

HOW DEMOCRATIC IS TAIWAN?: EVALUATING TWENTY YEARS OF POLITICAL CHANGE

KHARIS TEMPLEMAN

Research Fellow

Hoover Institution

Stanford University

kharis@stanford.edu

JUNE 19, 2022

*Paper prepared for the World Conference of Taiwan Studies, June 26-29, 2022, Seattle, WA.
Work in progress: please do not cite without permission.*

In April 2001, the prominent scholar of democracy Larry Diamond gave a talk at Columbia University entitled “How Democratic Is Taiwan?” Speaking only a year after Taiwan’s first peaceful transfer of power in 2000, Diamond noted that Taiwan had in a decade undergone a smooth and peaceful political transformation to become a relatively liberal democracy, one that compared favorably to most of its Third Wave peers. Nonetheless, Diamond also identified five key problems that diminished the quality of democracy in Taiwan: corruption and “black gold” politics, weak formal institutions and rule of law, partisan polarization along ethnic and national identity lines, constitutional defects including an ambiguous executive structure and a problematic electoral system, and insufficient consolidation of democratic values among the mass public.

20 years later, it is worth taking stock to see how far Taiwan’s democracy has come. Considered over this time scale, it is clear that Taiwan has made significant progress in all five of these areas. Political corruption remains a problem, but the impunity with which public officials have engaged in it has gradually declined, as has the role and prevalence of organized crime in elections. Respect for the rule of law and the constraints of formal political institutions has also improved significantly, as Taiwan’s judiciary, prosecutor’s offices, and constitutional court have acquired increased independence and stature. Partisan polarization between the KMT-led blue and DPP-led green camps remains intense, but at least a third of the electorate identifies with neither camp, and in both elite and mass opinion there has been a moderation of views on national identity, cross-Strait relations, and the legacies of the pre-democratic era. Some of the constitutional shortcomings that Diamond identified have not gone away, but there is now at least broad agreement that Taiwan is a presidential regime, with the cabinet and bureaucracy ultimately appointed by the directly elected president rather than the majority party in the legislature. Changes to the electoral system and to the timing of elections have made divided government less likely, and elections for the presidency and legislature have become more nationalized and more likely to be decided by partisan appeals rather than personalities and factional ties. And finally, democratic values among the mass public have steadily deepened over the last 20 years, to the point where democracy now appears to be part of the Taiwanese political DNA.

However, the picture is not all rosy. Since 2000, the influence of the autocratic People’s Republic of China (PRC) on Taiwan’s democracy has increased significantly. Rapid economic

growth in mainland China and Taiwan's greater integration with the PRC economy have given the Communist Party of China (CCP) greater leverage over parts of Taiwan's political system. This influence is most apparent in the media, where the emergence of pro-PRC outlets after 2008 coincided with an increase in CCP efforts to promote unification and discredit pro-independence views. But it has also touched traditional religious and civil society organizations, business associations, and the entertainment and tourism industries—all groups that have become increasingly dependent on access to the PRC market and cross-Strait exchanges.

There are other concerns as well. The design of Taiwan's institutions still leaves much to be desired. Majoritarian rules and relatively short terms are used for appointments to accountability institutions such as the constitutional court, Control Yuan, and "independent" commissions. The Legislative Yuan has emerged as an increasingly powerful body at the expense of the now-abolished National Assembly and Taiwan Provincial Assembly, but its lawmaking processes remain under-institutionalized and contribute to a lack of procedural consistency, transparency, and accountability. The electoral threshold for smaller parties to break into the legislature is relatively high; more worrisome is the disproportionality of representation due to the use of plurality rule in single-member districts to elect two-thirds of the seats. Finally, Taiwan's referendum system has significant problems in design and execution, and it has to date been used mostly to score partisan political points rather than to bypass partisan roadblocks and resolve important policy questions.

In the rest of this paper, I attempt to take stock of Taiwan's current democratic strengths and weaknesses. In the first section, I review some of the comparative democracy indices to document improvements across a broad set of measures over the last 20 years. In the second, I consider developments in each of Diamond's five problem areas: political corruption, rule of law, political polarization, institutional defects, and mass values. In the third, I discuss some of the concerns about democracy in Taiwan that have emerged since 2000. In the final section, I review some of the problems that other Third Wave democracies have encountered in recent years, and I note the many alternative pathways to democratic regression or failure that Taiwan has so far managed to avoid. This comparative perspective highlights Taiwan's impressive democratic achievements: despite some remaining shortcomings, it is now among the most liberal, robust, and resilient democracies in the world today.

I. Taiwan's Democracy in Comparative Perspective

As a first cut, we can get a good sense of how Taiwan's political regime stacks up in comparison to the rest of the world by looking at comparative democracy indices. Here I discuss the evaluations of four prominent democracy organizations, each with different methods and scope: Freedom House, the Economist Intelligence Unit, the Bertelsmann Transformation Index, and the Varieties of Democracy project.

As of 2021, all four organizations consider Taiwan to be a liberal democracy. Freedom House rated Taiwan "free," with an overall score of 94/100—its highest rating in the history of FH, and the second-highest ranking in Asia behind only Japan (96/100). The Economist Intelligence Unit's 2021 democracy index upgraded Taiwan to an overall score of 8.94/10, the highest in Asia and higher for the first time than both Japan (8.13) and South Korea (8.01). The Bertelsmann Transformation Index includes only countries that did not have OECD membership prior to 1989, and it focuses on a wider array of social and political achievements than Freedom House or EIU. Of the 137 countries in the BTI's political transformation index, Taiwan ranked third, with an overall score of 9.6/10, behind only Uruguay and Estonia. Finally, Varieties of Democracy (V-Dem) has a Liberal Democracy Index (LDI) built from dozens of other indicators; Taiwan's overall score on this index in 2021 is 0.70/1, virtually identical to Japan (0.72) and slightly under South Korea (0.79).

Looking at trends over time, all of these indices also show significant improvement over the last five years. As Table 1 shows, Freedom House's score for Taiwan has risen from 89/100 in 2015 to 94/100 in 2021. The EIU's score has increased from 7.83 in 2015 (putting Taiwan in what it termed the "flawed democracy" category) to 8.99 (a "full democracy," and 8th in the world) in 2021. BTI's score was 9.55 in 2015, increasing to 9.60 in 2021. And V-Dem's LDI shows a significant improvement in Taiwan, from 0.67 in 2015 to 0.73 in 2018, before declining to 0.70 in 2021.

Of these four indices, the Varieties of Democracy has several advantages over the others. It extends back the furthest (to 1900 for most cases), and it includes a massive set of over 300 different indicators, allowing one to track changes over time in scores for much more specific aspects of the political system. It also has broader participation in the scoring system: each indicator-year is coded by at least five different experts working independently of one another.

Figure 1 shows V-Dem’s LDI score over a longer time period from 1980-2021. Here the picture is more mixed. The LDI registers dramatic increases beginning in 1986, when the opposition DPP was founded, and continuing through the election of Chen Shui-bian and the first peaceful rotation of power in 2000. But since 2001, the changes are much more subtle, with the overall score moving in a narrow band between 0.67-0.69 through 2014. The biggest single-year change is in 2016, from 0.67-0.72, tracking the defeat of the KMT and the election of Tsai Ing-wen and the DPP. The index peaks in 2018 at 0.73, and then shows a slight decline since then to 0.7 in 2021.

In the following sections, I take advantage of these features of the V-Dem dataset to supplement the more impressionistic evidence of changes in individual aspects of Taiwan’s political system.

II. Twenty Years of Democratic Evolution

In 2001, Diamond noted five areas of concern for Taiwan’s democracy: political corruption, weak institutions and rule of law, polarization over national identity, constitutional defects, and weak democratic values among the mass public. In all five of these areas, Taiwan has made significant progress over the last 20 years.

1. Corruption and “Black Gold” Politics

In 2001, political corruption was at the top of the reform agenda. Diamond noted that a large number of Taiwan’s elected officials had criminal records and ties to organized crime, including sitting members of the Legislative Yuan such as Lo Fu-chu (羅福助) and Yen Ching-piao (顏清票), and that the KMT had increasingly “tolerated and embraced local organized crime figures in order to preserve its electoral dominance.” The former ruling party had also developed “incestuous links” with “wealthy corporate interests” that contributed to “gigantic volumes of cash that slosh around the political system, buying votes and influence,” and the judiciary at that point had been unable “to rein in these perversions of democracy.”¹

Twenty years later, the picture is substantially better. In recent years politicians of all political stripes have been successfully prosecuted for bribe-taking, vote-buying, and exploitation

¹ Diamond, “How Democratic Is Taiwan?” pp. 4-5.

of public office for private gain, including those from the ruling party under both KMT and DPP governments. A significant turning point in the struggle against vote-buying came shortly after the 2008 elections, when the KMT won nearly three-quarters of the seats in the Legislative Yuan (LY). Over the next year, prosecutors brought vote-buying charges against five different pan-blue legislators: Li Yi-ting (李乙廷), Chang Sho-wen (張碩文), Liao Cheng-ching (廖正井), Chiang Lien-fu (江連福), and Lin Cheng-er (林正二). In each case, prosecutors won convictions and forced the legislator's removal from office.

It is especially encouraging that these prosecutions occurred under a KMT administration, which did not attempt to interfere in the judicial system to protect the party's incumbent legislators. It is also encouraging that voters themselves rejected attempts by these officials to run relatives in their places and preserve their political influence; in every case where family members of the convicted ran as replacements, they were defeated in the subsequent by-election; and in four of these races the opposition DPP won instead, flipping the seat from the KMT. This string of convictions and removal from office strengthened the rule of law, improved the integrity of elections, and acted as a powerful deterrent against this kind of behavior in future races.

Another important breakthrough occurred in August 2020, when prosecutors charged five legislators across party lines – KMT members Chen Chao-ming (陳超明) and Sufin Siluko (廖國棟), DPP Legislator Su Chen-ching (蘇震清), independent Legislator Chao Cheng-yu (趙正宇), and NPP Legislator Hsu Yung-ming (徐永明) – with accepting bribes in what became known as the Sogo Department Store scandal.² This case is especially important because it marked the first time in the democratic era that the Legislative Yuan voted to allow prosecutors to arrest and charge sitting Legislative Yuan members. Taiwan's constitution still requires a vote of the legislature to give permission for arrests—and for the first time, the party caucuses quickly agreed.³ That this action was passed without much controversy is one indication of how much has changed from the practices of 20 years ago.

² Jason Pan, “Lawmakers Face Corruption Charges,” *Taipei Times*, August 2, 2020, p. 1, at: <https://www.taipeitimes.com/News/front/archives/2020/08/02/2003740983>

³ Shelly Shan, “Legislature Approves Detentions,” *Taipei Times*, September 23, p. 3, at: <https://www.taipeitimes.com/News/taiwan/archives/2020/09/23/2003743926>

The problem of “black gold” (黑金) politics – systematic links between elected politicians and organized crime – has also become much less severe and pervasive. Among the most notorious of Taiwan’s “gangster” legislators in the early 2000s were Lo Fu-chu and Yen Ching-piao. Lo was arrested the day his legislative term (and with it, immunity from prosecution) expired in 2002. He was eventually convicted of money-laundering but absconded while on bail; he remains a fugitive today. Yen Ching-piao lost his Taichung constituency seat in 2012, when he was convicted of misusing public funds and sentenced to prison, but his son Yen Kuang-heng succeeded him by winning the by-election. The younger Yen in turn lost his seat in a shock upset in 2020 to a minor party candidate, Chen Po-wei. When Chen was later recalled in 2021, Yen ran again to try to reclaim the seat, but was defeated by the DPP’s nominee. One of the last remaining legislators with links to organized crime is Lo Ming-tsai (羅明才), Lo Fu-chu’s son, who has held a seat since 1999 as a member of the KMT but has kept a much lower public profile than his notorious father.

Since 2001, several important institutional reforms have also helped weaken local factions and their ability to gain access to public resources via the electoral process. The first is the elimination of township elections across much of the island, which occurred as a side-effect of the creation of new special municipalities. In 2010, Taipei County was elevated to New Taipei, and Taichung City and County, Kaohsiung City and County, and Tainan City and County were merged into three special municipalities; in 2014 Taoyuan County was also upgraded to Taoyuan City. This reform turned the former townships in these areas into municipal districts, and by local government law, also gave the municipal mayor the power to appoint heads of these jurisdictions, replacing an entire level of directly-elected officials. Because township heads were key nodes in local factions across much of the island, this reform has had the (possibly unintended) effect of weakening factional influence over local government and eliminating the most common way that public resources were exploited for private gain at the local level.⁴

The second has been the consolidation of all levels of local election cycles into one single massive election day every four years. Taiwan used to hold elections on different days for as many as seven separate offices: (1) special municipality mayors and (2) councilors; (3) city and county executives and (4) councilors; (5) township heads and representatives; and (7) village

⁴ Sara A. Newland and John Chung-En Liu, “Ethnic identity and local government responsiveness in Taiwan,” *Governance* 34.3 (2021): 875-892.

chiefs and city ward leaders. In addition, Taiwan law requires that township-level jurisdictions with significant indigenous populations be led by an indigenous head and have a representative council; two separate elections are now held in special municipalities at the same time for (8) “self-governing district” heads and (9) representatives. One consequence of this consolidation of election cycles and days is that turnout has risen sharply for the lowest-level offices in townships and villages/city wards. That, in turn, has put local factions at a disadvantage; traditionally, they were able to secure these offices by buying votes and mobilizing their own core supporters while the majority of the electorate stayed home, but with a flood of voters turning out to vote for higher-level races, partisan affiliations have started to matter more – and factional ties less – than before.⁵

Other less prominent reforms have also made it harder to win power by buying votes. In 2016, the DPP-controlled legislature amended the Local Government Act to require speakers and deputy speakers of Taiwan’s local councils to be elected by open ballot⁶, which has made it much more difficult to engage in the kind of vote-buying that delivered the speaker’s office in Tainan (in 2014) and Kaohsiung County (in 2006) and City (in 2004) to a KMT councilor with ties to organized crime.⁷ In addition, in 2020, the legislature converted the leadership of local irrigation districts from elected to appointed offices under the supervision of the Council of Agriculture.⁸ This change was made over the vehement protests of local factional leaders and of the KMT, who saw it as another attempt to weaken the corrupt factional structures that had buttressed the party’s candidates at the local level for decades.⁹

To sum up, a set of reforms that Diamond explicitly called for in 2001 has been implemented quietly and in piecemeal fashion throughout most of Taiwan over the last 20 years. These changes have had the effect of drastically narrowing the scope for local factions to control

⁵ For more on this point, see Kharis Templeman, “Politics in the Tsai Ing-wen Era,” in Hans Stockton and Yao-yuan Yeh, eds., *Taiwan: The Development of An Asian Tiger*, Lynne Rienner Publishing (2020): 67-96.

⁶ Alison Hsiao, “Local Government Act reform passed,” *Taipei Times*, May 28, 2016, p. 3, at: <http://www.taipeitimes.com/News/taiwan/archives/2016/05/28/2003647313>

⁷ Rich Chang, “Kaohsiung speaker Hsu accused of vote-buying,” *Taipei Times*, February 27, 2006, p. 3, at: <https://www.taipeitimes.com/News/taiwan/archives/2006/02/27/2003294865>; Crystal Hsu, “Scandal brings Chu down to earth,” *Taipei Times*, January 4, 2003, p. 3, at: <http://www.taipeitimes.com/News/taiwan/archives/2003/01/04/0000189701>

⁸ Huang Hsin-po and Dennis Xie, “Legislature passed bill to nationalize irrigation groups,” *Taipei Times*, July 3, 2020, p. 1, at: <https://www.taipeitimes.com/News/front/archives/2020/07/03/2003739270>;

⁹ Lin Chia-nan, “Irrigation groups file suit to stop nationalization,” *Taipei Times*, September 2, 2020, p. 3, at: <https://www.taipeitimes.com/News/taiwan/archives/2020/09/02/2003742692>

political power and resources through the electoral process, and they have helped accelerate the decline of “black gold” politics.

This impressionistic evidence is supported by data from V-Dem as well. Figure 2 shows V-Dem’s *election vote buying* measure from 1969-2021. In the pre-democratic era, Taiwan had one of the worst scores of any country in V-Dem’s dataset, but it gradually improved during the transition to democracy, and its score on this measure has increased further over the last 20 years, from 0.02 in 2001 to 0.68 in 2021. Figure 3 shows V-Dem’s *political corruption index*, which takes the average of public sector corruption, executive corruption, legislative corruption, and judicial corruption. This indicator, too, shows gradual improvement over the past two decades, declining from a score of 0.36 in 2000 to 0.23 in 2021.

Transparency International’s Corruption Perceptions Index (CPI) shows a similar pattern of improvement over the last decade. As late as 2016, TI scored Taiwan only a 61/100 on its CPI, but it has registered significant increases over the last five years, putting it at 68/100 in 2021, and ranked 25th in the world, just above Chile and the United States.¹⁰

All these sources of data point to the same overall conclusion: although political corruption still remains a problem, Taiwan has made significant progress in combatting this scourge of democracy in recent years, and its public officials are on the whole much less willing to engage in vote-buying, bribery, and exploitation of public office for private gain than they were in 2001.

2. *Weakness of the Judiciary and Rule of Law*

Diamond’s second area of concern in 2001 was the weakness of the judiciary and the rule of law. At the turn of the century, Taiwan’s accountability institutions left a lot to be desired. Judges were career civil servants who began their careers with no legal experience and were extremely difficult to remove, “no matter how bad their performance.”¹¹ Prosecutors, too, were hampered by government and party interference in investigations, and they were pressured not to bring charges against politically well-connected individuals. Winning convictions for corruption

¹⁰ Transparency International, Corruptions Perception Index, at: <https://www.transparency.org/en/cpi/2021/index/twn> [accessed June 19, 2022].

¹¹ Diamond p. 8.

in court remained difficult even when prosecutors were able to build strong cases, due to political pressure that could be brought to bear on judges.

Twenty years later, judicial reform is still a work in progress.¹² Many of Diamond's criticisms of the judiciary — careerism, lack of experience, and susceptibility to political pressures — are still valid today, and the judicial system continues to suffer from low public trust.¹³ But there have been clear improvements in the independence and effectiveness of both judges and prosecutor's offices.¹⁴ One key reform with lasting consequences occurred after the change in ruling parties in 2000, when Chen Shui-bian appointed as his first Minister of Justice Chen Ding-nan (陳定南), a maverick former DPP county magistrate with a reputation for absolute honesty and independence. Minister Chen promoted a group of younger, reformist-oriented prosecutors to positions of authority, and he also eliminated a rule that local prosecutor's offices could not investigate crimes outside their geographic area. These changes set off a competitive dynamic among local prosecutors to investigate political corruption, lest they be scooped by a competitor in another city or county. To the DPP's surprise, local prosecutors became equally focused on bringing charges against DPP officials as KMT ones, and dramatically enhanced both the reputation and independence of the prosecutariate.¹⁵

Taiwan's constitutional court, formally known as the Council of Grand Justices, has also gradually enhanced its reputation for professionalism and independence. It has played an especially important role in advancing human rights and ensuring adherence to international norms and standards – for instance, in 2017, it ruled that the prohibition of same-sex marriage in the civil code violated the ROC constitution, and gave the legislature two years to come up with a legal solution. The court has been helped in this endeavor by the legislature's decision in 2009 to adopt the two UN human rights charters – the International Covenant on Civil and Political

¹² Neil Chisholm, "Taiwan's Judicial Reform Process: East Asian Context, Democratization, and Diffusion," in Neil Chisholm, ed., *Judicial Reform in Taiwan: Democratization and the Diffusion of Law*, Routledge (2020).

¹³ Liu Ching-hou, "Eighty percent mistrust judges' impartiality," *Taipei Times*, February 24, 2019, p. 1, at: <http://www.taipeitimes.com/News/front/archives/2019/02/24/2003710309>

¹⁴ Wen-chen Chang, "Courts and Judicial Reform in Taiwan: Gradual Transformations towards the Guardian of Constitutionalism and Rule of Law," in Jiunn-rong Yeh and Wen-chen Chang, eds., *Asian Courts in Context*, Cambridge University Press (2014): 143-182.

¹⁵ See especially Chin-shou Wang, "Democratic Progressive Party Clientelism: A Failed Political Project," and Weitseng Chen and Jimmy Chia-Shin Hsu, "Horizontal Accountability and the Rule of Law," both in Yun-han Chu, Larry Diamond, and Kharis Templeman, eds., *Taiwan's Democracy Challenged: The Chen Shui-bian Years*; and Chin-shou Wang, "The Rise of Judicial Politics in Taiwan," *Taiwanese Political Science Review* 16.1 (2012): 1-59 (in Chinese).

Rights and the International Covenant on Economic, Social, and Cultural Rights – into Taiwan domestic law.¹⁶ It has also intervened to resolve partisan controversies – for example, in 2007, it limited President Chen’s ability to claim presidential immunity and block an investigation into misuse of the state affairs fund on national security grounds, and in 2020 it upheld the law establishing the Ill-Gotten Party Assets Committee to investigate the KMT’s acquisition of properties during the pre-democratic era.¹⁷

Nevertheless, the court still suffers from two serious institutional shortcomings. First, its members are appointed for either four- or eight-year terms, subject to confirmation by the Legislative Yuan, without possibility of immediate reappointment. By the end of an eight-year presidency, then, every member of the court will be an appointee of the same president – true both during the Ma Ying-jeou and now the Tsai Ing-wen eras. Second, the court’s case load has been exceptionally small in recent years. In order to increase efficiency, a reform implemented in January 2022 switched the threshold for decisions from a two-thirds supermajority to a simple majority, and also shifted to an Anglo-American signed opinion system of decisions. These reforms may cause their own problems – in particular, exacerbating the impression that the court is a partisan actor beholden to the president rather than an independent institution ruling on the merits of each case.¹⁸

Taiwan has over the last 20 years created other accountability institutions as well, although with mixed success. In 2006, the selection process for the Supreme Prosecutor’s Office was changed to require Legislative Yuan approval, a move that in theory strengthened the independence of the country’s chief prosecutor. At the same time, the legislature also created a special division within the prosecutoriate, the Special Investigative Division (最高法院檢察署) or SID, and charged it with undertaking investigations of political corruption by high-level officials. The SID almost immediately became a partisan lightning rod when it was given responsibility for investigating corruption allegations against the sitting president, Chen Shui-

¹⁶ See the chapters in Jerome A. Cohen, William P. Alford, and Chang-fa Lo, eds., *Taiwan and International Human Rights: A Story of Transformation*, Springer (2019).

Taiwan and International Human Rights: A Story of Transformation.

¹⁷ Jason Pan, “Ruling upholds Ill-Gotten Assets Act, committee,” *Taipei Times*, August 29, 2020, p. 1, at: <https://www.taipeitimes.com/News/front/archives/2020/08/29/2003742462>

¹⁸ Chien-Chih Lin, “The Pros and Cons of Taiwan’s Constitutional Court Procedure Act,” in *USALI Perspectives*, 2, No. 17, April 7, 2022, <https://usali.org/usali-perspectives-blog/the-pros-and-cons-of-taiwans-constitutional-court-procedure-act>.

bian, as well as accusations of misappropriation of “soft” budget funds by then-Mayor Ma Ying-jeou and dozens of other prominent officials of all political stripes – investigations that were not resolved until Ma was elected president in 2008 and the KMT took over the executive branch.¹⁹

The SID again was at the center of a political storm in 2014, when the Supreme Prosecutor Huang Shih-ming directed it to wiretap the Legislative Yuan’s telephone switchboard. SID agents recorded LY Speaker Wang Jin-pyng pressuring a prosecutor not to appeal a case against the DPP whip Ker Chien-ming. So far so good, from the perspective of democratic accountability. But then Huang went immediately to President Ma with the information, rather than maintaining the SID’s independence from the rest of the executive branch, and Ma used this evidence to attempt to remove Wang, who was by this point a rival and major obstacle to Ma’s policy agenda, from his spot leading the Legislature and replace him with someone more pliable. Wang sued to stop his expulsion from the KMT, and a district court unexpectedly ruled in favor of Wang, allowing him to keep his seat and handing President Ma a defeat. This unauthorized wiretapping of the legislature, and the attempt to use the Supreme Prosecutor’s Office as a weapon to purge a political opponent, eventually resulted in criminal charges against Huang Shih-ming, while both Wang and Ker got off scot free. The DPP came to view this institutional arrangement as fundamentally flawed, and when the party won a majority in 2016 it quickly moved to abolish the SID and return power for investigating high-level corruption to regular prosecutor’s offices – a change that, so far at least, appears to have restored greater prosecutorial independence and insulation from the ruling party.²⁰

Another new accountability agency was created by the Ma administration in the wake of a judicial scandal. In 2010, three high court judges and a prosecutor were charged with taking bribes from a KMT legislator; in the subsequent uproar, both the president and vice president of the Judicial Yuan resigned. As part of President Ma’s efforts to limit the political damage, he created the Agency Against Corruption (AAC), yet another independent agency tasked with investigating high-level political corruption. Its role overlaps to a great degree with prosecutor’s

¹⁹ Brian L. Kennedy, “Long Hot Summer for Taiwan’s Prosecutors,” *American Journal of Chinese Studies* 14.2 (2007): 135-152.

²⁰ Chen Yu-fu and Jake Chung, “SID abolished as legislature hands prosecutors reins,” *Taipei Times*, November 19, 2016, p.1, at: <http://www.taipeitimes.com/News/front/archives/2016/11/19/2003659559>; see also “Interview: System is confidential, professional, not ‘defanged,’” *Taipei Times*, May 21, 2018, p. 3, at: <http://www.taipeitimes.com/News/taiwan/archives/2018/05/21/2003693450>

offices, and its impact to date has been limited by a lack of resources and a sense among ambitious prosecutors that working there is a dead-end assignment.²¹

Taiwan's other prominent accountability institution, the Control Yuan, has declined in reputation over the last 20 years as a result of partisan warfare and poor institutional design. Like the constitutional court, the Control Yuan's members are all appointed by the president, subject to confirmation by the legislature. In Chen Shui-bian's second term, every seat went unfilled because of a KMT boycott of Chen's nominations, and the CY's investigative committees ceased to function. When Ma Ying-jeou was elected, the KMT majority quickly approved his appointees, restoring the CY to its full membership – but also giving the impression that it would act as a partisan creature of the KMT government. The same problem in reverse has occurred since 2016; today every member is a Tsai Ing-wen appointee, and the institution has taken on a decidedly pro-DPP cast.²² In both periods, Control Yuan members have pursued what appear to be politically-motivated investigations against the ruling party's opponents. In 2011, for instance, CY members opened a case examining KMT accusations that Tsai Ing-wen had improperly benefitted from investments in a pharmaceutical company while she was deputy premier; the case was quietly closed in 2012, well after Tsai lost the presidential election to Ma Ying-jeou. Likewise, in 2019, the Control Yuan voted to impeach National Taiwan University president Kuan Chung-min, a KMT member who had previously served in the Ma administration as minister without portfolio, for writing paid opinion pieces while a government official – a seemingly minor violation that nonetheless resulted in a long delay to his assumption of the position.²³

Nevertheless, the Control Yuan also continues to play an important role in ensuring accountability of other government institutions. Its auditing agency remains separate from the influence of its political appointees and has a strong reputation. It is the body tasked with collecting information about campaign finance, and it is the site of Taiwan's newly-created

²¹ Christian Goebel, "Watchdog Institutions," in Kharis Templeman, Yun-han Chu, and Larry Diamond, eds., *Dynamics of Democracy in Taiwan: The Ma Ying-jeou Years*, Lynne Rienner (2020): 183-201; John Quah, "Enhancing the Effectiveness of Taiwan's Anti-Corruption Agencies in Combating Corruption," *American Journal of Chinese Studies* 22.2 (2015): 291-307.

²² E.g. see Stacy Hsu, "Presidential Office defends nominations," *Taipei Times*, March 3, 2017, p. 3, at: <http://www.taipetimes.com/News/taiwan/archives/2017/03/03/2003666041>

²³ Sherry Hsiao, "Control Yuan votes to impeach Kuan," *Taipei Times* January 16, 2019, p. 1, at: <http://www.taipetimes.com/News/front/archives/2019/01/16/2003708007>

National Human Rights Commission, whose first head, Chen Chu (陳菊), is also the president of the Control Yuan.²⁴

Overall, the various changes to courts, prosecutors, and other accountability institutions do appear on balance to have strengthened the rule of law. Figure 4 shows V-Dem’s composite Rule of Law index that combines indicators for anti-corruption, transparency, respect for court decisions, and judicial independence, among other factors. The trend-line here is positive: Taiwan’s score has improved from 0.87 in 2001 to 0.92 in 2021, although it also experienced a slight dip during the Ma Ying-jeou era.

3. Polarization over National Identity

The third area of concern in 2001 was political polarization. Diamond worried that disputes over national identity and ethnic differences (primarily mainlander versus *benshengren*) could spiral out of control and lead to political paralysis and social conflict. In hindsight, this pattern did occur to some degree during the Chen Shui-bian era, as ethnic and national identity issues increasingly mapped onto the political division between blue (KMT-led) and green (DPP-led) camps. Nevertheless, the sweeping electoral victory of Ma Ying-jeou and the KMT in 2008 helped reduce this tension over national identity; in order to become more competitive, the DPP sought to distance itself from some of its fundamentalist rhetoric of the late Chen Shui-bian era, and to take more moderate positions on national identity and cross-Strait relations.

Some recent research on this question suggests that political polarization in Taiwan has been overstated. Eric Yu has argued that what polarization has occurred has not been driven by shifts toward the extremes in mass public opinion, but instead by partisan sorting around the national identity question.²⁵ That, in turn, offers some reason for optimism about the future, as Taiwan’s younger generations converge on Taiwan identity but also support for some version of maintaining the cross-Strait status quo. In a similar vein, Austin Wang has argued that Taiwan’s electorate as a whole is not especially polarized around national identity—at least a third of voters are non-partisan, and they also tend to hold the most moderate views on the “China

²⁴ Dennis Xie, “Chen Chu to be Control Yuan head,” *Taipei Times*, June 19, 2020, p. 3, at: <https://taipeitimes.com/News/taiwan/archives/2020/06/19/2003738489>

²⁵ Eric Yu, “Partisanship and Public Opinion,” in *Taiwan’s Democracy Challenged*, pp. 73-94.

question.”²⁶ Thus, the frequent partisan fights between the DPP and KMT overshadow what is a generally moderate, broadly shared view about national identity among the mass public.²⁷

Among elites, too, there has been subtle but important convergence between the party camps on many issues related to national identity. Unlike her predecessor Chen Shui-bian, Tsai Ing-wen has embraced the Republic of China constitutional framework and frequently uses the term “Republic of China Taiwan” to refer to the name of the country – not all that different from her predecessor Ma Ying-jeou’s “Republic of China (Taiwan).” Tsai has also softened her party’s criticisms of the KMT’s authoritarian past, and even went so far as to praise the legacy of Chiang Ching-kuo at the opening of a museum dedicated to his life.²⁸ On the KMT side, the current party chairman Eric Chu recently asserted that the party was “pro-US” and should not be called a “pro-China” party.²⁹ And in the face of a growing security threat from the PRC, both parties have expressed support for increasing Taiwan’s defense budget and considering extending the length of conscription again.

Given this impressionistic evidence, it is somewhat surprising that V-Dem’s political polarization measure instead shows significant *increases* in recent years, reaching an all-time high in the democratic era in 2020 before dropping slightly in 2021. Nevertheless, Taiwan’s polarization appears mild relative to two other reference countries: as Figure 5 shows, South Korea has been much more deeply polarized than Taiwan over the last 30 years by V-Dem’s measure, and the United States has experienced a dramatic increase in polarization and hit an all-time high in 2021.

4. Institutional Defects

In the early 2000s, as Diamond noted, the ambiguities about executive power in the ROC constitution were the source of many partisan fights. Chen Shui-bian came to power as a minority president without a majority in the legislature, and his power to appoint the premier, who heads the government and appoints all cabinet ministers, was immediately challenged by the

²⁶ Austin Wang, “The Myth of Polarization among Taiwanese Voters: The Missing Middle,” *Journal of East Asian Studies* 19 (2019): 275-287.

²⁷ See also the well-known national identity and independence-unification trends produced by the Election Study Center, National Chengchi University, at: <https://esc.nccu.edu.tw/PageDoc/Detail?fid=7804&id=6960>

²⁸ Fan Shih-ping, “Tsai kills five birds with one stone,” *Taipei Times*, January 30, 2022, p. 8, at: <https://www.taipetimes.com/News/editorials/archives/2022/01/30/2003772306>

²⁹ “Don’t Call Us Pro-China, Taiwan Opposition Chief Says in U.S.,” Reuters, June 6, 2022, at: <https://www.reuters.com/world/asia-pacific/dont-call-us-pro-china-taiwan-opposition-chief-says-us-2022-06-07/>

KMT. Chen eventually prevailed after the KMT declined to exercise a vote of no-confidence to bring down the government, and the two camps settled into an uneasy period of divided government until 2008.

Those disputes are largely settled now. With minor exceptions, the parties share a consensus that Taiwan is a presidential regime and that the president has the right to appoint the premier and direct the executive branch. Two institutional reforms have also helped to make periods of divided government less likely than in the past. First, the electoral system used for the Legislative Yuan was changed from single non-transferable vote (SNTV) in high-magnitude districts to a mixed-member parallel system. Beginning with the 2008 election, legislators are elected in one of three ways: 73 are now chosen from single member districts using plurality rule, 34 come from closed-list PR with a five percent threshold selected through a separate party ballot, and 6 indigenous representatives are elected through SNTV in two national districts reserved for indigenous voters. This reform has tended to provide a significant seat bonus to the party winning the largest share of the district vote; in 2020, for instance, the DPP won 57 percent of the seats (64/113) on only 45 percent of the district vote – a more disproportional outcome than was typical under the previous system, and one that is not obviously a democratic improvement. But the electoral reform also eliminated the difficult coordination problems presented by SNTV, and it has made it much harder for candidates with links to organized crime, or backed by factions, to win elections. To secure an SMD seat, candidates now have to appeal to a broad cross-section of the district's voters, and mobilizing a faction's vote-brokers is not usually enough to deliver a majority. Second, starting in 2012, the presidential and legislative elections have been held concurrently; this change has created a much higher correlation between presidential and legislative candidate vote shares, and effectively “nationalized” these elections. This correlation, in turn, has made divided government less likely.

Other changes have also streamlined the constitutional structure and brought it more into alignment with common practice around the world. In 2005, the National Assembly passed a constitutional amendment that voted itself out of existence; amendments now must be approved by a three-fourths majority of the Legislative Yuan, followed by approval by at least 50 percent of eligible voters in a referendum. This change in procedure has significantly increased the difficulty of amending the constitution; the first attempt to do so under this new process, a

proposal to lower the voting age to 18, was approved by the LY in March 2022, and will be decided by voters in November.³⁰

Not all institutional changes in recent years have been positive. After 2016, the DPP majority (egged on by the New Power Party) also embraced other elements of direct democracy that have had negative consequences for the political system. In December 2016, the DPP-led legislature lowered the signature and vote thresholds for recalling elected officials, from 50 percent of all eligible voters, to a 25 percent turnout with a majority in favor. These changes made it much easier to qualify a recall for the ballot and to win a recall election, and they opened up a Pandora's Box of recall and counter-recall threats across the political spectrum. Ironically, the first to be targeted by this new weapon was the chairman of the New Power Party himself, Huang Kuo-chang. Recall elections have now been held against two other NPP elected officials as well: legislator Freddy Lim in Taipei, and city councilor Huang Jie in Kaohsiung – though both hung on to win. The recall has also been used successfully against Wang Hao, a DPP city councilor in Taoyuan, in January 2021, and most notoriously against Han Kuo-yu, the KMT mayor of Kaohsiung and presidential candidate in 2020.

In 2017, the DPP also passed changes to the Referendum Law, lowering the turnout requirement to make it easier for proposed questions to pass. Like the changes to the recall, the effect has been to create a new political weapon to wield in partisan warfare. The first election held after these changes featured 10 different referendum questions, many proposed by the opposition KMT and expressly designed to embarrass the ruling DPP. When several of these passed in November 2018, the government simply ignored the results, maintaining its commitment to the phase-out of nuclear power and to implementing the constitutional court's same sex marriage ruling. More recently, the Tsai administration fought off KMT-sponsored referendums attempting to reverse the government's decision to allow pork imports containing the feed additive ractopamine, open the 4th nuclear power plant, stop the construction of an LNG terminal in Taoyuan, and overturn the separation of referendums and local elections. In all four cases, the vote narrowly failed, indicating that partisan rather than issue-based voting was dominant in these votes.

³⁰ "Legislature passes constitutional bill to lower voting age," *Focus Taiwan*, March 25, 2022, at: <https://focustaiwan.tw/politics/202203250022>

The changes to referendum and recall laws have introduced a volatile new element into Taiwan’s political system – one that, so far at least, has had mostly negative consequences for the quality of democracy. At the very minimum, the recall threshold should be raised again, and the referendum act amended to clarify how proposed questions will be reviewed, and what legal consequences will follow if approved by voters.

5. *Weak Mass Democratic Values*

Diamond’s fifth concern was the weakness of democratic values and the persistence of support for authoritarian alternatives among the mass public. Here the story over the last 20 years is mostly positive. Each successive wave of the Asiabarometer survey has found higher shares of the population endorsing democratic values and rejecting authoritarian alternatives.³¹

Democracy does now seem to be in Taiwanese political “DNA.”

On the negative side, public opinion surveys also provide clear evidence of declining trust in Taiwan’s political institutions. In the 2018 wave of the Asiabarometer survey, the police were the only institution that enjoyed a net positive trust rating; trust in the president, legislature, courts, bureaucracy, and political parties were all at all-time lows.

But this statistic can be misleading; in fact, declining trust in democratic institutions is true across much of the democratic world today, and Taiwan is not an outlier. Some scholars have even argued that these trends reflect the development of a more “critical citizenry” that is less deferential to expertise and power-holders.³² More generally, the research on trends in mass public opinion indicates growing support for democratic ideals, positive regime evaluations, and rising partisan attachments, and suggests that Taiwan has made great progress toward democratic consolidation over the past two decades.³³

Overall, then, the last 20 years in Taiwan have seen significant progress in all five of Diamond’s problem areas. Political corruption and vote-buying have declined. The judiciary and prosecutors have become more independent, professional, and even-handed in their treatment of political malfeasance. Mass and elite opinion have converged on a separate Taiwanese identity,

³¹ Yu-tzung Chang and Yun-han Chu, “Assessing Support for Democracy,” in Kharis Templeman, Yun-han Chu, and Larry Diamond, eds., *Dynamics of Democracy in Taiwan: The Ma Ying-jeou Years*, Lynne Rienner (2020).

³² Howard Sanborn, “Democratic Consolidation: Participation and Attitudes toward Democracy in Taiwan and South Korea,” *Journal of Elections, Public Opinion and Parties* 25.1 (2015): 47–61.

³³ Ian McAllister, “Democratic consolidation in Taiwan in comparative perspective,” *Asian Journal of Comparative Politics* 1.1. (2016): 44–61.

but also support for preserving the Republic of China constitutional framework and maintaining the cross-Strait status quo. Institutional reforms have resulted in a more fully presidential system, driven greater nationalization of the party system, reduced the likelihood of divided government, weakened the influence of local factions and organized crime, and enhanced government responsiveness to shifts in public opinion. And overwhelming majorities of Taiwanese now express support for democratic values and reject authoritarian alternatives.

III. New Concerns

Diamond's observations from 2001 are at least as interesting for what was *not* mentioned. Chief among these is Taiwan's changing media environment. In 2001, its media was a democratic strength: Diamond, quoting Freedom House, noted that "Taiwan enjoys one of the freest media environments in Asia, despite some continuing legal restrictions and political pressures," that there was an "growing pluralism in the electronic media," "extensive freedom of organization and assembly," and "an active civil society." There is only a brief mention of the challenge posed by the authoritarian People's Republic of China (PRC) across the Taiwan Strait.

In contrast, today the PRC's potential influence over politics, business, media, and civil society are at the top of the list of democratic challenges facing Taiwan. The increasing economic and social exchanges with mainland China have made Taiwan more vulnerable to Chinese Communist Party (CCP) efforts to shift public opinion in a pro-unification direction, and to distort or undermine confidence in its democracy and especially pro-independence leaders.³⁴

Taiwan's media sphere has been especially susceptible to this influence campaign. A major turning point came in 2008, when the pro-unification businessman Tsai Eng-men (蔡衍明), founder of a snack foods company with most of its production and market on mainland China, purchased two television stations and the *China Times*, Taiwan's venerable paper of record. The editorial lines of all three properties swung dramatically in a pro-Beijing direction and became harsh critics of the DPP and even more moderate elements of the KMT.

This vulnerability has been exacerbated by the rise of social media into a major force. For instance, Facebook's penetration in Taiwan is the highest of any democratic society where it has a presence: in 2016, there were approximately 16 million unique daily users, out of a population

³⁴ On this point, see Kharis Templeman, "How Taiwan Stands Up to China," *Journal of Democracy*, 31.3 (2020): 85-99.

of only 23.5 million people. Facebook’s fan groups and message boards, as well as private message groups on apps such as LINE, WeChat, and WhatsApp, have been used to spread misinformation about politically salient topics faster and more effectively than traditional media and factcheckers can respond.

This problem came to a head in the 2020 election campaign. The KMT nominated an outsider, Han Kuo-yu, whose populist rhetoric and Beijing-friendly positions aroused passionate support from his fans, and equally passionate criticism and fear from his opponents. The Han campaign, and especially worries about Beijing’s barely-concealed support for him, morphed into a major security crisis for the Taiwanese government, which mobilized intelligence services, prosecutor’s offices, and the bureaucracy to investigate and crack down on outside attempts to influence the election campaign. The DPP-led legislature passed several new laws aimed at regulating civil society groups and countering foreign influence campaigns, and the security services arrested several individuals who were accused of working for the CCP. Inevitably, these efforts went too far at times; in one notorious case, an NTU professor, Su Hung-dah, was detained after uploading a video to Facebook that claimed the Tsai government wanted to destroy the National Palace Museum.³⁵ And the Tsai administration’s mobilization against the influence and “fake news” threats posed its own dangers to Taiwan’s public sphere, by putting government authorities in the position of judging what counts as accurate reporting and truthful speech.³⁶

In an age of social media and rising CCP influence, it is increasingly difficult to strike the right balance between protecting the integrity of Taiwan’s elections and public sphere, on the one hand, and maintaining a pluralist political system with freedom of speech and assembly, on the other. But one silver lining of the 2020 presidential election may be to drive greater transparency in civil society organizations, better enforcement of campaign finance laws, and better adherence to the Political Party Act and other laws that govern Taiwan’s political system.

IV. Comparative Perspectives on Democratic Resilience in Taiwan

³⁵ Shih Hsaio-kaung, Rachel Lin and Dennis Xie, “NTU, students debate the scope of freedom of speech,” Taipei Times, January 3, 2020, p. 3, at: <https://www.taipeitimes.com/News/taiwan/archives/2020/01/03/2003728648>

³⁶ Nick Aspinwall, “Taiwan’s War on Fake News Is Hitting the Wrong Targets,” *Foreign Policy*, January 10, 2020, at: <https://foreignpolicy.com/2020/01/10/taiwan-election-tsai-disinformation-china-war-fake-news-hitting-wrong-targets/>

Finally, it is worth considering all the alternative paths that Taiwan has not taken. Democracies around the world have been struggling: the number of democracies recording declines in their overall Freedom House scores have outnumbered those recording improvements every year for the past 15 years. From this perspective, Taiwan appears to be a relative island of democratic stability in a region beset by authoritarian impulses and political crises.

Developments in other Third Wave democracies in recent years suggest alternative, and generally much darker, outcomes that Taiwan has so far successfully avoided. Military intervention in politics has led to the end of democracy in Thailand and truncated the transition to democracy in Myanmar, and an attempted coup in Turkey led to a vicious crackdown by Recep Erdogan against his opponents there, one that has effectively ended any pretense of democracy there. In Hungary and to some degree in Poland, the collapse and disarray of the opposition has led right-wing ruling parties to roll back judicial independence, muzzle the media, and interfere with academic freedom and civil society organizations. In India and Indonesia, both diverse democracies, political pluralism is increasingly threatened by militant religious organizations from the dominant group—Hindu nationalists in India, Islamist organizations in Indonesia. In the Philippines, extrajudicial violence and targeted assassinations of journalists have surged over the last decade. In Singapore, Malaysia, Indonesia, and even Korea, defamation laws have led to a chilling of speech and assembly, and put opposition candidates at various degrees of disadvantage in election campaigns. And in many democracies, old as well as new, rising populism after 2010 has led to the collapse or fundamental alignment of party systems – in Germany, Spain, Italy, Greece, and France. Populists have also created political crises even in the United States and the United Kingdom – democracies thought to be among the most consolidated and stable anywhere in the world.

Taiwan has not been immune to all these challenges. It had its own version of a populist right-wing outsider challenge in the form of Han Kuo-yu, and a leftist social movement challenge in the form of the Sunflower Movement. Its democratic institutions have strained by both, and by the rising threat posed by the PRC.

But they have not failed. And in contrast to many of the world's other democracies today, Taiwan's democracy appears today to be more robust and resilient than it was 20 years ago. It has been the beneficiary of fundamental strengths. Taiwan's state capacity is high. Its level of inequality is low. It has a vibrant civil society, a well-educated population, and an advanced

economy well-integrated with the rest of the world. These strengths enabled it to respond to the COVID-19 pandemic more effectively than almost any other country, and they have helped Taiwan to emerge as one of the most liberal, robust, and resilient democracies in the world today.

E3: Freedom for Unions	3	3	3	3	3	3	3	3	3
Rule of Law	14	14	14	14	15	15	15	15	15
F1: Independent Judiciary	4	4	4	4	4	4	4	4	4
F2: Due Process	3	3	3	3	4	4	4	4	4
F3: Protection from Violence	4	4	4	4	4	4	4	4	4
F4: Equal Treatment	3	3	3	3	3	3	3	3	3
Personal Autonomy and Individual Rights	13	13	13	13	14	14	14	14	14
G1: Freedom of Movement	4	4	4	4	4	4	4	4	4
G2: Right to Property	3	3	3	3	3	3	3	3	3
G3: Social Freedom	3	3	3	3	4	4	4	4	4
G4: Freedom of Opportunity	3	3	3	3	3	3	3	3	3
Total:	88	88	89	91	93	93	93	94	94

Table 2. EIU Scores for Taiwan by Category, 2013-2021

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021
I. Electoral Process and Pluralism	9.58	9.58	9.58	9.58	9.58	9.58	9.58	10	10
II. Functioning of Government	7.14	7.5	7.86	8.21	8.21	8.21	8.21	9.64	9.64
III. Political Participation	6.11	6.11	6.67	6.11	6.11	6.11	6.11	7.22	7.78
IV. Political Culture	5.63	5.63	5.63	5.63	5.63	5.63	5.63	8.13	8.13
V. Civil Liberties	9.41	9.41	9.41	9.41	9.12	9.12	9.12	9.71	9.41
Overall score	7.57	7.65	7.83	7.79	7.73	7.73	7.73	8.94	8.99
Global Rank	37	35	31	33	33	32	31	11	8

Figure 1. V-Dem Liberal Democracy Index

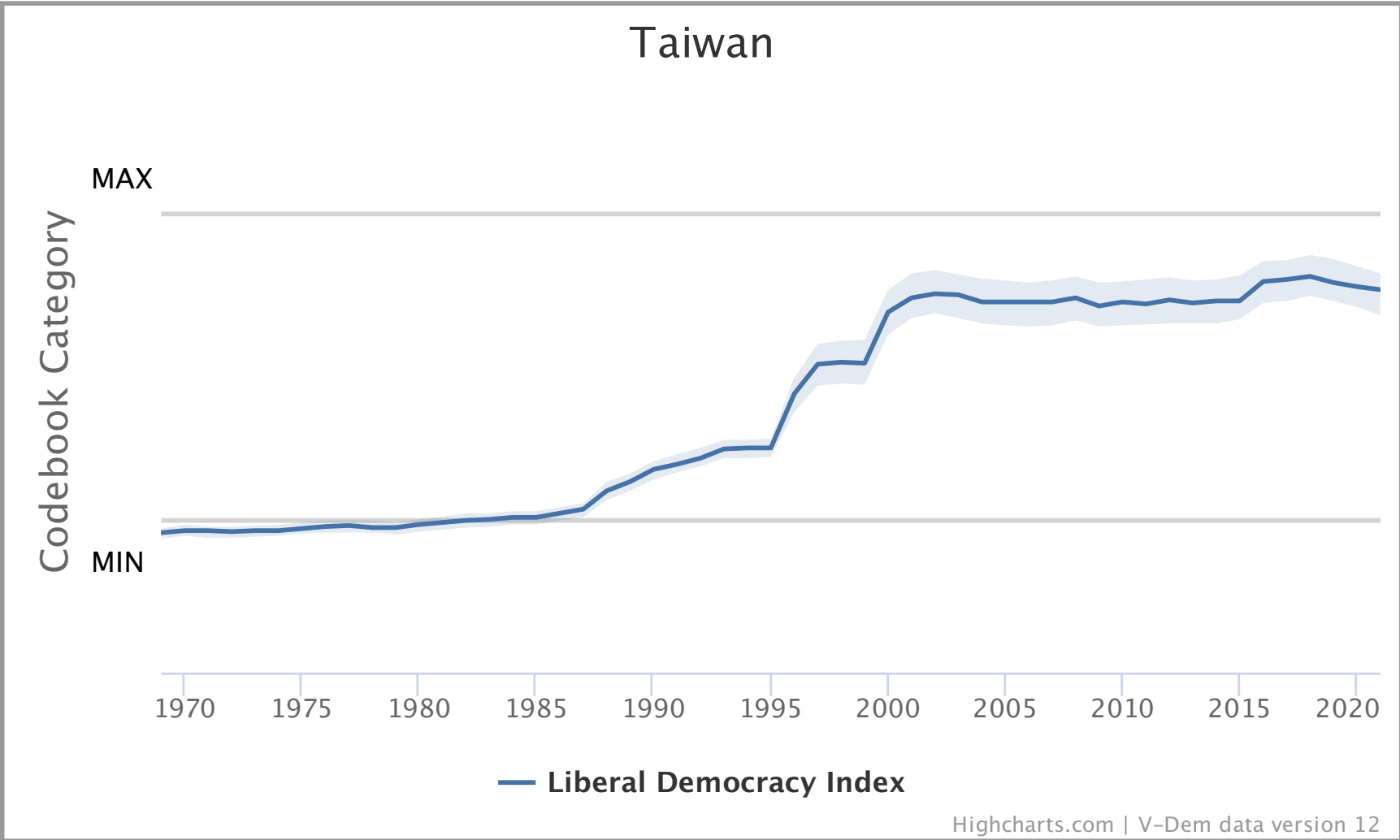


Figure 2. V-Dem Vote-buying Scores for Taiwan, 1969-2021
(lower score indicates vote-buying is more pervasive)

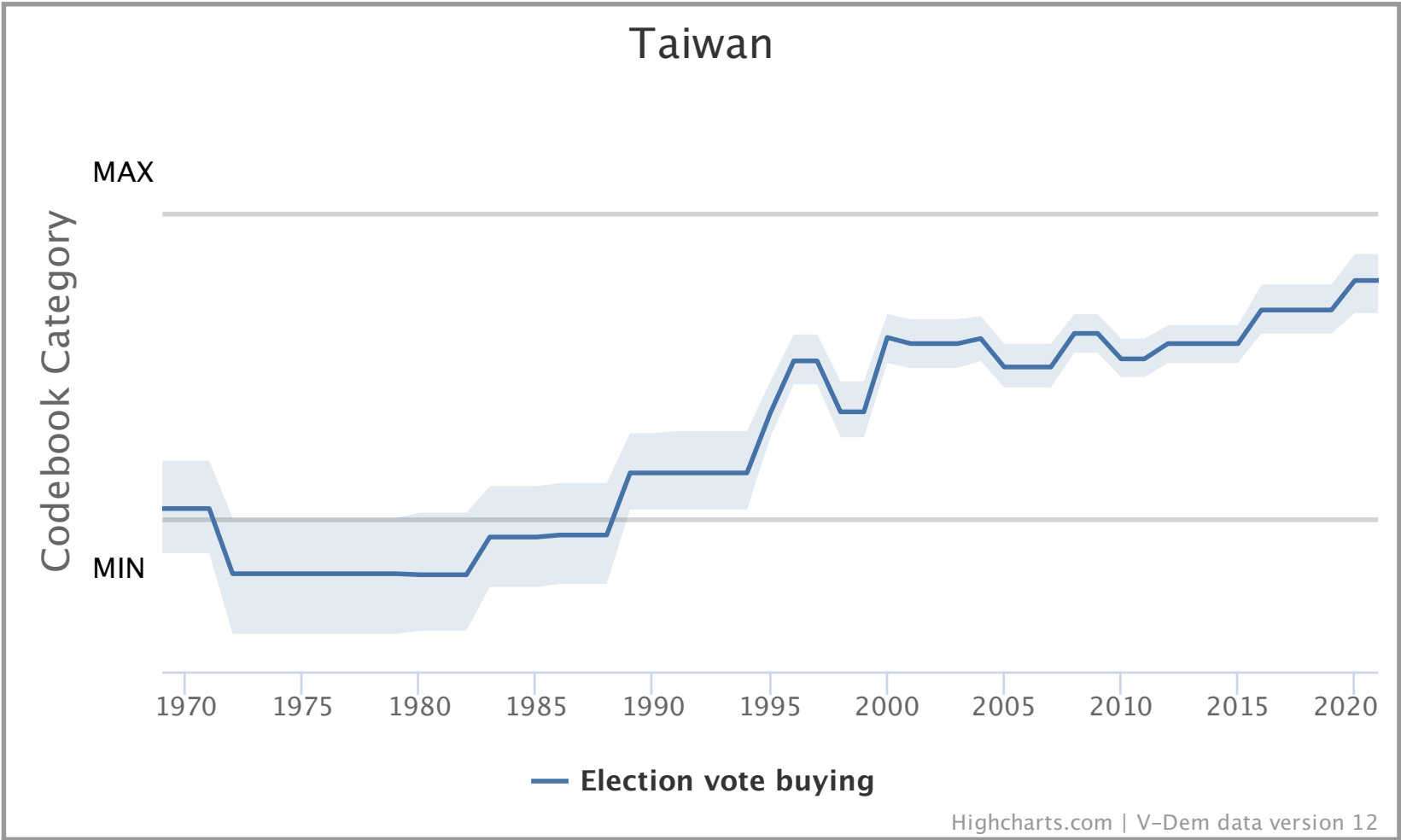


Figure 3. V-Dem Political Corruption Index for Taiwan, 1969-2021
(lower score indicates lower corruption)

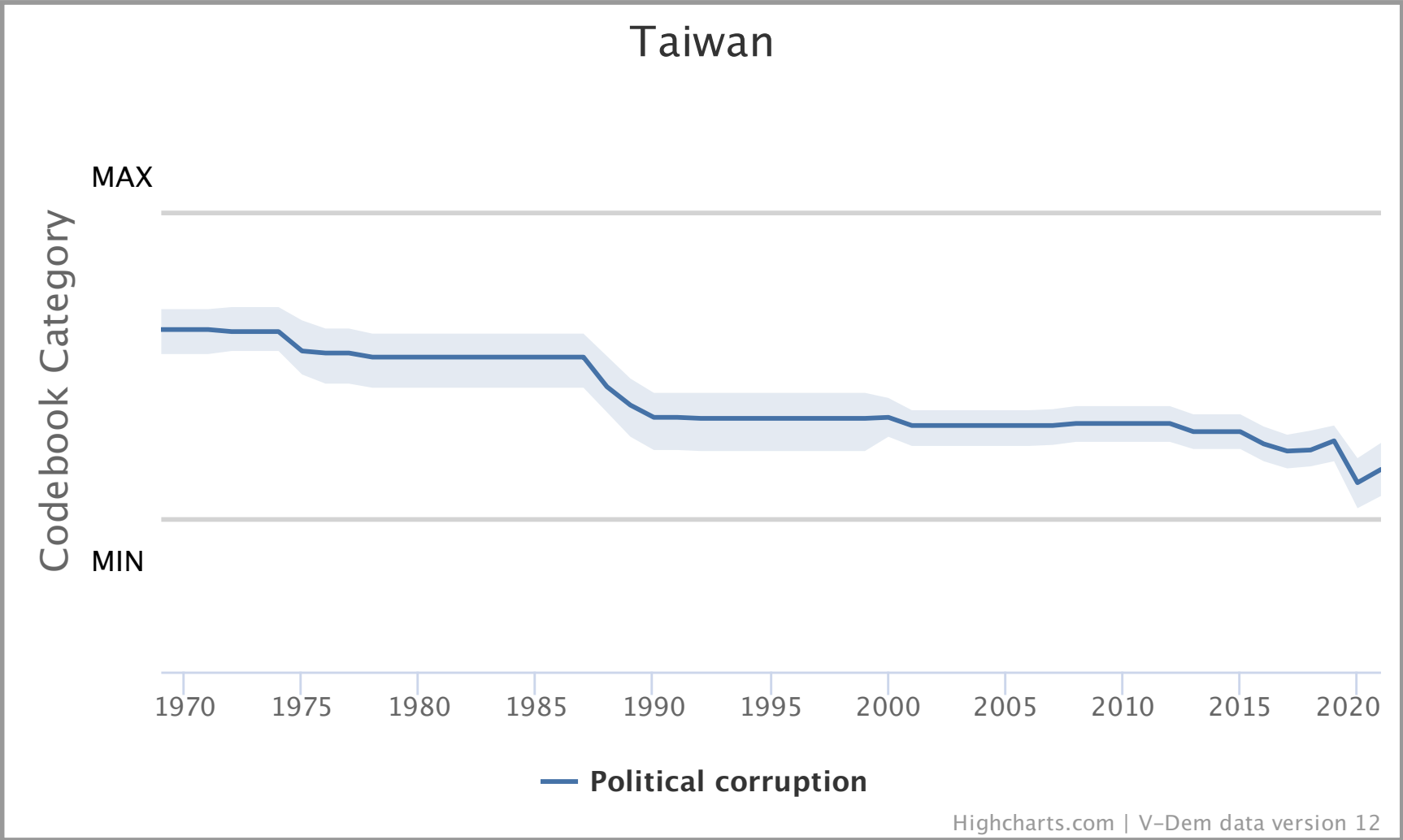


Figure 4. V-Dem Rule of Law Index, 1980-2021

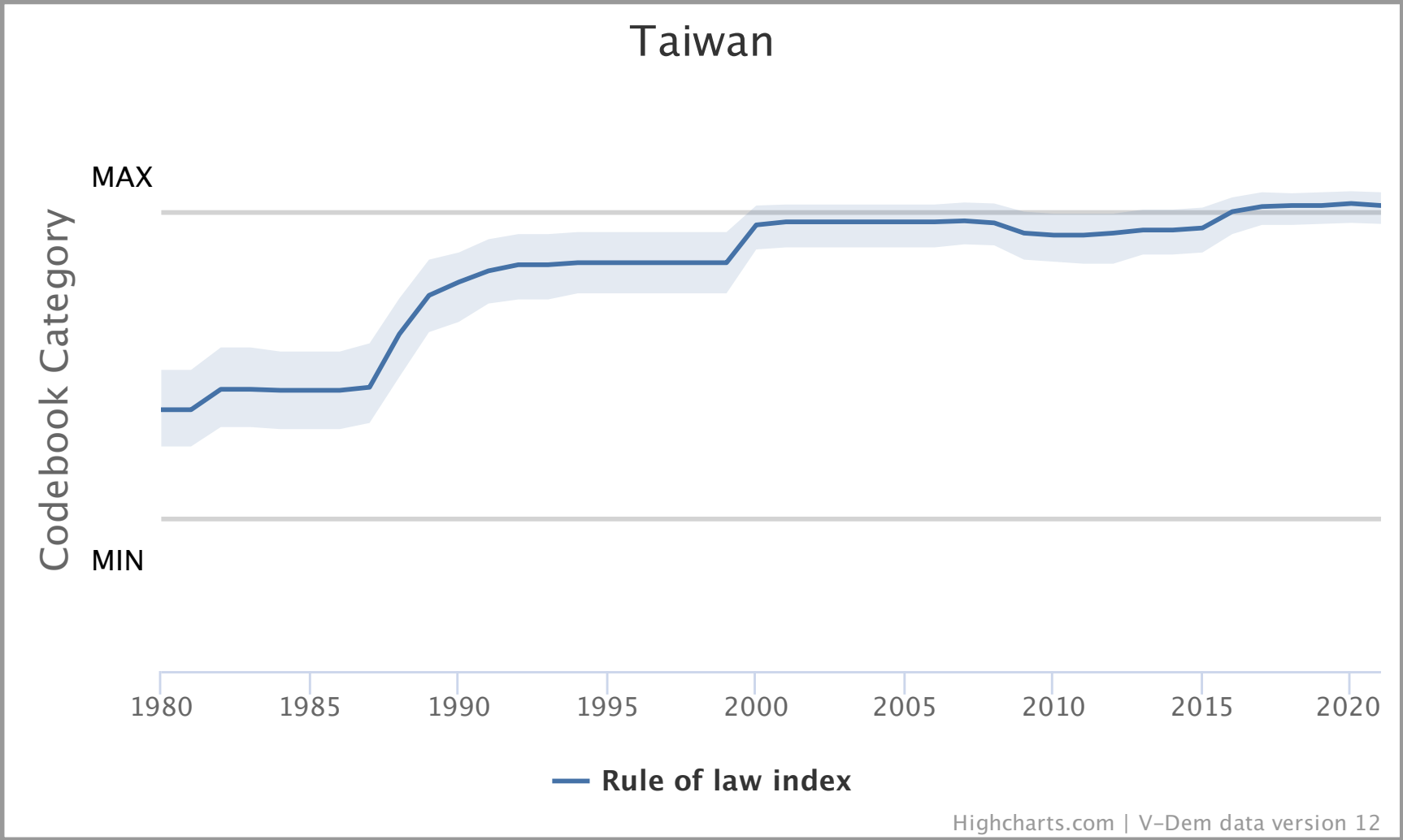


Figure 5. V-Dem Political Polarization Score, 1980-2021: Taiwan, South Korea, and United States compared

