

SEMI-PRESIDENTIALISM IN TAIWAN AND POST-COMMUNIST STATES IN EUROPE

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1. Introduction

Primary goal of this essay is to compare semi-presidential system in Taiwan with selected semi-presidential systems in post-communist countries in Europe: Croatia (1990-2000), Poland (since 1990), and Russia (since 1991). Semi-presidential system is one of three most common types of system of government in contemporary world, alongside with presidential and parliamentary systems. System of government is a subsystem of political system and relates to institutions of state power, their constitutional and real powers, and their mutual relations. All four countries in this essay experienced transition in the last three decades and these institutions managed and directed transition having decisive role in its eventual outcome.

Taiwan and respective European countries are comparable cases despite existence of different cultural and social systems in two distant parts of the world. Their comparability derives from similar institutions and their roles in political system, similar features and characteristics of their transitions, and some similar outcomes. History of semi-presidentialism in these countries is not long. It has inseparably been linked to their democratic transitions which started in 1989 or early 1990s. Before this, these countries experienced regime's liberalization which started in the 1980s. In Taiwan, it started in the 1980s under the President Chiang Ching-kuo when opposition began to catch strength and the regime could not deal with it by using a force. Liberalisation resulted with a transformation of the one-party system into a multi-party system and with the constitutional reform of the Republic of China's (ROC) constitution.

Taiwan experienced relatively long period of liberalization of the regime, unlike post-communist countries in Europe which experienced shorter period and almost sharp break with an autocratic past in 1989-1990. Unlike transition in some states like Chile, which retained its old political institutions and upgraded them and supplemented with some new institutions, post-communist countries in Europe retained only some of them, like parliaments. Other institutions were founded in stages of liberalization and transition and most important was institution of an executive president. In this transition's process, problem for Taiwan and three European countries was how to establish a competitive and functional multi-party system instead of one-party or ideological-hegemonic party systems. Moreover, political culture of citizens and elites was important element in democratic transition and consolidation, but it was even more precarious task to build democratic (civic) culture. It was thus important to find a constitutional arrangement of system of government that would enable democratisation process and enable cooperation, not disastrous conflict between political actors. Having no experience with democracy, constitution-making process in some cases became struggle for power in which a most dominant actor tried to acquire most political power for his institution and himself and at the same time tried to preserve illusion of his dedication to a democratic transition.

This essay is organized into four main sections. After Introduction, second section deals with political transformation in four analysed countries (liberalisation, transition, consolidation) and third and the longest with semi-presidential system, particularly with constitutional powers and political processes in four analysed cases. Last section are Conclusions. Having limited space in this essay, our major goal is to analyse constitutional and real powers of a president in each country. Essay covers last three decades of their semi-presidential systems, with exception of Croatia which had it only in the 1990-2000 period. For a basic theoretical definition of semi-presidentialism, we use seminal definition of this type of a system of government (political regime) introduced by Maurice Duverger in 1980.

2. Political transformation

2.1. Start of transitions and early conditions for foundation of semi-presidential systems

Kuomintang (KMT) was a ruling party in Taiwan in the 1949-2000 period. The fusion of state and party during this period (Chu, Lin, 2001: 115-117) was similar with a fusion of a state and a communist party in Eastern European autocracies. The KMT was a Leninist, but non-Marxist party (Chou, Nathan 1987: 2; Chu, 2012: 45) which ruled in Taiwan almost forty years in a

one-party system and then more than a decade in multi-party environment. "...it justified itself as a moral and technocratic vanguard capable of guiding national construction and gradually introducing full constitutional democracy" (Chou, Nathan 1987: 3). Only presidential elections in 2000 terminated its rule and a position of a hegemonic political party.¹ Similar justification for a one-party system was in Eastern Europe where some constitutions declared Communist Party as a "The leading and guiding force of the Soviet society and the nucleus of its political system", like Soviet Constitution of 1977, and "The leading political force of the society in building of socialism", like Polish Constitution since 1976.

Start and success of the democratic transition in four analysed cases demanded appropriate external and internal conditions. Most important external condition was a lack of threat that would disable start of a transition. Fate of Taiwan's sovereignty has been directly linked with country's foreign relations. Domino effect in Eastern Europe in 1989 did not happen in East Asia; for instance, transition in South Korea which started around the same time as transition in Taiwan did not decisively contribute to it. This effect was important for Eastern Europe because without the liberalization of the Soviet Union under Mikhail Gorbachev, who was the Soviet leader in the 1985-1991 period, it would be hard to expect start of liberalization of communist regimes in neighbouring countries. Soon after that, The Round Table negotiations between the regime and the opposition in Poland in February-April 1989 became a trigger for the start of transition in other Eastern European countries. But transition was also possible because Gorbachev abandoned Brezhnev's Doctrine of limited sovereignty of socialist countries in Europe. He personally gave permission to Polish leader Wojcieh Jaruzelski in summer 1988 to start negotiations with the opposition (Korbonski, 1999: 146). Taiwan has not had any such regional hegemon from which it had to ask permission for its political reforms. Moreover, People's Republic of China (PRC) stressed in the 1980s its policy of "one country, two systems" and welcome foundation of the Democratic Progressive Party (DPP) in 1986 (Chou, Nathan, 1987: 19; SPCK, No. 95 (December 20-26, 1986), p. 28.).

There are more internal elements of democratization than external. For successful start of democratization, it is necessary to legalize political pluralism. In some countries political pluralism had been *de facto* introduced before it was legalized. In the USSR, non-communist and anti-communist organisations were founded in the 1980s: Rukh in Ukraine, Sajudis in Lithuania, Estonian People's Front in Estonia, etc. In Poland, it was Independent Self-governing

¹ More on hegemonic political party in: Sartori (2002), Boban (2017c).

Trade Union Solidarity, founded in 1980, banned in 1981, but still active in the 1980s as a so-called Underground Solidarity. In Croatia, first political parties were founded in 1989 with no word 'party' in their names. Similar situation was in Taiwan with independent candidates *dangwai* for parliamentary elections since 1970s (Chu, 2012: 50). Russia did not have such activity in early foundations of non-communist parties, at least not before first semi-competitive elections in March 1990.

Next step in a process of building and legalisation of political pluralism was to relieve state from party's dominance and to make regime, state, and political system entities which are autonomous from each other. In post-communist countries in Europe, it was done with an introduction of multiparty systems in 1989-1991 period. National communist party at that time usually transformed itself to social-democratic party which accepted democracy in its program, but in some cases this transformation did not occur, and transition started without participation of reformed communists.² In Russia, Yeltsin banned Communist Party after failed coup in Augusts 1991 and the party resurrected only in Spring 1993, after Constitutional Court overruled this ban. In Taiwan, consolidation of democracy was possible after breaking bonds between the state and the KMT during the transition and particularly after the first loss of presidential elections in 2000. Without this break, it would not be possible to establish rule of law, autonomy of the state and, consequently, establishment and consolidation of liberal democracy.

2.2. Multiple transitions

Fall of communism in Eastern Europe was supposed to be a start of a complete transformation of political systems. In the end, it was not so. Some countries experienced democratic consolidation, but other saw emergence of new authoritarian regimes, defective democracies, or hybrid regimes. Nevertheless, proclaimed goal in all post-communist countries was foundation of modern democracy. The best proof for this is their constitutions which are all suitable for foundation of democratic regimes, despite some of these countries still have non-democratic regimes.

Eastern Europe experienced multiple transitions after 1989: democratic, economic, and state making. This process further complicated political transformation putting additional tasks

² Among East-Central European countries, Czechia is the sole case of a country in which former ruling Communist parties retained word "Communist" in its name, but it also accepted democracy.

on governments and political actors. Taiwan has experienced one transition which was unknown in Eastern Europe. It ran parallelly with political transition and it is still in the process - it has been building of a national identity, shift from Chinese to Taiwanese nation (Hsieh, 2005: 25). This transition is not related to ethnicity, like ethnic nationalism in Europe, but to the identity that streams to the establishment of sovereign nation-state independent and different from China.³

Change of the identity of Taiwanese people have been happening over decades, not in a few years. It is one of the most divisive issue among Taiwanese parties and some political actors would change the name of the country from Republic of China to Republic of Taiwan. Even in the KMT some members recognised that re-unification with mainland China is not reality in present time (Muyard, 2004: 11). Change from a uniform view of the state status of Taiwan and its identity to different opinions about these issues is a big break with policies of the party in past. However, for many people Chinese cultural and ethnic identity is still strong: “In fact, ethno-culturally speaking, an overwhelming majority of people in Taiwan still identify themselves as members of the big Chinese nation (*zhonghua minzu*). When most people in Taiwan say they are Taiwanese instead of Chinese, they are simply identifying themselves as nationals of Taiwan as a sovereign state and rejecting being nationals or citizens of the People’s Republic of China” (Zhong, 2016: 2).

Multi-party system is necessary pre-condition for free and fair elections and establishment of democracy in one country, but for its further development it is necessary to have strong civil society. New century saw rise of grass-movements in Taiwan. Some of them are Xiangmin, which contributed to the public disclosure of some authorities’ misbehaviours (Chuang, 2018), Wild Strawberry Movement, and Sunflower Movement. Last one was the occupation of the Legislative Yuan by students in March 2014 after ruling KMT tried to adopt new trade agreement with PRC without proper discussions. “The direct trigger for the protest was the perceived flouting of parliamentary due process by Taiwan’s ruling party, the Chinese Nationalist Party (Kuomintang or KMT), in its efforts to push a major trade deal with China through the legislature” (Rowen, 2015: 5). This was a clear sign that Taiwanese democracy not only passed its legal and institutional tests, but that citizens’ activity is also strong enough to

³ In Eastern Europe similar, but not the same processes could be seen in Montenegro and Ukraine. Both countries deal with their ‘Big brothers’ Serbia and Russia, respectively, like Taiwan deals in this process with mainland China. But, there is a big difference between them. Two European cases are primarily related to building ethnic identity and then state sovereignty in relations with ‘Big brothers’ and Taiwan’s case is primarily related with state sovereignty and then, for some Taiwanese, with ethnic identity.

counter to prevent non-democratic processes in institutions of state power. That was popular check of the ruling majority in the parliament widely covered by media and social networks on internet (Rowen, 2015: 9, 15).

Transition in Eastern Europe was either a twofold or a threefold process. In Poland it was a twofold process which contained transformation from autocracy to democracy and transformation of economy from command to market. Croatia and Russia had additional dimension of transition. It was a state-making process after Yugoslavia and Soviet Union had disappeared from world's political map in 1991-1992. Even if we consider that each dimension of multiple transition – political, economic, and state-making - is complex and it is difficult to isolate causes of non-democratic processes and impediments for democratization, we can assume that multiplication of transition in one country is an aggravating element in the whole process. If state-making is accompanied with war, like in Croatia, then we can expect serious problems. Political regime of Croatian President Franjo Tudjman (1990-2000) was hybrid and this country was isolated from the West like Slovakia under prime minister Vladimir Mečiar in the 1994-1998 period. War in Croatia (1991-1995) which started with ethnic Serbs' rebellion and participation of Serbia in occupation of part of Croatian territory was taken as regular excuse for many problems in country, including democratization and fall of the standard of living. Russia was not involved in any major war, but it had Chechen wars in 1994-1996 and 1999-2009, which were localized on the Northern Caucasus. Major impediments for Russia's democratization were legacy of the much harsher autocracy under the Soviet regime than Taiwan had it under the KMT's one-party rule, low quality of the rule of law, weak state institutions, sharp fall of the economic activities and consequently standard of living in the 1990s and rise of extra-constitutional political actors - oligarchs. This heavily contributed to the disappointment of Russian with the young democracy and desire of many of them for the 'heavy hand' in country's political leadership.

3. Semi-presidentialism

3.1. Theory and history

Semi-presidential system of government is not new. Throughout the 20th century, it was attractive to some states in time of crisis. For constitution-makers, or at least proponents of this constitutional arrangement, it was an optimal model for a transition period. But, from this point of time, we can conclude that many of them did not have any clue about this system and its

characteristics. Naïve thinking that it would make transition more successful and prone to the difficulties and crisis because of the ‘firm hand’ of powerful president who would be a stable element in the whole process ended with disillusion in some countries. When it was adopted in Germany in 1919, the Reich was a defeated power in WWI which just overthrown its Kaiser and monarchy and needed political system which would consolidate country in a disarray. Only 14 years later, Weimar Republic and its semi-presidential system collapsed after Nazis came to power. French Fourth Republic in 1958 was in crisis because of the fall of its colonial empire and due to its unstable governments, that could not match power of the parliament. General de Gaulle came to power with a new constitution in which executive was much strengthened in relations to the legislature. President got extra powers and since then, it has usually been more powerful than prime minister. This constitutional and political model consolidated French state and the Fifth Republic has become the most successful French political system since the Great Revolution of 1789.

Constitution-makers in both countries did not understand this system as a novel. For them and many later theorists, it was a parliamentary system with directly elected president who had significant constitutional powers, bigger than usual for presidents in parliamentary systems. But, in the second part of the 20th century, it became obvious that this system had some specific elements and characteristics which made it a distinct type of system of government, alongside with presidential and parliamentary systems. Maurice Duverger defines it in the following way: “A political regime is considered as semi-presidential if the constitution which established it combines three elements: (1) the president of the republic is elected by universal suffrage, (2) they possess quite considerable powers; (3) they have opposite them, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them” (1980: 166).

His study from 1980 became extremely attractive for many analysts of systems of government who offered their own ideas on this matter, criticizing Duverger, building-up on his model, or offering significantly different models of their own. Shugart and Carey in their book from 1992 proposed two constitutional models of semi-presidentialism. They mostly differ on the question of responsibility of a prime minister and government – in premier-presidential system they are responsible only to parliament, and in president-parliamentary system they are responsible both to president and parliament (Shugart, Carey, 1992). In terms of political practice, Skach makes classification of three types of semi-presidential systems based on outcomes of presidential and parliamentary elections: divided minority governments (president

and government belong to one political option, parliamentary majority to other), divided majority government or cohabitation (president belongs to one political option, government and parliamentary majority to other), and consolidated majority government (all three institutions belong to the same political option) (Skach, 2005; Skach, 2007). Other authors analysed relations between president, government, and parliament (Shugart, 2005), intra-executive relations and conflicts (Baylis, 1996; Baylis, 1997; Protsyk, 2005), etc.

Besides academia, this system also became attractive to political elites in Eastern Europe at the beginning of the 1990s. They saw it as a way to lead their countries in turbulent times of multiple transitions and it was introduced in 12 out of 15 post-Soviet states ⁴and in some countries of the ECE and the SEE. After a decade, semi-presidential system was not anymore satisfactory for political elite in some of these countries and it was changed to parliamentary system, like in Croatia and Moldova, or President lost some of its powers, like in Poland. Some reasons for this change were deficiencies in democratic transition and instability of a dual executive.

This instability in Taiwan was in a period 2000-2008 (Shen, 2011: 138), but semi-presidentialism was not abandoned so far. This system was established by the constitutional reform at the end of the 1990s (Shen, 2011: 138) when it got president-parliamentary form. This form is not unusual for post-Soviet space, but in the ECE it existed only in Croatia in the 1990-2000 period and was marked with the rule of President Tudjman. Only Poland in the ECE still (in 2020) has semi-presidential system, but of premier-presidential form. All other countries have parliamentary system with popularly elected president. Exception is Hungary which is sole case of a classical parliamentary system with the president elected in the parliament.

3.2. System of government in Taiwan

Taiwanese political system is unusual from European or American perspective. Instead of three classical branches of state power – legislative, executive, and judicial – it has five branches. In addition to Judicial Yuan, Executive Yuan, and the Legislative Yuan, there are two more institutions unknown in Western states as distinctive branches of state power – Examination Yuan and Control Yuan. All five branches stem from Sun Yat-sen's "constitutional notion of

⁴ Only Estonia and Latvia had parliamentary systems at that time and Turkmenistan presidential system.

‘five-power’ government” (Chen, Hsu, 2014: 14). Such structure existed in the authoritarian political system in Taiwan from 1949 to 1990s and since then has existed in democracy. It is questionable is it possible to have liberal democratic mechanisms and principles in five-branch system like checks and balances (who does check whom and who are in balance?).

a) Authoritarian period

From the very beginning of the existence of the ROC in Taiwan, nation’s leader was the most powerful political actor. This role primarily stemmed from the fact that this leader was Chiang Kai-shek, President of the ROC 1948-1949 and then again since 1950. Until 1970s, ROC’s government represented China in international relations, but since then, its role diminished. Lost war with communists in 1949 enabled the KMT and Chiang Kai-shek to establish authoritarian system in the island putting nominally democratic constitution of the ROC in the mode of authoritarian regime. It was done with “Temporary Provisions Effective During the Period of Communist Rebellion” and martial law (Chou, Nathan, 1987: 3). Chiang was Supreme Leader, President, and Generalissimo and had dominant role in the political system until his death in 1975. Like some other autocratic leaders who put for successors their own sons or family members, in the 1978-1988 period President of the ROC was his son Chiang Ching-kuo.

Legislature had an unusual history during all Taiwan’s authoritarian period. Elected to National Assembly when Chiang’s government was still in mainland China, MPs who came to the island after the defeat in 1949 remained in their seats. There were no parliamentary elections at national level until 1972, and even after that, they were held only for vacant seats, but not for the living MPs (Chu, 2012: 50). Nevertheless, such elections were niche for the opposition to enter a political arena through doors of Legislative Yuan and National Assembly as independent *dangwai* candidates (Chu, 2012: 50). This political opening was still limited and Chiang Kai-shek was still dominate political actor in the Taiwanese political system.

b) Period of transition and democracy

During the liberalisation of the regime and the democratic transition in 1980s and 1990s, old institutions remained to exist. It was a question what their new role and new powers would be if Taiwan got democratic regime. Was it possible to have ‘a new wine into old wineskins’ or to

make something new? Constitutional reforms in the 1990s firstly did not establish semi-presidential system; it was done only in 1997 (Shen, 2011: 138). Since then, president remained to be powerful political figure in a president-parliamentary form of semi-presidential system which established hierarchical relations between the president and the government and with a right of the president to be a leader of political party. Hierarchical relations are possible for one more reason. Liao and Chien (Liao, Chien, 2005: 14) argue that parliament can dismiss government, but it refrains to do that at will. They find reason for that in Taiwanese single non-transferable vote (SNTV) electoral system which makes candidates more competitive in elections than in a proportional representation (PR) system with electoral lists. That competitiveness makes MPs less willing to ask no-confidence vote in the government.

Taiwan's parliament, Legislative Yuan, has been freely elected since 1992 and, according to Su has been composed of four groups of MPs: district, aboriginal, at-large and overseas compatriot (Su, 2015: 34). Taiwan has mixed electoral system with 73 MPs coming from single-mandate districts elected in one round of voting and 34 MPs coming from electoral lists. Only six aboriginal MPs are elected under the SNTV rules (Su, 2016: 34). In such frame, parties have been major electoral actors and independent candidates have had much less chance for success than their party counterparts: "The disparities in the election rates of party nominees and of independents have been further widened after the new MMM system was put into effect in 2008. Major party nominees, for instance, were 23 times more likely to win elections than independents in the 2008 and the 2012 election cycles." (Su, 2016: 37).

President and vice-president have been elected on popular elections since 1996. Their term is four years and can have only one consecutive term. Until then, president and vice president were elected in the National Assembly, constitutional body which prerogatives were to change the state's borders (Art. 4), to amend the Constitution (Art. 27), to adopt regulations about initiatives and referendums (Art. 27), and to elect and recall the president and the vice-president (Art. 27). It was abolished in 2005. Popular elections were not possible because of the official stance that mainland China was temporarily under the communist rebels' government and it was not possible to have parliamentary and presidential elections until liberation of the mainland. Change of this attitude during the 1990s, which was then put in the Constitution in Additional Articles during the 1990s, enabled population of the 'free territory', which means Taiwan and some small islands under the control of Taipei, to elect the President of the ROC. Moreover, democratic transition resulted with the bigger role of the Legislative Yuan in the political system, effective separation of power, and more efficient check-and-

balances mechanism. Consequently, the change of attitude toward mainland China and the democratic transition resulted with the introduction of popular elections for the president and introduction of semi-presidential system in Taiwan.

Popular elections of a president are not the only element of the semi-presidential system. It is also necessary that president have significant constitutional powers. Constitution of the ROC⁵ makes the president head of the state (Art. 27) and gives the president right to issue mandates with countersignatures of the prime minister or some minister and chairmen of commission (Art. 37). Taiwanese president has right to appoint prime minister (president of Executive Yuan) with consent of the parliament, but president can also dismiss prime minister, regardless of a parliamentary consent. Executive Yuan (government) is responsible to Legislative Yuan (Add. Art. 3). Parliament can vote no-confidence in the prime minister. This right is limited because if the vote is not successful, the parliament cannot repeat it about the same prime minister in following one year. The president has right to nominate and appoint with the consent of the Legislative Yuan all judges of the Judicial Yuan (Add. Art. 5), all members of the Examination Yuan (Add. Art. 6), and all members of the Control Yuan (Add. Art. 7). President's power also relates to regions. Prime minister nominates and the president appoints all members of provincial governments and advisory councils in provinces (Add. Art. 9). The president also has some other powers, but they are usual even in parliamentary systems, like granting pardons, issuing emergency orders in case of natural disasters etc.

The president is only one part of the executive. The other is government, the Executive Yuan which is “the highest administrative organ of the State” (Art. 53). It is an institution of state power which oversees daily governing, but it is under the dual control of the Legislative Yuan and the president and a political practice in the last two decades made the president to be the real head of executive. The prime minister in this period has never become independent from the President, even when the parliamentary majority and the president belonged to different political options. This resulted with two empirical sub-types of semi-presidential system in Taiwan: divided minority government and consolidated majority government.

Introduction of democracy and semi-presidentialism changed power relations between legislature and executive. Kucera argues there had been a dominance of the executive during the KMT's rule and only the 2000 presidential election changed relations between the executive and the parliament toward bigger role of the latter (Kucera 2006: 4). However, the intention of

⁵ *Taiwan (Republic of China)'s Constitution of 1947 with Amendments through 2005*, constituteproject.org.

the new president Chen Shui-bian was to save the dominance of executive: “Chen Shui-bian acquired the chairmanship of the DPP in his move to retain domination of executive power (emulating the previous KMT situation), and the party has become a platform for communication of the President’s executive policies (he stepped down after losing the 2004 parliamentary elections). However, the inability of the President to overpower the legislature and to implement his issues through legislation has resulted in legislative “gridlock”” (Kucera, 2006: 4).

One of the major sources of power of Taiwanese presidents is their leadership of one of two major political parties. According to Shen, “From the experience of Taiwan, one can see that what makes the president the de facto leader of government is not his or her constitutional power or the congruence with the parliamentary majority but whether (s)he is the party leader or not.” (Shen, 2014: 163). It was possible because parties play an important role both in the legislature and the executive. Building of a multi-party system in Taiwan started like in many ECE countries – with illegal foundation of new parties. The first new party was the Democratic Progressive Party (DPP) founded in 1986. It was tolerated by the regime, but it still was not legal and could not be registered as a political party. Its programme was concerned with a foundation of a new Taiwanese political system, the issue of independence, and the name and the identity of the state. The new party was not able to become ruling after the first multi-party parliamentary elections in 1991, when the KMT remained to have a majority in the parliament and won subsequent elections through the 1990s (Fell, 2004: 1). Nevertheless, “The turning point in Taiwan’s democratization was arguably the ascendance of multi-party competition and the shrinking of the Kuomintang (KMT)’s one-party dominance.” (Su, 2016: 34). A similar situation was in a few post-communist countries in Europe in 1990-1991, notably in Bulgaria and Albania, where partially reformed communist parties won the first multiparty elections.⁶ This was a short-lived victory for them due to an early election that occurred **a year** after the first elections which they lost.

The KMT has remained one of the major parties in the country after 2000 even without deep reforms experienced by communist parties in Europe. Nevertheless, interparty competition has risen over time (Fell, 2004: 2) and the first change of power came in 2000. It was the end of the era of the one-party and later dominant-party system in that country. Transformation of the KMT came as a necessity. Economic and social development of Taiwan contributed to the

⁶ We do not count among these countries Serbia and Montenegro who were federal units of Yugoslavia at the time of the first multiparty elections and where reformed communist won these elections.

conception of the political system's transformation or, as Merkel calls it, economic efficiency (Merkel, 2011). "The KMT's second-generation leadership tried to transform it from a vanguard into a catchall party and from a revolutionary to a ruling party" (Chu, 2012: 46).

The DPP won presidential elections in 2000, 2004, 2016, and 2020 and legislative elections in 2001, 2016, and 2020. The KMT won other elections in this period. Different political options between the president and the parliamentary majority in some years did not result with intra-executive conflict between president and the government because the former always controlled the later. In this part, Taiwanese system has functioned like presidential system. The DPP has controlled executive and the parliament since 2016 and President Tsai Ing-wen has been the major political actor in Taiwanese politics since then.

3.3. System of government in Croatia

Croatia had first multi-party elections in Spring 1990 while it was still part of Yugoslavia. New constitution was adopted in December 1990 and it contained three provisions which made the president an institution with 'significant powers': direct presidential elections, dual responsibility of the government to the president and the lower chamber of parliament, and a right of the president to be a member of political party. These provisions made good basis for the president to become dominant political actor, but only if results of parliamentary elections were favourable.

President Tudjman's party Croatian Democratic Union (HDZ) won three parliamentary elections in a row – in 1990, 1992, and 1995 – and enabled President Tudjman to use parliamentary majority of his party to establish a dominance in the political system. Mixed electoral system with the first-past-the-post (FPTP) voting in the SMD tier produced supermajority in the parliament and overrepresentation of the HDZ during the 1992-2000 period. Organized opposition was also able to enter the parliament, but mostly via the PR tier. It was too weak to endanger the HDZ in the SMD tier. During the 1990s, Croatia experienced different trajectory of the party system formation and consolidation from Russia and Taiwan. Despite having many similar features with former, party system development went much more successful than in this country. Unlike Russia, parties were founded even before the first free elections in 1990 and they have dominated the parliament from the very beginning. The HDZ enjoyed absolute majority and was able to form one-party governments. Tudjman was charismatic leader and was able to control both institutions. But oppositional parties found

strong position in the parliament for their visibility and used it as an arena of political fight with the ruling party and Tudjman. Such power constellation between the president and the parliament resulted with more stable system of government than Russia had at that time.

Combination of president-parliamentary constitutional model of semi-presidentialism with electorally generated consolidated majority government established a stable, but not consolidated political regime. This arrangement enabled Tudjman to widen his legal powers by adoption of additional legislation in his favour. One of them concerned local administration. Heads of counties were elected by county assemblies, but the president would accept or refused them on a recommendation by the government. It brought to a political crisis in 1995-1997 when the government and the president refused to accept new mayor of the capital city of Zagreb who was not member of the HDZ. Such excessive political power concentrated in one person would probably not be problematic for democratic transition and eventual democratic consolidation if President Tudjman were a person ready to establish modern liberal democracy. Instead of this, he was more interested in making independent nation-state with significant elements of ethno-nationalism. Such politics in combination with huge political power resulted with the acceptance of democracy as 'the only game in town' by all relevant political actors in country, whatever this game was understood by them, but not with an acceptance of the semi-presidential system of government as an appropriate model of governing. It was questionable what would have been if opposition had won parliamentary elections and President Tudjman had to accept prime minister from the parliamentary majority, but he died in December 1999, almost a month before parliamentary election which opposition won.

Croatia started its second transition after Tudjman's death and the victory of the opposition on presidential and parliamentary elections in January 2000. New government did not want to accept semi-presidential system as a governing model but wanted to establish a parliamentary system. System from the 1990s was made for one person and one historical period and even the HDZ accepted parliamentary system as a better option after its charismatic leader had died. Despite the existing constitution was in force until constitutional reform in November 2000, political practice changed from the very beginning of the term of office of the new president and the new government. It was effectively parliamentary system in which President Mesic left his political party immediately after he won presidential elections and did not try to control government. This new political practice resulted with the change of primacy between the president and the prime minister and semi-presidentialism became part of the history because; it was perceived as unsuitable for further democratization of the country. Since

then, there has been no attempts among mainstream parties to change Constitution and to go back to semi-presidential system. Parliamentary system from the very beginning of its introduction became ‘the only game in town’.

In 2014, in the last year of his term in office, President Josipovic (2010-2015) proposed change of the Constitution. He wanted ‘to precise presidential powers’ and thought that current system of government in Croatia was crypto-presidential (Boban, 2017a: 58; Josipović, 2017). He denied in interview with the author of this essay that his intention was change of the system of government back to semi-presidential, but he obviously wanted more constitutional powers. In the end, his proposal was not completely elaborated and was not accepted by relevant political parties. He lost presidential elections at the end of year and his ideas were discussed only in few academic and professional papers (Boban, 2017a; Josipović, 2017).

3.4. System of government in Poland

Poland has experienced two systems of government since 1989: system with a president who possessed significant constitutional powers and was elected in the parliament in 1989 and a system with a powerful president elected by people since 1990. First system is a *sui generis* system which cannot be designated as presidential, parliamentary, or semi-presidential. If there had been direct presidential elections, it would be semi-presidential system because the government was responsible to the parliament. Second system is a semi-presidential system of premier-presidential subtype because it complies to all characteristics of this system of government defined by Duverger.

Both systems were established and shaped in three constitutional reforms in the 1989-1997 period. First reform was done in Spring 1989 after The Round Table Talks in February-April. This reform introduced institution of the president of the Republic and the bicameral parliament instead of the unicameral. President got significant constitutional powers, including possibility to dissolve the parliament in some circumstances. First president was elected in the parliament, not on direct popular elections and it was a communist leader Jaruzelski who was elected for a six-year term. Transitional process in summer 1989 turned in direction unexpected for the communists and Jaruzelski had to accept oppositional prime minister and a coalition government. Government was supposed to do everyday jobs of governing and administration and the president could not use his significant constitutional powers. Jaruzelski did not enjoy legitimacy like Solidarity-led government and his position in the political system became

unsustainable (Boban, 2011: 161-162). After parliament's declaration in 1990 called him to resign, he did it. Before that, parliament adopted law which introduced direct presidential elections and the first directly elected president that year became the leader of the Solidarity Lech Walesa.

Poland was at the beginning of democratic transition and there was no established political practice to be a precedence for political actors how to govern and what to do. Even Constitution from 1952 was a heavily amended act and there was no firm constitutional ground how system of government should look like, not to mention how it should function. President Walesa (1990-1995) heavily contributed to the instability of the young democratic system. His non-conciliatory style of Presidency aimed to achieve the dominance over other political institutions was an impediment to the consolidation of political system. First constitutional reform relating to system of government came in 1992. So-called Small Constitution, actually a constitutional law, slightly decreased presidential powers but retained semi-presidential system. President got right to be consulted when new ministers of interior, foreign affairs and defence were appointed. Small Constitution was a temporarily compromise achieved in the parliament about constitutional order in the country due inability of parliamentarians to make a compromise about a completely new constitution. Left-controlled parliament in a period 1993-1997 worked on new constitution and the political left-wing was willing to further curb president's powers. After SLD's leader Alexander Kwasniewski became new Polish President at the end of 1995, he revised this plan to a slighter version (Boban, 2011: 159-160). He became proponent of significant presidential powers and 1997 constitution also retained semi-presidential system, but with a weaker presidential power than before. This was a last constitutional reform that included provisions related to the system of government.

Constitutional powers have provided all presidents since Walesa to have significant role in Polish politics, but like in France, results of parliamentary elections also have contributed to the extent of these powers. Walesa was willing to dominate in the system but without undertaking any significant effort to have parliamentary support in this. Even right-wing majority in the 1991-1993 parliament did not support Walesa, even less it did left-wing parliament from 1993 until the end of his term in office. His efforts were done by two means. First was extensive interpretation of President's constitutional powers. According to 1989 and 1992 constitutional provisions, president must be consulted by a candidate for prime minister or a prime minister in appointing ministers of home affairs, defence, and foreign affairs. Walesa interpreted these provisions as his right to nominate these ministers, not only to be consulted

before their nomination and was ready to initiate conflict with the ruling coalition if his wishes were not fulfilled. Various governments eventually did accept such interpretation wanting to avoid conflicts with him. Second mean were his attempts to become first head of the executive by asking the parliament to nominate him as a prime minister besides being a president and by trying to force the change of the prime minister, like at the beginning of 1995. Kwasniewski had the same powers as Walesa until 1997, but his style of Presidency was different. When new Constitution was adopted in 1997 with smaller presidential powers, it did not reflect on the power and position of Kwasniewski. His style was conciliatory and helped democratic consolidation of Poland (Boban, 2011: 218). Kwaniewski was re-elected for the president in 2000 elections.

Polish party system began to form in the period between the semi-competitive June 1989 parliamentary elections and the first free October 1991 elections. Unlike Croatia and Russia, Poland had umbrella organisation Solidarity. It had started to challenge communists through its work in the civil society almost a decade before it won competitive segment of the parliamentary elections in 1989. After transition started in September 1989 when the first non-communist government was formed in Poland after more than four decades of communist rule, new parties started to emerge. In the 1991 parliamentary elections, post-communist left was organized and participated as a coalition, and centrists and right-wing parties participated in the elections on their own. In following 14 years, left and right parties changed in power after each parliamentary election with permanent shuffles in the party system.

Poland is the only of four analysed countries in this essay that has had PR system in the whole analysed period. This system produced very fragmented Sejm in 1991 and this fragmentation contributed to the instability of the government. In a year and a half, until Sejm's dissolution in May 1993, two governments were formed, and one prime minister was not able to form it. Change of the electoral law before Sejm's dissolution in May 1993 contributed to the victory of the left in the September 1993 elections. Left-wing parties were organized in the coalition and right-wing parties participated in elections on their own, without any major coalition. Before the 1997 elections, right-wing parties formed big coalition and won majority of seats. Left won its last elections in 2001 and after that it disappeared from the Polish political life as a relevant actor. Scandals and split of the SLD between 2001 and 2005 resulted with disappointment of Polish voters with this political option and opened space for dominance of Law and Justice party (PiS) and Citizens' Platform (PO) party in the following 15 years. Since 2005 presidential and parliamentary elections, they have changed in power forming

governments in coalition with some smaller parties. The PiS won 2015 and 2019 parliamentary elections and became the first party in Poland after the fall of communism which enjoy absolute majority of seats in the parliament.

Last three presidents – Lech Kaczynski (2005-2010), Bronislaw Komorowski (2010-2015) and Andrzej Duda (since 2015, re-elected in 2020) – had terms in office in a period when Poland achieved its main foreign policy goals of membership in the EU and NATO and had consolidated democracy. Despite counter-democratic moves by the PiS governments since 2015, which faced criticism by the EU, Polish semi-presidential system is not seen as an impediment to democracy, like it was Croatian during the 1990s, but it was politics of the PiS which endangered independence of judiciary and media freedoms. Polish presidents remained to be strong and current President Duda is more known in international media than Polish prime ministers of his time.

3.5. System of government in Russia

Russian system of government until 1991 was characterized by the Soviet system's unity of power. In such model, the parliament – Soviet – was legally the highest body of the State power, but in reality, it was rather a rubber-stamp institution used only for formal approval of decisions made by the Communist Party. First change of the system of government was done in 1990 at the federal level of government when Gorbachev was elected for the first President of the USSR. Soon after, Russian citizens in the March 1991 referendum decided about introduction of the same institution in Russian republic. Russian parliament quickly changed Russian constitution and gave to president significant constitutional powers. Unlike election of the Soviet federal president, Russian president was elected on free presidential elections in June 1991. Significant powers and direct elections of the president and existence of the government headed by a prime minister that was responsible to the parliament made new Russian system of government semi-presidential.

Winner of the first presidential elections was Boris Yeltsin who faced deep political and economic crisis from the beginning of the Presidency. Crisis was further exacerbated in the failed coup against Gorbachev in August 1991 attempted to prevent transformation of the USSR into union of republics which would possess real political autonomy. After failed coup, there was no serious attempts to revive the USSR and it ceased to exist by the end of December. Constitutional norms made government responsible to the president, but this provision was not

clear. President did not have right to dismiss the government, but only the parliament had this right. Moreover, Constitution forbidden the president to dismiss any body of state power, including the parliament and this gave a premier-presidential form to the Russian semi-presidential system.

After failed putsch Yeltsin held all reins in his hands and the only other institution which could compete with him was the parliament. At first, there was an accord between them. In Autumn 1991, the parliament gave Yeltsin extra powers for one year to cope with a severe economic crisis, but also put the government under his control. This situation was opposite to what happened in Poland at the same time where Sejm did not want to accept Walesa's demand to appoint him for the prime minister. Accord between Yeltsin and the parliament did not last long, and latter wanted to appoint a new prime minister. Because of this and other disagreements between them, Yeltsin dissolved the parliament in September 1993, but this was an unconstitutional decision. Parliament refused to accept dissolution and Yeltsin used army force to break resistance of the part of parliamentarians. After that, he had from October to December 1993 enough time and free hands to prepare new constitution and organise parliamentary elections according to the model which was acceptable for him. New constitution was approved by citizens on referendum in December 1993 and with this constitution Russia made shift from premier-presidential to president-parliamentary subtype of semi-presidentialism.

New model of Russian semi-presidential system was result of Yeltsin's desire to put the government under his control. Parliament retained right of control too, but while the president could dismiss the prime minister whenever he wants, the parliament could do that in rather complicated procedure. This was exacerbated with the formation of fragmented parliament after 1993 and 1995 elections and there was a small chance that it could make minimum coalition which could stand against the president in an attempt to share the control over the government. Only one time it could when Yeltsin was weakened due to the Russian financial crisis which broke in August 1998. It only forced Yeltsin not to appoint Viktor Chernomyrdin for the prime minister and Yeltsin chose Yevgeni Primakov who enjoyed some trust from MPs.

Vladimir Putin, president since 2000, retained control over the government. At first, this control was also result of the inability of the parliament to fight the president and the consensus which pro-presidential parties made with the biggest party in the parliament – Communist Party of the Russian Federation. But after 2001, control over the government was reinforced with an additional control which Putin got – over the parliament. From the very beginning of the end

of the Soviet power in 1991, Russian party system did not have too much chance to develop and eventually consolidate. President Yeltsin was not leader of any party, was in constant conflicts with the parliament, but was able to form non-party governments. Putin changed this by becoming leader of a dominant political party and that rise his political power even more (Boban, 2011; Boban, 2017d).

To achieve this goal, Kremlin had to intervene in the Russian electoral law. Russia has had two types of electoral system. The 1993, 1995, 1999, and 2003 parliamentary elections were held under the mixed system. The 2007 and 2011 elections were held under the PR system, but the 2016 elections were again held under the mixed system. Introduction of the mixed system in 1993 was failure for Yeltsin and his circle as they predicted that this system could benefit pro-regime party Our Home is Russia in 1993 elections. Instead of this, anti-system parties were dominant in the parliament throughout the 1990s. Changes for the 2005 and the 2016 elections were done due to the need of the regime to consolidate its power and to prevent a rise of any other party besides the United Russia (Boban, 2017b: 135, 151-152). This party has had majority of seats since its formation in 2001 and thus electoral system in Russia never contributed to the rise of some party to power, but only to the formation of the party system and to the preservation of the United Russia's dominance.

Despite having a firm parliamentary majority behind himself, Putin has not been interested in two decades long rule to form party cabinets. Both he and Yeltsin rather had a personal rule based on different groups and cliques around themselves than rule in which the executive has been based on the parliamentary majority. Formal and informal powers of President Putin disabled parties and the parliament to have bigger role in the executive and semi-presidentialism in Russia thus became negative factor in the consolidation of the party system.

Russian constitutional model of system of government founded in 1993 by Yeltsin survived and is still in force 27 years after its adoption. It was a basis for unstable political system under Yeltsin and much more stable system under Putin. Whether it has been stable or not, in both cases political system was not liberal democratic or was not democratic at all. In Yeltsin's period, Russia enjoyed more political rights and freedoms and could be designated as a hybrid regime. In Putin's period, stability was achieved with more autocracy, but because of that, there is still no consolidation. It is possible to achieve later only if existing rules become 'the only game in town' for all relevant and incoming political forces.

5. Conclusions

This essay is a short preview of research of Taiwanese and selected European semi-presidential systems. In the last four decades a significant number of papers have been published about this type of system of government with different conclusions about its characteristics and political outcomes. These differences stem from variety of theoretical concepts and from ideas of authors who have conducted research on semi-presidentialism. Some of our four cases could also be seen by some authors as susceptible for being designated as semi-presidential. For many, Russia is presidential system due its omnipotent president. For others, Poland since 1997 has not been semi-presidential anymore. Nevertheless, if we stick to seminal definition of this system made by Maurice Duverger, all four cases in this essay can be defined as semi-presidential.

One of major question in many studies is influence of this system of government on democracy. Croatia (1990-2000), Russia (since 1993) and Taiwan have had president-parliamentary subtype of semi-presidentialism with powerful president who have dominated executive and often parliament. Poland has been the only case with premier-presidential system where presidential powers were reduced in 1992 and 1997 to consolidate system and give bigger role to the government and the parliament. In Croatia and Russia president-parliamentary system showed negative consequences for democracy due its negative impact on mechanism check and balances, and in combination with results of presidential and parliamentary elections, this constitutional model heavily contributed to the president's domination in the political system. It was an impediment to further democratization in Croatia and it was abandoned with constitutional reform in 2000. It has also been impediment to democracy in Russia, but instead of its removal after Yeltsin's resignation at the end of 1999, it was reformed by his heir Putin to even bigger role of the president in the Russian political system.

Only Taiwan has not had problem with semi-presidential system to be an obstacle for democracy. One of possible explanations is that Taiwan had longer liberalization period of the former autocratic regime than Croatia and Russia and had no war like Croatia before start of the democratic transition. Other explanation is that establishment of democracy in Taiwan has been important *differentia specifica* in comparison with the PRC and an additional reason for major political parties to refuse proposals from Beijing about unification, even under the model of 'one country, two systems.' Moreover, the DPP from its foundation in 1986 demanded an end of the KMT's autocracy and establishment of democracy. Electoral defeat of the KMT in

2000 was one of cornerstones of Taiwanese democratisation and for the further success of the DPP, its leaders had to offer different model of government than old KMT's model. Unlike Tudjman in Croatia who enjoyed during whole his term in office consolidated majority governments, new Taiwanese president was faced with situation in which his party was in minority in the parliament. This disabled him to gain excessive political power and compelled him and some of later presidents to cooperate and share powers with the parliament.

We can conclude that unlike three European semi-presidential cases, powerful president and president-parliamentary form of the semi-presidential system has not been an obstacle for democratic transition and consolidation in Taiwan. Further research could give us a light on different aspects of this system and its daily operation, but so far we do not see reasons that semi-presidentialism here should be abandoned in favour of presidential or parliamentary system.

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