representation and a voice in government in practice.

Regarding progress in basic freedoms and liberties, religious freedom has always been respected in Taiwan. Taiwan is, in fact, regarded as outstanding in terms of religious freedoms. When the Nationalists took political control of Taiwan, this freedom, which was also a basic tenet of the political system was preserved. In fact, religious freedom has not been impeded in any noticeable way in Taiwan since 1949. This cannot be said of many Western democracies. Today, with the exception of the Unification Church (the Moonies), which is banned for what may be defined as social or

political reasons, any religious group is allowed to freely practice or seek converts in Taiwan. There are virtually no controls and there is, in fact, almost no government concern. This is not true of most Western nations.

Freedom of speech and the press have been vastly increased in the Republic of China—both parallel with political development and to a large extent in conjunction with free competitive elections. Party competition in elections would not be meaningful if free speech and free press did not exist. Thus, while these freedoms were being expanded anyway, the greater role given to competitive elections and the advances made in democratization and political development due to growth of party competition in elections, much more rapid progress was made.

Inasmuch as the political culture defines freedom of speech and the press to a large degree, something needs to be said in this context about the progress made in recent years in expanding the scope of these freedoms. The exercise of these freedoms is often seen by foreigner observers to be quite restricted because of the absence of personal criticism of Taiwan's political leaders. The basic reason freedom of speech and the press do not include this is cultural. Chinese consider it uncouth to make personal diatribes about top political leaders inasmuch as this would reflect badly upon themselves (since they picked and supported them) and their nation. Citizens of the Republic of China point out that there are obstacles to free speech in the U.S. and other Western nations. For example, in the United States evidence for racial inequality is seldom discussed in public or the press. The reporting of international news favors certain countries and causes. There is an inordinate bias toward liberal causes in the press. Even certain regions are not represented well in the U.S. media.

In any case, there are numerous examples of free speech of a political nature in Taiwan. During the last election in Taiwan *dang wai* candidates advocated that President Chiang Ching-kuo step down, saying that he was too old and not in good health. Critics referred to some of the meeting places of KMT members of the National Assembly and Legislative Yuan as gerontocracy wards or "dying holes." They have remarked in public that older KMT members cannot believe in democracy, since they cannot practice it—not being able to debate because they cannot hear or be understood when they speak. They frequently made reference to the immoral behavior of certain leaders in high positions and the venality or corruption of people in positions of power who are deserving of such oppro-

brium. These things are heard more frequently than in Western nations. *Dang wai* politicians have even used terms used by the Communist Party of the People's Republic of China when referring to certain leaders they considered less than competent.

It is very clear if one reads the Chinese newspapers in Taiwan that press freedom has increased markedly in recent years. Citizens of the Republic of China hear of cases almost weekly of the Government Information Office asking the press not to report on something which they do anyway—saying that if they do not another paper will and they do not want to be scooped. The newspapers are full of editorials about improving the political system, political problems that need to be resolved, cases of corruption, etc. Many editorial writers in Taiwan have become specialists in political speculation. Others have become professional political satirists.

In fact, the expansion of press freedom and freedom of speech has created a backlash. A large segment of the population feels that there is now too much press freedom. A majority would opine that at least in some realms the press regularly takes advantage of press freedom and is excessive in its use of its license. This in part explains why the majority feels that political advertisements in the media should not be permitted and why the election laws should ban this.

Freedom of assembly and association have not been restricted since the outbreak of mass opposition to the government in 1947. There are no restrictions in practice other than those that also exist in Western democracies with perhaps one exception: assembly is limited during the campaign period (applied to candidates only). And the purpose of this is to preserve public order and it is not something that the majority opposes. Thus the progress made in democratization as a result of holding competitive elections has supported basic freedoms more than it has created them. It has made the use of them more common; otherwise it has had little effect. These freedoms were already practiced.

Finally, something needs to be said about the future of elections in the Republic of China and the party competition that has been witnessed in recent elections. It seems unlikely that a two party system is evolving in Taiwan, or at least evolving very quickly— notwithstanding the fact that elections have become competitive in the party sense in recent years. There is no two party system anywhere in Asia, even in Singapore and Japan. Both are one party-dominant systems. The Republic of China is almost certain to remain a one-party dominant system for some time. The growth of a

two party system is possible. But it probably will not happen. There are a number of reasons for this.

Taiwan has accomplished a miracle economically. The population of Taiwan does not want to destroy the standard of living it has built over the last three decades. Thus, Taiwan's electorate is conservative, at least in this sense. Certainly it is cautious. Hence it is likely that, as of the fashion of opposition parties in Japan that are protest parties, the *dang wai* will become that also—if it has not already. The KMT is given credit for Taiwan's economic development and most perceive it as the best bet to continue economic growth or protect it. Why change the system?

Furthermore, the business community in Taiwan (which is largely Taiwanese) has developed a very good working relationship with the KMT and it is business that is now supplying Taiwan's future leaders. The KMT has been dominated by Mainland Chinese; but it has been strongly pro-business. The business community regards the *dang wai* as radical in many ways anti-business or socialist. Thus, while business leaders want more Taiwanese in positions of authority, they also are very apprehensive of this trend—particularly as it is envisioned by the *dang wai*. If it is assumed that the *dang wai's* future to a large extent depends upon their ability to raise funds and win support from the business community, it seems likely that it will have growth problems.

The *dang wai* does face some political issues: the *dang wai* advocates an end to the policy of return to the mainland and stresses Taiwan's autonomous status. In this sense they are realistic and more internationalist. But, the KMT's repose is also irrefutably logical: why provoke Peking when time is on our side? Declaring independence would be provocative. Declaring a "Republic of Taiwan" would also result in more nations breaking diplomatic relations and the loss of some important international treaties. *Dang wai* candidates have not been able to effectively refute this argument.

The influence of the U.S. on Taiwan politics, however, in some ways favor the *dang wai* and probably will in the future. In the United States a political opposition is generally seen as important evidence democracy is really working. It also is seen as proof of respect for basic freedoms and human rights—both in a sense that the *dang wai* stress both of these and they are more aggressive in their utilization of protections of basic freedoms in their political activities. Taiwan is no longer dependent upon the U.S. for economic assistance; but trade (now nearly fifty percent of Taiwan's imports go to the U.S.), political, and military ties (the U.S. remains vital to the

defense of the Republic of China even though this may be informal) are without doubt any more important than the aid once was. Thus the political leadership of the Republic of China will remain sensitive to American opinion about Taiwan. This almost guarantees that the *dang wai* will be entitled to continue to try to become an opposition party.

It is also important to note that the population of Taiwan has great respect for American democracy for a very special reason. Nearly all of the Chinese—and there are many—who have attained international acclaim in higher learning and who have become known for their scientific achievements (including Nobel prizes) have done so in the U.S. Inevitably Chinese in Taiwan perceive that the milieu of American democracy (despite its many faults) has something to do with this. It seems likely that this perception will remain. This is both a reason for abhorring communism and a cause for respecting American democracy.

In fact, along with admiring the U.S. political system and using it as a model, the *dang wai* has made this point often. It seems to help the *dang wai* cause. So, of course, does America's influence in international affairs—which has revived (especially in Asia) in recent years after reaching its nadir after the Vietnam War.

It seems likely that the *dang wai* will continue to grow and maintain ties with the U.S. This will not, however, make it an international, cosmopolitan party. After all the *dang wai* also appeals to local and parochial interests. It is also narrow in outlook in some ways. It is also divided and future growth is likely to create more division. In fact, it may well be that the *dang wai* becomes two or more parties in the future. The two factions of the *dang wai* that evolved before 1983 and became competitive during the 1983 national election may be the basis for two parties in the future. New factions yet to form may also become new parties in the future. In this case, a dominant party/multiparty system may evolve.

This conclusion is also warranted if one assumes that the KMT will retain the support of the Mainland Chinese and the business community and preempt the *dang wai* for a significant portion of the Taiwanese votes. It also seems likely given the fact that the business community will play a paramount role in election politics in Taiwan for the foreseeable future. Clearly a farm lobby will not gain much in strength; it may well decline. Labor is not organized and will probably not become a political force for some time, given the fact that wages have increased so rapidly without workers organizing and the economy remains so competitive with other nations in Asia with

labor costs an important factor of the competitive edge. Most interest groups, including professional groups, various organizations and minority groups will remain that.

A multiparty system is a likely possibility if regional politics becomes more important. Most outside observers don't realize that there are two groups of Taiwanese (Fukien and Hakka) and that their political views differ in some important ways. This could be the basis for additional parties. Yet given the rate of intermarriage and the declining importance of provincialism in Taiwan generally this seems unlikely. The success to date of the KMT becoming a broadly based party in terms of ethnic support is also evidence that ethnic grouping will not be the basis of a party system.

Wealth and social status may create political divisions in Taiwan as is true in many Western democracies—even though income disparity is small. Conservative and liberal political views may also serve as the foundation for opposing parties, yet this trend is not really observable at the present time. Clearly religious and regional differences are unlikely to serve as the basis of party support.

The Taiwanese Independence Movement in the U.S. and Japan is likely to continue to influence politics in Taiwan. While this organization is highly factionalized in both Japan and the U.S., various components or factions do not communicate effectively and many in Taiwan regard the movement as out of touch with the reality of politics in Taiwan, TIM will probably increase its influence in the United States through the Congress and political candidates that receive its financial contributions. The TIM will also continue to successfully support candidates in Taiwan financially. It is unlikely that the government in Taiwan would try to do anything to trample this, or would be effective if it tried. Instead, Taipei will probably try to take advantage of TIM factionalism and win over its moderate leaders and discredit the radicals and terrorists among its membership.

Dang wai politicians generally regard the TIM as of little use except for financial contributions. On the other hand, they do not want it discredited; it serves as a kind of "conscience of Taiwan." Its existence also prevents most *dang wai* politicians from being labelled radicals. *Dang wai* politicians like to portray themselves as moderates or as progressives and label the "diehards" in the KMT as radicals (as the KMT defines the TIM as radicals).

The KMT will undoubtedly continue to be plagued by the problem of being identified with the government and will have to decide its future in terms of being an official party and being a mass party.

Party discipline was a serious problem in the 1980 national election. Yet it was no more serious and probably less serious in the 1983 election. This problem will probably remain serious and will be the subject of debate in the Party. However, the KMT can probably cope with these issues and "suffer" as an official or pseudo official party. It will have to adjust in some ways—as the Liberal Democratic Party in Japan and the People's Action Party in Singapore have done. The KMT will also find that there are some benefits to being regarded as an official or government party that it did not realize.

It seems almost obvious that the KMT will have to continue the trend of professionalism in the Party. It will pay attention to expert pollsters, political analysts, campaign specialists and others. It will be able to help its candidates with expertise in a way the *dang wai* cannot. It will in these ways follow the trends of political parties in the West and in Japan and Singapore. It may advertise its professionalism in the future.

The building of democracy has not been an easy task anywhere. By comparison, the Republic of China's problems are probably not very serious. It also appears to have the advantage of emulating the West much more cautiously than developing nations did in the 1950s that almost all failed. Taiwan also has the perspective of looking to Japan and Singapore as models and trying to build a unique form of Asian democracy. If Asian democracy can be defined it would be a system of government that follows the Western model of secularization and role specialization and is pluralistic. But excessive freedoms and liberalism are avoided and Asian culture moderates the system. Society will be more important than the individual—though the individuals' energies and talents will be allowed to develop freely. Stability and public safety and continued economic growth will be more important than in the West.

If the Republic of China becomes a model of political development internationally, which it has already become at least in Asia, outside attention will probably have the effect of both encouraging and moderating party competition and continued force and open elections. With much of Asia and the Third World watching, the KMT and the *dang wai* will no doubt be more tolerant of each other and will be more attentive to the rules of the game and legal restrictions on elections and protections of basic freedoms during campaigning. This will obviously be a good trend, particularly as long as it does not create too much idealism about politics among Taiwan's population.

To date, Taiwan's progress in election politics clearly makes it a nation to be emulated. Third World nations need a model. Asian democracy, which is yet to be defined clearly, is a model political type or style that avoids many of the pitfalls of Western democracy. Yet Japan is considered too much a Western nation by many. Others perceive it as already too advanced economically and socially to be a good model. Obviously Japan did several decades ago and in a much different context what developing nations must do now. Singapore is a city state. It does not have the same problems as larger nations. That leaves the Republic of China as perhaps the best model of political development in the region of the world that is doing the best economically and needs a model for political modernization that matches its economic progress.

THE PUBLIC OFFICIALS ELECTION AND RECALL LAW

Effective during the Period of Mobilization for Suppressing Communist Rebellion

Promulgated by presidential decree (69) t'ai t'ung (1) yi
No. 2660, on May 14, 1980

Promulgated and amended by presidential decree (72)
t'ai t'ung (1) yi
No. 3742, on July 7, 1983

Note: This is a translation from the Chinese text of the law. In case of any discrepancy between the Chinese and English texts, the Chinese text shall govern.

Chapter One GENERAL PROVISIONS

ARTICLE 1:

The election and recall of public officials during the period of mobilization for suppressing Communist rebellion shall be governed by the provisions of this law. Matters regarding their election and recall not herein stipulated shall be governed by other relevant and applicable laws and orders.

ARTICLE 2:

The public officials herein referred to mean the following personnel:

- 1) Of the Central Government: Members of the National Assembly, of the Legislative Yuan, and of the Control Yuan.
- 2) Of the local governments: Provincial assemblymen, councilmen of cities of provincial status, county councilmen, councilmen of cities of county status, *hsiang* (town and *shih*) representatives, magistrates, mayors of cities of county status, *hsiang* (town and *shih*) chiefs, village leaders and *li* leaders.

ARTICLE 3:

The election of public officials shall be conducted on the basis of universal suffrage, equality among citizens and direct and secret ballots. But the members of the Control Yuan shall be elected with

secret ballots cast by provincial assemblymen and councilmen of the cities of provincial status. The number of names entered on each ballot in the election of Control Yuan members shall not exceed half the number of the members to be elected in the same election.

The recalls of public officials shall be decided by the electors of their respective constituencies with secret ballots.

ARTICLE 4:

The deadline day for calculating the ages and the lengths of residence of the electors and the candidates shall be that immediately preceding the election day, and the facts concerning their ages and lengths of residence shall be those recorded in their household registration books.

The length of residence shall begin and shall be counted from the day of registration of the fact of moving into a new residence.

In reholding an election or a balloting, the balloting day last fixed for the election shall be the criterion day for calculating the ages and the lengths of residence.

ARTICLE 5:

The stipulations for the calculation of the various periods herein shall be in accordance with the provisions of the civil code, and a fixed period shall not be lengthened when its last day is a holiday.

Chapter Two ELECTION AND RECALL ORGANS

ARTICLE 6:

For the election of public officials, a central election commission, provincial election commissions, election commissions of cities of provincial status, county election commissions, and election commissions of cities of county status shall be established.

ARTICLE 7:

The Central Election Commission shall be in charge of the elections of the members of the National Assembly, the Legislative Yuan, the Control Yuan, the provincial assemblies and the councils of cities of provincial status. The Commission shall also direct and supervise the related inferior election commissions to conduct these elections.

The provincial election commissions shall be in charge of the

elections of county councilmen, city councilmen, magistrates and mayors, and shall also direct and supervise the county and city election commissions to conduct these elections.

The county election commissions shall conduct the elections of the representatives and the chiefs of *hsiangs*, towns and *shihs* (municipalities).

The county election commissions shall conduct the elections of the leaders of villages and *lis*, and the city election commissions shall conduct the elections of *li* leaders.

The elections provided for in Paragraphs 2, 3 and 4 shall also be under the supervision of the respective superior election commission(s).

During the election period, the election commissions of the cities of provincial status and the election commissions of the counties and the cities of county status shall establish offices in the districts, *hsiangs*, towns, and *shihs* to manage election affairs.

ARTICLE 8:

The Central Election Commission shall be under the jurisdiction of the Executive Yuan and shall consist of nine to fifteen members appointed by the President of the Republic upon the recommendation of the President of the Executive Yuan. One of them shall be designated as its chairman. The organic rules and regulations of the Commission shall be drafted by the Executive Yuan and shall be submitted to the President of the Republic for his approval.

The provincial election commission shall each consist of five to twenty-three members. The election commissions of the cities of provincial status shall each consist of seven to eleven members. All members shall be appointed by the President of the Executive Yuan upon the recommendation of the Central Election Commission. One member of each commission shall be designated as its chairman.

The county election commissions and the election commissions of the cities of county status shall each consist of five to nine members appointed by the Central Election Commission upon the recommendation of the provincial election commission. One member of each commission shall be designated as its chairman.

The organic rules and regulations of the provincial election commissions, the election commissions of the cities of provincial status, and the election commissions of the counties and of the cities of

county status shall be drafted by the Central Election Commission and shall be subject to the approval of the Executive Yuan.

The members of all election commissions shall be honorary without salary. Their terms of office shall be three years, except that the post of a member who is appointed because of his holding a certain public office shall be vacated when he is out of that office and a new appointment shall be made.

ARTICLE 9:

The recalls of public officials shall be handled by appropriate election commissions. For the purpose of handling recalls, Article 7 shall be applied *mutatis mutandis*.

ARTICLE 10:

During the time of conducting an election or recall, the related election commission of any level shall be competent to have the staff members of any government agencies transferred and placed under its supervision to do election or recall business.

ARTICLE 11:

The election commissions of all levels shall be in charge of the following affairs:

- 1) The proclamation of elections and recalls.
- 2) The procedures and plans for elections and recalls.
- 3) The screening of the qualifications of candidates.
- 4) The planning for election publicity.
- 5) The inspection of election and recall activities.
- 6) The establishment and management of ballot casting and opening stations.
- 7) The examination of the results of elections and recalls.
- 8) The preparation and issuance of election certificates.
- 9) Other affairs related to elections and recalls.

ARTICLE 12:

The Central Election Commission shall opt several impartial persons who have the right to vote as inspectors at large. They shall be appointed by the President of the Executive Yuan upon the recommendation of the Central Election Commission. One of them shall be designated as convener. The election commissions of the cities of provincial status, counties, and the cities of county status shall each have an inspection group of several members. The respec-

tive election commissions shall recommend impartial persons having voting rights to the Central Election Commission or the provincial election commissions for appointment. One member of each group shall be designated as its convener. Each inspection group shall execute the following affairs:

- 1) To see if there is violation of any law and regulation regarding elections and recalls by any candidate, campaign assistant, recall sponsor or public official under recall process.
- 2) To see if there is violation of any law or regulation regarding elections and recalls by an elector or a recall sponsor.
- 3) To see if there is any law violation by the persons executing election or recall business.
- 4) To oversee other affairs related to elections and recalls.

All inspectors shall be honorary without salary. The terms of office and the number of members shall be stipulated in the organic rules and regulations of the Central Election Commission, of the election commissions of the cities of provincial status, and of the election commissions of counties and the cities of county status.

The election commissions of the cities of provincial status and of the counties and the cities of county status shall each opt impartial persons having voting rights as inspectors to work in the meetings of political views presentation.

The work code for inspectors and inspection groups of all levels shall be fixed by the Central Election Commission.

ARTICLE 13:

The budgets of the election commissions of all levels shall be made by the central, provincial (city) and county (municipal) governments in accordance with the law.

Chapter Three ELECTIONS Section 1 Electors

ARTICLE 14:

All nationals of the Republic of China who have attained the age of 20 and who do not have any of the following disqualifications shall be eligible to vote:

- 1) His civil rights have been deprived and have not been restituted.

- 2) He has been declared incompetent and the declaration has not been abrogated.

ARTICLE 15:

In an election of public officials representing geographical areas a person having the right to vote shall be an elector either in the place of his domicile of origin or in the constituency where he has lived continuously for six months or longer.

The regulations regarding domicile of origin shall not apply to the elections of representatives of *hsiangs*, towns and *shihs* or to the elections of the leaders of *hsiangs*, towns, *shihs*, villages and *lis*.

In the elections of local officials of the cities of provincial status, counties, cities of county status, *hsiangs*, towns and *shihs*, the length of residence of a person as stated in Paragraph 1 shall be based on the length of his residence in the administrative area where he lives. A person who moves into a new constituency after the proclamation of constituencies is made shall have no right to vote in the election.

ARTICLE 16:

The electors in an election of the public officials with special life habits shall be the electors also with special life habits who have the other qualifications set forth in Article 15.

The electors in an election of the public officials representing an occupational or a women organization shall be the electors who have been members of their organization for at least six months and also have the other qualifications set forth in Article 15.

The electors in an election of the members of the Control Yuan shall be the provincial assemblymen and the councilmen of the cities of provincial status.

ARTICLE 17:

A person having the right to vote who in one category of election has two or more capacities to cast ballots shall choose one of them to exercise his right to vote.

ARTICLE 18:

A person having the right to vote shall choose a place to exercise this right in accordance with the following provisions:

- 1) A person qualified to vote both in the place of his domicile of origin and in the place of his residence shall exercise his right

to vote in the latter place unless he, twenty-five days before the balloting day, files a declaration with the household office of the *hsiang* (town, *shih*, district) of his domicile of origin to the effect that he will exercise this right in the place of his domicile of origin.

- 2) A person qualified to vote both in an occupational or a women organization and in a geographical constituency shall exercise the right to vote in the occupational or women organization unless he (she), sixty days before the balloting day, files a declaration with his (her) organization to the effect that he (she) will exercise this right in the geographical constituency.
- 3) A person qualified to vote both in an occupational organization and in a women organization shall exercise the right to vote in the women organization unless she, sixty days before the balloting day, files a declaration with the occupational organization to the effect that she will exercise this right in the occupational organization.
- 4) A person qualified to vote in two or more occupational organizations shall, sixty days before the balloting day, file a declaration with the organization of his choice to the effect that he will vote in this organization, and he shall inform the other organizations he belongs of this fact. The one who does not declare shall vote in the organization to which he was admitted earlier. If he was admitted to two or more organizations on the same day, he shall exercise the right to vote in his geographical constituency.
- 5) A person with special life habits and qualified to vote both in an occupational organization and in a women organization shall exercise the right to vote in the constituency of persons with special life habits unless he (she), sixty days before the balloting day, files a declaration with the organization of his (her) choice to the effect that he (she) will exercise this right in the occupational (women) organization.

ARTICLE 19:

If a member of an occupational organization or a women organization loses its membership 20 days before the balloting day, he or she shall not be qualified to vote in the occupational or women organization. But he or she may exercise the right to vote in his (her) geographical constituency or the constituency of persons with special life habits in accordance with the law.

ARTICLE 20:

Unless stipulated otherwise, an elector shall cast his ballot at the poll of his residence.

The electors of occupational and women organizations and the workers of the polls may cast their ballots at the polls either in the places of their household registration or in the places where they work. A member of a women or an occupational organization who chooses to vote in his (her) working place shall, sixty days before the balloting day, file a declaration with his (her) organization to the effect that he (she) will vote in his (her) working place.

The electors who shall elect the members of the Control Yuan shall cast their ballots at the polls installed by the election meetings held by the provincial assemblies (councils of cities of provincial status).

ARTICLE 21:

An elector shall obtain his ballot in the poll on the presentation of his identification card.

In the election of the members of the Control Yuan, an elector shall obtain his ballot in the poll on the presentation of his credential identifying his provincial assemblymanship or city councilmanship.

ARTICLE 22:

All electors shall go to the poll to obtain and cast their ballots in the prescribed time. After the deadline no one shall be permitted to enter the poll. Those who have entered timely but do not yet cast their ballots may proceed to cast them.

Section Two Electoral Registers**ARTICLE 23:**

The electoral register of a geographical constituency shall be compiled by the household office of a *hsiang* (town, *shih*, district) based on the household registration books. All those who have duly registered and in accordance with the law have the right to vote shall be included in the register. Those who have moved away from their registered residences or changed their domicile registration on any of the twenty days before the balloting day shall exercise the right to vote in the constituency where they are originally qualified to vote.

ARTICLE 24:

The electoral register of an occupational or a women organization shall be compiled by the household office in conformity with the provisions of Article 23 above and based on the membership roster made and reported by the occupational or women organization. Those who have lost their membership on any of the twenty days before the balloting day shall exercise the right to vote in the organization in which they are originally qualified to vote.

There shall be compiled separate electoral registers of the electors of occupational and women organizations who have declared to the effect that they will cast their ballots in the places where they work.

ARTICLE 25:

The electoral register of the citizens with special life habits shall be compiled by the household office in accordance with the provisions of Article 23 above, and the identification of a citizen as one having special life habits shall be based on the record in the household registration books.

ARTICLE 26:

When elections of two or more categories of public officials are held at one and the same time, the electoral registers may, according to the actual need, be compiled either separately for different elections or jointly for all the elections.

ARTICLE 27:

The electoral registers for the election of the members of the Control Yuan shall be compiled by the civil affairs departments of the provincial governments and the governments of the cities of provincial status based on the name lists of provincial assemblymen and city councilmen.

ARTICLE 28:

The electoral registers of occupational and women organizations shall be compiled by the respective organizations and shall be displayed publicly at the office of each organization 50 days before the balloting day for five days for their members to read. Any member who finds a mistake or an omission on the register may apply for correction during the period of display.

ARTICLE 29:

Upon completion of the compilation of the electoral registers the household offices shall submit them to the *hsiang* (town, *shih*, district) office for transmittal to the election commission of the city of provincial status or county or city of county status for reference. At the same time it shall send a copy to the respective village or *li* office. The village or *li* office shall put the copy on display in the office for five days. Any citizen who finds a mistake or an omission on the copy may apply for correction during the period of display.

ARTICLE 30:

At the expiration of public display days the village or *li* leader shall immediately submit the electoral registers together with a report on the applications for corrections, if any, to the *hsiang* (town *shih*, district) office for transmittal to the household office for re-checking and re-correcting purposes.

The electoral registers shall be finally established and fixed after public display and corrections, and the election commissions of the cities of provincial status and of the counties shall proclaim the numbers of electors.

Section Three Candidates

ARTICLE 31:

An elector who has attained the age of 23 may register as candidate for a public office, but to be a candidate for county magistrate or for mayor of a city of county status one must attain the age of 30, and to be a candidate for *hsiang* (town or *shih*) chief one must attain the age of 25.

A person whose nationality of the Republic of China has been restored for three years or who has been naturalized in the Republic of China for ten years shall be eligible to apply for registering as a candidate in accordance with the provisions of the above paragraph.

ARTICLE 32:

A person intending to register as a candidate in an election for public officials shall have to have the following scholastic background and experience:

- 1) A candidate for member of the National Assembly, the Legislative Yuan or the Control Yuan: a senior high school or a higher school graduate, or having passed an ordinary or a

- higher civil service examination, or having served as a provincial assemblyman or a councilman of a city of provincial status or as a higher public official for one term.
- 2) A candidate for provincial assemblyman or councilman of a city of provincial status: a senior high school or a higher school graduate, or having passed an ordinary civil service examination, or having served as a county councilman or a councilman of a city of county status or as a higher public official for one term.
 - 3) A candidate for county councilman or councilman of a city of county status: a junior high school or a higher school graduate, or having passed a Grade D special examination, or having served as a *hsiang*, town or *shih* representative or as a higher public official for one term.
 - 4) A candidate for *hsiang*, town or *shih* representative: a junior high school or a higher school graduate, or having passed a Grade D special examination or having served as a *hsiang*, town or *shih* representative or as a higher public official or village or *li* leader for one term.
 - 5) A candidate for county magistrate or mayor of a city of county status: a junior college or a higher school graduate, or having passed a high civil service examination with two or more years of administrative experience, or having served as *hsiang*, town or *shih* representative or as a higher public official for two years.
 - 6) A candidate for *hsiang*, town or *shih* chief: a senior high school or a higher school graduate, or having passed an ordinary civil service examination or a higher examination with two years of administrative experience or having served as *hsiang*, town or *shih* representative or as a higher public official for two years.
 - 7) A candidate for village (*li*) leader: a junior high school or a higher school graduate, or having passed a Grade D special examination or having served as a village or *li* leader for one term.

The scholastic background and experience set forth in the foregoing paragraphs shall be determined through a screening process. The rules governing the screening of candidates for public offices shall be decided by the Examination Yuan.

A person who has passed the screening process required of a candidate for a certain public office before the coming into force of this law shall be qualified for that office without repeating the screening process.

A person who has passed the screening process as a qualified candidate for membership in the National Assembly, provided for in Paragraph 1, Section 1 shall be qualified as a candidate for membership in the Legislative Yuan, Control Yuan, Provincial Assembly, council of a city of provincial status, county council, council of a city of county status, and for representatives of *hsiang*, town or *shih*. A person who has passed the screening process as a qualified candidate for provincial assemblyman or councilman of a city of provincial status shall also be qualified as a candidate for county councilman and councilman of a city of county status, and for representative of *hsiang*, town and *shih*. A person who has passed the screening process for county councilman or councilman of a city of county status shall also be qualified as a candidate for *hsiang* (*li*) representative. A person who has passed the screening process as a candidate qualified for county magistrate or mayor of a city of county status shall also be qualified as a candidate for *hsiang*, town, *shih* chief and village and *li* leader. A person who has passed the screening process as a qualified candidate for *hsiang*, town or *shih* chief shall also be qualified as a candidate for village and *li* leader.

ARTICLE 33:

When elections of two or more categories of public officials are held simultaneously, a person shall be permitted to register as candidate only for one of them. A person who has two or more qualifications of candidacy in the election of one category of public officials shall be permitted to register only one candidacy.

The registration of a person who has registered simultaneously as a candidate for two or more different public offices or as two candidates for one public office shall be null and void.

ARTICLE 34:

A person who has one of the following disqualifications shall not be permitted to apply for registration as a candidate:

- 1) Having committed an offense against national internal security or national external security and having been convicted.
- 2) Having committed the crime of corruption and having been convicted.
- 3) Having committed offenses against any of the articles from Article 87 to Article 89 of this law or Article 144 of the Criminal Law and having been convicted.
- 4) Having committed a crime other than the offenses set forth in

the foregoing paragraphs and having been convicted and sentenced to a fixed prison term which has not been wholly or partly executed. However, reprieved convicts shall be excepted.

- 5) Having been subjected to peace and safety preserving measures and convicted of misconduct, and the punishment having not been executed or having not been wholly executed.
- 6) Having been proclaimed bankrupt and having not been rehabilitated.
- 7) Having been suspended from official appointment or having received punishment on suspension from official duty in accordance with the law and the period of suspension having not expired.
- 8) Having been deprived of civil rights and his civil rights having not been restored.
- 9) Having been proclaimed incompetent and the proclamation having not been abrogated.

ARTICLE 35:

The following people shall not register as candidates:

- 1) Militarymen and policemen in active service.
- 2) Full-time students still in school.
- 3) Persons handling election business.

If the militarymen in active service mentioned in Item (1) are reservists or militiamen called to service, this Article does not apply to them either before they shall have been called to service or when they are called for re-education, for temporary assignment or for rollcall inspection.

An incumbent functionary shall not register as a candidate for member of the National Assembly in the constituency where his office is located.

ARTICLE 36:

When any of the following disqualifying facts is discovered, either before the name lists of registered candidates are made public or before the balloting is conducted, the registered candidacy shall be canceled by the election commission. The election commission shall also bring a lawsuit against an elected person to invalidate his election if a disqualifying fact is found after the balloting under Article 103-1 of this law:

- 1) The qualifications of the candidate are not accordant to the re-

quirements specified in Article 31, or the qualification acquired through the screening process has been nullified.

- 2) The candidacy is in violation of Article 34 or Paragraphs 1 and 3 of Article 35.
- 3) Candidacy registration is forbidden by Paragraph 1 of Article 85.

ARTICLE 37:

A person who has registered his candidacy shall not be permitted to withdraw his registration after the registration deadline. A person who has withdrawn his registration before the deadline shall not be permitted to apply for registering as a candidate for a public office in the same category of election.

ARTICLE 38:

At the time of registration a candidate shall make a deposit, the amount of which shall be set by the election commissions. To set such amounts the election commissions shall take into account the actual needs and shall give public notice of the amounts in advance. Candidates for village (*li*) leaders shall be exempted from making a deposit.

The deposit shall be refunded within ten days after the name lists of the elected have been publicly announced. But the deposit shall neither be refunded to a candidate for member of the Control Yuan who receives no vote, nor to other candidates who receive ballots less than 10 percent of the quotient obtained by dividing the number of the qualified electors in their respective constituencies by the number of officials to be elected in the election.

Section Four Constituencies

ARTICLE 39:

For the election of public officials, the constituencies shall be demarcated in accordance with the following provisions:

- 1) For members of the National Assembly to be elected by the cities of provincial status and by counties (including the cities of county status), the administrative areas of the respective counties and cities shall be the constituencies.
- 2) For members of the Legislative Yuan to be elected by a province or a city of provincial status, the respective administrative areas shall be the constituencies and an administrative area may be divided into several constituencies.

- 3) For members of the Control Yuan to be elected by a provincial assembly and the council of a city of provincial status, the provincial assembly and the city council shall be the constituencies.
- 4) For members of a provincial assembly to be elected by counties and cities of county status, the respective administrative areas of the counties and cities shall be the constituencies. For members of a council of a city of provincial status, its administrative area may be divided into several constituencies.
- 5) For members of a county council or a council of a city of county status and for representatives of a *hsiang* (town or *shih*), the respective administrative areas of the counties, cities and *hsiangs* (towns or *shih*s) shall be the constituencies, and one administrative area may be divided into several constituencies.
- 6) For magistrates of counties, mayors of the cities of county status, chiefs of *hsiangs* (towns and *shih*s) and leaders of villages and *lis*, the respective administrative areas of the counties, cities, *hsiangs* (towns and *shih*s), villages and *lis* shall be the constituencies.

ARTICLE 40:

For members of the National Assembly and the Legislative Yuan to be elected by occupational organizations, all occupational organizations of the same category shall constitute a constituency.

For members of the National Assembly to be elected by women organizations, the women organization of a province and that of a city of provincial status shall each constitute a constituency.

ARTICLE 41:

For members of the National Assembly, the Legislative Yuan, the provincial assemblies, and councils of cities of provincial status or for representatives of a *hsiang*, town or *shih* to be elected by citizens with special life habits, the constituencies shall be fixed in accordance with the following provisions:

- 1) For members of the National Assembly and the Legislative Yuan this group of citizens shall be divided into a constituency of those living on the plains and a constituency of those living in the mountainous areas.
- 2) For provincial assemblymen, councilmen of the cities of provincial status, county councilmen and councilmen of the cities of county status and for *hsiang*, town and *shih* representatives

to be elected by the citizens with special life habits, the citizens of this group in the administrative area of a province, a city of provincial status, a county, a city of county status, a *hsiang*, a town or a *shih* shall each constitute a constituency. These citizens in any administrative area may also be divided into a constituency of those living in the plains and a constituency of those living in the mountainous areas.

ARTICLE 42:

The demarcation of constituencies provided for in Paragraphs 2 and 4 of Article 39 and Paragraphs 1 and 2 of Article 41 for the election of provincial assemblymen and councilmen of the cities of provincial status shall be carried out by the Central Election Commission; that set forth in Paragraph 5 of Article 39 and Paragraph 2 of Article 41 for the election of county councilmen (councilmen of a city of county status), *hsiang*, town and *shih* representatives shall be carried out by the respective election commissions. The proclamation of constituency demarcation shall be made simultaneously with the election proclamation. If there is a change in the demarcation of constituency, the proclamation shall be made six months before the expiration of the terms of office of the public officials concerned, or before the prescribed dates.

Section Five Election Proclamations

ARTICLE 43:

The election commissions shall issue various proclamations in accordance with following provisions:

- 1) An election proclamation shall set forth the category of election, the number of public officials to be elected, the demarcation of constituencies, the election date and the times of balloting. The proclamation shall be issued forty days before the expiration of terms of office of public officials concerned or before the prescribed dates, but in reholding an election or a balloting and in supplementary elections the forty days stipulation shall not apply.
- 2) Days of candidates registration shall be proclaimed twenty days before the election day. The duration of registration shall not be less than five days. But in the elections of representatives of *hsiangs*, towns or *shih*s, chiefs of *hsiangs*, towns or *shih*s, and leaders of villages and *lis*, the duration shall not be less than three days.

- 3) The name lists of the electors shall be proclaimed fifteen days before the election day and shall be for public reading for at least five days.
- 4) The name lists of registered candidates shall be proclaimed one day before the beginning of campaign activities.
- 5) The number of electors shall be proclaimed three days before the election day.
- 6) The name lists of persons elected shall be proclaimed within seven days after the election.

When no candidate is registered in a constituency during the duration provided for in Paragraph 1, Article 2, a second proclamation for candidates registration shall be issued for a duration of not less than two days.

ARTICLE 44:

The elections of public officials shall be completed ten days before the expiration of their respective terms of office or before the prescribed dates. But this provision shall not apply in reholding an election, or a balloting or in supplementary elections.

Section Six Election Activities

ARTICLE 45:

The duration of campaign activities of the candidates for public offices shall be in accordance with the following provisions:

- 1) Fifteen days for the candidates for members of the National Assembly, the Legislative Yuan and the Control Yuan.
- 2) Ten days for the candidates for members of provincial assemblies, councilmen of the cities of provincial status, county councilmen, councilmen of the cities of county status, magistrates and mayors.
- 3) Five days for the candidates for representatives of *hsiangs*, towns and *shihs*, and for the candidates for chiefs of *hsiangs*, towns and *shihs*.
- 4) Three days for the candidates for village and *li* leaders.

Campaign activities shall end on the day immediately before the election day. The duration of campaign activities referred to in this article shall be counted backward from the concluding date. The beginning and closing times of each day of campaign activities shall be decided by the election commissions.

ARTICLE 45-1:

The maximum campaign expenditures of a candidate for each public office shall be set by the election commissions and announced together with the election proclamation.

To set the maximum campaign expenditures of the candidates a basic amount shall be determined, taking into account the categories of the public offices concerned and the various kinds of legitimate campaigning. The calculation shall be based on the number of the total population of the various constituencies divided by the number of officials to be elected and then multiplied by the basic amount and again by the cost of living index.

The formula is:

$$\begin{aligned} \text{Maximum campaign expenditure} = & \\ & \frac{\text{total population}}{\text{number of officials to be elected}} \\ & \times \text{basic amount} \times \text{cost of living index.} \end{aligned}$$

ARTICLE 45-2:

Candidates shall not accept campaign contributions from the following sources:

- 1) Foreign groups, juridical persons or individuals.
- 2) Contributions made by other candidates of the same category in the same election.

ARTICLE 45-3:

A candidate or his designated person shall keep records of campaign funds.

Within 30 days after the election, the candidate shall report the receipts and expenditures to the related election commission. The report shall be signed by one of the said persons.

If the election commission, in view of the facts on hand, suspects the truth of the report, it may require the candidate to file proof or documentation.

These shall be kept on file for six months after the submission of the report. In the event of a lawsuit involving him, the proof and or documentation shall be kept for three more months from the time of judgment.

The rules for checking campaign receipts and expenditures shall be decided by the Central Election Commission.

ARTICLE 46:

Campaign activities shall include:

- 1) Establishing campaign headquarters and employing campaign assistants.
- 2) Holding meeting of political views presentation.
- 3) Printing and disseminating name cards and handbills.
- 4) Operating campaign vehicles and loudspeakers.
- 5) Canvassing and visiting the electors in the candidate's constituency.

1) and 4) of Paragraph 1 shall not be applicable in the election of Control Yuan members.

Regulations pertaining to campaign headquarters and the employment of campaigns assistants shall be fixed by the Central Election Commission.

ARTICLE 47:

The following persons shall not be qualified for campaign assistants:

- 1) Registered candidates.
- 2) Public functionaries.
- 3) Those who have any of the disqualifications set forth in Article 34 and those listed in Item (1) of Article 35 above.

One person shall not serve as a campaign assistant for two candidates.

ARTICLE 48: (Deleted.)**ARTICLE 49:**

With the exception of the political views presentation meetings of the candidates for members of the Control Yuan, all of which shall be sponsored by the election commission, political views presentation meetings shall be divided into candidate-sponsored meetings and election commission-sponsored meetings. Candidate-sponsored meetings shall be held before election commission-sponsored meetings, and the number of days for the latter shall not exceed those for the former.

The election commission-sponsored meetings shall be held by the election commission during the days set for them. The candidates concerned shall personally attend any or all meetings to present their views. Whether election commission-sponsored meetings in

the election of village and *li* leaders are held or not shall be decided by the election commission in accord with the situation.

The candidate-sponsored meetings shall be held by the candidates on the days specified. No more than six meetings shall be held in any single day, and each meeting shall last no more than two hours. Candidates concerned shall be present. No one other than the candidate and his campaign assistant(s) shall make speeches at the meeting. The time and place of a meeting shall be reported to the election commission in charge for its approval two days in advance.

The election commission may send authorized inspectors to oversee the proceedings at the political views presentation meetings.

ARTICLE 50:

The election commission shall compile the candidates' views, serial numbers, photographs, names, ages, sexes, domiciles of origin, party affiliations, scholastic backgrounds, experiences, occupations and addresses, and shall print in a gazette all these together with the legal provisions related to the election and balloting for distribution to each household in the constituencies two days before the balloting day and for posting in appropriate places.

When registering their candidacies, the candidates shall submit the above-mentioned political views and personal data to the election commission. If the political views of a candidate violate any of the provisions of Article 54 above, the election commission shall notify him and demand that he correct them within a fixed period. In case he fails the demands, the portion that violates one or more of the provisions shall not be published in the gazette. Neither will the untrue personal data of a candidate be published in the gazette.

Keeping the requirement of the practical circumstances in views, the election commissions may engage in other election activities through the mass media.

ARTICLE 51:

Handbills printed and disseminated by a candidate shall be signed in person by the candidate.

Name cards and handbills shall not be posted at places other than those provided or assigned by the election commission in charge.

The sizes of name cards and handbill shall be decided by the Central Election Commission.

ARTICLE 52:

A candidate shall not employ more than five campaign vehicles. A candidate whose constituency is a city of provincial status, a county or a city of county status shall not employ more than three campaign vehicles. A candidate whose constituency is a *hsiang*, a town or a *shih* shall not employ more than two campaign vehicles.

Campaign vehicles shall fly banners issued by the election commission in charge.

Loudspeakers used for campaign activities shall be installed only on campaign vehicles, at sites of candidate-sponsored political views presentation meetings and at campaign headquarters. Their use shall not interfere with the presentation of political views by other candidates.

ARTICLE 53:

(Deleted.)

ARTICLE 54:

The utterances of a candidate and of his campaign assistants shall not commit any of the following offenses:

- 1) Instigating persons to commit offenses against the internal security or external security of the state.
- 2) Inciting persons to undermine social order with violence.
- 3) Committing other offenses set forth in the criminal code.

ARTICLE 55:

The campaign activities of a candidate or his assistants shall not include any of the following acts:

- 1) Making public speeches in any place other than at the political views presentation meetings.
- 2) Establishing campaign headquarters or employing campaign assistants in a manner inconsistent with the provisions of this law.
- 3) Engaging in campaign activities not during the prescribed period or the prescribed time of the day.
- 4) Holding joint candidate-sponsored political views presentation meetings.
- 5) Assembling a crowd for a parade.
- 6) Engaging in campaign activities outside the candidate's constituency.

- 7) Instigating the electors in a name signing movement or utilizing the mass media for campaign advertising.
- 8) Engaging in campaign activities other than those stipulated in Article 46.
- 9) Setting off firecrackers.

ARTICLE 56:

During the campaign, only candidates and their campaign assistant can carry on legalized campaign activities, and no other person shall be permitted to engage in any of the following acts:

- 1) Making public speeches for a candidate.
- 2) Producing or posting self-made handbills, slogans and campaign posters.
- 3) Operating motor vehicles and loudspeakers not authorized to participate in campaign activities to show support for a candidate.
- 4) Assembling a crowd for campaigning purposes.
- 5) Instigating the electors to sign campaign papers or to use mass media to do campaign propaganda for a candidate.
- 6) Setting off firecrackers to show support for a candidate.

Section Seven Casting and Opening of Ballots

ARTICLE 57:

In the election of public officials, polls shall be established in the office buildings, schools, public places and other appropriate places in keeping with the size of the constituency and the geographical distribution of electors.

In the election of the members of the Control Yuan, the poll shall be established at the provincial assemblies or the councils of cities of provincial status.

Upon completion of balloting, a poll shall be turned into a ballot-opening station and the ballots shall be counted aloud in the presence of spectators. After all the ballots are opened and counted, the chief administrator and the chief inspector of the ballot-opening station shall proclaim together in writing the result of the opening of the ballots.

ARTICLE 58:

Each poll and each ballot-opening station shall have one chief administrator and several administrators appointed by the election commission to take charge of ballot casting and opening business.

ARTICLE 59:

Each poll and each ballot-opening station shall have one chief inspector and several inspectors to inspect the casting and opening of ballots.

Each candidate shall be entitled to recommend an average number of necessary inspectors. The election commission shall appoint the qualified ones after screening. A candidate may assign the inspectors he has recommended to the polls and ballot-opening stations of his choice to inspect the casting and opening of ballots. If the assigned inspectors are more than the prescribed number for a poll or ballot-opening station, the choices shall be determined by drawing lots.

When the number of chief inspectors and the number of inspectors recommended by the candidates are less than needed, the election commission shall opt from among the following personnel:

- 1) Local impartial people.
- 2) Personnel of government organizations and schools.
- 3) Adult students of the colleges and universities.

The rules governing the recommendation of inspectors and their service shall be decided by the Central Election Commission.

ARTICLE 60:

The ballots shall be printed and distributed by the election commission, taking into account the different constituencies. The ballots shall bear the serial numbers, names and photographs of all candidates.

The above-mentioned ballots shall be delivered to the chief administrators of the polls the day before the balloting day. Each chief administrator shall count the ballots together with the chief inspector in the presence of spectators.

ARTICLE 61:

Before casting his ballot an elector shall vote for a single candidate with a marking tool prepared by the election commission. In the election for members of the Control Yuan, an elector shall vote for a number of candidates not exceeding the number provided for in Section 2 of Paragraph 1 of Article 3.

After marking his ballot the elector shall not show it to anyone.

ARTICLE 62:

A ballot shall be invalid in any of the following instances:

- 1) It is not prepared and distributed by the election commission in charge.
- 2) It is marked for two or more candidates or in the case of the election for members of the Control Yuan, for a number of candidates exceeding the number stipulated.
- 3) The mark is put in such a place that the elector's choice cannot be ascertained.
- 4) The mark is altered.
- 5) The ballot bears a signature, name chop, fingerprint, words or any other writing sign.
- 6) The ballot is torn.
- 7) The ballot is so stained that the elector's choice cannot be ascertained.
- 8) The ballot is not marked with the tool prepared by the election commission in charge.

Any question regarding the validity of a ballot shall be determined by the chief administrator together with the chief inspector of the ballot opening station. If there is a disagreement between them, it shall be voted upon and decided by all inspectors. In the event of a tie, the ballot shall be declared valid.

ARTICLE 63:

The chief administrator together with the chief inspector shall order a person to leave the poll or that ballot opening station if any of the following facts exists:

- 1) He has made a din or has interfered with or persuaded others to vote or not to vote, at defiance of interdiction.
- 2) He carries a weapon or dangerous articles into the poll.
- 3) He has other improper acts and has defied interdiction.

If any of the above-mentioned circumstances happens to an elector and he is ordered to leave, the ballot at his hand shall be taken back and the incident shall be recorded under his name in the electoral register. If the case is serious, a specific report shall be made to the election commission.

ARTICLE 64:

If the casting or opening of ballots is prevented by a natural calamity or other acts of God, the chief administrator of the poll or

ballot-opening station shall report the situation to the election commission of a city of provincial status or that of a county (or city of county status), and shall ask for approval to change the date or place for casting or opening the ballots. If it is an election of public officials of the Central government, provincial assemblymen (or councilmen of a city of provincial status), county councilmen (or councilmen of cities of county status), magistrates or mayors, the case shall also be reported and transmitted to the Central or provincial election commission for reference.

Section Eight Election Results

ARTICLE 65:

In an election of public officials there shall be a prescribed number of vacancies. The candidates in a constituency who have won a plurality of ballots shall be elected. When two or more candidates have received an equal number of ballots, the winner shall be determined by drawing lots.

In an election of public officials when there is a woman quota and when the women elected are less than the quota, the ballots obtained by the female candidates shall be separated from those obtained by male candidates and shall also be counted separately. The female candidate(s) who has (have) won a plurality of ballots shall be declared elected.

ARTICLE 66:

Except in an election of the members of the Control Yuan and of the village and *li* leaders the candidates who have received a plurality of ballots shall be elected. A candidate in an election of public officials of other categories, in order to be elected, shall have to obtain the following stipulated number of ballots:

- 1) In the election of the members of the National Assembly and the Legislative Yuan, of provincial assemblymen, councilmen of a city of provincial status, county councilmen, councilmen of a city of county status and *hsiang* (town or *shih*) representatives, the number of ballots a candidate receives shall have to reach or exceed 20 per cent of the quotient obtained by dividing the number of electors in the constituency with the number of the vacancies to be filled in the same constituency.

- 2) In the election of county magistrates, mayors of cities of county status and *hsiang* (town and *shih*) chiefs, the number of ballots ob-

tained by a candidate shall have to reach 25 percent of the number of electors in the constituency.

If no one is elected or the number of the elected does not reach the number of the vacancies to be filled, a bi-election shall be proclaimed within a fixed period after the balloting day in the case of an election of a magistrate (mayor of a city of county status) or *hsiang* (town or *shih*) chief; and it shall be deemed as vacancies still left unfilled in the case of an election of the members of the National Assembly and the Legislative Yuan, provincial assemblymen, councilmen of a city of provincial status, county councilmen, councilmen of a city of county status, *hsiang* (town or *shih*) representatives. If the number of vacancies reaches one half of the total number of the public officials to be elected in any one constituency a date shall be fixed for a bi-election.

ARTICLE 67:

When an elected person dies or when his election is declared null and void before his taking office, the case shall be handled in accordance with the following provisions:

1) In the case of a magistrate, a mayor of a city of county status, a chief of a *hsiang* (town or *shih*), a leader of a village or a *li*, a bi-election shall be held within a fixed period.

2) In the case of a member of the National Assembly, the Legislative Yuan, the Control Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or the board of *hsiang* (town or *shih*) representatives, it shall be deemed as vacancies still left unfilled. If the unfilled vacancies reach one half of the total number of the public officials to be elected in any one constituency, a vacancy-filling election shall be held within a fixed period.

ARTICLE 68:

The persons duly elected in an election shall take office at a stipulated date. Any person elected in a bi-election or after a rebaloting in an election and thus cannot take office at the stipulated date, his term of office shall also begin from the stipulated date.

Chapter Four
RECALL

Section One Initiation of a Recall Case

ARTICLE 69:

The recall of a public official may be initiated by an elector of the official's constituency. It shall be brought to the election commission. An elected official who has not yet served one full year after taking office shall not be subjected to recall process.

ARTICLE 70:

A recall paper shall be accompanied with a statement of reason(s), and the initiation shall be made by electors of the official's constituency. The number of the initiators shall have to conform with the following provisions:

1) In the case of a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or of *hsiang* (town or *shih*) representatives, the number of initiators shall be 5 percent or more of the quotient obtained by dividing the total number of the electors in the official's constituency with the number of the public officials to be elected in the constituency.

2) In the case of a member of the Control Yuan, the number of initiators shall be 10 per cent or more of the total number of the members of the provincial assembly or the council of a city of provincial status, which has elected that member.

3) In the case of a magistrate, a mayor of a city of county status, or a *hsiang* (town or *shih*) chief, or a village or *li* leader, the number of initiators shall be 2 per cent or more of the total number of electors in the official's constituency.

In any of the above-mentioned recall cases, no more than one person shall be subjected to in one proposal, but if in the same constituency there are two cases of recall, they may be voted on at the same time.

ARTICLE 71:

No militaryman in active service, policemen or functionary can serve as an initiator of a recall proposal.

ARTICLE 72:

A recall proposal may be withdrawn from the election commis-

sion with a written application with the concurrence of two-thirds of the initiators before cosigners are solicited.

Section Two Establishment of a Recall Case

ARTICLE 73:

After having received a recall proposal, the election commission shall check up the initiators of the proposal within fifteen days. If they are found in conformity with the provisions of this law, the commission shall notify the leading initiator to take a book or books of cosigners from the commission in ten days and to solicit cosigners within a fixed period.

If any of the initiators is found not in conformity with the provisions of this law, his name shall be cancelled and the election commission shall notify the leading initiator to make up the number of initiators in five days. Any making-up beyond this time limit shall be inadmissible.

ARTICLE 74:

In cosigning a recall proposal, the cosignors must be the electors of the constituency of the official to be recalled, and the number of the cosigner must be in conformity with the following provisions:

1) In proposing to recall a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, the council of a city of county status, or of a *hsiang* (town or *shih*) representative, the number of cosigners shall be 15 per cent or more of the quotient obtained by dividing the total number of electors of the official's constituency with the prescribed total number of the public officials to be elected in the constituency.

2) In proposing to recall a member of the Control Yuan, the number of cosigners shall be 20 per cent or more of the total number of members of the provincial assembly or the council of a city of provincial status, which has elected that member.

3) In proposing to recall a magistrate, a mayor of a city of county status, a chief of a *hsiang* (town or *shih*), or a leader of a village or *li*, the number of cosigners shall be 18 per cent or more of the total number of electors in the official's constituency.

ARTICLE 75:

The total number of electors referred to in Articles 70 and 74 above means the total number of electors of the constituency of the

official to be recalled at the time of his election. The criterion day for determining both the ages and the periods of residence of the electors referred to above shall be the day when the case of recall is initiated.

ARTICLE 76:

After having found that the cosigning for the case of recall conforms with the law, the election commission shall proclaim the case of recall established. If the case of recall is found inconsistent with the law and is proclaimed that it is not established, the original initiator shall not initiate another recall proposal against the same person within a year beginning from the day when the case of recall is proclaimed not established.

ARTICLE 77:

After a case of recall has been proclaimed and established, a copy of the statement of reason or reasons shall be sent to the official to be recalled and he shall submit a statement of reply in ten days.

ARTICLE 78:

The election commission shall proclaim the following items within five days after the official to be recalled has submitted a statement of reply:

- 1) The date and the beginning and ending time of balloting on the case of recall.
- 2) The statement of reason or reasons for recall.
- 3) The statement of reply.

The statement of reply shall not be proclaimed if it is not submitted by the official to be recalled within the stipulated time.

ARTICLE 79:

Except in a proposal to recall a member of the Control Yuan, the initiators of the recall proposal may, while soliciting co-signers, set up a recall headquarters and employ a staff.

Except for the soliciting of co-signers, there shall be no activities favoring or opposing the recall during the proceedings.

Regulations regarding the establishment of the recall headquarters, the employment of staff and the soliciting of co-signers shall be decided by the Central Election Commission.

Section Three Balloting on a Recall Case**ARTICLE 80:**

The balloting on a recall case shall be held within 30 days after the establishment of the case has been proclaimed.

ARTICLE 81:

A recall ballot shall have two printed columns: One bearing the wording "agree to recall" and the other "disagree to recall" to be marked by the electors with tools prepared by the election commission in charge.

The elector shall not show his marked ballot to any one.

ARTICLE 82:

The provisions of this law regarding the ballot casters, ballot casting, and ballot opening shall apply *mutadis mutantis* on the ballot casters, ballot casting, and ballot opening in the case of balloting on a recall case.

ARTICLE 83:

A case of recall shall be carried when the ballots agreeing to recall outnumber the ballots disagreeing to recall, but the number of ballot casters shall have to be in conformity with the following provisions:

1) In the case of recalling a member of the National Assembly, the Legislative Yuan, a provincial assembly, the council of a city of provincial status, a county council, a city of county status, or of a *hsiang* (town or *shih*) representatives, one-third or more of the electors in the official's constituency shall have cast their ballots.

2) In the case of recalling a member of the Control Yuan, one half or more of the total number of the members of the provincial assembly or the council of a city of provincial status which has elected him shall have cast their ballots.

3) In the case of recalling a magistrate, a mayor of a city of county status, a *hsiang* (town or *shih*) chief or a village or *li* leader, one half or more of the electors of the official's constituency shall have cast their ballots.

If the electors who have cast their ballots on the recall case do not reach the respective numbers set forth in the above provisions or if the ballots agreeing to recall do not outnumber the ballots disagreeing to recall, the case shall be rejected.

ARTICLE 84:

Within seven days beginning from the balloting day, the election commission shall proclaim the result of balloting on the recall case. If the case is carried, the recalled person shall be relieved of his official duty on the day of proclamation.

ARTICLE 85:

After the case of recall is carried, the recalled person shall not be permitted to be a candidate for the same public office in four years beginning from the day of the deprivation of official duty. This provision also applies to a person who has resigned in consequence of the establishment of a case of recalling him.

If the case of recall is rejected, no more recall proposal against the same official shall be permitted during his term of office.

Chapter Five
PUNISHMENT OF OFFENSES AGAINST
ELECTION AND RECALL

ARTICLE 86:

A person who has violated the provisions of Item (1) of Article 54 above shall be sentenced to a prison term of not less than seven years; a person who has violated the provisions of Item (2) of Article 54 above shall be sentenced to a prison term of not less than five years; and the punishment of a person who has violated Item (3) of Article 54 above shall be decided in accordance with the related laws.

ARTICLE 87:

A person who takes advantage of a campaign or of assisting in a campaign to openly assemble a crowd and to use violence against the social order shall be sentenced to a prison term of not less than seven years. The initiating leader shall be sentenced to a prison term of not less than ten years.

ARTICLE 87-1:

During the period of election or recall any person who commits acts of violence or duress against a public servant executing his official duties shall be sentenced to a prison term of not more than five years.

In the event of the death of a public servant is resulted from that

violence or duress, the punishment shall be life imprisonment or a prison term of not less than seven years. If the public servant is severely injured, the offender shall be sentenced to a prison term of not less than three years but not more than ten years.

ARTICLE 87-2:

For those who openly assemble a crowd to commit offenses described above, they shall be sentenced to a prison term of not more than three years, a detention at hard labor or a fine of not more than 30,000 *yuans*. The principal leader and the perpetrators shall be sentenced to prison terms of not more than ten years and not less than three years.

Of those who commit offenses described in Paragraph 1, the leader and perpetrators who put a public servant(s) to death shall be sentenced to life imprisonment or to a prison term of not less than seven years; and those who severely injure a public servant(s) shall be sentenced to a prison term of not less than five years and not more than twelve years.

ARTICLE 88:

A candidate or any person who is qualified as a candidate and who offers, agrees to pay or pays a bribe or offers other improper benefits to a candidate in order to make him withdraw from the election or engage in illegal campaign activities shall be sentenced to a prison term of not more than five years or a fine of not more than 50,000 *yuans*.

A candidate or any person who is qualified as a candidate demands, agrees to accept or accepts a bribe or other improper benefits from another candidate(s) in exchange for his promise to withdraw from the election or to engage in illegal campaign activities shall be punished under the provision of Paragraph I of this article.

The bribe or other improper benefits shall be confiscated or abrogated in whole or in part.

ARTICLE 89:

A person who offers, agrees to pay or pays a bribe or offers other improper benefits to a candidate to make him withdraw from the election or engage in certain campaign activities shall be sentenced to a prison term of not more than five years and a fine of not more than 50,000 *yuans* may thereto be imposed.

The above provisions shall apply to a candidate who demands,

agrees to accept or accepts a bribe or other improper benefits in exchange for his promise to withdraw from the election or to engage in certain campaign activities.

The bribe or other improper benefits the candidate has accepted and thus has committed one of the foregoing two crimes shall be confiscated. If the whole or a part thereof cannot be confiscated, the value thereof shall be collected from the offender.

ARTICLE 90:

A person who has committed one of the following offenses through violence, duress or other illegal means shall be sentenced to a prison term of not more than five years:

- 1) Interfering with other's campaign or forcing others to withdraw from the campaign.
- 2) Obstructing others to initiate or cosign a case of recall or to force others to initiate or cosign a case of recall.

An unaccomplished offense specified in the preceding paragraph shall be punished.

ARTICLE 91:

A person who has committed any of the following offenses shall be sentenced to a prison term of not more than five years and a fine of not more than 50,000 *yuan*s thereto be imposed:

- 1) To offer, to pay or to agree to pay money and material thing or other improper benefits to an organization or office in the constituency under the pretext of donation in order to induce the members of the organization or office not to exercise their right to vote or to exercise it in a certain manner.
- 2) To offer, to pay or to agree to pay money and material thing or other improper benefits to an initiator or cosigner of a case of recall in order to induce him to refrain from initiating or cosigning the case or to proceed to initiate or cosign it in a certain manner.

ARTICLE 92:

With an intent to influence the outcome of an election, anyone employing written words, pictures, audio-tapes, audio-video tapes, speeches or other methods to circulate trumped-up stories sufficient to damage a public servant or other person(s) shall be sentenced to a prison term of not more than five years.

ARTICLE 93:

A person who has committed any of the offenses set forth in Paragraph 2 of Article 61, Paragraph 2 of Article 81, or Paragraph 1 of Article 63 and has refused to leave the polling place or the ballot opening station after being ordered to do so shall be sentenced to a prison term of not more than two years or a fine of not more than 20,000 *yuans*.

ARTICLE 94:

During the recall process, a person who agitates the crowd on the spot where others are committing any of the following offenses shall be sentenced to a prison term of not more than a year or a fine of not more than 10,000 *yuans*, and the principal leader and the perpetrators of any of these offenses shall be sentenced to a prison term of not more than five years:

- 1) To assemble a crowd to besiege the person involved in the recall, the initiators of co-signers of a recall, the staff officers, their recall headquarters, their domiciles or their residences.
- 2) To obstruct by violence, duress or other illegal means the performance of duty by the person under recall process and the initiators and co-signers of recall process and their staff members.

ARTICLE 95:

With an intent to interfere with or obstruct balloting and ballot opening, a person who detains, destroys, changes or seizes a ballot box, election ballots, recall ballots, an electoral register, a ballot-casting report, a ballot-opening report, a statistic table or a ballot-marking tool shall be sentenced to a prison term of not more than five years.

ARTICLE 95-1:

A person whose campaign expenditure exceeds the maximum set forth by the election commission in charge in accordance with the provisions of Paragraph 1 of Article 45-1 shall be fined not less than 10,000 *yuans* but not more than 50,000 *yuans*.

ARTICLE 96:

A person who has violated the provisions set forth in Paragraph 3 of Article 49, Item 1 of Article 55 or Item 1 of Article 56 and has

refused to conform after being restrained by an inspector shall be sentenced to a prison term of not more than one year.

ARTICLE 97:

A person who has violated the provisions set forth in Item 2 of Article 45-2, Paragraph 1, 2 or 4 of Article 45-3, or Paragraph 1 or 2 of Article 51, or who has violated the regulations set forth in the provisions of Paragraph 5 of Article 45-3 or Paragraph 3 of Article 51, shall be fined not more than 10,000 *yuans*.

A person who has violated the provisions set forth in Article 52, Items 2 to 9 of Article 55, Item 2 to 6 of Article 56, or who has violated the regulations set forth in the provisions of Paragraph 3 of Article 79 and who has rejected the order of an inspector, shall be subjected to the same punishment set forth in the previous paragraph of the same article.

A person who puts anything other than an election ballot or a recall ballot into a ballot box or who takes an election ballot or a recall ballot away from the polling place shall be fined 5,000 *yuans*.

ARTICLE 97-1:

A person guilty of any of the following acts from the day the election proclamation is made to the beginning time of campaign activities, as provided in Article 45, and refuses to heed the restraint set by an inspector, shall be fined no less than 1,000 *yuans* but no more than 10,000 *yuans*:

- 1) Making a public speech or openly assembling a crowd for campaign purposes.
- 2) Disseminating handbills or making or posting slogans and posters for campaign purposes.
- 3) Utilizing campaign vehicles or broadcasting to a crowd for campaign purposes.

ARTICLE 97-2:

A person who has committed the crime described in Paragraph 2 of Article 89 or Paragraph 1 of Article 143 of the Criminal Law, but who surrenders within three months after committing the criminal act shall be exempted from punishment. If the person surrenders three months after the commission of the criminal act, the punishment may be commuted or exempted. If the person admits of the crime during the investigation or trial, the punishment may be commuted.

A person who surrenders as described in the previous paragraph but fabricates stories with an intent to have someone else punished shall be punished in accordance with the criminal law provisions regarding false accusation.

ARTICLE 98:

Where other laws provide for more severe penalties for offenses listed in this chapter, their provisions shall govern.

Any election or recall official who makes use of his official power, opportunity or means of duty to commit the crimes listed in this Chapter shall receive a penalty(ies) one and a half times more severe than that(those) herein prescribed.

A person sentenced to a prison term for an offense listed in this Chapter or offenses of interference with voting contrary to the special provisions of the Criminal Law shall be deprived of civil rights.

ARTICLE 99:

An incumbent functionary who has registered as a candidate and has committed any of the following offenses and the commission has been proved true by an election commission, the commission shall first notify the competent office of the offending functionary to suspend his duties and at the same time to handle the case in accordance with the law:

- 1) Rejecting without justifiable reason the election commission's request for assisting in certain matters or for assigning staff members.
- 2) Interfering in the personnel or operations of the election commission.
- 3) Using public fund to pay campaign expenses under a pretext.
- 4) Demanding an organization and its head subordinate to him or under his command or his supervision to support his campaign.
- 5) Abusing his power to make campaign personnel arrangements by transferring persons without due reason.

ARTICLE 100:

In the election of public officials of the Central Government the chief prosecutor of the Supreme Court shall head the prosecutors of all levels, and in the election of local public officials the chief prosecutors of the competent courts of law shall head his subordinate prosecutors. Their duties shall be to monitor and to prosecute on their own initiatives the criminal cases regarding interference in an

election or a recall, and meanwhile to dispose of the accusation, complaint or surrender to justice brought by an office, organization or individual. Each prosecutor shall make prompt investigations and take necessary measures.

In conducting the above-mentioned investigation, a prosecutor may command the judicial police in accordance with the provisions of the Code of Criminal Procedure and the Statute for Transferring and Directing the Judicial Police.

Chapter Six ELECTION AND RECALL SUITS

ARTICLE 101:

When an election commission has violated the law so as to affect the results of an election or a recall, a prosecutor, a candidate, the person under recall process and the initiator of a recall case may, within 15 days after the proclamation of the name list of the elected persons or the proclamation of the result of a recall is made, bring a suit against that election commission before a competent court of law to request nullifying the election or recall.

ARTICLE 102:

In a suit of nullifying the result of an election or a recall balloting, when the court has adjudicated and declared the invalidity of the election or recall, the election or recall shall be null and void. A period of time then shall be set in which a bi-election or recall be held. If the violation involves only a part of the election or the recall process, the part of the election or the recall process involved shall be null and void, and a reballoting on the nullified part shall be held within a fixed period. But this shall not apply to a situation in which the nullified part obviously has not affected the result of the election or recall.

ARTICLE 103:

An election commission, a prosecutor and a candidate of the constituency of the elected person may each, within 15 days after the proclamation of the name list of the elected persons is made, separately bring a suit against an elected person before a competent court of law to apply for the nullification of his qualification as an official elect in any of the following events:

- 1) The number of ballots listed in his name is so inaccurate as to affect the election result.

2) He has violated the provisions of Paragraph 1 of Article 49, or Item 1, 4, or 6 of Article 55 and has refused to heed the written order of an inspector.

ARTICLE 103-1:

An election commission, a prosecutor and a candidate of the constituency of the elected person may each, within the prescribed various dates, bring a suit against the elected person before a competent court of law to request nullifying his qualification as an official elect under any of the disqualifying facts set forth in Article 36.

ARTICLE 104:

The election of a person shall be null and void after a court has adjudicated the suit for nullifying his being elected and has declared his election invalid.

ARTICLE 105:

A judgment on the invalidity of an election or of the election of a candidate shall not affect his performance of official duties made after his taking office.

ARTICLE 106:

After the approval or rejection of a recall case, if the number of ballots is found inaccurate enough to affect the balloting result, the election commission, the prosecutor, the recalled person and the initiator of the recall case each may, within fifteen days after the proclamation of the balloting result, bring a suit against the initiator of the recall case or the recalled person before a competent court to apply for nullifying the approval or rejection of the recall case.

After the court has adjudicated and declared that the approval or rejection of the recall case is null and void, the approval or rejection of the recall case shall be null and void, and a period of time shall be set in which a re-balloting shall be held.

After the nullification of the approval of a recall case, the official duties of the recalled person shall be restored.

ARTICLE 107:

When an elector discerns a fact that may invalidate an election, the election of a candidate, the recall of an official, or the approval or rejection of a recall case, he may, within seven days after the procla-

mation of the name list of the elected persons or the balloting results on a recall case, file an accusation with a prosecutor or an election commission together with the support of evidence.

ARTICLE 108:

The allocation of the jurisdiction of the courts over election and recall suits shall be in accordance with the following provisions:

1) The election and recall suits against a member of the National Assembly, the Legislative Yuan, the Control Yuan, a provincial assembly, the council of a city of provincial status, or against a magistrate of a county or a mayor of a city of county status shall be under the jurisdiction of a competent high court or a branch high court.

2) The suits for nullifying the election or recall of a county councilmen or a councilman of a city of county status shall be under the jurisdiction of a competent high court or a branch high court. The suits regarding the invalidity of the election of a person and the invalidity of the approval or rejection of a recall case shall be under the jurisdiction of a competent district court.

3) The suits regarding the election and recall of a *hsiang* (town or *shih*) representative, a *hsiang* (town or *shih*) chief and a village or *li* leader shall be under the jurisdiction of a competent district court.

The above-mentioned competent court shall be the court located at a place where the act of election or recall happens.

ARTICLE 109:

The court in exercising its jurisdiction over an election suit or a recall suit shall set up an election chamber, adopt an in banc system, and try and decide the suit before all other suits. The proceedings shall be concluded when the judgment is declared after the first trial.

A person concerned who disagrees to the judgment on the above-mentioned proceeding may request for a retrial of the suit if any of the following circumstances exists:

1) Any of the circumstances set forth in Paragraph One of Article 496 of the Code of Civil Procedure.

2) A vital evidence that may affect the judgment has not been considered by the court in the judgment.

3) The judgment fails to give the reasons or the reasons given are self contradictory.

4) The provisions for open oral proceedings have been violated.

A request for a retrial shall have to be made within the peremptory period of 20 days after the judgment is duly served. Calculation

of the peremptory period shall not be changed by arguing that the reason for retrial is known after the period or that it occurs after the judgment has been served.

The above-mentioned suit may be brought before a court only once.

The court exercising jurisdiction over it shall conclude the proceedings in three months. No disagreement to the judgment made in consequence of the retrial shall be permitted.

ARTICLE 110:

In addition to the provisions regarding procedures for election and recall suits set forth in this law, those in the Code of Civil Procedure shall apply *mutatis mutandis*. But those provisions relating to the effect of abandonment, acceptance of liabilities and admission of undisputed facts that do not apply to the actions shall not apply.

**Chapter Seven
SUPPLEMENTARY PROVISIONS**

ARTICLE 111:

The fines stipulated in this law shall be ruled by the election commission. When a fine is not paid in time after notification, the case shall be referred to a court for compulsory execution.

ARTICLE 112:

The enforcement rules for this law shall be drawn up by the Ministry of the Interior and it shall submit them to the Executive Yuan for approval.

ARTICLE 113:

This law shall be put into execution on the day of its promulgation.

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