

# 法政學報

第4期

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淡江大學公共行政學系

淡水

台灣

1995年7月

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發行人：施正鋒

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出版人：淡江大學公共行政學系

地 址：淡江鎮英專路151號

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# 銀行之參入證券業務 ——日本近年之修正法

林麗香\*

## **The Entering of Banks into the Securities Business—Japan's Recently Revised Regulations**

by  
Lie-Hsyang Lin

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\* 淡江大學公共行政學系專任副教授

## 壹、前言

美國1929年紐約股市大跌以致銀行連鎖倒閉所引起之經濟恐慌，使投資者損失慘重，為避免重倒覆轍並確保銀行經營之安全性，故1933年美國聯邦銀行法中禁止銀行經營高危險性之證券業務。而日本之證券交易法以美國法為藍本制定完成，所以對於證券業務、銀行業務之規制繼承美國法之精神採用分離主義，於證券交易法第65條明文禁止銀行兼營證券業務；此外，於證交法制定之際日本本身之情況亦不可忽視，蓋二次戰後佔領軍為防止財閥再度出現故於政策上力促經濟民主化，從而當然禁止日本採用兼營主義以免發生經濟過渡集中之虞；同時，證券行政上戰後為培育證券商之成長並安定證券業務，故人為的故意的以證交法第65條之規定阻絕銀行參入證券業務，而此種考量學者認為無寧為採取證券、銀行業務分離主義之最重要之理由（註1）。

證券、銀行業務兼營之弊害已為多數學者所討論，本文不再贅述（註2）。然而，日本國內隨著證券金融市場環境之變化，逐漸有「金融機關業務範圍嚴格縱行區分之意義已淡薄了」（註3）之基本認識，認為有條件的參入證券業務為適當。蓋1. 因金融自由化金融機關間之競爭趨於激化而為謀求經營之安定，金融機關必須擴大業務範圍；他方面因金融資產之大量累積與金融技術之革新，投資者對於金融商品多樣化選擇之需求增加而為滿足投資者，金融機關必須剪除業務限制以便開發提供新金融商品。2. 雖然日本導入美國之分離主義，但歐州諸國仍以採兼營主義為多數如英、法、德等皆是；而美國內現在已有主張廢止分離主義之聲浪甚至法案已提出國會審議，所以大幅緩和分離主義已成為共識（註4）。影響所及更加強日本國內提出緩和分離主義之主張，同時基於金融之國際化使國外金融機關易於參加國內金融體系與國外利用者之方便考量，故消除分離主義之藩籬使證券、金融業務相互參入以配合國外制度，認為有其必要。

所以，日本為改革金融制度大藏省之諮詢機關金融制度調查會於1989年3月曾提出具體方案作為改革之參考，即相互參入方式、控股公司方式、特例法方式、百貨銀行之方式、業種別子公司之方式等五種。而經調查委員會多次審議基於利用者方便性、金融國際化、金融秩序之維護等視點之考量，終於1991年6月確認採取業種別子公司方式互相參入他方業務（註

5)。然而，以銀行子公司方式參入證券業務，能否完全使兼營之弊端消滅於無形？此徵之美國之立法例即可明白，蓋美國於1933年Glass-Steagall法制定之前，連邦銀行依銀行法之規定禁止經營證券業務，但州法並無限制之故州立銀行皆能兼營證券業務，從而連邦銀行為與州立銀行相互競爭，故成立系列公司（包括子公司形態（註6））以經營證券業務。但連邦銀行以子公司方式兼營證券業務如眾議院銀行·通貨委員會之調查報告，事實上仍然發生許多弊害甚至釀成1929年經濟大恐慌時銀行連鎖倒閉（註7），因此使美國1933年銀行修正法對證券業務·銀行業務採嚴格分離主義。

平成四年（1993年）日本如上述為配合證券·金融市場國內國外需求與發展趨勢，緩和證券·銀行業務之嚴格分離主義而修正證交法使銀行得以子公司方式參入證券業務之同時，為有效防止兼營之弊害並增訂法令而採取各種防弊措施。本論文乃以考察日本對於證券·銀行業務嚴格分離之緩和過程與防弊措施為主要內容，因此冀能對我國之法規制有所反省與啓示。

## 貳、修正前銀行之證券業務

1. 關於公共債等證券業務之爭執：雖然，日本證券交易法第65條第2項已確認銀行得全面經營公共債之證券業務，但銀行法本身對於銀行可否經營該些業務並無明確規定之故而引起爭議，換言之銀行對於公共債之有關業務是否能包含於「附隨業務」以配合證交法第65條2項規定而得兼營之，眾說紛紜（註8）。當時二派議論相對立，一派認為證交法第65條2項乃對於銀行買賣公共債有關證券業務之禁止規定具有解禁作用而已，並無積極的意味於他業法之規制下銀行當然能經營公共債等證券業務，所以銀行之附隨業務於解釋上不應包括公共債等有關之證券業務，從而於舊法修正之前銀行業者不能任意經營公共債等之窗口販賣或自行買賣業務；另一派議論認為證交法第65條2項不僅解除銀行經營公共債等業務之禁止且明示政府許可銀行經營公共債等證券業務，從而公共債等證券業務於解釋上

能配合證交法第65條2項規定當然包括於銀行之「附隨業務」中，所以銀行能經營公共債等證券業務乃毋庸置疑（註9）。

此一爭議至昭和56年銀行法修正才獲得解決，換言之銀行法第10條2項4號明文規定國債、地方債或政府保證債券之餘額承銷（以賣出為目的者除外）、及該承銷相關之募集事務（窗口販賣）為銀行之付隨業務。而為銀行付隨業務之故，固無須銀行法之許可或證券交易法之許可當然可經營該些業務；然而募集事務（窗口販賣）因以多數投資者為勸誘對象而基於投資者保護之立場，從而認為應經大藏省之許可才能為之（註10）。此外，又新增訂銀行法第11條使以賣出為目的之公共債券包括新發行承銷與該承銷相關之募集事務、已發行公共債等之募集事務（窗口販賣）、已發行公共債等之買賣(Dealing)、受託買賣等業務銀行亦能經營，而銀行經營此些業務應取得證交法上大藏大臣之認可，同時於目前仍然須經銀行法上大藏大臣之認可（註11）才可為之。雖然證交法第65條採用證券·金融分離基本原則未變更，但昭和56年銀行之修正法實質上使銀行之證券業務範圍擴大。

2. 證券·銀行業務之海外相互參入：日本於證交法第65條分離主義下固然禁止國內證券·金融業務之兼營，但歐州國家異於美日之制度證券·金融業務並非不可兼營。而隨著資本市場之國際化，日本企業於歐州市場以發行證券方式以籌措資金之案例漸多，所以國內金融機關紛紛於歐市設立證券子公司以當地法人形式辦理國內企業於海外發行有價證券之事務。基於法律之屬地效力，證券交易法之規制範圍無法及於海外之故，而以當地法人子公司形式以突破第65條分離主義之限制，使國內銀行於海外能經營證券業務。

不過，基於採行證券·金融分離主義之考量，昭和50年8月大藏省以行政指導方式對於國內企業發行外債之承銷業務若有銀行之海外子公司成為承銷幹事時，要求須有日本之證券商參加並為上位幹事才能承銷該外債之發行（註12）。蓋雖然銀行以子公司方式於海外經營證券業務，對於銀行本身或國內之證券業務並非毫無妨害，且法理論上所謂嚴格屬地主義已漸次緩和，對於國外之違反行為實質上可能於國內發生危害效果時仍有國內法適用之餘地，所以學者對於此一限制認為並非不合理（註13）。



3. CP·CD之業務：雖然CP·CD與公司債等同樣的具有有價證券之性格為企業籌措資金之手段（註14）但卻無法成為證券交易法上之有價證券，蓋日本之證券交易法對有價證券之定義可謂採列舉主義，於證交法第2條9項雖然規定得基於保護投資者之需要依政令之指定成為有價證券，但事實上大藏省無法指定，蓋若經大藏省指定為「有價證券」者從而適用證交法上之規定則CP·CD業務成為證券業務，證券業者當然可經營但基於證券·金融分離主義則排除銀行對CP·CD業務之經營；然而CP·CD之取得與轉讓從來為銀行之付隨業務而（註15），因此，一般認為排除銀行對於CP·CD業務之經營似有不妥。從而，為避免分離主義之衝突，惟有以他種變通方式使銀行與證券業者皆能經營，換言之修正證交法第43條之規定放寬證券商之兼業限制，即「證券商不能經營有價證券以外業務但關於有價證券業務及其他證券業關連業務，於證券業務經營上不妨礙公益或投資者保護之目的並經大藏大臣認可者不在此限」，並經過歷次修正大藏省「證券商兼業之認可」之行政命令追加CP·CD之買賣仲介、代理等業務列為證券商之兼業範圍（註16）。所以，證券商與銀行對於CP·CD業務皆能經營。

由上述可知於證交法第65條分離主義之下，證券商與銀行卻皆能經營二者業務其理由在於CP·CD非證交法上之有價證券，而證券商以兼業方式經營之。但卻因此發生投資者保護上之問題，蓋非證交法上之有價證券之故，致使CP·CD無法適用證交法上之公開制度與詐欺禁止等特別規定以保護投資者，此乃值得留意。

### 三. 修正法之內容

#### 一、五種方案之提出

為改革日本之金融制度，1989年3月金融制度調查會之第二委員會具體提出五種方案作為日後金融改革之參考。即1. 相互參入方式：金融機關與證券業者互相尊重各自業務範圍，依事實之需要以個別方式參入他方之業務範圍之謂也，此為目前所採行之方式；具體而言，即以銀行之付隨業務與證券商之兼業承認方式為之例如現CP·CD業務之經營方式即是。2.

控股公司方式：由各該業種向上成立控股公司後，再由控股公司向下設立他業種子公司方式從事他業種之業務，美國即採行此種方式相互參入他方業務，此一方式各業種間業務範圍之區隔仍然存在。3. 百貨銀行之方式：各業種本身即從事所有之證券、銀行業務，為歐體 E C 所採用之制度。此一方式將使現有金融機關皆轉換成新業種，並須刪除證交法第65條之規定，可謂開放幅度最高且金融體系變動最大之一種方式。4. 特例法方式：以訂定特例法方式認可由各業種以100% 出資方式設立子公司方式經營證券、金融、信託等廣泛金融業務，換言之由各業種設立類似美國投資銀行之金融機構，具有百貨銀行之優點能提供多樣性的選擇不過其業務僅限於批發業務以投資專業者為對象。5. 業種別子公司之方式：係由各業種出資設立100% 子公司（例如證券子公司、銀行子公司等）參入他業種之業務，如加拿大所採行之方式，而各業種間業務之區隔仍然存在但不會產生新業種（註17）。

而對此五種方案之優劣，金融調查委員會認為相互參入方式為現行制度之延長，原本存在之問題如投資者保護之問題仍然未能解決且難以配合國際化之要求；百貨銀行方式其業務兼營之弊端如經營健全性之危害、利益相反問題等正為主張分離主義之理由，而日本向來基於分離主義對於金融、證券業務予以嚴格區隔，故於制度改革上很難採行此一制度；至於控股公司方式固然使各業種之區隔仍然存在，但由於獨占禁止法禁止控股公司之設立故必須修法才可能施行，而該禁止乃基於國內產業全體之考量，難以因金融制度改革而解除該禁止規定，所以不可能採行；特例法方式可能發生同一業種母子公司雙重投資之情形，且所成立之子公司兼營各種業務之故利益衝突等弊端仍然存在，同時很難區分批發業務與否。所以，最後確定以業種別子公司方式參入證券業務（註18）。

## 二、業種別子公司之採用理由

緩和證交法第65條規定之嚴格分離主義而使證券、金融業者能相互參入他方業務方式，於立法政策上最後採用各業種得以子公司之形式為之，蓋採行子公司方式於維護金融秩序上較容易達成，換言之此一方式具有下述效果：

1. 風險遮斷之效果：以子公司方式經營他業務而使他業務之風險不及於母公司之謂也。此種效果固然基於股份有限公司股東之有限責任法理，使證券子公司發生虧損時其母公司銀行僅於子公司之出資額限度內負責任，不致因子公司虧損而累及母公司銀行甚至倒閉，故於確保母公司財務之健全性與存款人之保護上發揮機能。

不過，學者對此亦提出指摘（註19），認為縱有上述之遮斷效果但證券子公司之經營風險並不因此消失，從而存款人不須負擔時則唯有由子公司之債權人負擔，而子公司之債權人中可能有善意投資者（受不當勸誘或其他詐欺行為之顧客）存在，而此些善意投資者之保護為何較存款人為後？此外由銀行自己本身經營時認為不合適之高風險證券業務，為何子公司經營即適合並依如此推論，則銀行業務本身之高風險業務如貸款業務似亦可另設立子公司經營之，此種不合理情況乃值得留意。雖然，子公司之風險遮斷效果引起學者如此指責，但於突破證券·金融分隔藩籬之議論中，反對派所強調銀行母公司之存款人風險性增加之問題，以子公司方式則能於此發揮保護存款人之效果，此外對於兼營之弊端所採行之防止措施上如下2. 考察亦能發揮效果。所以以子公司方式參入他種業務乃適當的。

2. 減低監督體制之成本：以獨立法人之子公司方式經營他業種之業務，因與母公司業務區隔之故其監督體制遠較大規模百貨銀行更能有效實施且成本較少，所以證券·金融業務互相參入所引起利益相反等問題之防範，以子公司方式其成本當然較低，乃不待言。從而銀行法上對於各種風險之防止規制、證券交易法之利益相反規制與其他各種行政監督等利用子公司方式，較能有效率之實施，同時內部管理上對於此等規制之配合亦較能容易達成（註20）。

3. 競爭條件之公平性：銀行之店舖網路分散全國各地遠較證券業者為多，所以銀行本身若參入證券業務則證券業者本身很難與銀行相抗衡，證券業者可能因此逐漸從資本市場消失而改由銀行取代，造成銀行經濟力之集中。然而採行子公司方式並兼設置「防火牆」措施，使子公司不能直接使用母公司銀行之店舖與設備，且不能利用銀行之社會信用以增加自己業務，因此證券子公司須另覓營業場所而獨立營業，如此才能使證券業者與銀行相互參入他方業務之競爭條件趨於平等（註21）。

### 三、證券・銀行業務相互參入

1. 子公司形式相互之參入：證券交易法第65條之規定仍依照舊法，即銀行、信託公司及其他依政令規定之金融機關不得經營第2條第8項各號所揭之證券業務。依此規定不僅銀行本身禁止經營證券業務，且解釋上銀行子公司亦不得經營證券業務。然而，平成四年之修正法增訂第63條之3，使第65條之規定不得妨礙大藏大臣對於銀行、信託公司及其他依政令規定金融機關持有過半數股份之股份有限公司予與證券商之許可，換言之證券交易法不得禁止銀行等以子公司方式經營證券業務。從而，銀行等之子公司取得大藏省之許可即可經營證券業務，不過依獨占禁止法第11條之規定銀行設立子公司經營證券業務時應事前取得公正交易委員會之許可。他方面，證交法之修正增訂第43條之2規定，即「證券商經大藏大臣之認可得取得或保有銀行、信託銀行或其他依政令規定金融機關之過半數股份或過半數出資」，從而證券商亦得以子公司方式經營銀行業務。因此，金融業務・證券業務分離之緩和並非指銀行或證券商本身得以相互進出彼此之業務，而是以子公司方式為之。

2. 銀行等子公司之證券業務之範圍：日本之大藏省於平成四年12月發表之「金融制度改革實施 概要」對於銀行子公司參入證券業務，認為應避免一時期過渡參入而造成市場秩序之混亂，所以主張以漸進的、階段性的參入方式，換言之應考慮金融制度改革實施後之狀況、市場狀況、與對證券商或金融機關之影響，而目前以限制範圍如下所述為準，以後漸次開放之。

(1) 證券經紀商業務—基於銀行本身從未經營過經紀業務之歷史背景，而銀行自己通常又保有大量股份且考慮證券經紀業務已成為中小型證券商之主要經營項目，過度競爭恐危及中小型證券商之經營基礎。因此，現在證券交易法附則第19條第1項規定大藏大臣對於銀行等（外國銀行除外）新設立之子公司（註22）給與經營證券商之許可時應附條件以禁止經營經紀業務，而附則第19條第2項規定，銀行等以既存證券商為子公司而大藏大臣給與許可時得附條件禁止經營經紀業務。

固然目前銀行等之證券子公司暫時以不能經營經紀業務為適當，但銀行等若收購既存之證券商或其證券子公司、或與既存證券商等合併以經

營經紀業務，由於非新設立之故不符合第19條第1項之規定而不受規制，成爲一漏洞。又，銀行等事實上基於救濟即將破產之證券公司而予以收購情形亦時有所聞，若強制該證券商停止早已經營多年之經紀業務，將使多數之投資者受到影響甚至受到損害，因此有附則第19條第2項之規定予以大藏大臣視情形得彈性的附禁止條件，同時亦可補充上述之漏洞。

(2) 銀行等證券子公司之業務—除經紀業務之禁止外，大藏省爲避免一時銀行過渡參入而造成資本市場秩序之混亂，故以行政命令限制目前證券子公司之業務經營範圍。因此，目前證券子公司之證券業務範圍如下所述，即證券交易法第2條第8項之證券業務中排除下列業務外皆可經營（註23）。

A. 股票之發行業務與流通業務，而發行業務指承銷、再次發行之分銷、募集（與再次發行）之事務、私募之事務等。

B. 持份（轉換公司債券、附新股認購權公司債券、新股認購權證券）之流通事務。但屬於發行業務延長線上之最小限流通業務不在此限，此乃指安定操作、或募集殘留證券之處理。

C. 股價指數期貨交易與股價指數選擇權交易。

#### 四、防弊措施之內容

平成四年修正法使金融機關得以子公司方式相互進出他業態之業務，然而過去嚴格分離主義所要防範之各種弊害，隨著規制緩和和各業態之業務相互參入之故，可能逐漸浮出。所以，規制緩和後如何有效的防止弊害之發生，成爲金融制度改革之檢討重心（註24），從而關於防止弊害之措施則於銀行規制之最小限內以確保證券市場機能爲目的，而分別規定於法律、省令與自主規制中，並從三個方面著手即妨害金融機關之經營健全性、利益相反之問題、妨害金融機關競爭上之公平性（註25）。以下考察修正法之防弊措施之內容：

1. 關於業態別子公司方式相互之參入：依修正法第65條之3與第43條之2規定，銀行等或證券商各得以設立子公司之方式互相參入他方業務。而以子公司經營他業種之業務，因與母公司之業務相隔離之故對於維護銀行經營之健全性與防止利害相反之發生能發揮效能，故採用子公司方式本身即爲防弊措施之一環，可謂爲廣義「防火牆」（註26）。修正法爲避免母

公司本體之實質上參入，使採用子公司方式之防弊效能減低，故有下列之規制：

(1) 兼職之禁止規定— a. 證券商從事經常性業務之董事除經大藏大臣承認外，不得於他公司從事經常性業務或自己經營事業；而銀行法上對於銀行之董事亦有相同之規定。此乃基於證券或銀行業務之專業性使實際負責執行業務之董事能專心於本業，同時能避免證券商或銀行實質相互參入彼此業務之嫌。 b. 修正法增訂第42條之2與第42條之3，即證券商之董監事不得兼任母公司等（註27）之董監事或使用人，且證券商之董監事或使用人亦不得兼任子公司等之董監事除非經大藏大臣承認者不在此限。然而，前述證券商之母公司等或子公司等若為銀行、信託公司或其他依政令所規定之金融機關者時，則大藏大臣不能為兼職之承認，從而證券商之董監事或使用人於現行法下不可能兼任其母公或子公司之董監事或使用人。

(2) 業務代理之限制— 為確保證券、銀行業務分離之規定，大藏省證券局長曾指明證券商所經營之證券業務中一部份由母公司或子公司銀行代理時則有違反證交法第65條I項之虞（註28）。

(3) 證券商對於母公司或子公司銀行相互影響力之排除—

#### A. 人事的交流之限制

a. 證券子公司之職員於公司設立5年後，自己所採用者能達50% 為目標以減少由母公司金融機關所派遣人員，降低其影響力。 b. 證券商內具有代表權之幹部不得擔任母公司金融機關之幹部，且離職後未滿2年者不得擔任母公司金融機關內證券關連部門之職員；若非具有代表權之幹部，其本身乃於公司設立後5年內由母公司金融機關轉職而來者，則於離職後約二年間不得再回母公司擔任證券關連部門之職員或負責證券事務之幹部，而其本身若於公司設立5年以後由母公司金融機關轉職而來者，則於離職後約二年期間不得再回母公司擔任幹部或證券關連部門之職員，但為援助子公司因幹部發生事故而所作之短期派遣或緊急救助子公司經營不善等不得已事由，則可不在此限（註29）。

#### B. 店舖共用之限制

為確保證券商之獨立性，其申請許可之審查中關於設立場所為一重要之審查項目，即 a. 本公司不得設於母公司金融機關之同一建築物內； b. 分公司或其他營業處所與母公司金融機關之店舖於同一建築物內時，則必須

位於不同之層樓，且於建物外部分別設立出入口使顧客能分別進出證券商分店處所或母公司金融機關之店舖，但該建物若為雜居大廈時而能以共用部分明確區別者不在此限。店舖共用之限制，亦可避免投資者誤認證券商為母公司金融機關之一部門，致減低證券投資之風險意識（註30）。

### C. 電腦設備或會客室使用之限制

證券商與母公司金融機關共同使用電腦時，必須有特別程式設計存在使互相無法由終端機取得對方之情報。而會客室共同使用難以使情報完全遮斷，故應分別設置會客室（註31）。

2. 關於妨害金融機關經營健全性之防止：對於銀行業務·證券業務分離之緩和，反對論者認為兼營結果足致具有公共性之銀行業者發生不良影響。而修正法採業態別子公司方式雖能有效的排除兼營對銀行業本身之不良影響，不過即使採業態別子公司方式，由於母公司銀行對子公司之支援，致危害銀行業本身健全經營之可能性存仍然在。因此，修正法之防弊規定如下：即銀行對於與子公司證券商間之交易行為，其條件不能較銀行之通常交易使銀行發生不利益之情事；且銀行對於與子公司間或子公司之顧客間之交易或行為不能妨礙銀行業務之健全性與業務經營之適切性（第16條之3），除非該交易或行為基於公益上必要而經大藏大臣承認例如子公司經營狀況惡劣，母公司銀行為挽救子公司而給予特別低利之融資。

3. 關於利益相反之防止：固然基於利益相反防止之目的而採行子公司方式，但由於母子公司關係密切之故，子公司或母公司不免利用此一關係使其個別業務相互間發生利益相反之問題。所以，為徹底防止利益相反之問題除採行子公司方式外，應更進一步禁止下列行為：

（1）證券商承銷母公司或子公司之債務人所發行有價證券，而證券商明知該發行有價證券所募集之資金乃為清償前述債務之用，但卻未事前告知顧客而分銷該有價證券。蓋母公司或子公司金融機關貸款與企業，但企業之經營狀況惡劣致難以償還該債權時，母公司或子公司金融機關常促使企業發行有價證券以償還債款而證券商為使母公司或子公司容易取回債權，雖明知該情事亦未對投資者告知，使銀行之呆帳轉嫁與投資者換言之犧牲投資者之利益以保護母公司或子公司之利益（證券會社 健全性 準則等 關 省令第2條之2，1號，以下簡稱省令）。

(2) 證券商之母公司或子公司發行有價證券時，該證券商不得擔任主要承銷商。蓋證券商承銷有價證券時必須審查發行企業之財務業務是否健全，為使證券商之母公司或子公司金融機關容易籌措資金，其審查通常較為寬鬆。如此，將使品質較差之有價證券亦能輕易發行致發生投資者保護之問題。不過，該有價證券發行之際若經專業機構評定等級者不在此限，蓋因已經經第三者客觀的公正審查而評定等級，投資者可依此評定作為投資判斷之資料（省令2條之2，5號）。

(3) 證券商自承銷有價證券之日起6個月內，關於該有價證券購買之資金，若明知母公司或子公司銀行對顧客提供信用時，不得將有價證券賣與該顧客。蓋由於母公司或子公司銀行對顧客提供購買證券價金之貸款，此使顧客資金充足容易購買證券，從而證券商可避免證券之怠銷而減輕承銷之危險。此一規制固可防止證券商之承銷危險轉嫁與投資者，同時可使證交法61條「證券商對於承銷之證券不得提供顧客購買該證券價金之信用」規制發揮效果，堵塞證券商以母公司或子公司銀行迂迴方式貸款與顧客之法律漏洞。他方面，以母公司或子公司銀行對顧客提供信用，使顧客容易購買證券商所承銷之證券，此於競爭之公平性而言亦值得非議（省令2條之2，5號）。

(4) 證券商或其董監事、使用人，不得由母公司或子公司金融機關取得關於發行公司或顧客之非公開情報而將該些情報提供與母公司或子公司，除非經發行公司或顧客之個別同意可不在此限；非公開情報指關於公司運營、業務、或財產等重要之情報足以影響投資判斷者，或因職務上所獲知顧客有價證券之買賣動向及其他特別情報。蓋銀行經由融資業務容易取得發行公司或顧客之情報而證券商可利用與銀行間母子公司之特殊關係，使銀行提供此等情報並利用此等情報從事有價證券買賣而妨害顧客之利益；同時證券商取得顧客之非公開情報提供母子公司銀行使用，將影響顧客對證券商之信賴。他方面，禁止證券商與金融機關母子公司間之非公開情報傳達，對於內線交易之防止亦能發揮效果（省令2條之2，8號）。

4. 關於妨害競爭公平性之防止：由於銀行之店舖網、資本力等皆凌駕於證券商之上，所以銀行若積極支持具有母子公司關係之證券商時，固使該證券商於與其他一般證券商之競爭上居於優越地位；即使未積極之支持但鑒於日本之銀行對企業具有相當影響力之現狀，則能使其母子公司之證



券商通常於顧客爭取上具有較優越地位。又，銀行積極支持證券商之方式可分為與證券商顧客間之交易行為、及直接與證券商間之交易行為。不過銀行為支持證券商致犧牲本身之利益時不僅發生妨害銀行經營之健全性問題，且與證券商發生利益相反之問題。

(1) 關於與證券商顧客間交易行為之規制—證券商之母子公司對顧客提供信用時，其條件為須與該證券商成立關於證券買賣之契約，而此為該證券商所知悉者則應禁止該證券商與顧客訂立有關之買賣契約（法50條之2，2項）；又，證券商之母子公司對顧客提供較通常交易條件更有利條件之資產買賣或其他買賣時，其條件為顧客必須與該證券商成立證券買賣之契約，而此為該證券商所知悉時則應禁止該證券商與顧客訂立有關之買賣契約（省令2條之2，3號）。

證券商之母子公司金融機關為增加該證券商之業務促進顧客與證券商間之交易，經常利用業務上提供顧客貸款之信用或提供有利交易條件方式吸引顧客，使顧客容易與該證券商成立證券買賣契約，所以該證券商於證券市場之競爭上當然較他證券商居於有利地位而妨害證券市場仲介機構應公平競爭之問題。同時，日本之公平交易委員會亦認為金融機關利用其本身之融資影響力以強制顧客與自己母公司或子公司之證券商從事交易行為例如證券買賣之委託、發行證券之承銷業務等，或強制顧客不得與自己母公司或子公司券商之競爭者從事任何交易行為，由於其強制足以妨害顧客自由從事交易行為並使證券商之競爭者居於競爭上不利地位，故有違反獨占禁止法之虞；又，證券商子公司為吸引顧客而以將使母公司之銀行提供有利融資條件勸誘投資者，此為不當利用銀行之經濟力使子公司證券商居於競爭上之有利地位，仍然可能發生獨占法上之問題（註32）。

(2) 與證券商之直接交易行為之規制—其內容如下：

A. 證券商或其董監事、使用人不得以異於通常交易條件而足以妨害公平交易之條件，與母公司或子公司從事有價證券買賣或其他買賣（法50條之2）。

B. 證券商不得以顯著異於通常交易條件之條件，與母公司或子公司從事資產買賣或其他交易行為。資產買賣或其他交易行為指前項以外之行為而與證券買賣無關之行為，雖與母公司或子公司從事非證券有關行為但因以通常交易條件顯著相異條件之交易，可能使證券商經營之健全性受到妨

害，然而若該交易有利於證券商時則可能使證券商居於競爭上有利地位，而引起確保證券市場仲介機構公平競爭之問題（省令2條之2，5號）。

C. 證券商自承銷有價證券之日起6月內不得將承銷之證券賣與母公司或子公司金融機關等。母公司或子公司銀行為支援證券商順利完成承銷業務而買進承銷剩餘之證券，此使本應由證券商承擔之風險轉嫁與母公司或子公司，而不僅妨害母公司或子公司之經營健全性，且發生利益相反之問題。他方面，證券商因可免除承銷之危險而基於增加手續費收入之考量，故可能對有價證券發行之評估過於草率而承銷該有價證券，使投資者受到損害。又，證券商與母公司或子公司之交易情況應每3個月向大藏大臣提出報告書（省令2條之2，7號）。

（3）銀行對企業影響力之規制—為減少因銀行對企業之影響力，使與銀行有密切關係之證券商居於競爭上有利地位，其規制之內容如下：

A. 共同訪問之禁止。證券商之董監事或使用人不得與母公司或子公司銀行之董監事或使用人共同訪問顧客（個人或企業）。蓋證券商之董監事、使用人與母公司或子公司之董監事、使用人共同執行業務時容易使顧客發生誤解而對銀行之信賴轉移至證券商所推銷之商品；同時該禁止使顧客於決定是否與證券商交易之際，避免對於銀行影響力產生壓力而妨礙顧客之自由決定。不過，共同訪問乃基於顧客之請求或特定訪問之目的時，銀行之影響力減少且顧客不致產生誤會，他方面基於顧客選擇資金籌措方式與取得相關情報之方便，故可不受限制（省令2條之2，4號）。

此外，為避免共同訪問禁止之脫法行為，大藏省證券局長另於平成5年4月1日發佈防止弊害發生措施之行政命令中明白指出，a. 證券商勸誘顧客提出證券商與其母公司或子公司銀行共同訪問之請求，而基於該請求所實施之共同訪問應視為共同訪問禁止之脫法行為；b. 共同訪問中，證券商對自己業務以外之業務或顧客所請求範圍以外之業務實施勸誘或說明行為應視為違法行為。

B. 「主力銀行」影響力之隔絕。日本之企業通常會與某一銀行關係特別密切，其關係之建立可能基於該銀行曾對企業作大口融資、或該銀行為企業之大股東、或企業之重要幹部來自該銀行等，致該銀行對企業有相當之影響力而有「主力銀行」（main bank）之稱。所以縱然該銀行無積極從事任何支援行為，但證券商基於母子公司關係之故通常能取得該企業之證券

業務，從而居於競爭上之優越地位。如此因主力銀行之影響力致使企業與證券商之關係固化，影響市場之競爭，固非有益之事；且企業發行有價證券時，通常以與其有密切關係之主力銀行擔任主要受託人，又該發行之證券若由主力銀行之母子公司證券商承銷，因母子公司分別擔任受託人與承銷商之故，則發行條件恐受扭曲之虞，致危害證券市場之機能。所以，為判斷銀行影響之存在與否，法令依下述之基準決定之，即該銀行是否為企業之主要受託公司，且企業之規模如何，規模愈大者其獨立性愈強，現行法以5000億圓為準。而現在日本之大公司純資產額超過5000億圓者除銀行或其他金融機關以外約有30家左右例如東京電力、日產汽車、日立製作所、東芝等公司（註33），為阻隔「主力銀行」之影響力現行之規定如下：

a. 純資產額未滿5000億圓之企業發行公司債而證券商之母公司或子公司銀行擔任該發行業務之主要受託人時，則該證券商不得成為所發行公司債券之主要承銷商。而主要受託公司指募集公司債之受託公司中能代表受託公司處理募集公司債委託契約之事務且其受領之手續費、報酬等不少於其他受託公司者。

b. 純資產額未滿5000億圓之企業過去2年期間內，對於最近3次所發行之公司債，證券商之母公司或子公司銀行曾有一半以上之次數擔任過該發行業務之主要受託公司時，則該證券商不得成為企業發行公司債或股份之主要承銷商。所以過去2年期間內有3次或2次銀行擔任主要受託公司，其母子公司證券商即不能成為主要承銷商；若僅有1次時認為影響力有限之故，母子公司證券商可以擔任主要承銷商而過去2年期間僅發行2次時，雖只有一次擔任主要受託公司但因已過半數故母子公司證券商仍然不能擔任主要承銷商（省令2條之2 9號，10號）。

## 肆、結語

### 一、我國之規制

依證交法第45條「證券商不得由他業兼營。但金融機構得經主管機關之許可，兼營證券業務。」之規定，證券業務雖採專業經營原則但經證管

會之許可銀行仍可兼營之，從而證管會頒布「證券商設置標準」中特設專章規定金融機構申請兼營證券業務之事項，換言之金融機構依銀行法規定得兼營證券業務者，其申請兼營應以機構名義為之，且應按兼營證券業務種類之法定資本額撥出相同數額之營運資金；而金融機構所兼營之證券業務除設置標準發佈前已經許可兼營者外，其兼營以下列各項之一為限：即有價證券之承銷、有價證券之自行買賣、有價證券之行紀或居間、有價證券之承銷及自行買賣、有價證券之自行買賣及在其營業處所受託買賣（註34）。且，證交法第51條雖禁止證券商董監事、經理人兼為其他證券商或公開發行公司之董監事或經理人，但對於金融機關兼營證券業務者其董監事或經理人之兼職卻許可之（註35）。

同時，依銀行法第3條規定銀行經營之業務範圍不僅收受存款辦理貸款、票據貼現等所謂傳統之銀行業務外，還包括證券業務即有價證券之承銷、自營買賣、代客買賣。而我國銀行依授信長短與業務內容分為四類銀行，即商業銀行、儲蓄銀行、專業銀行與信託投資公司等，從而依銀行法規定儲蓄銀行可經營之證券業務為「承銷公債、國庫券、公司債券及公司股票」（法78條13號），信託投資公司可經營所有證券業務及證券相關業務（法101條）（註36），至於商業銀行之業務內容中雖未包括證券業務，而專業銀行之業務由中央主管機關於第3條所定業務中核定之，亦未明白規定可經營之證券業務。然而，商業銀行與專業銀行可依銀行法第28條規定附設儲蓄部及信託部以經營儲蓄銀行與信託投資公司之業務，換言之商業銀行或專業銀行當然可利用所附設之儲蓄部或信託部經營證券業務。因此，可知我國之銀行乃以提供綜合性服務之百貨店式銀行為理想目標，而於立法政策上銀行可兼營證券業務乃無可置疑，近似德國universal bank形式，所以現實上除近3年所成立之民營新銀行外幾乎所有銀行皆以信託部方式從事證券業務之經營，例如中國商銀兼營綜合證券業務、華僑銀行兼營經紀與自營業務、交通與土地銀行兼營承銷與經紀業務、華南與彰化銀行兼營經紀業務等（註37）。

## 二、日本立法例之啓示

百貨式銀行兼營證券，金融業務固可提高利用者之方便性，但無可諱言各種弊端之產生乃不可避免。日本為配合證券、金融市場環境國內國外

發展趨勢，於修正證券・金融之嚴格分離主義之際，採行業態別子公司之兼營方式而以獨立法人立型態區隔兩種業務經營之組織與人員，以減少弊害發生。雖然我國銀行法第28條但書規定商業銀行與專業銀行附設儲蓄部或信託部，各該部之資本、營業及會計必須獨立。從而，商業銀行或專業銀行以信託部兼營證券業務時，能與銀行本體發生部分區隔，然而信託部終究僅為銀行之一個部門，固不能與日本之獨立法人子公司相比擬。

並且日本於修訂法令之初，證券取引審議會曾表明為維護資本市場之健全發展對於兼營上利益相反之防止、競爭條件均衡之維持、銀行健全性之確保等問題之考量上採取各種防弊措施，即使以致經營效率減損亦無妨（註38），因此於修正法令中詳細的不辭繁瑣地規範各種類型之防弊措施，此等保障銀行存款人與證券投資人之決心，於我國高唱兼營便益之餘卻無顧慮防弊措施存在，實值警惕與深思。因此，兼營時銀行利用其授信之優越地位，或與企業之密切關係從事利益相反行為，致投資人利益受損，甚至危害銀行本身之健全經營，而致存款人利益受損等，亟待我國之立法。

## 註 釋

- 註 1：河本一郎・鈴木竹雄 證券取引法 有斐閣 頁261。
- 註 2：林麗香「銀行兼營證券業務之規制」證券市場發展季刊 證券市場發展基金會出版 頁3-20。
- 註 3：秋山和美「新しい金融制度について概要—金融制度調査會答申」商事法務 NO.1255 頁9。
- 註 4：前田重行「金融・證券制度の見直して證券取引法65條—分離主義か兼營主義か」ジュリスト NO.948 頁174。
- 註 5：「新しい金融制度について—金融制度調査會制度問題専門委員會の報告概要—」（専門委員會報告書平成3年6月4日）商事法務NO.1252 頁28-30；同前掲（註3）頁10-12；「證券取引に係る基本的制度の在り方について」商事法務NO.1251 頁41，

42。

- 註 6：所謂「系列公司」指（1）銀行持有過半數股份而直接或間接支配之公司；（2）持有銀行過半數股份而能直接或間接支配之公司；（3）銀行之董事兼為該公司過半數之董事；（4）其董事兼為銀行過半數之董事。參考川口恭弘・米國金融規制法の研究 東洋經濟 頁17，18。
- 註 7：川口慎二監譯・銀行の證券業務參入 東洋經濟新報社 頁47—52。
- 註 8：參照河本一郎「銀行の證券業務をめぐる法解釋 争いについて（上，下）」金融法務NO.935，NO.936。
- 註 9：同前掲（註1） 頁279；同前掲（註4） 頁174。
- 註10：同前掲（註1） 頁283，284。
- 註11：參照 日本銀行法附則第5條。
- 註12：同前掲（註1） 頁276；川春雄介「證券取引法65條問題の現状」商事法務 NO.1041 頁79。
- 註13：同前掲（註1） 頁277，278。
- 註14：同前掲（註1） 頁72。
- 註15：銀行法第10條2項5號金錢債權之取得轉讓為附隨業務，且依銀行法施行細則第12條「金錢債權」指CD・CP。
- 註16：昭和57年追加海外發行CP・CD之買賣、仲介、代理業務；昭和60年追加國內CD買賣、仲介業務；昭和62年追加國內CP之買賣、仲介業務。
- 註17：「金融制度改革の五つの考え方」商事法務NO.1178 頁50，51；岡本直之「新しい金融制度について—金融制度第二委員會中間報告書の概要」商事法務NO.1188 頁4—7。
- 註18：同前掲（註5）。
- 註19：神田秀樹「銀行子會社による證券業務」金融法務事情NO.1295 頁7，8；河本一郎等「子會社をめぐる法的諸問題（中）」商事法務NO.1240 頁23，24。
- 註20：同前掲（註19）神田 頁9。
- 註21：江頭憲治郎等「金融制度の新しい展開」ジュリスト NO.966 頁27，28。

- 註22：附則第19條之規定包括銀行等（銀行、信託公司及其他金融機關）之證券子公司、銀行等子公司之證券子公司、與兩者之共同證券子公司（孫公司）。
- 註23：大藏省證券局「金融制度改革實施の概要について」（大藏省平成4年12月17日）商事法務NO.1309 頁83。
- 註24：平成3年6月大藏大臣之諮詢機關金融制度調査會與證券交易審議會同時提出報告書中確認以子公司方式相互參入他方業務，而金融制度調査會強調子公司方式足以防範兼營之弊端，認為即使採取新措施亦不可妨礙制度改革意義於最小限度範圍內為之；但證券取引審議會則強調為避免業務之新參入而使證券市場之機能扭曲，而提出10項之防弊措施。參照前揭（註5）。
- 註25：同前揭（註5）。
- 註26：川口恭弘「ファイアー・ウォール」ジュリストNO.1023 頁15,16。
- 註27：指保有該證券商過半數之股份或與證券商有密切關係之其他法人或依政令規定之團體並參照日本證券交易法施行細則第15條之2規定。
- 註28：參照大藏省證券局長通達・證券取引法第65條及第50條之2第3號基 弊害防止措置の適用に關する事務等について（1993年4月1日藏證491號）
- 註29：同前揭（註23）。
- 註30：大藏省通達「證券會社の免許及び認可基準・手續き等について」（平成4年6月25日）。
- 註31：同前揭（註23）
- 註32：公正取引委員會「銀行・證券等の相互參入に伴う不公正な取引方法等について」（平成5年4月1日）商事法務NO.1318 頁32,33。
- 註33：岩下正「金融制度改革法に關する政省令の骨子について（上）」金融法務事情NO.1344 頁10,11。
- 註34：證券商設置標準第三章，第13條—第18條參照。
- 註35：蓋認為銀行較不致發生操縱壟斷市場之流弊，此參照賴源河・證券管理法規（修訂版）頁169。但此種差別待遇是否妥當，值得深思。

註36：參照銀行法第101條規定之業務內容。

註37：中華民國證券年鑒（78年）經濟日報編印 頁527，528。

註38：證券取引審議會基本問題研究會第2部會報告書「國際的 基本市場構築をめざして」 頁74。



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## 選舉期間的廣電媒體之研究

黃聰明\*

### **The Study of Broadcasting and Television Media During the Election**

by

**Huang, Tsung-Ming**

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\* 日本國立廣島大學法學博士

## 壹、前言

「民主」，乃相對於「君主」的，一個既籠統、又模糊的概念。近代的政治史上，在對抗君主主權的鬥爭過程當中，以國民主權為理論基礎的民主思想，確實具有號召人民的魅力，也產生了打倒君權的革命性效果。但是，在當今的世界上，仍實際握有政治實權的君主已屬少數，因此，民主制度可謂是二十世紀世界政治的主流。問題在於何種的制度內容，才是真正的民主政治（註1）？

在實際運作的層面上，有些極力強調「以人民為主」的國家，卻往往成爲最「不民主」的國家。例如：中華人民共和國、北朝鮮人民共和國等國，均徹底摧毀君主封建，倡言民主共和；但其統治過程所採行的，卻盡是反民主的統治手段，此乃舉世皆知的事實。觀此事實，吾人不禁要慨歎「民主！民主！多少專制、獨裁，假妳名而行。」

就理論的層面而言，「民主」(democracy)一詞，乃源自希臘的城邦時代，雅典的人民(demo-)統治(kratia)的政治型態，即「權力屬於人民所有」「由人民直接參與統治」的意思。其後，經過古今中外的政治學、公法學等社會科學方面的學者不斷地鑽研探討，直到今日，關於「民主」的定義已多達百種以上，可謂衆說紛云。甚至連號稱民主先進的英、美等國，對於民主主義的認知也未見一致（註2）。由於「民主」本身的多義性，因此在許多政治鬥爭的過程當中，濫用民主之名、進行奪權之實的事例，更是屢見不鮮。儘管如此，一般世人並沒有完全放棄對於民主主義的期待，仍將其視爲是本世紀唯一值得信賴的政治制度。

本來，民主主義制度的設計乃基於國民主權的原理，而「主權」在基本上，不但不能用任何形式的「代表」予以取代、更不容許被轉讓。根據這項國民主權的原理，必須讓每一國民都能參與統治過程的政治制度，才能稱爲「民主制度」。由此可見，代議制度只是民主主義的變形，真正的民主制度是不須透過議會的媒介，而由人民自己直接行使主權的政治制度。

但在事實上，不可否認的，前述雅典式的直接民主模式，只適合在地狹人少的城邦型國家施行；在地廣人多的國家，要實行直接民主，至少在目前還有許多技術上的問題存在。也因爲如此，而使得世人能夠普遍地接受間接民主式的「議會型民主主義」，並視選舉制度爲一種「不盡滿意、但是可以接受」的民主政治制度。

## 貳、民主政治過程中的選舉

議會型民主主義，既然成爲現代民主政治的主流，則選舉制度的良窳，自然就直接影響到民主政治的品質。公平、良好的選舉制度固然可以選賢與能；但是相反地，如果選舉的過程遭到扭曲，則不肖政客亦可藉由「選舉」的程序，而取得「代表民意」之地位的正當性，如此一來，將使得民主政治裡，人民「自我統治」(self-government)的精神，盪然無存。

關於這項針對選舉制度的疑慮，相信絕非是杞人憂天，即使在擁有長久民主政治經驗的英國，尚且被認爲「英國的人民，只有在選舉議員的期間，才是自由的；當選舉過了以後，馬上又成了被統治的奴隸」（註3）。由此可見，選舉與民主政治的密不可分。選舉制度既已成爲今日民主政治過程的中核，也扮演著關鍵性的角色，則何種的設計，才屬公平、良好的選舉制度？應是一個值得探討的議題。

民主政治過程中的選舉，至少必須具備的兩項基本原則，即是「平等」與「自由」（註4）。所謂選舉的平等，包括選票計算上的平等、選票的價值的平等（註5）(one person one vote, one vote one value)、和政黨活動機會的平等。尤其最重要的，乃在於選舉的過程中，必須有平等的競選活動，才能確保選舉的公正性。

選舉的自由，則包括：1. 選舉人的意思形成的自由、2. 選舉人的意思實現的自由、以及3. 選舉活動的自由。在這當中，第2項選舉人投票意思實現的自由，由於秘密投票制度的實施，可謂已經獲得保障。而第1項與第3項的自由，則關係到憲法所保障的「表達的自由」(freedom of expression)的問題，並且，第3項選舉活動自由的保障程度，更直接影響到第1項選舉人投票意思形成的自由。因此，本文乃嘗試從憲法保障人民基本權的觀點，去探討有關選舉活動的自由，期能爲民主政治過程中的選舉，尋找出其所應有的面貌。

關於選舉制度的設計，有以下兩種模式。第一種是「規制型的選舉」，也就是限制選舉活動的自由，而由客觀公正的第三機關制定一套選舉規則，候選人只能在這套遊戲規則的範圍內，從事競選的活動。第二種是「自由型的選舉」，此種選舉模式，乃是把選舉活動自由的範圍最大化，讓候選人在自由競爭的環境中，從事選舉活動，則候選人之間彼此均不受限制的本身，即是一種實質平等的選舉活動。

在選舉期間，候選人的競選花招百出，並且不斷推陳出新。因此，企圖用預先制定的選舉規則，去涵蓋所有的選舉活動，事實上並不可能。而且，如果有候選人的選

舉活動違反了選舉規則，將直接牽涉到選舉活動平等的問題，甚至可能影響到選舉的結果，如此一來，無異是從根本上否定了選舉制度本身的存在價值。可見「規制型的選舉」模式，蘊藏著極大的危險。

其實，日本的選舉就是採用規制型的選舉模式，此點可從日本的公職選舉法(以下稱「公選法」)全部273條條文當中，有半數以上的條文是屬於規範選舉活動的規定，即可窺其端倪。由於對選舉活動採取過多的限制，致使候選人無法自由地展開競選活動，而把爭取選票的作法轉向後援會、或與財團勾結等地下化的選舉活動。長久以來，日本「政商一體」的政治生態，一直是有識之士評論的焦點，其影響所及，也導致日本國民對於政治關心程度的降低。凡此現象，均被指為日本的民主政治水準低落的表徵(註6)，吾人在參研日本的政治法制時，實不能忽視彼等制度上的盲點。

另一方面，若站在選民的立場，重視現代的「選舉」乃是身為主權者的國民，參與政治的主要手段。為了讓選民能夠充份地接收到關於選舉方面的訊息，以作為投票意思形成的參考，則允許候選人自由從事選舉活動，充份地表達政見與抱負的「自由型的選舉」模式，才是真正公平的選舉制度。相反地，如果沒有選舉活動的自由，或選民無法有效地掌握選舉的資訊，則選民盲目投票的結果，不但無法達到選賢與能的目的，甚至可能變成只是在替不肖政客背書的動作。這樣的投票行為，實在不能稱之為民主政治過程中的「選舉」。

在自由型的選舉制度之下，候選人本可用複數的方法對選民發表政見、或作自我推銷的活動。但在實際上，最能夠有效地擔任候選人與選民之間的意見溝通橋樑者，應屬大眾傳播媒體(mass media)。尤其在資訊傳遞方面，具有大量性、即時性、與滲透性效果的廣電媒體，更是現代候選人積極爭取利用的對象。只是相對於印刷媒體的自由，廣電媒體顯然受到較多的限制。關於加諸廣電媒體的種種規制，是否具有正當性理由的問題，筆者除在另文論述外；本文乃嘗試從憲法保障人權的觀點，分析廣電媒體在民主政治過程的選舉活動中，所應該扮演的角色。

## 參、選舉活動與廣電媒體

現代憲法的主要任務，在於限制國家權力，以保障人民的基本權。而在人民的各項基本權的價值順位當中，「自由」更是居於根源的地位(註7)。因此選舉活動的自由、以及廣電媒體所擁有的取材、編輯、報導和評論的自由，在基本上，均不受國家

權力的任意干涉，應無異論。問題在於當遇到選舉的自由與廣電媒體的自由，兩者互相衝突的場合，因同是屬於憲法所保障的人權體系，則何者應該迴避或退讓？即是一個十分值得思考的問題。以下、本文擬選擇廣電媒體的「選舉報導」與「政見發表」的兩項議題，試作分析，期能界定選舉活動與廣電自由的射程距離，並為兩項自由的衝突所在，尋找出一個合理的平衡點。

廣電媒體的「選舉報導」與「政見發表」，兩者在形式上，都是透過廣電媒體的媒介機能，傳播有關於選舉活動的訊息；但是兩者在性質上，存在著根本的差異，則必須先予擬清。

首先，選舉報導的主體是廣電媒體事業者，為了達成向選民充份提供選舉相關訊息的基本任務，廣電媒體報導的自由，當然必須受到優厚的保障。有關選舉報導問題的爭點，在於接近投票日的前夕，選舉相關的民意調查、或選舉情勢的預測報導，被認為可能影響到選民對於投票意思形成的變化，而考慮是否應予規制的問題。其次，選舉政見發表的主體則是候選人，基於候選人政治意見表達的自由，與選舉公平性的要求，廣電媒體本應該將候選人的政見內容，忠實地（無更改、無刪除）傳達給選民，以盡大眾「傳播」媒體的責任。問題在於其所傳播的政見內容當中，若被認為有不妥當或涉有違法情節時，廣電媒體可否基於編輯自由的主張，而將係爭的部份予以更改或刪除，則是本文所要探討的重點。

## 肆、選舉報導

所謂「選舉報導」，乃指選舉活動期間，大眾傳播媒體針對候選人的言行動態、政見演說以及選舉情勢的變化等所有關於選舉的訊息，經過取材、編輯的程序，予以報導、解說或評論。

其實，選舉報導除了所報導的內容係針對選舉活動之外，在媒體報導的性質上，與平常的新聞報導並無差別。而大眾傳播媒體在平時就享有憲法所保障的「新聞自由」(freedom of the press)（註8），以滿足人民「知的權利」；更何況是在主權者的人民，參與政治、行使選舉權的重要時段，豈有反而限制大眾傳播媒體對於選舉活動的報導自由之理？

又、如根據大眾傳播媒體平時批評、監督政府的「第四權」（註9）的理論，則在選舉期間，大眾傳播媒體更應該針對候選人的出身背景、人格素養、甚至候選人的

個性操守等作深入的調查報導，俾提供選民作選擇投票的參考。可見選舉期間的報導自由，不但不得加以限制，反而應給予更優厚的保障。就連廣電媒體在平時被認為必須遵守的「公平原則」(fairness doctrine) (註10)，在選舉期間亦可停止適用。因為如果嚴格要求報導的內容，必須遵守政治上的公平，則必然使得選舉的報導與評論，產生萎縮效果(chilling effect)，而減少多樣化意見的流通，其結果將直接影響到人民對意見選擇的機會。

以下、本文將從比較法學的觀點，對於鄰國的日本，在選舉報導方面的實況，作一嘗試性的考察。首先，在實定法的層面，日本的放送法(=廣播電視法)第3條即規定，對於「廣播電視節目，除了法律另有規定的場合以外，任何人不得干涉、也不受任何規律」，以確認憲法對於廣電媒體報導自由的保障(註11)。另外，公選法第151條之3也規定：除了同法第138條之3的「禁止公佈候選人的人緣投票」條款之外，該項法律對於限制選舉運動的相關規定，均不得妨害廣電媒體在進行選舉報導或評論時，依據放送法的規定所享有的編輯自由。

其實，在現代的選舉過程當中，大眾傳播媒體已不再從事所謂「人緣投票」的活動，因此，公選法第138條之3的規定，實際上並不具有太大的意義。至於形成爭論焦點的民意調查與選舉情勢的報導，因其本身並非人緣投票，而係屬於一般的選舉報導，根據公選法第151條之3保障節目編輯自由的規定，廣電媒體的這項報導與評論的自由，當然必須受到保障。

其次，在判例方面，日本的法院也認為「選舉報導與評論的目的，既然是在為一般視聽者提供關於選戰的消息，則順應一般視聽者所關心的動向，編輯報導的內容，乃理所當然、也是不得已的事」(註12)。並且因為選舉報導在性質上不同於政見發表，無須像政見發表一樣，必須對候選人作形式上平等的待遇，所以「在選舉報導的時候，只報導部份較有當選希望的候選人，也是屬於節目編輯自由的範圍」(註13)，並不涉及影響選舉公平的問題。

由於日本的法院在基本上肯定媒體的編輯人員，在處理有關選舉報導內容的取捨上，具有廣汎的裁量權，因此，即使媒體「只報導主要的候選人、或較有力的候選人的動態與得票預估，卻沒有對其他的候選人作同等的報導時，則這也是編輯人員依照該社的編輯方針，所作的自主性判斷的結果，並不能遽予認定為媒體表達自由的濫用」(註14)。可見在日本，有關選舉的報導與評論的自由，普遍地受到合理的保障。

儘管如此，積極的選舉報導，因為可能影響到部份候選人對於選戰操作的效果，

更由於選舉的成敗，直接關係著政治權力的重新分配。因此並非所有的政治人物，都贊成深入地揭發選舉內幕的選舉報導。1992年5月，日本的自民黨議員即以「投票前夕，一切有關黨派氣勢的漲跌、以及候選人的當選與否的預測報導、評論，均可能影響到選民投票意思的決定」為由，向國會提案，要求立法限制大眾傳播媒體的選舉預測報導。

該項法案的內容略以「(除了政黨或其他政治團體所發行的刊物以外)所有的新聞、雜誌與廣電媒體，在選舉投票日以前的一定期間，對於參與該項選舉活動的政黨和候選人，禁止作有關選舉預測數字的報導與評論。違者處二年以下有期徒刑或20萬圓以下罰金。」結果這項提案，不但引起大眾傳播界激烈的反彈，由於議員之間的見解也不一致，而胎死腹中。

對於此種限制大眾傳播媒體報導自由的法案，即使通過立法，則該法律是否涉及違憲？仍是一個值得檢討的問題。

當今世界各國的憲法典，無不明文保障人民的「言論、出版(新聞)」等表達的自由。而且媒體的報導活動，正是出版(新聞)自由的中核。根據人民表達的自由具有「優越的地位」以及「二重基準」的理論(註15)，任何限制人民表達自由的法律，在原則上均可能被推定為違憲。更何況民主政治過程中的選舉，乃係主權者的國民參與政治的主要手段；所以有關選舉的各項訊息，自然成為國民最大的關心事；而選舉報導的自由，也就關係到人民在政治上的「知的權利」的實現。由此可見，諸如前述企圖以法律限制選舉報導自由的作法，其立法目的的正當性，實有令人懷疑之處。

又，從違憲審查的觀點，對於限制人民表達自由的法律之合憲性審查，必須適用「嚴格審查基準」。而在這項審查基準的檢驗之下，前述限制選舉報導自由的法案：1、縱使其立法目的，在於確保選舉的公平，可謂具有正當性；但此項目的是否真正符合「實質上不可或缺的政府利益」(compelling government interest)？則仍有斟酌的餘地。2、在規制手段與立法目的之間的整合性(narrowly tailored)方面，禁止選舉預測報導，或許在候選人彼此之間，可形成一種形式上的平等；但如果顧慮到，讓選民充份地擁有關於選舉的資訊、能夠正確地行使投票權，才是真正公平的選舉的話，則禁止選舉預測報導，自然減少選民蒐集選舉資訊的機會。如此的規制手段能否真正達到「公正選舉」的立法目的，令人懷疑。3、再就嚴格審查基準所要求的L.R.A.(Less Restrictive Alternative)而言，一般在報導候選人的動態與選民反應的同時，經常會評估往後的發展，以作結語。要把過去的事實報導與未來的評論完全地切開，在事實上並不易做到。因此，禁止選舉的預測報導，必然對整個選舉資訊的流通，帶來萎縮的效

果。如此的規制手段，更明顯地違反「必要最小限度」的規制原則，可見該項法案難謂無違憲之虞。

雖然限制選舉報導自由的法律有違憲之嫌，但是1993年4月，部份自民黨的議員，仍再度向國會提出限制選舉預測報導的公選法修正案。只是此次的提案內容，除了刪除1992年案所列的罰則部份以外，也不再完全禁止選舉預測報導，而改為只要求大眾傳播媒體「在從事選舉預測報導時，必須慎重地多予深思熟慮」的訓示規定。儘管如此，仍然遭到新聞界的強烈反對。又、同年7月，由於素具保守性格的自民黨在眾議員的選舉中落敗，而失去了維持達38年之久的政權，也使得本項提案不疾而終。

為何選舉的預測報導，會受到政治人物的反對，而多次險遭立法禁止的命運？對於選舉預測報導的內容，似有進一步分析的必要。

一般而言，關於選舉的預測報導，包括下列三種：（1）各個政黨的得票率分析，（2）在國會議員選舉時，各個政黨的當選席次評估，以及（3）對於每位候選人的選舉情勢，例如：「佔有優勢」、「在當選邊緣」或「處於劣勢」等關於候選人選舉情勢調查的報導（註16）。

在這當中，倍受爭論的是第（2）項與第（3）項，特別是在屬於議會內閣制的國家，國會議員的當選席次，將直接關係到政權的移轉。因此，第2項對於各政黨可能當選的議員席次的預測報導，被認為會影響到選民在投票時，對於政黨的選擇。

至於第（3）項針對單一候選人的選況報導方面，如果某位候選人被報導為「佔有優勢」或「篤定當選」時，則將降低選戰的緊張氣氛，導致助選陣營的疏忽大意，而認為不必積極地投入選戰。且其原有的支持者也會認為，該候選人已可穩定當選，而減少了親赴投票的意願，甚至把選票轉投給其他的候選人。相反地，如果被報導成「處於劣勢」或「當選無望」時，將引起助選人員的無力感，其原來的支持者也可能因此而灰心斷念，認為不必再去投票。以上兩種報導模式，均被認為可能給候選人帶來負面的效果。

另外，如果候選人被報導成為「在當選邊緣」或「只差一步」時，不但可以增加助選陣營的緊張氣氛，提高選戰的士氣，其原來的支持者也會幫忙擴大爭取選票，以為其所支持候選人的當選而努力。如此一來，每位候選人都希望被報導成是「在當選邊緣」或「只差一步」的情勢。但這在事實上並不可能，所以為了候選人之間的公平，唯一的方法，就是對於候選人的選舉情勢，都不作報導，也因此有了限制選舉預測報導案的提出。

關於前述限制選舉預測報導案的論理，若僅就維持選舉的形式上的平等而言，或



有其受肯定之處。但是這項理論，只考慮到候選人的立場，即候選人之間的形式平等的利益；不但沒有顧及憲法對於大眾傳播媒體報導自由的保障（註17），尤其疏忽了對選舉活動的主角選民「知的權利」的重視，更是其致命的缺點。因為如果選民缺乏充份的選舉資訊，則徒有投票的活動，不但不能稱之為民主政治過程中的選舉；盲目的投票行為，更可能造成從根本上否定民主制度的後果。

現代的選舉活動，基本上係由候選人、選民、以及擔任溝通橋樑任務的大眾傳播媒體，三者所組成。首先，候選人必須發表其政見與抱負，透過大眾傳播媒體傳達給選民，以爭取選民的認同，進而獲得選票。另一方面，選民則經由各種管道（事實上，主要仍係仰賴大眾傳播媒體），最大限度地蒐集有關選舉活動的訊息，以加深對候選人的瞭解與認識，再加上本身的判斷，而形成投票意思的決定。從這個選舉的基本構圖，可以發現大眾傳播媒體，確實在今天的選舉活動當中，扮演著極為重要的角色。

大眾傳播媒體的選舉報導，除了為選民傳達有關選舉的訊息以外，尚可間接地對候選人的選舉活動產生監督的作用，而達到淨化選舉環境的效果。關於這一點，可從1967年日本的第31屆眾議員選舉時，當時的大眾傳播媒體一反過去「抽象性的選舉淨化論」的消極態度，而改採積極的調查報導，對於部份涉及賄選或利害誘導的候選人，均報導其真實姓名，並且嚴加批評。結果，不但在該次的選舉過程中，捲起了一陣「掃盪賄選」的旋風，明顯地減少了違反選舉的案件（註18），也為日本的選舉，注入了一股乾淨的選舉風氣。

關於民意調查的報導方面：事實上，在選舉期間不僅是大眾傳播媒體，各個政黨、甚至候選人本身，為了掌控選情的變化，無不單獨進行各種民意調查。因此，如果依照前述日本自民黨議員1992年版的限制選舉預測報導案，其結果，將造成大眾傳播媒體不得報導媒體所作的選前民意調查；但是由於政黨與候選人並不受此項限制，反而可以運用各種文宣活動，對選民大肆宣揚對其本身有利的、虛偽造假的民意調查資料。如此一來，政治人物的「輿論操作」，將造成選民更大的迷惑。

以國內的實例而言，1994年底的台北市長選舉時，在投票的前日，仍有某政黨大肆地發表有關候選人受支持程度的民調資料，指該黨的候選人領居首位，但是，翌日開票的結果，卻以最低票落選。該政黨所發表的民意調查資料，既未說明取樣的方式，也未公佈該項調查的製作過程，徒然捏造不實的數據，企圖假藉「民意」之名，以進行愚民、欺民之情甚顯。

本來，屬於私人企業性質（註19）的大眾傳播媒體，有其本身的經營方針，因此

私人企業所作的民意調查資料，自不能期待其具有絕對的公正性。但是，儘管如此，大眾傳播媒體至少仍須以其企業體的信用，來為其所報導的民調資料的公正性作擔保。比起政治人物為了當選的目的，不擇手段地捏造民意所從事的政治宣傳(propaganda)；大眾傳播媒體的民調資料，仍有其一定程度的客觀性，可供選民參考。

另外，從比較法學的觀點，在世界各國當中，並非沒有限制選舉預測報導的實例。例如法國1977年所制定的「關於選舉的民意調查報導法」，即規定：在投票日以前的七日之內，禁止大眾傳播媒體報導任何新製作的民意調查資料（既經發表過的民調資料則不在此限）。根據這項法律，政府並且成立了民意調查委員會，負責所有民意調查的有關事務。但是，這項制度施行的結果，由於政府本身所製作的大型民意調查資料，事實上只有執政黨的官員才能取得利用，自然造成政黨間的不公平競爭。再加上資料外洩的事件時有所聞，更遭到各界的嚴厲批評（註20）。

對於法國的這項法律，也曾引起世界各國的注目。但是英、美、德等國在經過一番仔細的研究之後，都認為限制選舉的預測報導，可能侵害到憲法對於表達自由的保障，並且在重視人民「知的權利」的前題之下，更不應以法律限制大眾傳播媒體對於選舉報導的自由。至於日本國內，雖然有贊成與反對的兩種見解，但在大體上，仍以反對規制的意見居於大多數（註21）。

筆者個人基於對憲法保障人權的擁護，當然主張大眾傳播媒體應該享有最高度的新聞自由，且選舉預測報導也不應該予以禁止，因為「人民只有在選舉的時候，才真正是民主政治的主人」。另外，如果把政黨的輪流執政，視作民主政治的常軌的話，則選民在選舉期間，確實需要各政黨可能得票率的分析、以及各政黨可能當選席次的評估等有關的選舉報導，以作為投票意思形成的參考。

只是如前所述，屬於私人企業性質的媒體所作的民調資料，未必公正；而政黨或政治人物所公佈的民調資料，更不可信。則選民將有無所是從、且難以取捨的迷惑。此時，就必須由站在全體國民立場的公共電視，堅守政治公平的原則，以公開的方式，製作一份高準度的民意調查資料，並傳達給全體選民。如此一來，根據這份公開的選況資料，各政黨和候選人均可在一個公開的選舉環境之下，展開一場公平的選戰；而選民參考這份高準度的民調資料，既可比較其他媒體的預測報導，也可透視候選人的不實文宣，再加上本身的判斷，去投下神聖的一票。

## 伍、電視政見發表

在選舉活動過程當中，另一個重要議題，就是政見發表。尤其是當政見發表的內容，被認為「不妥當」、或可能涉有違法之時，則該部份內容能否被刪除或變更？即是本節所欲探討的問題。

關於候選人發表政見的樣態，隨著科學技術的進步與時代背景的推移，基本上可概分為口頭演說、印刷品的文宣、以及利用廣電媒體的政見發表等方式。在這當中，尤其以具有即時性、與廣泛滲透性的廣電媒體，更是候選人的最愛。自20世紀後半以來，在許多民主先進國家的選舉，都以「電視競選」為主要的選舉活動；我國的公職人員選舉罷免法（以下稱「選罷法」）第50條之1也有「關於中央公職人員全國不分區及省長、直轄市長選舉，各主管選舉委員會應以公費，在全國性無線電視頻道，為候選人及其政黨舉辦二次以上電視政見發表會，每次時間不得少於一小時，受指定之電視台不得拒絕」的規定。在實際上，1994年底的省市長選舉，已為國內的電視競選活動展開了序幕。

選舉活動期間，候選人對於廣電媒體的利用型態，可歸結成二大類型。第一、是美國式的「自由型」。亦即候選人或政黨可以自由地向廣播、電視業者購買時段，以供候選人發表政見或作政黨的宣傳（註22）。第二、乃日本式的「規制型」。日本的選舉制度，在期待「不必花錢的選舉」原則之下，對於候選人的競選活動，例如家庭拜訪（戶別訪問）的禁止、散佈文書圖畫宣傳品的限制、以及事前活動的禁止等，對於候選人的競選活動，幾乎採取全面規制的方式，對於候選人利用廣電媒體從事競選活動的行為，當然也在禁止之列（日本的公選法第151條之5）。

我國的選罷法第50條之1第三項也規定「除依第一項規定外，政黨、候選人或第三人不得自行於廣播、電視播送廣告，從事競選活動或為候選人宣傳。」可見我國的選舉制度，乃是模仿日本式的「規制型」的制度設計。但是這種為了選舉的形式上的「公平」，而限制候選人選舉活動「自由」的作法，由於牽涉到人民在政治上的「表達的自由」，因此在嚴格的審查基準之下，是否涉有違憲之嫌，一直是憲法學界所討論的問題。吾人在參考他國制度的同時，實不能不注意其制度上的盲點。

至於電視政見發表方面，由於中、日兩國均採取「公營」的選舉制度，在候選人機會均等、時段相同的利用原則之下，在電視媒體使用的層面上，尚無重大爭議。但是我國的選罷法只規定電視政見發表的使用時間分配，對於有關電視政見發表軟體面

的設計，則付之厥如。尤其對於候選人的政見內容，能否在被認為「不妥當」、「涉有違法」或基於其他理由的情況下，被電視媒體或選務機關，予以刪除或變更？應是一個值得討論的議題。

在分析此一問題之前，首先必須對於政見發表在選舉活動中的地位，有所認識。事實上，民主政治過程中的「選舉」，乃是由組成選舉人團的大多數國民，依其協同行為，以選定公務員的活動（註23）。而此協同行為之得以成立的先決條件，則在於思想、言論的自由市場，必須首先獲得保障。尤其在選舉活動中的「政見發表」，不僅是候選人與選民之間意思溝通的主要管道，更是形成思想、言論自由市場的重要部份。因此，為保障候選人真實意思的傳達，對於候選人的政見內容，當然不得任意予以刪除或變更。日本的公選法第150條1項即明文規定「廣電媒體對於候選人的政見，必須原封不動地播出。」

其實，就電視媒體的立場而言：公辦電視政見發表會的性質，屬於國家的公行為，因此，在擔任公辦電視政見發表時的電視媒體，係屬於common carrier的「公器」性質（註24），甚至被視為具有「國家代理人」（註25）的性格，而非如平時享有新聞自由的大眾傳播媒體，當然不能主張編輯的自由，而對政見的內容擅予刪除或變更。

此外，電視媒體執行政見發表的任務，乃係依據選罷法第50條之1所規定的行為。因此，即使候選人的政見內容涉有違法之處，而電視媒體仍然予以播出，則因係屬於刑法第21條「依法令之行為」，所以電視媒體本身並無須為該違法的政見內容負任何刑責。

在實例上，1983年的日本參議員選舉時，即曾經發生日本放送協會電視台（以下稱「NHK」）將候選人的部份政見內容消音，以致引起訴訟的案例。該事件乃由於日本雜民黨的A候選人，在其所錄製的政見內容當中，夾雜著一句「『歪眼仔、跛腳仔』所賣的票，任誰也不會去買！」的發言，而被認為係對於殘障人士的差別用語。NHK在取得選務機關認可的情況之下，將該句「差別用語」刪除後，再予以播出。

A候選人則主張：NHK的刪除行為，不但違反「候選人的政見，必須原封不動地播出」的規定，並且侵害其政見發表的權利。因此，向NHK及選務機關，提起損害賠償的訴訟。

對於此一案件，一審的東京地院認為1.「NHK所制定的、尊重人權、人格、名譽等國內的節目準則，在電視政見發表時，並不適用。」2.「本案中被刪除的語句，雖屬差別用語；但該語句在本案中，並非係為了輕視殘障人士的目的而使用，因此即使

逕予播出，也未侵害到其他任何法益。」又、3.「公選法第150條1項的『原封不動播出』條款，乃爲了避免廣電媒體侵害到候選人政見發表的自由，而禁止廣電媒體對於政見內容，實施檢查或變更，俾確保選舉的公正。」結果，東京地院判決NHK的政見刪除行爲違法，並且命NHK支付原告A及雜民黨各30萬日圓的損害賠償金（註26）。

儘管一審的判決，普遍地受到輿論、及法學界的支持與讚賞。但是東京高等法院卻主張1.「政見發表的自由，並非絕對的自由，仍須受到公共福祉的約束。」2.並且認定「NHK將候選人A的不妥政見刪除，乃係爲了維護NHK本身形象的緊急避難行爲，屬於違法阻卻的範圍。」因此判決NHK的政見刪除行爲，並未違法（註27）。

最高法院對於本案，則採取反面論證的手法，認爲「本案中被刪除的語句，既然屬於差別用語，當然也違反了公選法150條之2關於政見發表的格調保持的規定」、「既然違反了這項訓示規定，則本案中的差別用語，即使原封不動地播出，也沒有值得保護的法益可言；所以，NHK刪除了這項差別用語，在不法行爲法上，當然也就沒有侵害到任何法律上的利益。」至於NHK刪除部份政見的行爲，是否違反了「候選人的政見，必須原封不動地播出」規定的部份，則均未論及，而支持二審的判決（註28）。

最高法院迴避本案問題焦點的作法，當然也受到法學界的批評。但在本案中園部法官的補充意見，卻有值得吾人參考之處。園部法官認爲：1.選舉活動過程中的電視政見發表，係選民瞭解候選人政見的重要判斷材料，因此公選法150條1項的「原封不動播出」條款，乃嚴格禁止廣電媒體介入候選人政見內容的規定。2.事實上，在電視政見發表的全部過程當中，電視媒體只負責傳達候選人政見的任務，對於政見的內容，實在不必擔負任何法律與社會的責任。關於電視政見發表的格調保持的問題，則屬於候選人自律的範圍，廣電媒體根本沒有介入候選人政見內容的必要。3.本案二審的東京高等法院，輕易地適用緊急避難的理論，事實上，等於是默許一項毫無法律根據的事前抑制，其結果徒然給NHK帶來過大的法律和社會責任的負擔，並不妥當。

本案的結果，雖然候選人A未能獲得勝訴。但爲堅持「電視政見發表，必須原封不動播出」的理念，該候選人於1986年的參議員選舉時，仍然以本案係爭的相同語句，再度於電視政見發表會中使用，此次NHK則未予刪除而「原封不動地播出」。其結果，也未聽說給視聽者或社會，帶來了任何的害惡（註29）。由此一事實亦可證明，過去主張規制政見內容的論理，純屬臆測，並未經過事實的驗證。

最後，從憲法學的觀點，分析政見發表的特質，也可瞭解政見內容不可刪的道理。

第一、關於選舉活動過程中的政見發表，可從下列三個角度來思考。即（1）候選人政見發表的自由，（2）選民「知的權利」的保障，及（3）候選人對於廣電媒體的利用權（access）等三個問題。此三者不但彼此交叉重疊，並且都與憲法所保障的「表達的自由」，有著密切的關連。

首先，第（1）項的候選人政見發表的自由，包括政見發表手段的自由、與政見發表內容的自由。爲了實現政見發表手段的自由，則第（3）項的「候選人對於廣電媒體的利用權」必須先獲得保障。本來，在美國「自由型」的選舉制度之下，候選人可以向廣電媒體購買時段，自由地發表政見；但是在中、日「規制型」的選舉制度裡，基於「選舉的公正」、與媒體的「平等利用」的要求，候選人只能利用所分配的時段，從事政見發表。由於政見發表手段的有限性，因此，保障政見內容的自由，就相對地益形重要。

尤其政見內容的自由，更直接與第（2）項的選民「知的權利」息息相關，爲了讓選民能夠充份地瞭解候選人的政見、政策與擔任公職的適格性，對於政見發表的內容，當然必須排除一切的干涉。國家權力當然不得介入或干涉候選人的政見內容；如前述案例一樣，廣電媒體對於政見內容的刪除行爲，也明顯地侵害到候選人政見發表的自由；至於號稱「中立」的選務機關，既無權審查候選人的政見，更不能要求候選人更改或修正其政見內容，關於此點，日本的最高法院已有明確的案例判決（註30），足資參証。

第二、選舉活動過程中的政見發表，乃屬於高層次的、公的言論。在民主國家，人民的「表達的自由」，在基於個人的自我實現與健全民主程序價值的要求之下，向來被認爲居於「優越的地位」。而在表達自由的領域當中，又以公的言論比私的言論、非營利言論比營利言論、純粹言論比非純粹言論，要受到更優厚的保障。依照這項分類法（註31），則候選人的政見發表正是屬於「公的、非營利、純粹的言論」，當然必須受到最高層次的保障。

政見發表的內容，多係針對公眾所關心的政治、政策問題，提出檢討，因此，難免有時也會對於政府、或現行的體制，提出嚴厲的批評。本來，民主主義的最大長處，就是連否定民主主義制度的言論，也能受到保障。尤其在台灣，由於國大代表擁有修憲的權責，因此在國大代表選舉時，縱有否定憲法規定的政見內容，也應該屬於言論自由的保障範圍。

第三、政見發表的樣態，可謂五花八門。過去，日本的電視政見發表，都是由候選人在電視台的攝影棚錄製政見演說的節目，用以播出。但是自從1994年的公選法修

正以後（註32），政黨及候選人均能預先自製政見發表的錄影帶，再拿到電視台去播放。如此一來，電視政見發表的型態，勢將趨於多樣化。例如：候選人不採取朗讀式的政見演說，而採用辯論式的表達、或劇場式的演出等等。在這種情形之下，究竟要由何人（或何機關）？用什麼樣的手法？去審查政見內容的妥當性，將是一個至難的問題。本來，在多元化的社會裡，彼此容納不同的思想和意見，乃是對於人民的表達自由的最基本的認識。所謂政見發表的「妥當」或「不妥當」的判斷基準，根本不存在。

第四、候選人的政見發表，是一項重要的基礎資訊的提供。如果選民未能對候選人作充份的瞭解，即冒然投票，將可能導致民主制度的崩壞。因為候選人在經過投票的程序、而當選以後，即使是惡質的候選人也因此而取得「代議士」之地位的正當性。由此可見，在真正的民主政治過程中的選舉，選民在投票意思形成之前，必須詳細地瞭解候選人的經歷、政見，以作為選擇判斷的依據；相對地，候選人為了博得選民的信賴，進而獲取選票，就必須盡全力地向選民發表其本身的政見和抱負。在認清了這項選民與候選人之間，意思溝通 (communication) 的重要性以後，即可明白對於候選人的政見發表，不僅不能任意地限制，反而應該予以最大限度的保障。

## 註 釋

註 1：在討論民主主義時，經常會提到「民主政治」與「民主制度」的用語。兩者的區別在於，前者是以政治的動態為著眼點，而後者則是關於民主主義的一種制度論。

註 2：阪本昌成『ベシ ック憲法』96頁，弘文堂(1992)。根據阪本教授的見解，英美式的民主主義觀，可概分為：(一)「手續型的民主主義」，乃是把人民的投票、言論、請願等參與政治的手續，當作民主主義的主要內容。(二)「實體型的民主主義」，則重視人民的人格平等存在的實體價值，認為人民如果不能被平等地對待，即非民主主義。(三)「功利主義型的民主主義」，雖然也重視人民參與政治的價值，但該項政治參與的目的，必須是為了創造大多數人的最大限度的幸福(含生命、自由、財產等)，才足以稱之為民主主義。

註 3：盧梭『社會契約論』世界思想教養全集(2)，276頁(1961)。

註 4：川口 是「選舉制度」『憲法三〇年の理論と展望』126頁(1977)。

註 5：關於「選票價值平等」的問題，在憲法上，可能因為一票價值的格差過大，違反平等原則，而導至違憲的結果。此問題在日本曾被爭論多時，唯究竟多少的格差屬於合理的範圍，迄今尚無定論。

基本上，在學術界有(1)儘量平等說、(2)有限度的立法裁量說、(3)徹底的平等說等學說。這當中(1)說並未限定格差比例，屬少數說。而(3)說係以人口數為基準，要求1:1的比例，在實務上不易達成。因此，只有主張格差比例必須在1:2的範圍內，其餘選舉人口調整劃分的問題，屬於立法裁量範圍的(2)說，屬於多數說。但是，為何把格差比例訂成1:2的理由？以及有關「立法不作為」的問題，則尚待(2)說的解答。

在實務方面，日本的法院審理選票價值爭議的案件，對於格差比例的認定標準，也不一致。大體而言，係根據被選代表的種類、性質(純代表、半代表或委任代表)、與機能，而作綜合性的判斷。

由於選票格差的改善，必須以變更議員人數或調整選舉區範圍的方法為之。因此日本的公職人員選舉法也規定，必須每五年一次，依據最新的人口普查資料，以檢討議員的人數問題。

註 6：杉 正夫「公選法とマスコミ」『現代のマスコミ』118頁，有斐閣。

註 7：阪本昌成『憲法理論II』74頁，成文堂(1993)。

註 8："press"一詞原指「印刷」「出版」之意。國內在論及"freedom of the press"時，一般多譯成「新聞自由」。

隨著新聞、雜誌與廣播電視等大衆傳播媒體的發展，現在對於 press 乃有(1)包括廣電媒體在內，涵蓋全部媒體的廣義說，與(2)限定在新聞、雜誌等定期出版物的狹義說，二種見解。在憲法解釋學上，均採廣義說。亦即 press 乃是指「運用印刷、電波或其他的機械力量，有規則且迅速地、大量傳達公衆的關心事為主要業務的組織體。」(阪本昌成「憲法21條の構造と機能」公法研究50號69頁,1988)。

註 9：在歷史上，把新聞媒體比作「第四權」，乃係源於19世紀初期英國議會的三個階級(上院的僧侶議員、貴族議員與下院的平民議員)；而把坐在議會記者席上，報導議員們討論情形的新聞記者，比作「第四階級(the fourth estate)」。後來，由於新聞媒體對於國家權力的監督機能，受到重視，乃把



新聞媒體比作政府三個統治機關(行政、立法、司法)以外的「第四權」。

在此，必須確認的是，「第四權」的目的既在監督政府，其權力性質也與一般的國家權力不同，因此不能把「第四權」與其他行政、立法、司法三權並列。「第四權」在本質上，應該是站在被統治者的立場，代替人民對抗國家其他三項統治權力的一種社會性的權力。

註10：「公平原則」乃源於1949年，美國的連邦通訊委員會(FCC)對於廣電媒體的評論報導，所作的一項規定。其內容包括(1)廣電媒體必須撥出相當的時間，用以播報公眾所關心的重要議題。(2)對於爭論性的議題，必須提供適當的時間，讓正反兩面的意見都有發表的機會。

對於這項廣電媒體的公平原則，長年以來施行的結果，發現(a)、究竟何者才是屬於公眾所關心的重要議題？缺乏明確標準。(b)、對於爭論性的議題，在讓「反對意見」發表了以後，又有反對「反對意見」的意見要求發表，彼此惡性循環不休。(c)、結果不但對於廣電媒體產生表達自由的委縮效果；FCC本身也無法圓滿處理上述(a)(b)的兩道難題，終於在1987年宣佈廢止這項廣電媒體的公平原則。

註11：近藤 操「選舉制度における放送の自由」放送學研究16號97頁，(1970)。本來，根據憲法所保障的「言論、出版」等表達的自由條款的解釋，屬於現代科技的「廣電媒體」也當然享有報導的自由。但為避免因缺乏明文規定為由，而被作反面解釋，因此乃有日本放送法第3條關於保障廣電媒體編輯自由的「確認規定」。

註12：東京高決昭和 60.7.25判例タイムズ576號71頁。

註13：東京高決昭和 61.2.12判例タイムズ600號125頁。

註14：東京地決昭和 56.5.20判例タイムズ447號100頁。

註15：根據 T.Emerson 的理論，人類的言論、出版等表達的自由具有(1)實現自我、(2)追求真理、(3)健全民主程序、(4)維持社會安定的價值與功能，因此被認為具有「優越的地位」。對於這項表達自由的優越地位論，並非沒有反對的見解，但在基本上、(1)與(3)的價值，則是普遍地受到肯定。

所謂「二重基準論」乃是，「法院(國內應該是大法官會議)在從事法律的違憲審查時，對於規制經濟自由的立法，係採用較寬鬆的合理性審查基準，並且在原則上推定該法律為合憲；但是，在審查規制精神自由(尤其是

表達的自由)的法律時，則不但上述的合憲性推定原則無法適用，並且必須採取嚴格的審查基準。」(內野正幸『憲法解釋の論理と體系』216頁，1991)。

註16：柳井道夫「公正選舉に不可欠な情報の公開と共有」新聞研究1992年8月號64頁。

註17：日本の最高法院在1969年的「博多車站攝影底片沒收事件」(最大決昭和44・11.26刑集23卷11號1490頁)、1978年的「外交部機密洩漏事件」(最一小決昭和53.5.31刑集32卷3號457頁)、以及1989年「法庭旁聽筆記禁止事件」(最大判平成1.3.8判例時報1299號41頁)等，一系列的判決當中，均強調「在民主主義的社會裡，報導機關的報導自由，正是提供國民參與國政的重要判斷資料，以滿足國民『知的權利』。因此，報導的自由乃是憲法21條所保障的表達的自由當中，居於最重要的地位。」

註18：近藤操「放送制度とテレビ」放送學研究21號75頁。

註19：在民主政治的前題之下，爲了避免成爲「御用媒體」而從事政治宣傳，國家權力機關原本不得經營大眾傳播媒體。且因爲憲法的人權保障，係以個人爲主體，因此，大眾傳播媒體必須是實際上屬於私人企業性質，其新聞自由也才能受到憲法的保障。目前國內的三家電視台，雖然均採取公司的型態，但在實質上卻分屬於黨、政、軍所控制，如此的電視台並非本文中所稱的大眾傳播媒體。既是屬於國家權力機關的宣傳工具，則其有關表達的自由，當然也就沒有憲法適用的問題。

註20：西平重喜「選舉予測の公表」新聞研究1993年6月號48頁。

註21：浜田純一『情報法』29頁，有斐閣(1993)。

註22：芦部信喜「立候補者の放送メディアへのアクセス権」ジュリスト786號32頁(1983)。

註23：清宮四郎『憲法I』99頁，有斐閣(1957)。

註24：阪本昌成『プライバシー權論』229頁以下，日本評論社(1986)。所謂“common carrier”，直譯應是「公眾的搬運者」之意。在憲法學上，對於“common carrier”主要是指，民衆只要支付了指定的費用，則不管是在任何時間、也不管是對於任何人，都負有勞務提供義務的事業體而言。在實務上，例如電訊、郵務即屬common carrier。

註25：浦部法穂「政見放送の一部削除の適否」法學教室60號，91頁(1985)。

- 註26：東京地判昭和 60.4.16判例時報1171號94頁。
- 註27：東京高判昭和 61.3.25判例時報1184號46頁。
- 註28：最三小判平成 2.4.17判例時報1357號62頁。
- 註29：奥平康弘「いい加減にあしらわれた言論の自由」『憲法にこだわる』  
150頁，日本評論社(1988)。
- 註30：最一小判昭和 51.9.30判例時報826號16頁。
- 註31：芦部信喜編『憲法II・人權(1)』477頁〔佐藤幸治執筆〕有斐閣1978。
- 註32：安田 充「公職選舉法の一部改正について」ジュリスト1045號40頁  
(1994)。



# 符號學的馬克思主義之生成與發展 ——兼述從西馬到新馬到後馬的理論變化歷程

洪鎌德\*

## The Emergence and Development of Semiotic Marxism

by

Hung Lien-te

### 摘要

本論文係研討葛蘭西、阿圖舍、朴蘭查、拉克勞與穆佛等新馬克思主義者，對馬克思唯物史觀的修正、重建和批評。全文指出當代後馬克思主義流派之一的符號學馬克思主義是經歷自1930年代葛蘭西的文化霸權說，及至1960年代阿圖舍的結構主義，再蛻變為1970年代朴蘭查的後結構主義理論。最後則為出現在1980年代的拉克勞與穆佛兩位所強調言說的形構取社會經濟形構之說法。在結論中作者指出符號學馬克思主義的出現，不僅是對古典馬克思主義下層建築——上層建築關係的顛倒、翻轉，更是對新、舊韋伯與涂爾幹學派的挑戰，甚或意涵著社會科學革命性新典範底浮現。

關鍵詞：古典馬克思主義、西方馬克思主義、新馬克思主義、後馬克思主義、符號學馬克思主義、結構主義。

Key words : Classical Marxism, Western Marxism, Neo-Marxism, Post-Marxism, Ex-Marxism, Semiotic Marxism, Structuralism.

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\* 台大三民主義研究所專任教授

## 壹、前言

馬克思在世之日最喜歡爭辯，尤愛知識上的抬槓。儘管他在早年對黑格爾的哲學極度的推崇，甚至在柏林大學求學時代，便參加了「博士俱樂部」的學術討論活動，但他對黑格爾的哲學並非死心塌地的盲目接受。作為青年黑格爾門徒之一，他最後仍與黑格爾的唯心哲學決裂。馬克思企圖保存黑格爾辯證法合理的核心，而去其唯心主義或觀念論的「神祕」外殼。終他一生，便是要把黑格爾的學說顛倒過來，使它雙足立地、頭顱頂天。

馬克思這種把前人的思想顛倒過來的作法，居然被其後繼者照單全收，如法泡製。在很大的程度上，西方馬克思主義（西馬）和新馬克思主義（新馬）（註1），就是想要把馬克思的歷史唯物論顛倒過來。如眾所知，馬克思以兩層樓的譬喻(metaphor)來詮釋社會。他說不是人的意識決定其社會存在；反之，是社會存在決定人的意識。他進一步引申經濟基礎決定意識形態的上層建築(Marx, SW 1: 503)。這種下層建築制約上層建築的說法，到了本世紀便分別受到西馬與新馬理論家的質疑和挑戰。

原來作為西馬奠基者之一的葛蘭西（Antonio Gramsci 1891-1937），在本世紀三十年代，便開始對上層建築與下層建築的關係提出新的看法。這與上世紀和本世紀之交，民族國家在各國的社會裡與寰球的政治中所扮演日漸吃重的角色攸關。原來葛蘭西認為國家（或狹義的政府及其活動，也即政治）對下層建築的生產關係之延續（再生產），具有決定性的作用。不過國家並非單純只是資產階級赤裸裸的暴力之運用，更多的時候國家依賴觀念上、思想上、文化上的優勢（或譯為霸權 hegemonia）來控制百姓。這麼一說，觀念或意識形態居然是左右國家與影響社會的制約因素。要之，葛蘭西是本世紀把下層建築制約上層建築的說法，顛倒過來的第一位馬克思主義者，這標誌著古典馬克思主義邁向後馬克思主義重大修改的第一階段。

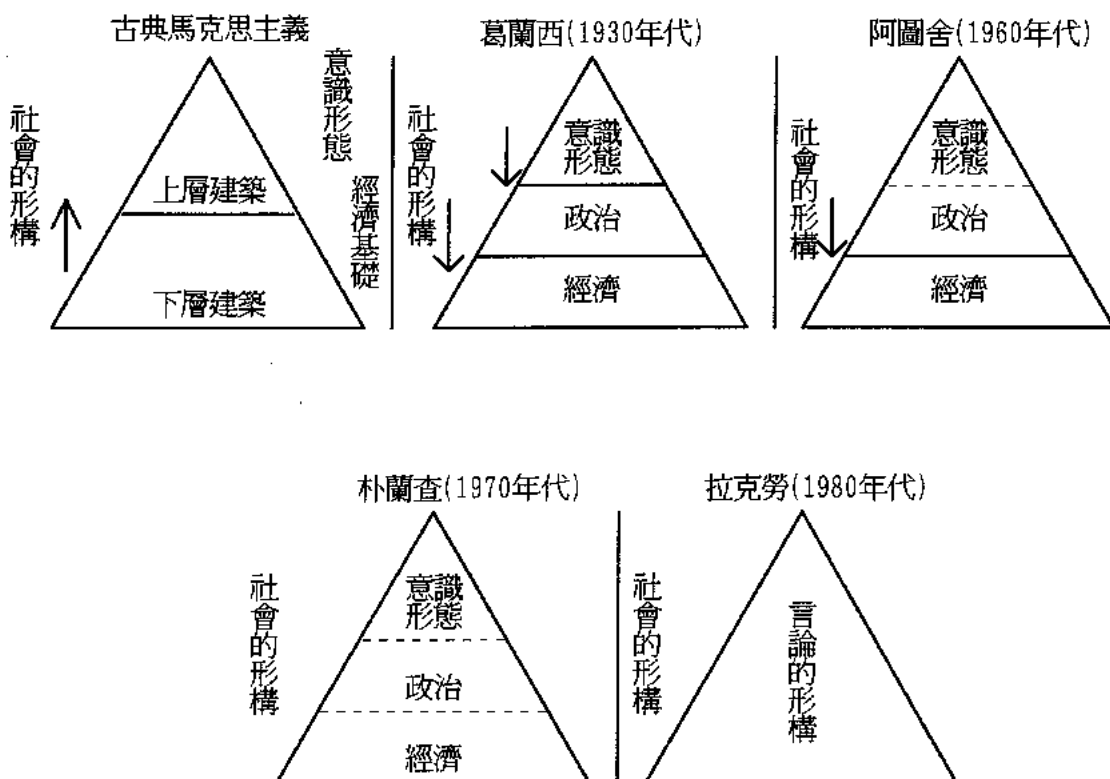
阿圖舍（Louis Althusser 1918-1990）的結構主義則為這種重大改變的第二階段。這一階段的特色為意識形態的部分向下延伸，吸收了國家的職能，而形成了他所指明的「意識形態的國家設施」(ideological state apparatus)。換言之，這一階段中，意識形態與政治這兩部分合而為一，由它來指揮與控制經濟的下層建築。至此，理論的發展顯示兩大特色：其一為所有上層建築的各部分（像法律、政治、宗教、哲學）都化約為意識形態的範圍；其二，意識形態和政治兩部分一旦融合為一

體，那麼彼此之間決定關係便告解除。意識形態，不再像葛蘭西所主張的那樣，能夠決定政治，原因是前者的運作邏輯吸收了後者的運作邏輯底緣故。

第三階段以朴蘭查(Nicos Poulantzas, 1936-1979)的後結構主義為代表。至此階段，新的理論在詮釋意識形態的國家與經濟如何熔合成一體。換言之，基礎已被上層建築所吸收。上下建築不但融成一體，而且也成為一個理論的單元，或稱理論的合一體(entity)。至此地步，馬克思主義的理論已超越基礎與上層的模式，意識形態不再規定政治，也不再制約經濟，原因是這二者都早已合而為一了。

第四階段也就是符號學的馬克思主義(Semiotic Marxism)出現之時期。這是以拉克勞(Ernesto Laclau)和穆佛(Chantal Mouffe)的著作為代表的當代新馬學說(註2)。這一學說之重點為不再討論「社會的形構」(social formation)而改為「言論的形構」(discursive formation)，將所有人際關係看成為符號的象徵的溝通關係，而非傳統上馬克思主義者所主張的生產關係、或階級關係。

我們把上述古典馬克思主義轉化為當代馬克思主義的變遷情形以圖表來簡述(箭頭的方向表示決定或制約)：



(以上圖表係由兩項資料合成：參考洪謙德 1983: 151, 166 和 Bergesen 1983: 2)

## 貳、葛蘭西的文化霸權說

葛蘭西對政治國家與民間社會的看法迥異於馬克思的觀點(洪謙德、黃德怡)。主要的原因是強調社會是由意識形態、政治和經濟這三者合構而成。在他的心目中，國家這個政治活動的場域，剛好是處於意識形態和經濟兩大活動之間，雖然仍屬上層建築的一部分，卻是主宰經濟基礎的力量之源泉。換言之，他一反馬克思經濟基礎決定上層建築的說法，而改稱為政治力量干涉經濟活動，上層建築制約下層建築。上層建築除了法律與政治(國家)是主要成分之外，最重要的還是社會諸成員所共同接受與擁有的世界觀(意識形態)，它是把社會的形構之諸勢力加以凝聚的水泥(粘合劑)。換言之，馬克思視經濟結構為首要的，為主控的力量；葛蘭西則持相反的說法，主張資產階級藉著意識形態的優勢，來使無產階級認份、聽從、降服。

控制勞動群眾的力量不再是對生產資料的擁有，而是對國家機器的操縱。但現代國家也與過去動輒使用暴力的威權國家不同，現代國家是「倫理性」的國家，或「文化的」國家。它的合法性建立在被統治者的同意之上。所謂的「同意」(consenso)是「經過組織的，並非籠統的、不清楚的」(Gramsci: 259)。正因為「同意」如何來協調、來形成，說法不一，作法也不同，使得現代國家具有各種不同的形式與實質，這包括威權與民主的國家。前者依舊是靠強制來建立共識，後者則以凝聚民意來顯示被統治者對統治的同意。葛氏這種說法無疑地把國家作了更為廣闊的理論解釋。這種理論牽涉到把更多的制度(行政機關、治安機關、教育機關等)納入國家的範圍之內，也即把過去不當成國家的機構(教育、傳媒、資訊等制度)，逐漸收容在國家的範圍之內。另一方面，也使這些新加入的制度之運作，也即它們的文化職能，逐漸成為國家主要的職能。在這一意義下，國家與市民社會的分野變得越來越不明顯。像學校與媒體本屬市民社會，如今因對現存秩序的維護、辯解、正當化，而逐漸成為國家的一部分。

顯然，葛蘭西視國家是社會化的工具，也是文化傳播的機構，是散播特定世界觀和意識形態的機器。他說：「國家的職能完全改變；國家變成了教育者等等」(Gramsci: 260)。這並不是說國家不必靠使用鎮壓的手段來迫使百姓就範，而是說



使用市民社會中同意的基礎來發號施令，推行政務，是有效統治的簡省辦法。因為這是一種「國家學說，認為後者（使用鎮壓的手段）是一項臨時的措施，早晚要歸於消失的」（ibid）。這表示壓制的作法是不得已的、次要的國家舉措，可以備而不用的。「這是可能的去想像國家鎮壓的因素逐漸消失，當被規定的社會（倫理國家或文明社會）之明顯的因素日漸浮現之時」（ibid）。換言之，社會的各種制度愈來愈成功地散播同化的觀念，愈來愈成功地推行社會文化的工作之後，國家的暴力使用就會愈來愈少，「國家是實踐的和理論活動之複合體，利用這些實踐與理論活動，統治階級不僅正當化與維持其統治，並且積極爭取到被統治者的同意」（ibid）。於是統治或支配，被界定為透過信念、贊同、理解和盲目接受，而塑造出來的共識。

由於現代國家仍舊是一個階級的國家，因之，階級統治也轉變為階級同意。階級同意的產生、維持和再生產（繁衍）完全靠著「政治的和文化的優勢之設施」底運作。很明顯地，現代國家中的統治階級，強調它的利益就是全民的利益，也成為其他階級模仿和追求的目標。葛蘭西就說過資產階級曾對法律觀點和國家的功能注入了革命性的理念，那就是要求和激發被統治者向統治者看齊的「趨同意向」（will to conform）。原來現代國家處心積慮在營造老百姓「自動自發的」的同意，讓群眾「生活」在那些指令之中，隨時修改本身的習性，改變他們的意志、他們的信念，去符合上級的指示、也符合上級所提出的奮鬥目標（ibid）。是不是個人在社會上的結構，還是經濟基礎上的生產關係製造了這些習性、意志、信念呢？非也，這些信念都是統治階級透過國家的各種制度，由上而下灌輸給百姓。因之，現代國家成為社會化的動力來源，也即成為百姓的「教育者」、「塑造者」。

現代社會的社會控制，已由政治機關移轉到社會諸種制度之上，從而國家變成了某一特定社會階級的權力、特權和統治永續化的工具。這種攻改變所以能夠完成，而老百姓也心甘情願地接受這種安排，其原因乃為他們被誤導、被欺騙，因之深信統治階級的利益代表了社會的形構整體的利益。

據葛氏的說法，現代國家「傾向於創造和維持某種形態的文明和公民（因之也創造和維持某種意識形態的集體生活與私人關係），同時消除一些習慣和態度，而灌輸另外一些習慣和態度」（ibid: 246）。其結果「創造了一種新的文明，也創造了新的人類與新公民〔他們係存在於〕政治外殼之內，由是一個複雜的、精緻的市民社會遂告誕生了。在市民社會中，市民表面上都能自治，都不會與政治社會〔統治機關〕發生衝突，反而與它相輔相成，而使政治社會綿延不斷」（ibid）。由是可

知，現代國家中的統治，表面上是建立在同意之上的統治，究其實質，仍舊是某一階級的統治。現代的統治是靠信念之間的關係，或意識形態的關係去統治，而非藉著生產關係去統治。換言之，不是藉著生產資料擁有與否的階級關係，而是透過國家去進行統治。

由此可知，葛氏不再視文化和意識形態是被解釋項；反之，它們卻用來解釋別的社會現象。換言之，社會意識和世界觀變成了社會關係永續或變遷的主因。統治或反叛繫於人們的一念之間。階級鬥爭轉變為意識形態的鬥爭。不只鬥爭的場所由生產場所或政治場所轉移到人心或人腦，而且鬥爭本身就是意識形態的，它與明顯的政治鬥爭或階級鬥爭相比較還佔優先。於是社會意識結構的控制成爲生產結構的控制之先決條件。

葛氏的學說可以說是界於傳統的馬克思主義重視生產關係，以及未來馬克思主義注重意識形態之關係底中間。也可以說是由強調物質統治基礎轉換去重視精神的統治機制。要之，葛蘭西首先顛倒了馬克思上下建築之間決定或制約的方向，他是西馬的奠基者，也是符號學的馬克思主義之開路先鋒。

## 參、阿圖舍的結構主義

在葛蘭西的文化霸權學說中，我們看見馬克思所主張的基礎決定意識形態之說法被顛倒過來，不過葛蘭西仍把意識形態和政治加以分開。這兩者的合一要到阿圖舍提出的結構主義的馬克思主義時，才告完成。原因是在他那裡，意識形態的邏輯滲透進政治的邏輯裡，並且也取代了政治的邏輯。

阿圖舍提出著名的「意識形態的國家設施」概念，這是企圖把意識形態與國家（或稱政治部門）合併成一體。其結果，這個合成體的運作仍靠意識形態的邏輯。進一步來觀察，阿圖舍顯然是把索緒爾(Ferdinand de Saussure 1857-1913)的語言結構使用到馬克思主義的分析之上。也就是說，索氏語言的結構性邏輯變成了阿圖舍意識形態的邏輯。索緒爾不關心語言的同時性，而只注意它的異時性。再說索氏關心的是一般的語言(*langue*)，而非特定的人在特定的情況下所說的話(*parole*)。這點也成爲阿圖舍強調結構的一般理論，而非結構的特殊理論之因由。

阿圖舍說，意識形態透過「意識形態的國家設施」，「規定了實質的實踐。……實質上的實踐是存在於主體的實質行動中，而主體是根據他的想法來採取

行動的」(Althasser, 1971: 170)。上述的引言使吾人知悉意識形態的權力並不存在於規矩、規範、習慣的層次之上，而是存在於更基本的層次，也即語文的結構層次之上。原因是行動的主體本身就是意識形態的產品，他對規矩、規範、習慣等等規章的理解，是經過反思省察之後才會發現的。換言之，他的言行早已是意識形態薰陶培育下的結果。

由此可見，阿圖舍心目中的行動之主體，並不是受外界的規範，或報應及制裁(sanction)所左右，而是受到社會的形構所影響而產生的認同體。從社會構成的觀點來觀察，阿氏的主體性(subjecthood) 是大型的社會關係中的特別角色。所有主體之產生與活動，就是社會結構中所有社會位置的佔據與作用，也就是生產活動的社會關係得以維持不墜、得以綿延不斷的因由。在生產活動中，階級關係便靠這種意識形態的不斷再生產，延續下去。他說：「意識形態以這樣的方式或『進行活動』或『發生作用』，也就是藉著我所指出的詢問(interpellation)或招呼(hailing)的方式，它在眾多的個人中『吸收動員』到主體群，宣稱把眾多的個人們『轉變』為主體群」(ibid: 174)。

阿氏所說，個人如何轉變成主體的過程，與索緒爾把聽得到聲音轉變為被標示的符號(signified sign)之過程是相似的。索氏認為語言的符號是由標示者(signifier)的聲音和被標示的事物之理念兩部分構成的。這和阿圖舍認為主體是由具體的個人與其社會地位兩部分構成的，完全相同。所謂個人的社會地位，係指在社會勞動分工中所佔據的位置而言。我們把這兩位結構主義大師的相似觀點列表如下(參考 Bergesen, 1993: 7)：

索緒爾	符號 = 聽得到的聲音(標示者) + 理念(被標示者)
阿圖舍	主體 = 具體的個人(標示者) + 社會位置(被標示者)

索緒爾分辨語言(langue)與言語(parole)之不同，前者是語言的總體，是屬於文化關係的體系，後者則是日常交談的話語。這種分別也在阿圖舍的結構主義裡看到，也即他心目中的意識形態是一種文化的結構，早于具體的個人而存在，個人必須藉意識形態來進行社會的實踐活動。由是可知，意識形態及其在國家設施方面的具體化，賦予主體以社會地位，就像語言的深層結構賦予每個符號在語言的結構上一定的地位，完全相似。

這種說法，無疑地把阿圖舍的行動主體看成為「人樣的符號」。每個主體的

自我認同與自我理解完全是由所有帶有符號的人群之體系的結構上之位置引伸而來。他心目中的社會的形構無疑地就是這種「人樣符號」的集合體。

於是在阿圖舍那裡，意識形態的活動無異為索緒爾的語文(language)之活動，前者所稱的主體（行動者）則成為後者所指的言語。至此，語言學的邏輯轉變成為馬克思主義社會結構的邏輯，我們再列表(Bergesen, 1993: 8)來加以比較：

	深層先驗的結構	表面上的顯示
索緒爾	語言：規則形成的語言體系	言語：實際上觀察得到的說話、言語表達
阿圖舍	大寫S的主體：意識型態的範圍【大我】	小寫s的主體：個別人可資觀察到的行為和角色表現【小我】

阿圖舍又說：「個人之間的詢問和招呼〔之成為可能〕，是預設一個獨一無二(unique)以及中心的另外一個主體(central other subject)之存在」(ibid: 179)。換言之，個人（小我）在社會上能夠行動、活動、談話完全是受到社會體系（大我）的操縱影響的，就像每個人的談話是由其所處社會的語言來制約的，是同樣的道理。

此外，在結構語言學裡頭，符號是被更大的語言和符號系統所控制。語言學裡頭涉及的問題為符號所代表的意義、標示和解釋。每個符號在語言體系的結構中擁有特定的位置，這就是語言學上的位置。語言學上確定的位置提供與控制聲音以特定的標示，也即賦予一定的意義。同樣地，阿圖舍的意識形態的國家設施之權力在於賦予每一主體在社會形構之結構關係網絡中底特定地位。蓋其主體「被塞進實踐裡，這些實踐完全由意識形態的國家設施來加以規定，它們「承認」現狀，把事情解釋為「它就是這樣，而非那樣」。他們必須順從上帝，聽從良心，接受牧師的規勸，聽從戴高樂的話、服從老闆的指揮、聽從工程師的吩咐……。他們具體的行為就是那些刻進腦中的訓示，就像祈禱詞所稱的阿門，但願如此」(ibid: 181)。

換言之，社會形構是由宗教、政治、經濟、科技諸部門合構而成。阿圖舍指出意識形態的國家設施賦予每個人（主體）以特定的社會地位，要求他們聽從宗教（「順從上帝」、「接受牧師的規勸」）、政治（「聽從戴高樂的話」）、經濟（「服從老闆的指揮」）、科技（「聽從工程師的吩咐」）的安排。社會控制完全由個人（社會成員）明瞭本身是一個社會客體所產生。

社會成員一旦明白自己在社會上的地位，就會努力去扮演該地位所祈求的角色。例如某人自我界定為使用勞力的工人，便會努力去作好一個工人，便不會怨天尤人，也就能夠俯首聽命接受這個社會角色。由是社會秩序遂告產生，並且還能夠維持不墜。要之，阿圖舍認為個人們一旦轉化為主體群，那麼他們所思、所言、所行無一不從其社會的大我出發，也即從社會主體性質(subjecthood)出發。在這種情形下，人們彼此的招呼、寒暄、詢問（「最近生活可好？」「工作順利嗎？」），無異加強個人更深刻地認同他被指定的社會角色，也即是加強生產關係的維持不墜。在這種情形下，連經濟範圍也受到意識形態的塑造，這何異於基礎受到上層建築的規定和制約？

## 肆、朴蘭查的後結構主義

在阿圖舍的理論裡，意識型態和政治有效底結合，並且在結合後還決定了經濟的維持不輟，也即經濟的延續。至於70年代中朴蘭查的作品則顯示意識型態與政治的合成體繼續其合併的擴張性活動，最終連經濟也一起併吞下去。伴隨此一併吞過程的是因果邏輯的褪色，不再發生作用，我們無法再看出何者決定何者，那個（意識型態？）是因，那個是果（政治？經濟？）。

對朴蘭查而言，過去把國家視為「壓制性的國家設施」(repressive state apparatus)，或「意識型態的國家設施」(Ideological State Apparatus)。在過去的概念裡，仍允許經濟由政治，或意識型態中分開出來，可是今日連經濟也遭受政治和意識型態的滲透、侵入，以致這三者的合成體變做「經濟的國家設施」(economic state apparatus)。

朴蘭查認為阿圖舍的假定太過礙手礙腳，原因是後者把主體引進一個分開的經濟範圍是不很妥當的，它隱含了意識兼政治領域，同經濟領域的隔離，也即這兩者成為分開的部門。在朴氏看來意識型態的國家設施並不把主體安插在生產（經濟）的社會關係裡，其理由為政治與生產活動是一個單純結構整體不可分割的部份。也即朴氏的理論是視意識型態兼政治，同經濟之合為一體。他說：「國家的政治場域（如同意識型態的範圍）一向便以不同的方式出現在生產關係的構成與延續之中」(Poulantzas, 1978: 17)。換言之，上層建築經常出現在基礎的塑造建構裡頭，由是造成下層建築與上層建築的難捨難分。這種假定是「把國家的空間擴展到

意識型態的制度之上，同時在強調國家藉著意識型態關係中之角色出現在生產關係裡」(ibid: 29)。

朴氏進一步解釋基礎與上層建築怎樣合而為一。首先，生產關係涉及到「佔有(擁有)與經濟財產」，也就是牽涉到生產關係所圈定的所在因而滋生出來的權力。「這些權力聯繫到政治的關係和意識型態的關係之上，靠著後面兩種關係，使前述的權力得以正當化、合法化，而且這兩種關係還出現在經濟關係之上」(ibid: 36)。易言之，經濟關係牽涉到對財產處理的權力，而權力是以政治的形式表現出來。因之，經濟關係的構成之要素便含有政治關係的成分。再說，壓制性的國家已由意識型態的國家(文化國、福利國)所取代，那麼階級關係的核心無異為意識型態的關係。

要之，經濟不靠政治無法存在，政治又受到意識型態的宰割，是故意識型態成為經濟形成的主力。這三部份終於合併為一體。社會分成經濟、政治和意識型態三部份，就把國家設施也分成三個設施：經濟的國家設施、壓制性的國家設施和意識型態的國家設施。朴氏說：「擔任了組織現代族國(nation)主角的國家，他本身不具實質(essence)，國家再也不是創造歷史的主體，也不是統治階級的工具。就國家的本質來看，它成為階級關係的聚合體」(ibid: 119)。這裡朴氏不再認為國家有其本身存在的理由，國家也不再受到階級的控制、或利用。反之，國家成為階級勢力競賽場，階級以勢力的形式出現，也藉國家的名義，以及藉與國家之關係而存在。換言之，階級關係就是生產關係，就是經濟基礎。這裡經濟基礎所以能夠存在，所以能夠表現，完全要透過政治，也就是透過上層建築，才成為可能。既然階級優勢有賴國家來顯現，那麼這種優勢便非靠生產關係，而是靠政治兼意識型態的關係建立起來的。由此引伸出一個結論：社會的階級分立，完全是國家怎樣來建構與處理各種階級，怎樣來認定其關係之結果。

既然是上層建築決定了生產中佔優勢的那種關係，那麼古典馬克思主義者由生產力的擁有與否來決定階級的說法，便告失敗。朴氏這種說法會導致社會的形成完全取決於上層建築，而不受其物質基礎的影響。既然物質基礎不決定政治與意識型態，那麼後者是受到什麼東西的決定呢？朴氏提出這三者彼此決定或不決定的理論模型，也即意識型態、政治、經濟三者中任何一方都有可能造成其他兩方，影響其他兩方的決定作用。這麼一說何者為因、何者為果也無常規可循，說它是相互因果說，還不如說是因果無常說、因果不定論，更為妥切。

在葛蘭西和阿圖舍那裡，我們至少發現意識型態和政治決定了經濟，但到朴

蘭查時，這三者彼此間互相決定，這就標誌了社會因果關係(social causation)的逐漸弱化。從朴氏的國家觀我們更可以體會他把這三者熔合，或至少把意識型態兼政治的上層建築（意識型態的國家設施），同經濟基礎合併為一體，而視兩者互相決定的情形。

基本上，朴蘭查反對把國家視為資產階級統治工具的「工具論」，也反對把國家視為獨立於社會之外、高高在上的「國家至上論」。其原因為這兩種理論都假定經濟與政治分開，而他卻主張這兩者的合一。不過他雖贊成兩者合一，卻認為其熔合為一體不致造成經濟的完全消失，一如國家至上論所主張者。朴氏也不認為政治與經濟的合一的程度，造成經濟主宰政治，一如工具論者的主張。他認為這兩者之合一，但也彼此存在，以致任何的一方不能決定他方。這兩種力量－政治與經濟－合構成「資本主義的國家」，或稱是「作為階級勢力關係凝聚之國家」(ibid: 130)。

不僅此也，朴氏還由國家內部的分化，來指出現代國家二合一的特徵，對他而言政治的不同，無異國家之間的歧異，或階級的歧異。他說：「國家政策的建立必須看做是階級矛盾的必然結果，而階級矛盾刻入於國家的結構（國家當成是一種勢力的關係）裡頭。國家乃是階級與階級派系力量的凝聚，也可以說是這種勢力在國家裡頭〔較力〕的必要形式表現。易言之，國家乃為徹頭徹尾由階級矛盾所建構的和所分裂的」(ibid: 132)。

從上面的敘述，可以理解朴氏視基礎和上層建築之合併在於排除任何一方的單獨存在。因之，「國家既非統治階級所掌握的權力本質之工具性標的物，也非擁有取自階級勢力相同的權力之主體」。反之，「國家是... 統治階級在與被統治階級發生關係中，一個策略〔活用〕的地方，或稱是策略性的組織」(ibid: 148)。

## 伍、符號學的馬克思主義之登場

後結構主義主張意識形態、政治和經濟熔合為一，以及沒有任何一項（意識形態）可以決定他項（政治、經濟），從而使社會因果關係削弱。於是新馬（或稱後馬克思主義，簡稱後馬）的理論跟著在80年代出現在歐陸與英倫的思想界。

這個稱為符號學的馬克思主義，主張意識形態、政治、經濟三層次全部消溶在「談話」、「言論」、「談論」(discourse)之中，也即一概化做語言的符號系

統。社會的形構乃是一種沒有原因、沒有因果關係的言論所構成的。在社會的形構裡，不再有決定，而只是表面的行為，諸如鬥爭、衝突、結盟、集團和稱霸等活動的行為。一個世紀以來，思想家所津津樂道的社會的形構，已因理論愈來愈遠離社會結構，而使社會的涵義逐漸消失。取而代之，則為文化的觀念，或意識形態的觀念，它們不再連繫於基礎或與上層建築相連繫的社會關係之上。換言之，象徵的關係，或意識形態的關係之形構取代了向來實質的社會關係（階級關係、生產關係）。

由生產關係而轉移到象徵關係，也即單純的語言為根基的馬克思主義，可以視為百年來思想運動的最近趨向，而其代表性著作則為拉克勞與穆佛的作品 (Laclau & Mouffe, 1985, 1987; Laclau, 1977, 1988, 1990; Mouffe, 1979, 1988, 1992, 1993)。在這些作品中，傳統馬克思主義之社會的形構，已改為「言論的形構」(discursive formation)，反映著目前符號學的假定：假定集體生活的本質乃為「言論」，而非存在於歷史中的社會關係。社會的關係已化解為言論的關係。索緒爾之後的符號邏輯轉變為後馬的階級邏輯。

後馬這一流派的主張是認為不只文化、或意識形態決定了社會的關係，而且對社會的看法也與過去不同。正如拉克勞與穆佛所說：「我們必須開始放棄把『社會』當作其部分過程〔及其成員〕構成的總體這一概念。因之，我們必須考慮社會當成為建構的場地那種開放性」(Laclau & Mouffe, 1985: 95)。至於社會及其階級關係都變成了符號學的單位，於是階級關係被視為「認同體」(符號)之間的關係。拉克勞說：「目前的境況是這樣的，在其中各種因素都移向體系，但沒有任何最終的體系、或因素底存在……這是一種意義不斷在變化，也不斷在創新的結構。我稱這種結構為『言論』。言論的概念在於描寫存在於社會中任何事物其最終的非確定性」(Laclau, 1988: 254)。也即任何事物都無最終的確定性可言，這種無確定性的事物之描寫，就稱做「言論」。

換言之，既然在社會中沒有恆常不變的事物之存在，所有的關係不過是變動不居的言論，那麼任何一個社會部門（像經濟）對另外部門（政治或意識形態）的決定，都成為不可能。於是拉氏或穆氏談到經濟在最後的分析，或最後的舉例(in the last instance)中可以決定上層建築，是無稽之談。這是由於每項事情或事物僅具關係的性格之故，而關係的性格乃為不穩定與不確定的性格(Laclau & Mouffe, 1985: 199)。

在這裡基礎決定上層建築的邏輯不但徹底翻轉過來，連所有意識形態、政治



和經濟部門也化解為語言或言論的形構裡。每樣事物都係斷根的浮萍飄游在言論的大海裡。這兩位後馬的理論家企圖「展示社會總體中各成分必要的連繫之假定，在邏輯上犯了不連貫的毛病。同時也要藉不同的研究途徑來揭露『社會』這一研究的對象不可能是知識上統一的總體」(ibid: 99)。

造成他們對社會這一傳統概念不滿的原因，在於他們反對古典馬克思主義基礎決定上層建築的說法。這種不滿也包括把社會演進歸因於單一的經濟解釋。生產力衝破生產關係的限制而成為社會變遷的動力之說法，已受到質疑。特別是社會變遷的軌跡，化為「歷史的必然」之說法，也受到挑戰。在理念、物質都缺乏恆定性的情形下，基礎與上層建築的分野也告消失。他們也反對葛蘭西的文化霸權說，原因是後者的霸權建立在最終不連貫的觀念上，這種觀念是無法超越馬克思上下建築的雙重性。更何況每一個霸權的形成過程中，一定得靠一條統一的原則來作為社會各部門連繫貫穿的主軸，這便是階級的原則。

於是統一的原則與階級的屬性成為葛蘭西社會秩序的兩個原則，既然有兩個原則之存在，那麼所謂的階級的優勢（霸權）不是靠階級成員的實踐，不是靠階級鬥爭來獲致，反之卻建立在最終超驗的本體原則(ontological principle)之上(ibid: 69)。換言之，拉克勞和穆佛反對葛蘭西的地方，是不認為階級的霸權是由先驗的社會結構衍生出來，而主張是由階級的實踐與階級的鬥爭中衍生出來。

他們也反對阿圖舍的學說，認為後者的意識形態的國家設施在理論上不妥當。大範圍的主體（意識形態、大我）將小範圍的主體（個人、小我）置入於社會關係中的說法，也受到質疑。原因是作為標示者之大範圍的主體，其認同體（本身）不斷在退縮而無法解釋。

易言之，後結構主義者企圖把結構化解（解構），並更改為表面上的遊戲，像行動者的合縱連橫，隨時合作、結盟，隨時拆夥、對抗等。拉氏與穆氏說：「假使作為霸權活動主體的工人階級，懂得如何技巧地提出一大堆民主的訴求，和進行鬥爭，那麼他們的霸權活動絕非由於先驗的結構上之優勢使然，而是由於階級方面政治的創意新主張(initiative)所促成的」(ibid: 65)。階級並非有它特定的屬性或結構才成為階級，而是人們說這是資產階級，那是無產階級，在這種說詞下認定了階級。同樣階級地位，社會位置、實在的地位等等，也並非有其實質的存在，卻是人們所假設、所認定、所說出的那些認同體而已。

同樣地「利益」云云，無非是社會的反映，其存在不會超過利益持有人的意識之外。換言之，「在談論到利益之前，根本無所謂利益的存在。它們（利益）不

可能是經濟層次上現存位置的表達」(Mouffe, 1988: 90)。

符號學的馬克思主義甚至連基礎與上層建築之間的互動都懶得一提，原因是所有的關係，包括基礎與上層建築之間的關係，都不固定。蓋任何關係離不開有意識、有志向的行動，也即「偶發性」(contingency)。是故發生在不同的社會主體之間，不管是鬥爭、結盟、同意、爭議、拆夥等都是受到事件的偶發性或意外事件所左右，而沒有固定的關係可言。

因此，對後馬的理論家而言，社會無異為馬克思之前（前馬）的思想家像霍布士那一樣的主張：都認為是社會主體們所充塞的天地，這些主體群為求自利，而不惜進行混戰。這些社會主體群既沒有特殊的階級成分，也不重視他們在生產關係上的地位，而是人人都是符號學上的分子。他們出於本身的創意和主張，而非出於歷史的必然性，來形成符號學上的社會結構，並藉霸權的聯合，或反霸權的聯合，來形成社會的秩序，也來界定自我，或標明其利益之所在。這些都在說明社會的形構變做言論的形構之緣由。

後馬的理論家視經濟不是界限清楚、內容確定的社會之構成部分；反之，經濟裡頭已混有政治與意識形態的成分。詳言之，經濟要能產生效果，不能單靠經濟的運動律之操作。一個簡單的例子，資本家購買勞動力，從中榨取勞動的好處，並不靠經濟律而已，更是要靠資本家優越的支配勢力(domination)。資本家利用這種優勢（政治的力量），加上工人不知反抗，只知順從的意識（意識形態的作用），才會構成社會生產中的勞資關係。由此可見，經濟與政治和意識形態都已掛鉤，這三者是熔合在一起的，因此再也沒有經濟決定政治與意識形態的可能。

既然所有的概念，不管是階級、生產力、生產關係，還是國家、理念、利益都是捕捉不定的事物，其意涵變遷不定，沒有任何一個概念有其最終的確定性格，則這些概念不是「自足〔自我包含〕的項目」(self-contained entities)，而是與其他的概念有所「差異」(differences)、有所不同的項目而已。因之，後馬之言論的形構，無非是「精雕細琢善加刻劃的言論之總體」(articulated disursive totality)而已。在此總體中，「每個元素佔有不同的位置」(Laclau and Mouffe, 1985: 106)。這種位置既非政治的地位，也不是社會的地位，也不是理念的地位，而是語意學上的地位。

結論是很明顯的，後馬的主張與前馬的主張幾乎相同，不是物質主義，而是觀念（唯心）主義成為世界的主導力量。因為每個體系都可以把本身構成一個目的物，這個構成的動作不受外界的原因所推動，只需本體的動因即足。拉氏與穆氏

說：「這讓我們克服無法解決的問題，也即基礎與上層建築的關係之問題。假使國家、理念、生產關係等等都有純粹不同的項目，那麼任何一項都會涉及到在其他項中的出現……在這一意義下，任何一元素對其他元素影響的因果理論成爲毫無必要」(ibid: 90-91)。至此，言論範圍與非言論範圍之兩分法應予衝破，這個衝破無異爲放棄思想與實相兩者之兩分法的觀點。要之，單純符號學的馬克思主義最終的努力，便是衝破我們對實相的思維與實相本身這兩者之分辨。

## 陸、結論

本文主要是取材自美國阿利桑拿大學社會學系教授貝格森(Albert Bergesen)發表于太平洋社會學會機關誌《社會學觀點》1993年春季號的長文，經本文作者加以改寫增刪而成(註3)。在結論上貝氏認爲20世紀末馬克思主義的理論作品之特色爲理論家的脫離社會結構，也即脫離物質生產中的階級關係，這個古典馬克思主義的基本理念。取代生產關係或階級關係之社會的形構便是將文化與意識型態精緻化底言論的形構。在言論的形構中階級關係被塑造成個別主體(行動者、個人、小我)之間的關係，這些主體們之間的關係完全受到象徵性差異(symbolic difference)的語言邏輯所規範。

以上的論點好像是歐陸思想家(索緒爾、葛蘭西、阿圖塞、朴蘭查、拉克勞、穆佛都是歐陸人士)的思考特色。但英美的新馬或後馬理論家也有告別社會結構的理論趨勢。所不同的是英美理論學界不從社會結構趨向文化的分析，反而走向更具體、更個人的層次，去細辨行動、選擇、決定、獨立不倚的個人主義，或理性選擇的分析等等。這就是分析學派的馬克思主義者羅默(John Roemer)所指出的「馬克思主義者的分析需要微觀的基礎(micro-foundation)」(Roemer, 1986)。

可以說在本世紀末的西方之馬克思主義，已由生產的社會關係分裂成兩種不同的流派，其一注重語意、符號言論的項目之符號學的馬克思主義；其二注重前社會學或非社會學的個人主義之理性選擇的馬克思主義。對社會結構的輕視已不限于馬克思主義的新流派，它也已擴散至人文學科與社會科學諸部門之中(註4)。

導致這種情勢的原因，據貝格森所言有三：第一，馬克思主義無法解釋西方社會的勞工階級與存心改革的資產階級之行爲；第二，馬克思主義也無法解釋何以用馬克思(與列寧)爲名義而掌握各國大權的共黨在東方(主要的是俄羅斯和東

歐)實驗的失敗；第三，馬克思主義也無法適當地解釋當代性別、種族、生態引爆的社會衝突和致力改善現狀的「新社會運動」。不過上述三個原因依舊無法說明新馬或後馬必須放棄社會結構的剖析，而轉向觀念主義、理想主義的語言分析、言論分析，以及非社會學的個人主義（理性選擇）。

會不會是百年來西方的社會學，特別是古典社會學家像馬克思、涂爾幹和韋伯太重視社會結構和巨視的社會問題（生產、政治、市民團體等）所引起的反彈？或者是由于一波一波的正常之科學(normal science)之湧現，而需要產生和引進新的典範(paradigm)？換言之，這三位古典社會學家留下來的繼承人只能造成新馬學派、新涂爾幹學派、新韋伯學派，但他們都沒有推翻三位社會學大家的主張，而另立門戶、另建新典範。也許是到了大改革、大翻新的時候，從而我們可否指出在跨世紀之際新的思想家有出現的可能呢？

也許理論典範的出現與社會的演變息息相關。過去理論家所討論的主題，與西方社會的劇變－工業革命和政治革命－攸關。面對跨世紀全球政經、社會、文化、科技等之瞬息萬變、國際關係之趨向多元化，人類生存模式已受到環球網路的重重侵入網縛，則一項新的理論典範或有出現在地平線的可能也說不定。在這一理解下，我們不難想像新馬或後馬的理論早晚要面臨一次「科學的革命」。這種說法正同古恩(Thomas Kuhn)對自然科學創造新典範之科學的革命底說法(Kuhn, 1962)是相似的。

## 註 釋

註 1：本文作者以為西馬與新馬有不同的指涉範圍，至少在時間上而言，西馬在先，新馬在後。關於西馬與新馬的不同，參考洪謙德1988: 1-20; 994: 19-20; 1995a: 80。

註 2：有人不認為這兩位的理論屬於新馬的學說，而是視後馬克思主義(Post-Marxism)，或揮別分開馬克思主義(Ex-Marxism)的代表性作品。參考Geras, 1987, 1988; Rizer & Schubert, 1991; Mouzelis, 1988。

註 3：本文作者特別增添拉克勞與穆佛最近的著作，也增加分析的馬克思主義和符號學的馬克思主義有關的文獻。刪掉與本文無直接引用的新馬著作名單，並以作者數十年來對舊馬、西馬、新馬、後馬之研究，提出個人的觀點，予以詮釋。

註 4：像法國社會學界巨擘卜地峨(Pierre Bourdieu)，力圖衝破主體（行動者）與社會結構之對立，而改以實踐、習性(habitus)與場域(champ)來建構其反思

(reflective)的社會學，便是一個異例。有關卜地峨的社會學說，參考洪謙德〈卜地峨社會學理論之析評〉，即將發表；又參考洪謙德 1995b。

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# 「國際經濟整合」的概念與界說 兼評「中華經濟圈」、「華南經濟圈」的提法

張維邦\*

## **International Economic Integration: Concepts and Definitions and a Comment on the so-called “Chinese Economic Circles”**

by  
Wei-penn Chang

### 摘 要

過國透際經濟整合的概念，本論文旨在釐清評論目前報章雜誌常提及的「中華經濟圈」、「華南經濟圈」這種構想。以丁培根(Jan Tinbergen)及巴拉薩(Bela Balassa)、埃爾阿格拉(El-Agraa)、羅布森(Peter Robson)等有關國際經濟整合的著作為評論主軸，並研討經濟整合的鵠的及經濟整合的層次。

關鍵詞：國際經濟整合、概念、中華經濟圈

Key words : International Economic Integration 、 Concepts 、 Chinese Circles

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\* 淡江大學歐洲研究所專任教授

第二次世界大戰後國際政治經濟關係領域有了重大的變化；區域合作急劇的發展，已從經濟整合發展到政治整合的層次（註1）。在東西兩大陣營冷戰對峙結構下，各自發展區域防禦合作組織。西方資本主義陣營在國際貨幣基金，世界銀行，關稅暨貿易總協定（世界貿易組織）等架構下，以美國為首的經濟先進國在國際貿易及投資上起了帶頭作用。戰後西歐經濟的重整，馬夏爾援助歐洲對抗蘇俄的計劃。法、德、意、荷、比、盧西歐六國物一九五二年的歐洲煤鋼共同體發展到一九五八年的歐洲經濟共同體，經過短短幾十年的孕育終於形成了歐洲單一市場，進而觸發財稅及貨幣整合。縱使歐洲聯盟(European Union) 會員國在一九九二及九三年依然遭到貨幣投機風暴的困擾挫折，可是歐洲聯盟遲早會在歐洲單一貨幣的誕生後，走向歐洲合眾國。歐洲聯盟可說是區域經濟整合的絕佳例子。其實北大西洋公約組織，華沙公約組織，比荷盧關稅聯盟，關稅暨貿易總協定，歐洲自由貿易組織，北美洲自由貿易組織，亞太經濟合作(APEC)，東南亞協約國組織(ASEAN)，也是各種形式，各種程度不同的政治經濟區域整合。從國與國的雙邊合作到現在的眾多國家的多邊協調合作，包涵層次也不僅僅限制於政治經濟層面，舉凡大 媒體、文化、教育、科技、藝術、文學的合作也漸次提昇。

事實上，戰後的整合也並不侷限在國際關係上。許多後進殖民地地區的解放，社會、經濟及政治結構也起了遽變，當然有不少第三世界國家依然掉入傳統社會的泥沼陷阱而不能自拔。現代化運動似乎跟這些國家絕緣。現代化其實就一個國家區域而言就是一種政治經濟整合過程。貨幣度量衡未統一的國家地區永遠無法推動現代化。

八十年代末美、加自由貿易協定的簽署及九三年底達成協議的美、加、墨三國北美洲自由貿易協定(NAFTA)，也是一種區域經濟的整合。約略在同時期亞太經濟合作組織的經濟金融關係也漸次熟絡起來。九十年代初蘇聯的崩潰，使整個世界經濟也在各個區域經濟整合過程中加速地整合成一體。台灣在國際經濟整合中雖無法像先進工業金融國家扮演重要的國際經濟整合角色。然而在為數眾多的第三世界發展途中國家中，台灣在工業發展、貿易振興及今後在金融網路上能發揮的角色無可否認的將愈來愈被看好，責任也會愈吃重。事實上台灣經濟在整球經濟快速整合中已經有三四十年的經驗，二



十一世紀的台灣經濟會更加速納入世界市場資本主義軌道中。

從八十年代後半隨著中國的經濟開放及台灣的解嚴自由民主化，使得海峽兩岸三地區的經濟直接間接地發生頻繁的關係。自一九八九年天安門事件後，台灣投資者企業家眼見中國當局不但沒有採取緊縮政策，反而在經濟層面下繼續鬆動開放，對中國沿海市場的潛力，增加了投資風險遞減的信心。再加上「世界銀行」專家對中國經濟的肯定評估，及每年兩岸三地區的經濟統計數字的繼續膨脹，各地華人學者名流開始著述甚至倡議成立「中華經濟圈」或「華南經濟圈」，有的還誇口說將來「中華經濟圈」的成就會超過「歐洲聯盟」的經濟整合。

## 壹、國際經濟整合的概念與界說

近代民族國家(nation-state)（有的翻成國民國家）的形成與資本主義的發展幾乎是同步平行進展的。國家主權的擴展可以說是民族國家發展的必然結果，可是在傳統貿易的擴張與境外投資盛行的結果資本（貨幣匯兌）跨國境所引發出來的經濟政治問題，不是單獨一個國家主權所能規範解決的。此外，科學技術（衛星與媒體）的突飛猛進，也使得傳統的國家主權又賦予新意義。

可以說資本的橫行環球與科技突破疆界的進展是加速國際經濟整合的兩大主要因素。當然戰爭頻仍；殺傷破壞力的強大及戰費軍備的高昂，終於迫使政治人物不得不尋求世界和平。和平的追求及憧憬無疑的也是國際政治經濟整合的原動力之一。戰後歐洲經濟整合的動機就是要解決數世紀以來德法兩國的敵對關係。因此經濟整合是和平的最佳保證。

由於本世紀二、三十年代，也就是第一及第二世界大戰之間各國採取閉關自守的保護貿易經濟政策的結果使得資本主義經濟大恐慌一發不可收拾，最後以大規模的戰爭結束經濟大蕭條。而第二次世界大戰後確立的自由貿易原則，促成史無前例的六十年代的世界經濟繁榮。然而從七十年代石油危機一直到現在，觸發經歷過斷斷續續的週期性經濟萎縮及發展，也就是為了解決世界性的經濟萎縮，先進經濟強國積極在尋求區域乃至全球的經濟整合。這一趨勢將隨著科技的突進及流動資本的巨額累積愈來愈加速。

其實國際經濟整合旨在解決整體的世界經濟問題。當然國家經濟主權依然盛行，美國一直運用或是晃動其強大有效的經濟制裁機制，所謂的超級三零一條款對台灣來說絕對不是空洞的法律條文。因此對長期台灣的利益來說，是儘速加入各種國際機構，或是積極推動國際經濟整合，以確保台灣的安全及經濟繁榮。當然在經濟整合過程中，尤其是在短期間有其代價，但是長期的，總的來說，必定利多於代價。

台灣迄今是以貿易立國，將來或許會以科技立國，金融立國。既然長期而言國際經濟整合對台灣利多於付出的代價，那麼對經濟整合的基本概念及界說的理解自是非常重要的。本論文旨在介紹評論戰後學者對此一基本概念的詮釋及界說。

「經濟整合」涵蓋的層面相當廣範。它可以指一個企業被另外一個龐大的公司所收購併吞的過程或結果。在某個經濟部門，如汽車製造部或石油部門，企業兼併的結果等於該部門愈來愈集中。因此經濟集中(economic concentration) 與經濟整合(economic integration) 從產業經濟學的觀點來研究的話，可說互為表裡，或是一體的兩面。

經濟集中可分成兩種：橫向集中(horizontal concentration) 及縱向集中(vertical concentration) 或稱縱向整合(vertical integration)。橫向集中指的是同部門、同行業間企業兼併、合併的過程或結果。如本世紀初葉，在美國大約有上百的汽車廠商，到戰後兼併、合併的結果只剩下三大一小的通用汽車公司、福特，克萊斯勒及美國汽車公司。縱向整合指的是不同部門，不同行業但互相有關聯有互補關係間企業的兼併、合併的過程或結果。譬如福特汽車公司爲了確保鋼鐵器材的供應，兼併了或是自創鋼鐵公司。同樣的漁業公司爲確保漁業的發展，兼併或自己成立罐頭加工廠。總之，企業兼併、合併的目的當然是爲了追求規模經濟，企業經營效益及市場支配或寡頭壟斷。

從工業立地佈置的觀點來考量，複合工業立地指的是從原料到加工一直到製成品都集中在一個區域中，日本戰後在臨海新埔地所建的 kombinatō，其理念卻源自前蘇聯的軍工業複合體的一貫作業。當然一國內區域的整合(regional planning; aménagement du territoire)，或是科學園指的是將相關企業部門集中在同一個地區。

可是一提到國際經濟整合，一般都是指主權國家間從經濟合作到貿易、

財稅、貨幣、金融等政策的協調過程。其目的是企望透過經濟整合達到整體的經濟繁榮：經濟持續成長，國際收支平衡，物價穩定，壓低失業率，維持社會福祉。

從靜態的角度來觀察經濟整合的話，某一區域裡的個別國家的經濟不再受疆界的區隔，而混合成爲一個經濟實體。從動態的角度著眼的，經濟整合指各國試圖消除國與國之間的貿易、金融等各式各類的障礙，從而逐漸地達成一個更大的經濟實體。一般而言，靜態指的是經濟整合的結果；動態則意味經濟整合的過程。

馬赫魯普(Machlup, 1977) 爲釐清「經濟整合」的複雜概念，於一九七七年發表了《經濟整合思想史》(*A History of Thought on Economic Integration*) 著作。他從經濟思想史切入，認爲國際經濟整合理論於第二次世界戰前，尤其是國際聯盟組織的經濟學者面對各國採取閉關自守的保護貿易政策，冀想解決各國國內的經濟蕭條的困境，世界貿易因此受到極大的限制，整個歐洲大陸瀕臨經濟解體(disintegration)，所以戰後積極倡議在重建時得進行各國的緊密經濟合作，這時「整合」(integration) 的字眼還沒有廣泛的使用。根據馬赫魯普的考證，在一九四二年以前有關關稅聯盟，國際貿易的學術文獻資料都沒有出現過「將個別不同的經濟結合在一起成爲大的經濟區域」(combining separate economies into larger economic regions) 意義的「整合」(integration) 項目。(Machlup, 1977: 3) 一九三七年版的社會科學百科全書，雖曾使用過 Industrial integration, 但指的是產業經濟學或是產業組織中企業間的集中合併，並不延伸成國與國之間的經濟整合。就算十九世紀德國統一前的關稅聯盟(German Zollverein, 1837-1871) 或是第二次世界大戰前的國際貿易理論都沒有提到區域經濟整合或是國際經濟整合。

雖然早在一九三三年 Herbert Gaedicke 與 Gert von Eynern 合著《歐洲經濟生產整合：歐洲諸國國外貿易緊密來往關係的一個考察》(*Die produktionswirtschaftliche Integration Europas: Eine Untersuchung Über die Aussenhandelsverflechtung der europäischen Länder*) (Machlup, 1977: 7)。但此整合只不過是強調貿易的緊密關係而已。戰後美國官方內部，特別是在援助歐洲經濟重建時，才頻繁地使用 integration。美國主管經濟合作行政署(Economic Cooperation Administration) 的霍夫曼(Paul Hoffmann) 於一九四九

年十月三十日向歐洲經濟合作組織(Organisation for European Economic Cooperation) 的理事會致辭時呼籲進一步達成「西歐經濟整合」(Machlup, 1977: 11)。

第一屆諾貝爾經濟學得獎的丁培根教授(Jan Tinbergen) 於一九五四年出版其《國際經濟整合》(*International Economic Integration*, 1954) 在該書的序文中提到前一版的書名為《國際經濟合作》(*International Economic Cooperation*, 1945)(Machlup, 1977: 4)。丁培根是戰後第一位對經濟整合的概念進行有系統剖析並下定義的經濟學者。他提出負面與正面的經濟整合概念。所謂負面（或許也可稱為消極面）經濟整合(negative integration) 就是為了經濟整合國與國著力消除各種限制性的經濟差別體制或措施，使得經濟交易能夠自由地暢通無阻。丁培根所稱的正面（或積極面）經濟整合(positive integration) 卻是指用強制力(coercive powers) 協調各國間既存的，必要時制定新的，經濟體制及政策。

丁培根的分析表面看來有點矛盾，為什麼讓經濟交易能夠自由地暢通無阻的被稱為負面經濟整合；而使用強制力協調經濟政策及措施卻稱為正面經濟整合。馬赫魯普就提到這一矛盾：為什麼自由是負面，而強制確是正面。（“Freedom is negative, coercion is positive”；Machlup, 1977: 21）。事實上要消除經濟差別體制或措施（如消除貿易限額，差別關稅，各種行政規格的貿易障礙）較容易達成協議，可是一碰到要制定共同的經濟政策就會牽涉到因各國的經濟發展程度不同，卻要採取同樣的經濟政策，以至所引發高度政治爭議性的難題。譬如有些國家有通貨膨脹的壓力，採取高利率的貨幣政策，然而也要經濟整合的其它國家卻有經濟低迷、景氣不振的棘手難題，則非採低利以刺激投資的經濟措施不可。弔詭的是這種背道而馳的經濟策略如何協調，牽涉到的不是純粹的經濟政策而是觸及千萬人的日常生活的民生社會問題，絕不是政治人物輕易可以透過協商可以達成的。從這點看來三十幾年來歐洲的經濟整合經驗非常難能可貴。

丁培根之後，鑽研國際經濟整合最深的是巴拉薩(Balassa)。巴拉薩在一九五零年代陸續地發表有關經濟整合的論文，一九六一年發表《國際經濟整合》。他在該書第一頁開宗明義地認為經濟整合是一個過程(a process) 也是一種情勢狀況(a state of affairs)。經濟整合過程本身就是一個動態的觀念，

消除國與國之間的任何差別待遇(discrimination)。經濟整合也是一個靜態的概念，意謂國與國之間已經沒有各式各樣的差別待遇存在(absence of different forms of discrimination)(Balassa, 1961: 1)。

巴拉薩將經濟整合的意涵侷限在國與國之間的動態的整合。他從歐洲共同市場的演變為他研究的出發點，因此他強調各個會員國如何來達成經濟整合的過程及其結果。一個國家內部的整合不在巴拉薩的研究範圍，那是屬於國內經濟政治社會政策的範疇裡。如何透過國家財稅（如平準基金的設置）來達成地區的整合。

國與國間的經濟整合也可以先從各個經濟部門的協調進行，事實上歐洲共同市場之所以成立，就是因為有煤鋼共同體的積極成果。歐洲原子能共同體，也是屬於部門經濟整合。因此經濟整合的過程指的就是從部分整合到最高層次的整體整合(complete integration)。經濟部門的整合(sectoral integration)也可以稱為部分整合(partial integration)。

既然經濟整合涉及勞工人員，資金，產品等的自由流動，因此巴拉薩主張可以將經濟整合分成貿易整合(trade integration)，生產要素整合(factor integration)，政策整合(policy integration) 及全盤整合(total integration) 層次來分析研究。雖然馬赫魯普覺得或許用市場整合(market integration) 來得較恰當，可是他也承認有些市場，譬如農業市場的整合恐怕不那麼容易。假如任由自由市場機制發揮其功能，農業生產遲早一定受挫，到底需求及供給彈性低的農產品，從事長期的投資規劃，灌溉系統的建設，農業技術的改良等等，都不是短期豐收觸引的市場急劇變動或是農產價格低落不變這種條件下能完成的。因此農業市場的整合最富於政治討價還價的交易協調色彩。

霍茲曼(Holzman, 1976: 59) 則將經濟整合局限在價格層次。他認為兩個地區間所有的相類似的產品，或是同樣的生產要素的價格達到等同一致的情況。這是從市場的觀點來考察，也就是兩個不同區域的市場在價格趨於一致時融合成一個市場。從產品價格與生產要素的價格等同的研究途徑來審視幅員廣大的國家，如美國，其國內產品價格由於交通資訊四通八達，又沒有政治體制的扭曲（貪污制度化及所謂的諸侯經濟體制）下，國內經濟整合的程度較高，反之，就是同樣在一個主權國家的境內並不保證經濟有所整合。加拿大境內的兩大鄰境省份安大略及魁北克的貨物並不是想像中那樣暢通無

阻。各省政府的採購都定有限制性的條例，使得省與省間的貨物及生產因素的流通受到某種程度的限制。

霍茲曼的價格等同概念，意涵在兩個地區價格進行等同的過程，許多阻擋貨物產品及生產要素的障礙都已經消除，甚至兩個地區都設法設置法律行政機構來促進剔除產品價格的差異的因素。歐洲共同市場從六十年代開始的經驗就可以得出一個結論，產品或是生產因素價格等同的過場非常複雜，牽涉到的範圍異常廣大，不僅是財稅，行政法規，而還觸及匯率的難題，因此價格的等同是一項艱難的大工程。

霍茲曼所強調的價格等同概念是整合過程中要達成的目標，經濟學者對價格等同的見解相當不一致。有的認為經濟整合後自然會取得價格一致的結果，有的卻不以為價格與經濟整合有必然的關係。與其說是經濟整合的結果，整合區域內的價格會趨於一致，倒不如說是工業化的結果國際價格會趨向同一範疇。經濟落後國家與先進國家間的價格體系當然無法相提並論。三十年前的台灣與美國的價格根本無法比擬，可是今天的台灣薪金或是物價已經接近先進國家的水平不太遠。

屏達(Pinder, 1969: 143-45) 引述 *Oxford Dictionary* 字典來說明經濟整合的意義。牛津字典將整合解釋為「各個部分結合成為一總體」(the combination of parts into a whole)。聯盟或是同盟是由各會員國或部分結合而成的結果。("Union is the outcome of the combination of parts or members")。因此屏達認為經濟整合是要達成聯盟的過程。將經濟整合界定為會員國間消除各種差別措施及制定共同的政策的过程。

裴克曼斯(Pelkmans, 1984: 3)。將經濟整合定義為兩個或是多個經濟間的經濟境界(economic frontier) 剔除。也就是說這些個別的經濟渾然化成為一體。裴克曼斯所謂的經濟境界指的是因為界線的存在使得產品、勞務及生產要素的流動性相對地低落。一旦產品、勞務及生產要素的流動性增加，那就表示經濟整合程度提高。這一定義不盡理想，流動性的低落倒不定是因為存有經濟境界的關係，原因很多，語言，生活習慣，社會習俗，政治風險都有關。中東諸國就是一個淺顯的例子。反之，像台灣商人縱使有高風險的地域如中國大陸，他們也趨之若鶩。產品的流通，生產要素的流動，僅是低層次的經濟整合。

埃爾阿格拉(EI-Agraa, 1985: 1) 將經濟整合界說為參與會員國間的差別貿易障礙全部剔除，並達成建立某種協調機制的協議。既然是消除掉所有的貿易障礙，那就表示貨品、勞務及生產要素可以暢通無阻。這一界說比裴克曼斯的定義所指的經濟整合程度稍微高一點。後來埃爾阿格拉(EI-Agraa, 1988: xiii) 更進一步地將經濟整合程度往上推進，認為經濟整合是國與國間達成協議追求共同的目標及政策。

羅布森(Robson, 1987: 1) 則從空間層次(spatial aspect) 來探討經濟整合。他雖然強調經濟資源運用的效率(efficiency)，不過他的定義跟其他學者的定義並沒有太大的差異。他將經濟整合定義為產品、生產要素的自由流動及差別的消失。

從上述幾個定義來看，各學者對國際經濟整合所強調的層次都不盡相同。馬赫魯普說國際經濟整合最明顯的表徵就是整合中的國與國的邊界關卡消失不見了。他舉賓西發尼亞州及歐亥歐州間的通商無統計貿易數額為例來說明經濟整合的程度。換句話說，如果通商的結果還存有貿易額的統計數字，那表示經濟整合程度還不高。(Machlup, 1977: 24)

到底經濟整合是要整合什麼？整合人民，市場，生產，消費，貨品，勞務，地區，生產要素，貨幣，自然資源？部分還是全部？如何來測度經濟整合的程度？到底經濟整合的本質是什麼？如何來評估經濟整合的過程？馬赫魯普認為貿易是經濟整合的主軸，勞動分工是經濟整合的基本原則。至於測量經濟整合的程度則以貨品或生產要素價格的等同為基準，當然也得考量運輸費用的差異。(Machlup, 1977: 43)

## 貳、經濟整合的鵠的

基本上一談到經濟整合，馬上就會聯想到市場的整合。而市場則可分成商品貨物、勞務市場及生產要素市場（勞動就業市場，資本市場，自然資源市場等等）。如果商品貨物，勞務無法自由流通，則談不上經濟整合。因此自由貿易是達成經濟整合的首要目標。古典派經濟學一再強調自由貿易所產生的絕對利益及比較利益。分工及專業可提高生產效率；互通有無是貿易的基本原則，規模經濟會降低生產成本。貿易的進展，長遠的說不僅促進經濟

繁榮，而且更可消弭紛爭帶來和平福祉。另外整合的結果，擴大市場，也會刺激整合區域內的企業競爭；另外貿易條件(terms of trade) 也會有所改善；當然企業競爭，資金及生產因素的自由流動也會促進科技昇級。

當然從短期來考量貿易的自由化，常因各國經濟條件的差異，會引發貿易摩擦。競爭力弱的國家在景氣不振、面對高失業率的壓力時，各國會傾向採取保護國內企業緊急措施。可是各國如果都競相採閉關的保護政策（產業政策，非關稅障礙，繁瑣的行政手續），遲早不僅會減低經濟效益，也因此會縮小市場。

畢竟經濟整合雖以長期經濟繁榮為最終鵠的，可是資本主義的經濟經常有結構性的景氣循環難題，俗話所說的好景不常來刻畫資本主義的經濟循環再恰當不過。好景不常還好，如果演變成結構性的失業率居高不下，那就嚴重。以法國為例，從八十年代初社會黨密特朗總統執政到現在一直受高失業率的困擾，尤其是最近四、五年，失業率維持在百分之九至十二左右。政府的財政也因舉債以應付龐大失業軍的社會保障支出而陷入收支失衡的陷阱。為了突破困境，密特朗冀望透過歐洲經濟整合來解決法國的經濟結構性難題。然而密特朗的政敵卻指控歐洲經濟整合才是真正罪魁；經濟整合一下子成了資本主義經濟循環的替罪羔羊。

一九八八年加拿大跟美國協商簽訂美加自由貿易協定時，加拿大勞工界及文化工作人士強烈反對協定的簽署，他們高舉加拿大高度社會福利制度及獨特的文化會因自由貿易協定的生效而逐漸消失破壞的大纛。迄今加拿大的社會福利制度還沒遭到自由貿易協定的破壞，可是間接地在國際經濟競爭及財稅不勝負荷的壓力下，加拿大是否能確保其高度的社會福利制度已開始遭到挑戰質疑。至於加拿大刻意要保持獨特的文化生活方式，其實因鄰近美國，而在無遠弗屆的好來塢文化媒體滲透下，就是沒有美加自由貿易協定的法律約束也無法招架，何況美加自由貿易協定並不含蓋文化產業。

當然歷史上也有簽署經貿或關稅條約而不影響到各國的社會福利制度的例子。譬如說荷蘭的福利制度遠較比利時的還發達但也更昂貴，但兩國間簽署的自由貿易長達半個世紀之久，卻沒有影響到各自社會福利政策的發展。然而這個例子應用來證明美加兩國將來的社會福利發展並不恰當，原因是加拿大與美國的經濟實力相差太懸殊，一對十，而荷蘭及比利時都是雋小袖珍



型經濟，沒有君臨壓境的實際問題。

在經濟整合過程中，從關稅聯盟進入共同市場整合，或是從共同市場昇入經濟聯盟的整合層次，各國得面對財稅的調整壓力，否則低稅率的國家會佔儘經濟整合的便宜，因在其他條件不變下，貨物勞務及生產要素的流動都會走向低稅的國家。因此在經濟整合過程中非進行財稅等協調等整合不可。

經濟理論一再證明經濟整合的效益一定高於任何未整合前的狹窄經濟市場，否則整合一定不成(Cecchini, 1988)。問題是在整合過程中，難免因適應的困難而衍生出短期的政治社會難題。譬如經濟整合過程中，某些無國際競爭能力的行業、產業不得不面對凋疲的危機，而進行勞工轉業或是企業往其他產業發展。而在轉業改行當中所引起的摩擦性失業自是無從避免。問題是如果刻意以國家保護津貼政策來維持無競爭力的產業，遲早也會遭受國際競爭的壓力而無法生存。

## 參、經濟整合的層次

巴拉薩在其廣為引用的著作《經濟整合理論》整理出五種層次高低不同的經濟整合。其實巴拉薩忘了將達成自由貿易區以前，國際貿易理論及實務都常提到的優惠貿易區(preferential trading area)，這是經濟整合的最低層次。優惠貿易區僅同意兩國間降低關稅（不是消除全部的關稅），但對第三國則不給關稅優惠。

### 一、自由貿易區 (Free trade area)

顧名思義自由貿易區指的是區域內的國家同意消除關稅及限額的措施，以利貿易。然而每一個簽署國對第三國的關稅及其他的貿易規範，則隨意自主，不受自由貿易條約的拘束。

### 二、關稅同盟 (Customs union)

指的是同盟區域內國家不但卻除關稅及限額條例，而對第三國也採取共同一致的關稅稅率。各關稅同盟國以單一實體採取劃一步調參與國際貿易及關稅的協商。

### 三、共同市場 (Common market)

除了跟關稅同盟一樣外，共同市場內的產品貨物、勞務及生產要素（包括資金，勞動力）自由流動，但對第三國生產要素的流動則採一致的規範或限制。

### 四、經濟聯盟 (Economic union)

不僅各會員國同屬一個共同市場，也進行財政、貨幣、工業、地方區域、運輸或其他經濟政策的調合運作(harmonization)。也就是說將各會員國的經濟政策差異性減到最低。既然屬於同一共同市場，貨物商品，勞務，資金，勞動力等能自由移動，貿易的往來，自然會涉及金融匯兌手紙的層次，如果匯率無法固定，或是貨幣無法統一的話，會經常遭遇到金融風暴的襲擊，因而甚至會影響到經濟整合的順遂。

### 五、完整經濟聯盟 (Total/Complete/Full economic union)

各國經濟渾然成爲單一的經濟實體。由超國家的政府統籌實行單一的經濟政策，換言之，各國已無實質上經濟政策的差別性。

從上述五種程度不同的經濟整合來思考的話，好像經濟整合是透過各國政府的協商才達成的，事實上不儘然，市場的整合其實不經過各國政府的介入，早已默默中由跨國公司，銀行，金融等企業機構在進行。但這種非正式的市場整合遲早會碰到發展的瓶頸難題，最後還是要各國政府當局的協商達成法定的整合。而簽署條約後的整合也會進而加速跨國公司，銀行，金融等企業機構的市場整合。這樣相互的辯證運作，其實正是晚近兩百多年資本主義的發展過程。質而言之，資本自十六、七世紀的累積，而今在全球經濟整合中幾乎不受各國疆土的拘束。資訊交通運輸工具的日益發達，及龐大的資本累積，企業資金再也不欠缺匱乏。在某種程度上，甚至可以說因爲資金的氾濫衝破了國土疆界的侷限。

雖然經濟整合表面上看來是經濟層面的活動，然而睽之實際確實政治層面的決定。事實上一個國家決定簽署自由貿易協定，加入關稅聯盟，共同市場到積極昇級建立經濟聯盟就是表示放棄有關關稅，限額的國家主權，甚至

為達成經濟政策的協調一致，各會員國不得不放棄更大部分的傳統國家主權。但這並不意謂國家主權已經過時，目前 nation-state 或是 Etatism (國家主義) 並沒有消逝，而只不過是從一個傳統的國家主權升高到一個規模更大的經濟聯盟或是較鬆懈的邦聯及較嚴謹的聯邦國家主權的形式而已；目前的歐洲聯盟各會員國還沒有放棄全部的國家主權，但有朝一日，從經濟整合達成政治整合時，國家主權會提昇到歐洲聯邦合眾國的層次。有了這一認識，再來評論目前有些學者及政治人物所倡議的「中華經濟圈」或「華南經濟圈」的構想，就不難理解這些學者、政治人物為什麼對經濟整合的基本概念不願去釐清的道理。

## 肆、「中華經濟圈」、「華南經濟圈」的提法

「中華經濟圈」、「華南經濟圈」的構想提法也是基於政治的考量甚於經貿實際運作的經驗。可是在研討「中華經濟圈」、「華南經濟圈」這種經濟整合，卻無法逃避面對經濟實體背後存有國家主權（新台幣的存在勝於雄辯）客觀事實。如果故意迴避台灣做為一個獨立體系的國家實體這一事實，相信經濟整合恐難有進展，頂多止於三通的層次。可是要進一步討論兩岸從和平競賽過渡到「中華經濟圈」、「華南經濟圈」這種提法則非從目前中國大陸經濟發展的軌跡及台灣經濟發展昇級的動向來觀察不可。

不過到底「中華經濟圈」、「華南經濟圈」指的地理範圍是界限在何處？「中華經濟圈」如果指的僅僅是海峽兩岸交流的地區，則無法涵蓋整個中國大陸腹地。是否包括整個東南亞有華人聚居的國家，新加坡，馬來西亞，泰國，印尼，菲律賓？國際經濟整合理論不是以血緣為基礎，如果過度強調「中華經濟圈」（保護貿易圈？）恐怕會召來東南亞諸國無必要的反華情緒，反而得不償失。

同樣的如果提倡「華南經濟圈」，則華北、華中、華西及華東當然排除在外。中國大陸市場目前的走向已是割成數個經濟區域。當前中共在金錢掛帥及軍方控制部分地區的經濟權益使得省與省之間的投資或是貨物的流通都成了問題。有形及無形的關卡林立，經濟整合不成，反而有 disintegration 的現象。這些難題恐怕不是倡導「中華經濟圈」或「華南經濟圈」的學者政要

或是廠商老闆樂於於正視的複雜因素。

要是以商品勞務貿易量及資金人員流動量為衡量經濟圈的基準，那麼台灣實際上早已經進入美、日主導的『太平洋經濟圈』內。因此在目前提倡『中華經濟圈』、『華南經濟圈』從國際經濟整合的概念來探討的話，並無實質的意義。

## 伍、結言

從經濟理論來考量經濟整合不僅涉及純經濟因素，如果沒有強有力的政治意圖也無法達成經濟整合。歐洲聯盟的整合過程就是一個鮮明的例子。歐洲聯盟各主權會員國面對科技的進步挑戰，資金快速的流動及金融貨幣因經濟發展的落差引發的風暴，不得不從尋求解決經濟問題中思考政治協作的迫切性。台灣早已被納入整個國際經濟體系內，而中國從一九七八年進行經濟改革後，持續開放市場，也積極謀求加入國際貿易組織(World Trade Organization)。西方先進工業國家也從長計議，希冀透過國際經濟機構（國際貨幣基金，世界銀行等）用漸進緩慢的方式將中國經濟誘納入以資本主義為主軸的國際經濟體系內。

## 註 釋

註 1：「整合」是從英文 *Integration* 及或是法文 *Intégration* 翻成的。日文則譯為「統合」，中文也有人同樣的翻成「統合」。「統合」頗有強國從上壓成大一統的局面意涵，如侵略征服，而實際上到目前為止國際經濟的整合剛好相反，是國與國間為了促進經濟繁榮，自願地跟他國協商訂定條約，或各國協調，在關稅，貿易或是匯率等經濟政策上達成協議，消除各種貿易保護政策的阻礙條款，甚至進一步在通貨政策上取得共識，進而促成單一貨幣的早日實現。「整合」則有整頓合作的涵義，本文將以「整合」替代「統合」。

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## 東協國家經濟發展模式——第三世界的出路

曾怡仁\*

### **The Economic Developmental Model of ASEAN's Countries -- Future of The Third World?**

by  
**Yi-Ren Dzung**

#### 摘 要

如何借助先進工業化國家的資本、技術及市場以求經濟發展，同時又能避免受到資本主義世界分工體系的結構性侷限，是許多第三世界必須面對的挑戰。過去被採用的出口導向、社會主義革命、進口替代、及區域經濟整合等發展策略均存有缺點，而東協國家的發展經驗或許可提供其他第三世界國家一個新的選擇。

關鍵詞：東協、經濟整合、資本主義世界體系、自由貿易區、發展

Key words : ASEAN 、 Economic Integration 、 Capitalist World-System 、 Free Trade Area 、 Development

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\* 中山大學大陸研究所專任副教授

## 壹、緒言

第二次戰後，許多亞、非、拉丁美洲剛獨立的新興國家均以經濟發展列為國家首要追求目標。然而過了半世紀，僅有少數國家能擺脫貧窮落後而邁向工業化、現代化。當然，第三世界國家的經濟無法發展有可歸責於本身的內在因素如：行政效率低落、貪污橫行、風俗迷信、國民識字率低、及種族衝突不斷等。然而不可否認的，由西方核心工業化國家所支配的現代世界資本主義分工體系亦侷限其發展。第三世界國家經濟的初始發展，由於原始資本積累困難、生產技術水平低下、以及國內市場規模有限，通常須依賴核心國的資本與技術援助，並開放市場吸納後進工業化國家的產品。可是依賴可能會演變成支配關係，南北經貿衝突所指摘的即是資本主義體系所架構的不平等交換分配關係。而依賴形式的經濟發展又使得第三世界國家沒有足夠的籌碼和核心工業化國家談判。面對這種兩難，經濟發展是要納入世界經濟體系或脫離世界經濟，第三世界國家曾採行不同的經濟發展策略如：出口導向、進口替代、社會主義計劃經濟、以及區域經濟整合等。

本文研究的目的是在於探究這些不同經濟發展策略的潛在缺點，並指出東協國家近來的發展經驗模式或許有可能突破上述所言的兩難困境，而為第三世界國家提供新的出路。

## 貳、發展策略的選擇

進口替代：以拉丁美洲國家為例，產生於民族主義立場的情感和政治力量的推動，進口替代策略的主要目標乃在於建立一個獨立的國家經濟。刻意保護某些國內民族工業，限制進口品的競爭，亦即該策略的成敗是依賴本身國內市場的成長。然而限制進口物品的競爭須付出代價的。由於缺乏競爭，國內產品的製造成本相對提高，價格昂貴，結果將造成無法出口製成品以賺取足夠外匯來購買發展民族工業所必需的中間材及資本財，導致國際收支的赤字，造成外債和通貨膨脹的惡性成長。

進口替代發展策略的執行方法亦沒有一套合理的標準，有些工業由於是新興的，並且具有發展性，故予以保護；有些必須加以保護的工業，則是因為老舊和逐漸衰落的理由。結果常見到的是對無效率和無國外競爭力的工業保護，產品的受到保護依據常在於惡質的官商勾結關係所致。進口替代也容易建立一個受益階級，藉由取消進口品的競爭，而使商人獲得或增加利益，



造成貧富差距擴大，社會動盪不安。從六十年代起，拉丁美洲許多國家都形成軍人官僚威權政體，武力鎮壓維持社會秩序以求資本主義進一步深化發展，這可說是進口替代經濟發展策略所帶來的政治後遺症（註1）。

社會主義國有計劃經濟：爲了跳脫世界資本主義分工體系的宰制以避免不平等的交換關係，一些第三世界國家採行較激進的社會主義革命方式，以求徹底的斷絕和西方核心工業化國家間的經貿交流。透過革命方式改變調整生產關係或可縮小社會貧富者間的收入差距，可是卻無助於經濟生產力的提昇。正如馬克思所言，資產階級對於提高整個資本主義的社會生產力是有其一定的歷史任務和貢獻的。對於基本上還處於農業經濟社會的第三世界國家而言，實行社會主義革命之後，到底誰能扮演過去西方資本家的角色來提昇整個社會生產力呢？毫無疑問，在號稱無階級的社會主義國度，只有冀望黨官僚透過計劃經濟的實行，由農業社會直接過渡到共產社會。問題是，計劃經濟導致市場萎縮，經濟權力和政治權力高度集中於少數黨官僚手中。由於絕對的權力缺乏制約機制，貪污腐化衍生。社會主義國家常見的政治運動或其他形式的群眾運動，很多是以反貪污名義發起的。姑且不論其中是否牽涉政治領導者間的權力鬥爭，但已突顯出社會主義國家普遍性貪污問題的嚴重性。既然共產政權掌握了巨大的社會動員力量，那麼利用群眾運動來清除腐敗就成了自然的選擇，整個社會也爲此付出了代價（註2）。

此外，試圖脫離核心國家所設定的世界資本主義分工系統而求獨立發展，對許多小國根本無法做到。古巴革命後幾年取消了以工業發展爲主導的發展計劃，回到以往以糖和煙草爲主要輸出的傳統工業；尼加拉瓜革命桑定政府所面臨的國際局勢可能比古巴當初有利，但情況發展亦未帶來長治久安，最後還是由民選民主政府取而代之就可證明；1974年祕魯政府領佈了“社會所有制企業法”，鼓勵企業由工人團體和地方團體來經營；牙買加政府也曾把外國人控制的面積甘蔗田變成生產合作社，然而所有這些試驗的效果是令人失望的。值得注意的是，前蘇聯和其他共黨國家間在經濟層面上似乎也存在不平等的交換關係。在西方核心國家主導的世界資本主義體系中，先進發達的資本主義國家是以跨國公司形式來掌握支配第三世界的政、經發展。而蘇聯則通過一種跨國的黨組織關係，最主要是以「經濟互助委員會」作爲中介橋樑，並以社會主義、國際主義爲理論架框，配合軍事武力爲後盾來掌握東歐及其他地區共黨國家的政經發展，剝削其經濟生產剩餘（註3）。

正如李英明教授所提出的質疑，以前蘇聯爲首的社會主義世界體系雖然曾經享有相對於資本主義世界體系的高度自主性，這似乎意謂一個國家或地

區是可以經由實行社會主義而擺脫核心資本主義國家的影響，但蘇聯東歐共黨集團國家的解體，是否又意謂著任何國家或地區終究是不可能置身於資本主義世界體系影響之外的（註 4）。事實上，前蘇聯時代向西歐所購買的技術據估計就要比蘇聯自己發展的價值高很多，也就是說蘇聯解體前的經濟事實上就已經逐漸納入世界資本主義的經濟分工體系中了。

總之，社會主義所追求的社會分配正義精神是值得尊敬，其對資本主義社會的批評，尤其是勞資關係的結構性衝突矛盾都值得虛心接受檢討。但社會主義的實踐對於社會內在的經濟生產力提昇和嘗試對外完全擺脫資本主義世界體系的影響，則是力有未逮。

出口導向：出口導向工業化發展策略雖然替東亞四小龍創造了「經濟奇蹟」，卻也付出了相當的代價。爲了以勞力密集型產品爲主的出口，四小龍必須維持低工資以利產品在國際市場上競爭；或者提供安定的工廠秩序來吸引外商投資，爲此而有國家組合主義的勞動體制安排，限制勞工基本權力的行使（註 5）。另外，過去東亞四小龍出口導向工業化策略能獲致成功，主要乃在於美國願意開放其國內市場來吸納這些國家的出口產品。但隨著美國經濟實力於七十年代中期開始衰退，新貿易保護主義抬頭，美方對其鉅額貿易赤字愈來愈無法忍受，因而要求對其有貿易順差的國家舉行談判，解決貿易失衡問題。由於四小龍對美國的貿易依存度很高，因此可以發現美方常在談判過程中將姿態擺的很高，時而利用此一依賴關係作不合理的要求，迫使對手國調整對外經濟政策，開放各國市場，或提昇對美元的匯率標準以利美國商品的輸出。例如最近在美國要求下，國貿局長表示將放寬菸酒廣告的限制。但事實上台灣對於菸酒廣告的寬容度早就超過美歐等國的標準（註 6）。更有甚者，環保及野生動物保育議題也被包括美國在內的核心工業化國家當成籌碼，作爲制裁我國貿易發展的理由，前些日子犀牛角事件就是一顯著例子。

出口導向工業化發展策略在九十年代所碰到的另一個問題乃是全球經貿秩序集團化的趨勢。在後霸權時代，由於強調互惠貿易在會員國之間不得有歧視待遇的多邊貿易協定 GATT 效能不彰，烏拉圭回合談判進度相當緩慢，部份國家乃不得不改由區域性經濟整合著手，尋求突破貿易壁壘，達到專業化分工與擴大經濟規模的經濟效益。雖然到目前爲止大多數的區域性經濟組織並未對外提高貿易障礙，但如果當經濟整合的規模不斷擴大，貿易集團在世界市場上擁有主導價格的能力且重視區域內優先互惠原則，那麼貿易集團可能會依據最適關稅原則提高對外貿易條件，只要區域外的國家或貿易集團無法團結而提出報復反制，整合後的貿易集團國家即可達到提高貿易障礙或

升高保護措施的目的。長期來看，區域經濟整合並非不可能導致保護主義氣氛的升高。面對這樣的可能發展趨勢，主要依賴歐美市場的東亞四小龍在歐盟(EU) 和北美自由貿易區(NAFTA) 相繼成立之後，如果想要增加其經貿問題的談判力量和因應全球塊狀經濟的發展趨勢，本身自行成立區域經濟組織或自由貿易區或許是一個不得已的必要選擇。

不平衡的區域整合：如前所述，實行進口替代的拉美國家其民族工業產品很難在國際市場上競爭出售。而除巴西、阿根廷具有較大的國內市場外，其他小國則連國內市場都無法維持，難達規模經濟的效率要求，因而生產部門的低度使用和浪費問題叢生。許多拉美國家認為仿效歐洲共同市場(EEC) 成立區域性的經濟整合組織有其必要。共同市場一方面可擴充各國家的市場，增加分工和專門化以提高生產效率和技術革新，另一方面可保護區域內國家的工業發展，避免在國際分工市場上成為純粹的加工業國家（註 7）。簡言之，就是一種求集團性的自力更生經濟發展策略。具代表性的區域性經濟體包括拉丁美洲自由貿易組織(LAFTA)、加勒比海共同市場(CCM)、中美洲共同市場(CACM)、及安地斯協定等。

然而拉美國家的這些區域組織並沒有發揮經濟整合的功能。由於多數國家政治一直不安定，因此難藉各國政治領導精英的長期對話建立互信互賴關係。更嚴重的是，拉美國家的工業資本累積相當薄弱，所以北方核心國家的跨國公司可利用雄厚的資本、技術、通訊網絡影響前者的發展，把拉美共同市場視為資本主義核心國家分工體系的一環。

直接加入以美加主導的北美自由貿易區(NAFTA) 的墨西哥，其前景亦不可樂觀。原本墨西哥希望經由 NAFTA 的成立來增加就業機會、吸引美國及加拿大的資本與技術、以及開放美國與加拿大的農產品市場。然而實踐的結果卻是事與願違、根據墨西哥國家統計局最近所發佈的資料顯示，墨西哥傳統服飾業去年的裁員比例已經達到一成，即使是最不受影響的食品及飲料部門，失業率也已在 30% 以上。主要的理由乃在於墨西哥加入 NAFTA 之後，開放的速度過快，外來的投資雖然如雨後春筍般地湧現於當地經濟，然而受不了競爭打擊的本土企業卻在來不及調適下，黯然退場，促成勞動力就業市場的疲軟（註 8）。此外，墨西哥政府在童工與污染兩件事上原本就因經費不足，人員短缺，防範起來往往力不從心。可預見的，污染、童工、工作環境、及員工福利等問題在獲改善之前，由於美、加跨國公司的移入而更加惡化。

去年年底墨西哥爆發了震驚全球的金融風暴，披索大幅貶值，大約貶值 65%，造成墨國股市大跌、資金外流、及外商公司撤資。雖然此次披索大貶

值很難說是直接因墨國加入 NAFTA 所造成的，卻可讓拉丁美洲國家重新評估加入 NAFTA 或成立美洲自由貿易區的利弊得失，開始思索「經濟自由化」的代價。事實上，在區域經濟整合的趨勢下，核心工業化國家眼看自己境內工資上漲、市場飽和，紛紛在鄰近找尋市場夠大、勞動力又便宜的國家搭配。於是歐市除了原有的西班牙、葡萄牙兩開發中國家外，最近又企圖將解體後的東歐市場及人力資源納入。美、加看上墨西哥，而亞太地區的日本及東亞四小龍又何嘗不是覬覦中國大陸的市場與資源。表面上，這叫做技術、資金結合人力與市場，是依循自由貿易原則的搭配。實際上所謂的區域經濟整合是後霸權時代歐盟、日本、及美國爭逐世界新盟主的策略反應，是美國經濟實力相對衰落，全球新保護主義興起的產物。過去資本主義分工體系中的核心、邊陲關係並沒有隨區域經濟體的成立而消失，而是在個個不同區域內重新組構。

區域整合雖然限制各參與國部份經濟主權的行使，可是民族國家並不必然就此終結。在新國際經濟秩序版圖重劃過程中，國家機器更是突顯出其功能存在之必要性。誠然，在後霸權時代 諸如資本、技術、及勞動力等生產要素在國際間快速移動，然而各個國家的產業政策、外商投資政策、銀行利率及匯率政策、勞工政策、外籍勞工管理政策、及智慧財產權保護政策等會決定這些跨國生產要素的組合形式。也就是說國家機器可以「政治性」的創設各該國產品在國際市場上的比較利益，強化一國企業之經濟競爭力。

對許多第三世界國家而言，墨西哥危機事件的教訓是加入國際性區域組織必須仔細衡量本身的經濟條件，慎選整合的對象國家和程序，在適當時機加入才可獲得最大的利益，以免再次淪為核心工業化國家的邊陲加工國。

## 參、東協國家的成就

當許多第三世界國家在追求經濟發展的過程中困頓徘徊時，對照之下東協國家近來的表現是引人注目的。根據亞洲開發銀行統計，1990 年東協國家的經濟增長率為 7.4%，1991 年為 6.5%，這一增長速度遠遠超過了近年來世界經濟的平均增長速度(1991 年世界經濟平均增加率為 1.5%)。這樣的成就是如何達成的呢？

戰前東協國家（除泰國名義上維持獨立的地位外）先後為日本所佔領，殖民者把他們變成宗主國原料供應地、貨物和資本輸出市場。每個國家只生產少數幾種初級產品，例如馬來西亞主要生產天然橡膠和錫、菲律賓主要生產椰子和馬尼拉麻、印尼發展橡膠和甘蔗、而泰國則生產大米和橡膠。這種

以生產單一初級產品為主的經濟，有其結構性的缺失。一方面，他們被迫依賴西方宗主國供應所需的絕大部份工業品；另一方面，由於他們所生產的經濟作物或礦產品在國際市場上的需求彈性較低，再加上常受到工業國家刻意壓低收購價格，出口的收入最多只能換取日常的生活必需品，難以購買生產製成品所需的機器設備。這種單一的初級產品經濟特徵在戰後一段期間內仍繼續存在。

從六十年代開始，東協國家的工業化基本上經歷了兩個階段。七十年代以前為進口替代時期，採高關稅和進口限額等保護性措施，限制某些特定的外國商品輸入，以保護自己的民族工業。由於東協國家有比較豐富的工業原料，又有比較充裕的勞動力；相反地，自有資本率低、管理水平低、而技術人員和熟練工人不足，因此這段進口替代期間主要是發展勞力密集型產業，生產民生基本消費品。

然而到了六十年代後期，東協各國的日用工業消費品國內市場大致已呈飽和狀態；再則由於進口替代工業是建立在有限的國內市場基礎上，缺乏規模效益，產品價格一般均高於國際市場水平，因此難以打入國際市場；另外，進口替代對國外資本貨物和中間產品的依賴性大，造成外匯收支不平衡。在這種情形下，東協各國相繼開始了工業過程的第二階段--出口導向階段。通過優先投資、稅收優惠等措施，將原先面向國內市場的勞力密集型產業轉向國際市場進行生產。如印尼政府於 1967 年頒佈的《外國資本投資法》、菲律賓政府同年頒佈的《投資獎勵法》、馬來西亞政府於 1968 年頒佈的《投資獎勵法令》、和泰國於 1972 頒佈的《投資獎勵法案》等（註 9）。並且建立了加工出口區，將從國外進口的零組件和原材料進行加工組裝，再向國際市場出口，以利外匯賺取。

八十年代，基本上東協國家繼續實施出口導向的工業化戰略。由於四小龍及日本對歐美國家的貿易順差持續擴大，摩擦趨於激烈，美國和歐體國家以關稅和非關稅手段來限制日本和四小龍商品的輸入。尤其八十年代中期以來，更要求日元、韓元、和新台幣對美元的匯率大幅上升。再則，日本和四小龍勞動力成本急劇提高，這些情況的出現迫使日本、台灣和韓國等地企業到海外尋找投資場所。東協國家利用這個時機吸收這些大量的國外資金，使其出口導向策略得以深化發展。

## 肆、東協合作模式

和東亞四小龍國家透過雙邊交流形式去發展和核心工業化國家的經濟關係或以雙邊談判方式解決對美國因貿易失衡所引發的摩擦不同，東協國家作為一個整體，行使集體的談判力量，已頗為成功。當東協國家從七十年代初轉向出口導向發展策略時，就以一個整體與美國、日本、及歐洲經濟共同體建立了對話關係。例如，東協與美國在 1980 年建立經濟協調委員會，接著雙方成立共同基金，美方出資一億美元幫助東協國家發展中小企業。由於東協國家工業製成品對美國市場出口日增，美國採取的貿易保護主義措施愈趨嚴厲，例如針對紡織品進口徵收反傾銷稅，對此東協均予以強烈的批評。1980 年 3 月東協與歐體也正式簽訂合作協定，並成立了東協—歐體聯合委員會，使得東協國家產品進入歐體國家享受普遍優惠制的優待。

另外，1979 年 11 月，東協和日本舉行第一屆經濟部長會議。東協代表曾在會上要求日本改善以往用高關稅和配額等手段把東協國家的石油製品和其他一些工業製成品排斥在日本市場之外的做法。1985 年第二次東協—日本經濟部長會議上，雙方進一步商定在資金、技術、人才培訓等方面建立廣泛的合作關係，並要求日本認考慮降低東協輸日產品的關稅、非關稅壁壘問題。在東協堅持下，日本政府當月宣佈降低 1900 種東協國家產品項目的關係，從東協進口的一些農產品關稅降幅平均超過 20%（註 10）。

從 1979 年起，東協在每年的成員國外長會議之後，都會與、日本、歐體、加拿大、紐西蘭、和澳大利亞等工業發達國家的外長舉行會談，要求這些發達國家為他們的產品開放市場，提供關稅優惠，並呼籲建立更加開放和自由的國際貿易體系。這些主張獲得對話國的響應，與會國同意擬定一項長期的人力資源開發計劃，包括培訓技術人員和管理人員，以幫助東協國家在經濟活動的各個方面準備人才。

進入九十年代，世界經濟區域集團化趨勢迅速發展。美國、加拿大和墨西哥組成北美自由貿易區，未來拉丁美洲國家將陸續加入該區域集團。歐體國家也進一步經貿整合，形成歐洲聯盟。傳統上以歐美為其產品出口市場的東協國家面對此發展趨勢，深感未來的經濟發展不能再依賴發達國家市場，而應該更多地互相依賴本地區域內的合作。近幾年，東協內部出現了不少有關促進區域內合作的構想和方案，如印尼提出過“共同有效優惠關稅計劃”，菲律賓主張各成員國簽訂一項“東協經濟合作條約”，而泰國則提出關於建立東協自由貿易區的方案。這些提議的目標都是企求區域經濟一體化與進一步合作。毫無疑問，在所有的有關區域合作的方案中，東協自由貿易

區計劃最爲引人注目。

自由貿易區計劃在 1992 年 1 月於新加坡舉行的第四屆東協國家領袖會議上得到全體領導人的支持。各會員國經濟部長簽署了爲實現東協自由貿易區鋪路的《有效普遍優惠關稅協定》。由於擔心一下子執行全面降低關稅會嚴重衝擊國內市場，打擊競爭力較弱的民族工業，該協定主張 15 年內在有選擇的部門逐步降低關稅至零和 5% 之間。減稅計劃分三階段：在 1993 年 1 月前，15 類工業製成品（包括植物油、水泥、化學製品、銅負極、電子產品、珠寶首飾、瓷器玻璃、紙漿、皮革製品、藥劑、肥料、塑料、紡織品、橡膠製品、木質和籐質家具）的關稅率必須降到 20% 以下；從 1993 年 1 月 1 日起，其他工業製成品的關稅率如果在 20% 以上，應在 5-8 年內降低於 20%，其中有些產品更應在 5 年內將關稅率減低於 20%；在最後的七年內，再將製成品的關稅率減低至零和 5%。此外該協定還要求成員國產品的零件和原料中至少 40% 須來自本區域。東協國家並一致同意成立部長級理事會以負責監督、協調、和檢查《有效普遍優惠關稅協定》的順利實行（註 11）。1994 年 9 月東協六國經濟部長會議決定將原定十五年達成「東協自由貿易區」縮短爲十年，並預計 2000 年時能將大部份的關稅降至 0-5%。

自由貿易區計劃是東協今後加強經濟合作方面非常重要的一步，然而並不以此爲滿足，東協最終目標是想建立一個完全的東協經濟共同體，使東協能真正成爲和其他區域經濟集團相抗衡的經濟實體。值得注意的是，東協在構思全體一致的東協區域經濟合作的藍圖時，也鼓勵部分東協國家之間的經濟合作。在 1992 年於新加坡舉行的第四屆東協國家領袖會議中，六國領導人簽署的《東協加強經濟合作架框協定》中就承認：“成員國之間或者是成員國和非東協國家之間的小地區安排，能夠作爲對東協經濟合作的補充。”這些小區域合作計劃包括：新加坡總理吳作棟提出的「新加坡—馬來西亞南部三—印尼鄰近地區」的三角開發合作計劃；泰印馬三國共同宣佈的「泰南五省—馬來西亞北部四邦—印尼蘇門答臘三州」的聯合開發計劃；以及菲律賓所提的「汶萊二省—印尼蘇拉威西地區—菲律賓民答那峨」的三角聯合開發計劃（註 12）。

雖然所有會員國的出口貿易主要是依靠美國市場，但東協在處理亞太區域的經貿合作立場上卻是謹慎的，尤其避免美國支配該區域的發展，形成新的核心—邊陲關係。最顯著的例子就是亞太經濟合作會議(APEC) 的路線之爭。1993 年年底在美國西雅圖舉行的第五屆 APEC 會議上，柯林頓總統爲了落實挾 APEC 以主導 GATT 烏拉圭四回合談判，進而制約歐盟發展的全球經貿戰略，提議將 APEC 提昇爲拘束力及建制化程度較強的組織形態。而

東協國家則堅持維持 APEC 尊重各國差異性的大家庭式共識決議模式，而非歐市共同體的經濟統合模式（註 13）。馬來西亞總理馬哈迪甚至曾主張成立將歐美排除在外的「東亞經濟共策會」(EAEC) 以對抗歐市和北美自由貿易區可能建立壁壘的壓力與在國際市場上的談判能力。美國既然已是北美自由貿易區(NAFTA) 的主持者，東協國家擔心如果美國也加入東亞的經濟核心；由於它的力量，勢必又是領導者，那麼 APEC 與 NAFTA 會員國之間經濟利益發生衝突時，美國將會是代表亞洲？還是美洲呢？

事實上，東協國家長期以來在外交政策上即具有一定程度的自主性，它的集團性格濃厚，加以印尼及馬來西亞又是不結盟運動(NAM) 國家組織的領導國，歐美亦不能不與之有所妥協。如新加坡「鞭刑」美國青年所衍生的外交問題即是一例。另外，十多年來東協為反對越南入侵柬埔寨問題的解決奔走，也為其贏得國際上的聲譽與地位。更值得尊敬的是，馬來西亞總理馬哈迪於今年三月中旬在吉隆坡舉行了一項規模盛大的國際學術研討會「回教與儒家思想、文明的對話」。馬哈迪不僅希望儒、回兩種思想能在馬來西亞成功的融合，而且以儒、回思想為代表的亞洲價值觀能對抗歐美價值觀的文化霸權入侵（註 14）。東協國家的經貿合作是否能如其過去在外交和文化上所達到的成就—維持集團的獨立自主而同時又得到西方核心工業化國家的尊敬，仍需進一步觀察，畢竟東協國家間的經貿合作步履較緩慢。

## 伍、結論

從實踐上來看，過去亞、美、拉丁美洲在追求國家經濟發展所採行的策略，不論是進口替代、社會主義革命、出口導向、或區域經濟整合，均少有成功的例子，尤其是第三世界國家的經貿發展免不了會受到西方工業化國家在世界資本主義分工體系中所架構的核心—邊陲關係所制約。近年來東協國家快速的經濟成長已引起世人的注目，而其所實行的發展策略就值得研究國家發展問題的學生們關注。東協國家在 1960 年代末從進口替代轉向出口導向發展策略的同時，於 1967 年 8 月成立東南亞國家協會(ASEAN)，用同一個聲音說話，成為任何大國都不能對之小看的區域性組織。冷戰結束後，東協能否加強區域內經濟合作、建設自由貿易區、避免在亞太區域經濟整合過程中，成為美、日的邊陲國家，取決於其克服下列諸項挑戰的能力：

第一，過去由於冷戰及共黨勢力的威脅將東協國家團結在一起，尤其在柬埔寨問題上協調一致對加強成員國的團結也起了重要作用。近幾年中，東協與越南的關係獲得了很大的改善，彼此不僅增加了經濟交流，而且在政治



上也不斷接近，因此東協未來能否在經貿事務上加強合作，就得尋求新的基礎。

第二，東協一些會員國之間經濟上互補性不強。除新加坡已進入新興工業化國家的行列外，其他國家尚屬中等收入的發展中國家。且出口產品類似，主要為勞力密集型工業品及農礦產品，要發展區域內貿易必然會遇到很大的困難。儘管認識到加強區域內貿易的重要性，但目前各國主要把精力放在日本、美國、及歐體的市場上。在西方貿易保護主義日甚一日的情况下，東協國家可能被迫為爭奪海外市場而進行激烈的競爭。各國是否有誠意遵守《有效普遍優惠關稅協定》的相關規定，將是東協實現自由貿易區，而避免過度依賴核心工業化國家以求發展的先決條件。

第三，由於東協國家領袖如新加坡的李光耀總理、印尼的蘇哈托總統、及馬來西亞的馬哈迪總理均長期在位，透過私人情誼建立彼此信賴的非正式溝通對話管道，以及共同追求區域發展的熱忱是東協國家過去能團結合作的重要因素。隨著政治強人的年華老去，東協國家於世紀之末均將面臨權力交替問題，新一代權力接班者是否願意追隨前人的足跡，在現有基礎上繼續加強區域內的經貿合作，是一項考驗。此外，以強人統治、一黨執政和軍人專制為主要特徵的東協國家傳統政治模式，將會隨經濟發展遭遇日益壯大的中產階級和廣大人民要求更多的民主權利和政治參與的挑戰。如何適應變遷中的新社會政治秩序，繼續維持政治穩定，是東協區域經貿合作的前提要件。

無論前景如何，東協國家的發展經驗--以出口導向工業化戰略為主軸，輔以集體談判力量減輕西方核心工業化國家的牽制--已替其他第三世界國家樹立新的發展模式。東協的經驗亦顯示政府的有效作為能改善國家在資本主義世界體系中所受到的結構侷限性。

## 註 釋

註 1：Guillermo O'Donnell, *Modernization and Bureaucratic- Authoritarianism*, University of California, 1973, p. 62.

註 2：例如五十年代初在中國大陸展開的「三反五反」運動中，「三反」的內容是「反貪污、反浪費、及反對官僚主義」，打擊矛頭就是直指官僚機構的

腐部份。八十年代鄧小平一手扶持的接班人胡耀邦及趙紫陽相繼倒台，部份原因也在於未能妥善處理官僚貪污腐敗的問題。

- 註 3：李英明，《文化意識的危機：蘇聯、東歐、中共的轉變》，時報出版社，1992，頁116。
- 註 4：同註 3。
- 註 5：Martin Staniland, *What is Political Economy?* Yale University Press, 1985, pp. 92-98.
- 註 6：馮建三，〈從菸酒廣告開放談國家主權消退〉《自由時報》，1995年4月10日，頁6。
- 註 7：傅大為，《知識與權力的空間—對文化、學術、教育的基礎反省》，桂冠圖書公司，1991，頁137。
- 註 8：王大方，〈蘆筍與蕃茄之戰：在北美自由貿易談判的檯面下〉《中時晚報》，1992年，頁15。
- 註 9：田中青，《站在新的起跑線上的東南亞》，五南圖書出版公司，1993年，頁26。
- 註 10：田中青，前揭書，頁86。
- 註 11：Lee Tsao Yuan, "The ASEAN Free Trade Area: the Search for a Common Prosperity", *Asian-Pacific Economic Literature*, Vol. 8, No. 1, 1994, pp. 2-5.
- 註 12：南方朔，〈西進南進，到底那個才是最愛？〉《九十年代》，1994年2月，頁69。
- 註 13：李文志，〈亞太經合會的路線之爭〉《中國時報》，1994年11月6日，頁11。
- 註 14：美國哈佛大學教授杭廷頓的名著《文明的衝突》一書中，以西方觀點提出警告，認為回教和儒家思想的結合，是對抗西方利益、價值觀和力量的開始。此次學術研討會的副題「文明的對話」，毋寧是更值得吾人深思。

## **Ethnic Differentiation in Taiwan \***

by

**Cheng-Feng Shih \* \***

### 台灣的族群區別

施正鋒

#### 摘 要

本文主張我們若要更透徹了解台灣的政治發展，必須構築一個建立在族群關係的概念架構。我們檢視三種有關台灣族群區別是否存在的立場，並且針對其來歷作重新建構。

Key words : ethnic differentiation, Taiwan, political development

關鍵詞：族群區別、台灣、政治發展

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\* \* Associate Professor and Chair, Department of Public Administration, Tamkang University, TAIWAN

淡江大學公共行政學系專任副教授兼系主任

The 21,000,000 population in Taiwan<sup>1</sup> may be broadly classified into four ethnic groups: Hoklo, Hakka (4,000,000), Mainlander (35,000,000), and Aborigines (35,000).<sup>2</sup> However, ethnic diversity is rarely considered as an important factor in explaining political development in Taiwan. One major reason for this neglect is the failure to recognize that there is any ethnic differentiation at all.

Asking any scholar from Taiwan at an international conference as to whether he is a Taiwanese, chances are that you probably will receive a hesitant, if not reluctant, negative answer so long as there are also present others from Taiwan. At times, you may meet a blunt protest: "Certainly not! I am a Chinese." However, if there is no third party around, he/or she may admit his/or her Taiwanese identity. What do these episodes reveal to students of political development in Taiwan?

At first glance, it appears that there are two groups of people in Taiwan, Chinese and Taiwanese. Further ponder suggests that some Taiwanese themselves are facing an identity crisis, not knowing whether they are Chinese or Taiwanese, and that there seems to be some political factor interfering with, if not suppressing, the self-identification of being Taiwanese. It is this awareness that has set up a contextual framework dictating the intricate political dynamics in Taiwan for the past decades after the War.

In this study, we will argue that there is a need for a new conceptual framework in the context of ethnic relationship if we want to understand political phenomena in Taiwan more accurately and thoroughly. We hope this perspective will provide some alternative solutions to the ethnic problems here other than those suggested by the modernization and nation-building schools. Unless we face the existence of ethnic diversity in Taiwan, there is no way ethnic conflict there may be resolved peacefully.

Before we embark on our discussions, brief clarification of some terms used in this study is necessary to avoid semantic confusion. After examining some prevailing definitions of ethnic group, we will scrutinize the three positions on the existence of ethnic division in Taiwan. Accordingly, a sketch reconstruction of the genesis of ethnic differentiation here is helpful. Finally, we will evaluate the strength and weakness of

the mainstream perspective in explaining political phenomena in Taiwan and elaborate the rationale of an alternative perspective based on ethnic relationships.

## **TAIWANESE AND FORMOSAN**

Both of the terms Taiwanese and Formosan are not only semantically ambiguous but also politically loaded, and at times carry a pejorative sense, especially in Taiwan.<sup>3</sup> To avoid any confusion, we need to discern the different referents the terms are referring to. There are basically three interpretations for the former and two for the latter.

For outsiders, Taiwanese simply denotes all inhabitants in Taiwan. Hence, in its broadest sense, Taiwanese includes the Mainlanders and the native Taiwanese (in a narrower sense), which will be discussed in the next section. Nationalist leaders of the Taiwanese Independence Movement (TIM) and the Democratic Progressive Party (hereafter DPP), the opposition party,<sup>4</sup> tend to define it so broadly as to encompass all "those who live in Taiwan and are concerned with the destiny of Taiwan." Accordingly, the referents of the two definitions share congruence, though with different contentions.

Secondly, the academic usage of Taiwanese is much narrower, designating the native Taiwanese, whose ancestors immigrated to Taiwan centuries ago until the Japanese occupied in 1895. It is made up of the Hoklos, Hakkas, and the aborigines, and excludes the Mainlanders (meaning people from other provinces). The term Mainlander designate those emigres and followers of generalissimo Chiang Kai-shek, who fled to Taiwan after their defeat by the Chinese communists in 1949, and their descendants. This interpretation is also supported by most of the DPP as well as fervent agitators of the TIM.

Lastly, in its daily and narrowest sense, Taiwanese is reserved for the Hoklos.<sup>5</sup> One explanation why the Hoklos have retained this term for their own is probably that they are the first group that decided to settle down and identify Taiwan, rather than China, as their homeland. However, this usage dooms to become obsolete as the Hakkas, lexically meaning "guest resident" or "strangers," also deem Taiwan as their

home gradually and begin to call themselves Taiwanese.<sup>6</sup> This usage is discouraged by the Taiwanese Nationalists since the monopoly of the term by the Hoklos is bound to alienate the Hakkas.

The term Formosa is synonymous to Taiwan, as Formosan is to Taiwanese. Portuguese adventurers hailed *Ilha Formosa* (Beautiful Island), when they first past by the island in the sixteen century (Davidson, 1903: 10). In the earlier literature on Taiwan, it is also used to designate the native Taiwanese. Nowadays, probably only anthropologists retain it to term the aborigines (Coon, 1965). In the past, die-hard proponents of the TIM overseas preferred it to Taiwanese since it does not carry any connection with China, and hence assigned a romantic tribute to it. It is not popular in Taiwan, however, because of its alien origin.

## DEFINITIONS OF ETHNIC GROUP

One prerequisite for identifying ethnic problems in Taiwan is the existence of any ethnic differentiation at all. Before we are able to undertake this task, we need to investigate the literature on ethnic relationship and find out what definitions of ethnic group have been offered by scholars in this field.

Ethnicity is a relatively new phenomenon and term. While the 1931 edition of *the Encyclopaedia of the Social Sciences* (Murdock, 1931) lists an entry of "ethnic communities," the term "ethnic group" is not defined until in the 1968 edition of *the International Encyclopaedia of the Social Sciences* (Morris, 1968). The concept of ethnic group has evolved over the years as interests in and research on ethnic relationship are expanding. Its current usage has been restricted to social division resulting from culture, while, in contrast, racial group is used to represent biological differences, especially the Black-White one. This layman demarcation is too vague to be of use since cultural and biological heritages are in essence inter-twined (van den Berghe, 1967: 10). Therefore, we need to examine the competing definitions of ethnic groups and endeavor to attain any criteria that can be applied to the case of Taiwan.

Four definitions of ethnic group have been identified for this study: purist, objective, subjective, and objectivesubjective.

### i) Purist Definition

Snyder (1983) is the lone proponent of a purist definition of ethnic group. Tracing the origin of ethnicity back to the Greek word "ethnos," or nation, he dogmatically insists that ethnic group be restricted to those resulting from racial differences. In its strictest form, therefore, the term may only be applied to the case of racial relationships such as those in the United States and South Africa. By defining it this way, Snyder has limited the utility and the scope of the term. His intention to avoid the contamination of the term by other uses than the original (meaning "racial") one is understandable.

Language, however, is evolving since we can not avoid constantly assigning new meanings to the same term (Riggs, 1986). Snyder's effort appears to gain few echoes (except van den Haag, 1973; Wolf, 1986) judging by the fact that ethnicity is generally believed to result from cultural differences rather than racial ones only.

### ii) Objective Definition

Most scholars agree that there are some objective criteria for classifying ethnic groups, such as culture, language, religion, history (or common experience), nationality, or even race. In this all-inclusive fashion, group division is based either on cultural or biological differences, except economic ones. Nevertheless, there is no consensus as to which criteria are necessary for the identification of ethnic groups.

However, we do not think this is a real issue, since not all characteristics of ethnic cleavage are equally identifiable or of the same importance in every country. In other words, objective criteria are contingent to countries under investigation. Even if any agreement can be reached, the presence of all objective criteria can not guarantee sufficiently the existence of ethnic division. This type of definition is therefore criticized to be "built on sand." (Young, 1976: 49)

### iii) Subjective Definition

The opposite position to the above one is the emphasis of the subjective self-identification shared by people belonging to the same group. Weber thus defines ethnic groups as "those human groups that entertain a subjective belief in their common descent because of similarities of physical type or customs or both or because of memories of colonization and migration" (Sinnott & Davis, 1981: 398). Stack (1981: 18) similarly defines ethnicity as a "subjective identity that clearly distinguishes between group members and outsiders." This approach is adopted to redress the futility found in the former definition in identifying group differentiation.

Still, the *verstehen* fashion is not devoid of any criticism. One flaw is the difficulty in defining ethnic group readily and objectively owing to its subjective nature. The strongest opposition to this way of defining ethnic group comes from those who attempt to quantify the phenomena of ethnicity. For them, it amounts to chaotic anarchy and hence unacceptable.

#### iv) Objective-Subjective Definition

A compromising definition of ethnic group in the middle ground seems more feasible: a subjective belief based on objective criteria, be they real or putative (Schermerhorn, 1970: 12). Most scholars agree that both objective and subjective components of ethnic group are indispensable. As objective criteria can not of themselves lead to self-consciousness among members of the group necessarily, so cannot the subjective "we- you" differentiation arise without being built on any discernable objective criterion. A close examination of the Weber's definition reveals that the subjective belief has to be built on certain objective conditions. Put in another way, objective criteria of ethnic group are the bases of ethnic consciousness; however, it further needs certain catalyst to make group members perceive their distinctions to others.

According to the presence of subjective consciousness among group members, van Haegendoren (1982: 49) differentiates between sleeping ethnic group and ethnic group, Jackson (1984: 207) does between ethnic category and ethnic group, and Yinger (1983: 395) does between ethnicity and full ethnicity. As Brass (1976: 226)



rightly observes, these differences are in degree rather than in kind. Later, we will argue that ethnic division in Taiwan falls in the objective-subjective definition.

## IDENTIFICATION OF ETHNICITY IN TAIWAN

Academic opinions are divided on whether there exists ethnic division in Taiwan or not. Smooha (1975: 85), for instance, classifies Taiwan as candidate of "nonpluralistic" country. On the other hand, Connor (1973: 2) treats Taiwan as a country that has experienced domestic conflict from ethnic diversity. Unfortunately, few show how they have arrived at their judgment. Still, we will examine possible reasons lying behind the divarication of judgment in this section.

### i) Absence of Ethnicity

One crucial impeding factor that has hindered our understanding ethnic phenomena in Taiwan, we must point out, is political imperative. The Mainlander-Taiwanese relationship has been deemed a sensitive taboo by the Kuomintang (or Chinese Nationalist Party, hereinafter KMT) government, which has until recently discouraged, if not forbidden, its discussion for fear of any negative impacts on the regime. Any study of ethnic problem in Taiwan, we believe, will be incomplete without taking the official attitude into account.

The official position denies the existence of any ethnic cleavage in Taiwan and dismisses the term Taiwanese as nonsense, arguing that there was no such a term historically (see *Central Daily News*, 24 march 1986) and further that there were only the division of Chuanchous, Changchous, and Hakkas during the Ch'ing dynasty. Therefore, the argument follows, if there is any Taiwanese consciousness at all, it is due to the instigation of "Japanese and American imperialists."

In our view, historical explanation is not always useful in explaining political phenomena as the latter usually evolve over times. It is true that most ancestors of the Hoklos were either Chuanchous or Changchous. However, this distinction died out in the later Ch'ing era and completely disappeared during the Japanese rule through

island-wide migration, residential mixture, and even intermarriage. Nowadays, rarely Hoklos are able to tell if their ancestors were Chuanchous or Changchous. On the contrary, he will quickly identify himself as a Taiwanese. Accordingly, the yardstick of the coinage of any new term is popular acceptance instead of historical existence. Moreover, appealing to anti-imperialism can hardly negate the actuality of subjective ethnic awareness.

In the same historical vein, some scholars dismiss the dichotomy of Mainland-Taiwanese by stressing the antagonism between, again, the Hoklos and Hakkas, and even between the Chuanchous and Changchous (see, for example, Copper, 1981: 359; Walker, 1973: 389). There is no lack of detailed narratives of "subethnic rivalry" among different groups of settlers for land and water resources during the intermediary stage of frontier colonization in the eighteenth and nineteenth centuries (Lamley, 1981; Davidson, 1903). Nonetheless, the same sources show that serious clan fighting was rarely seen after the 1860s. Further, even if the Hoklos and Hakkas still cling tightly to their respective languages nowadays, it does not preclude the formation of group identification among themselves. In fact, ethnic experts suggest that it is not necessary for members of an ethnic group to be homogeneous (van Haegendoren, 1982: 48; Keyes, 1976: 202; Wirsing, 1981: 8).

It is further contended that since most people in Taiwan are Han-Chinese and hence share the same culture, there can not be any division among themselves.<sup>7</sup> Given the failure of the Japanese to assimilate their Taiwanese subjects during their fifty years of colonization, the lingering impacts of Han culture on the Taiwanese should not be underestimated. And therefore, this line of argument can not be negated summarily.

However, culture is only one of various dimensions of ethnicity and hence does not forbid its members to opt for a new identity built upon other objective criteria, such as religion, language, or common historical experience. Therefore, recognizing that 98 percent of the Taiwanese residents are Han-Chinese, White (1980: 44) cautions that "subethnic cleavages" resulting from historical experiences have important political effects in Taiwan, though he eschews the use of "ethnic cleavage." Connor (1972: 337) also notices the "ethnopsychological experiences" possessed by the American colonists, the Afrikaners, as well as the Taiwanese in relation to their

British, Dutch, as well as Han-Chinese counterparts. In a word, divergent ethnic identities arising from the same culture base are thus not improbable.

A similar but slightly different version of the above argument tackles linguistic distinctions: "Since both Hoklo (or Hokkien) and Hakka are only two dialects of Chinese, the Hoklos and Hakkas can not form any distinct identity other than Chinese one." In their efforts to design an index of ethnic-linguistic fractionalization, Taylor and Hudson (1972: 216) come across the problem of whether people speaking different dialects of Chinese, such as Mandarin (Peiking dialect), Wu, or Cantonese, should be classified as the same linguistic group, much less the same ethnic group. Smootha (1975) probably believes they are, and judges that the ethnic composition of Taiwan is quasi-homogeneous, even though he fails to elaborate why he has attained it. On the other hand, Taylor and Hudson (1972: 272) and Kurian (1979: 45) determine that linguistic and ethnic composition in Taiwan is heterogeneous.

The relationship between Mandarin and Taiwanese can be appropriately described as two offshoots evolving from a common mother language, rather than a trunk-branch one. And if we recall that the contemporary national languages in Europe were only treated vernaculars before Renaissance, we will not be so hasty to disallow the possibility of people speaking dialects on the same linguistic tree to develop separate identities. Therefore, the placement of any language in a linguistic tree is for linguistic purpose, and we should not be misled by the status of being dialect in judging the existence of ethnic consciousness.

## ii) A Taiwanese Nation

The polar position to the above one claims that there exists a Taiwanese nation or, at least, it is in the making. This contention was originally proposed by proponents of the TIM and by young Taiwanese nationalists.<sup>8</sup> Earlier version of this argument emphasizes the amalgamation of all inhabitants, including the Hoklos, Hakkas, the aborigines, and, to a lesser degree, the earlier Dutch and Japanese colonists, into a new Taiwanese (or Formosan) nation. It carries some face value, since the history of Taiwan is marked by the interaction of subsequent waves immigrants, most of whom were unmarried males in the beginning (Meskill, 1979: 24). While the Dutch rulers, for

instance, vigorously encouraged the intermarriage among the Dutchmen, the aborigines, and the Han-Chinese immigrants (Kerr, 1974: 4), the intermarriage between natives and Japanese was not allowed until 1942 (Wolf, 1972: 5). And at least one group of the aborigines, the Pepos, meaning plain aborigines, have almost been completely assimilated by the later Han-Chinese emigrants (Davidson, 1903: 563).<sup>9</sup>

The idea of a hybrid Taiwanese nation caused more alienation than popularity, however, owing to the deep-seated attachment to Han culture and somewhat to Han chauvinism possessed by the Han- Taiwanese. Ever since, the appeal of a Taiwanese nation has died out and centered on common experiences and destiny (or life community). Nevertheless, political exhortation can not be equated with facts, as political imperative can not deny the existence ethnic consciousness. As the process of integration is still incomplete, we have not observed a full-fledged Taiwanese nation. At best, it may be qualified as an ethnic consciousness, or ethnonationalism, to borrow Connor's term (1973).

## **EMERGING TAIWANESE ETHNIC ASPIRATION**

The argument proposing the existence of ethnic division in Taiwan is more complicated and thus warrants a separate section for discussion. Most scholars recognize the existence of cleavage between Mainland and Taiwanese. For instance, Gastil (1978: 15) treats Taiwanese as a "people without a nation-state," and Taylor and Jodice (1983: 55 & 66) recognize Taiwanese as a group subject to discrimination. But not all are yet ready to accept the cleavage as ethnic one, except for Connor (1972, 1973, 1979), Gates (1979, 1981), and Lu (1975). In this section, we will examine both objective and subjective criteria of ethnic division to discern which definition of ethnic group is applicable to the case of Taiwan.

### **i) Physical Criterion**

As stated earlier, the strictest definition of ethnicity is confined to the division resulting from racial, or biological, differences. Except the aborigines, who are basically of Malayo- Polynesian origin, both the Mainlanders and Taiwanese are Han-

Chinese. Some claim they are able to differentiate between the latter two group purely by their phenotypical characteristics. This will be wholly true if all Mainlanders are from northern China, since their ancestors must have intermarried with alien Mongolian and Manchu rulers centuries ago. Similarly, southern Chinese, the ancestors of the Taiwanese, must have mingled with the natives when they immigrate southward and settled down. Cole (1945: 329), for instance, shows us the physical similarity between the Malaysians and southern Chinese. However, the seemingly convenient criterion is marred by the fact that not all Mainlanders trace their origin in northern China. This purist definition of ethnic group is useless here.

## ii) Objective Criterion

Linguistic difference seems to be a better, though still imperfect, objective criterion for ethnic division. In essence, the four major linguistic groups we have identified, Mainlander, Hoklo, Hakka, and the Aborigines,<sup>10</sup> can be largely distinguished by linguistic differences. The languages they use are mutually intelligible. The Mainlanders, originally from diverse provinces of China and thus speaking different dialects, adopt Mandarin as their lingua franca at home. The Hoklos speak Hoklo (or Hokkien, or linguistically known Ammoi), while the mother tongue of the Hakkas is Hakka; the aborigines speak various Malayo-Polynesian languages similar to those found in Southeast Asia. According to the analysis of Kenkyu (1960), a philologist, the difference between Mandarin and Taiwanese (in its narrowest sense, i.e. Hoklo) is larger than that between English and German.

Language as a basis for group identification can not be overestimated (van der Plank, 1975; Fishman, 1981). Keenly aware of the political use of native languages, the KMT has steadfastly attempted to discredit them but with more backfire than success (Cohen, 1986). When applying for linguistic differences as an objective criterion of group division, we must caution the presence of few Mainlanders whose mother tongue is either Hoklo or Hakka but who speak Mandarin at home. Therefore, other objective criteria must be added to complement linguistic differentiation.

## iii) Objective-Subjective Criteria

The Mainlanders<sup>11</sup> are those emigres from China after World War II and their offsprings, and the Taiwanese are those whose ancestors immigrated to Taiwan before the War.<sup>12</sup> Group identities based on historical experiences are reinforced by vocational and residential segregation (Tien, 1975: 626-27), which in turns help to shape their subjective identity. For the Mainlanders, their wish had been to retake the Chinese Mainland; and Taiwan was therefore their temporary residency. This attitude was indicated in the past reluctance of the KMT government to invest in massive public works, until the launch of Ten Major Development Projects in the mid-1970s to shore up sluggish economy.<sup>13</sup>

The development of subjective identification to Taiwan varies among the three groups of Taiwanese. For the aborigines, they have no fatherland elsewhere to turn to, and are indeed the true Taiwanese. Earlier Han-Chinese immigrants tended to deem Taiwan as a place to seek treasure and went back to their homeland in southern China once successful, as those overseas Chinese in Southeast Asia did. The sense of being indigenous was first developed among the Hoklos at least in Ch'ing dynasty, when they considered themselves the "Puntis," meaning the native dwellers (Davidson, 1903: 67). And the Taiwanese identity of the Hakkas must have been shaped before the Japanese occupied Taiwan (Chen, 1987).

The common identity shared by the Hoklos and Hakkas, and, to a lesser degree, the aborigines, resulted from their opposition to the subsequent oppression of alien rulers, the Japanese and later the KMT. Their first cooperation was observed in the establishment of the short-lived Taiwan Republic in 1895, where both the Hoklos and Hakkas participated. The resistance war failed partly due to their distrust to each other, and, to some degree, due to their feud with the aborigines, however (Lamley, 1970; Davidson, 1903: 366).

Ironically, it was Japanese discrimination against the natives that had helped to foster a new Taiwanese identity. Moreover, the modern development advanced by the colonists turned out to further the Taiwanese solidarity by providing modern media of communications, such as railroads and a common language (Thayer, 1974: 101; Eto, 1964: 53; Meisner, 1964: 151). Armed resistance was transformed into cultural and political struggle when the ideal of home-rule was introduced in 1914 (Okada, 1955:

378). After World War I, Woodrow Wilson's doctrine of self-determination further inspired Taiwanese nationalism in seeking autonomy (Ng, 1967: 6). We may find active nationalist movement in the form of political and cultural activities after 1920 (Ong, 1964: 163; Mancall, 1964: 3). However, as Ng (1967: 6) has rightly perceived, the Taiwanese consciousness never grew in full blossom during the Japanese rule.

A strong Taiwanese awareness developed during the KMT rule, paradoxically. When Taiwan was retroceded to China in 1945, the Nationalist Chinese were received warmly as "liberators" by the natives. However, the Taiwanese soon were disillusioned that their Chinese brethren occupied Taiwan as a war booty and treated them as a "defeated nation" (Ong, 1964: 164).<sup>14</sup> Positions at all levels left by the Japanese were filled out by the Mainlanders, no matter how incompetent they were. The KMT took over all industries and properties built by the Japanese and sold raw material and manufactured goods in Mainland. By 1946, Taiwan first suffered the shortage of such foods as rice and sugar, which had thus far been abundant in Taiwan (Lumley, 1976: 56-59; Riggs, 1952: 45-65). Political discontent was thus worsened by economic exploitation and deterioration.

Taiwanese resentment was sparked into an island-wide uprising on February 28, 1947, after a Taiwanese woman was gunned down by a Mainlander employed by the Taiwan Monopoly Bureau. The "February 28 Incidence" proved to be the critical watershed of the Taiwanese consciousness. The uprising was cold-bloodedly crushed soon after reinforcements from mainland China landed at Taiwan. It was estimated that between 5,000 to 30,000 Taiwanese elites were massacred in the ensuing vengeance, including famous scholars, doctors, lawyers, newspaper editors, journalists, businessmen, and students (Mendel, 1970: 37; Kerr, 1956: 310; *The China White Paper*: 308).

The impacts of the incidence were far-reaching both for the KMT and the Taiwanese. For the latter, the loss of a whole generation of potential leaders in the aftermath could not be made up until thirty years later. The memory of door-to-door roundup of high school students is still fresh among the old generation (Wurfel, 1963: 107). For a long time, Taiwanese parents always forbade their children to be engaged in political activities. For the KMT, the white terror only alienated the natives and

spoiled their patriotism, and the possible retaliation by the Taiwanese always seems a haunting nightmare.

The ethnic division was further strengthened by the KMT's determination to cling to political power in Taiwan after it was forced to evacuate its Nationalist Government to the island. As nepotism prevailed, the numerically majority Taiwanese were dominated by the Mainlanders. In the beginning, to justify the domination, the KMT portrayed the Taiwanese as inferior, or even racially impure. Only the so-called "Pan-sans" (literally Half- mountain), Taiwanese who went back to Mainland during the Japanese rule and thus had contact with the KMT, were trusted.

Ostensibly, the government claimed to adhere to the principle of egalitarianism. Any mention of power distribution will be dismissed as "parochialism" or "provincialism," and be accused of "trying to wreck national harmony." In reality, however, the official policy had been self-contradictory until the late 1980s. To maintain the domination of the Mainlanders, the KMT has made all efforts to retain Taiwanese-Mainlander distinction. For instance, the identification card recorded everyone's origin of province. Students are still asked to fill in their origin of province in all documents the day they enter school in every stage. In fact, origin of province has been the most important identification criterion, especially in affairs related to the government. Moreover, the Mainlanders are from time to time reminded of the possible resurgence of the "February 28 Incidence." Only this time, they will be "massacred and expelled by the Taiwanese into the Taiwan Strait."<sup>15</sup>

Another indication of Taiwanese solidarity is the renaissance of the Taiwanese (mainly Hoklo), which is a reaction to the efforts of the government to "Mandarinize" the natives. Given the fact that the Mainlanders are numerically minority, it is not difficult to perceive the uneasiness and enthusiasm of the government to assimilate the natives culturally. Language is believed to be the major instrument, if not source, for identity formation. Thus, successful suppression of the native languages will hopefully warrant the forestalling of a Taiwanese consciousness. As a result, native languages have been forbidden in school use since 1963, Taiwanese movies have been banned, TV programs in Taiwanese have been limited no more than 15 percent of total programming time, and in 1982, popular Taiwanese opera on TV was ordered to be



played in Mandarin (*China Daily News*, 26 November 1985; *Taiwan Tribune*, 16 June 1986; Cohen, 1986).

Even though Taiwanese had in the past been persistently portrayed as vulgar, graceless, and cumbersome, it becomes popular among colleges students in recent years, especially male ones, which indicates the rise of Taiwanese ethnic, or more appropriately, nationalist, consciousness. Another more identifiable indicator of Taiwanese identity is found in the popular Taiwanese Folk Literature movement emerging in the 1970s, which inspires the Taiwanese that their languages can be recorded in Chinese scripts as Mandarin can (see Song, 1985). All these show that a subjective Taiwanese consciousness is inspired by and intertwined with objective criteria -- here, common experiences of alien rulers and linguistic differences.

## THE QUEST FOR A NEW PERSPECTIVE

While scholarly research on economic development in Taiwan is abundant (see Kao, 1984). Academic interest in political development in Taiwan seems scanty (see Jacobs, et al., 1984). Wei (1973: 75) attributes the neglect to the biases of the "old China hands," who think Taiwan is unworthy of studying because of its tiny size compared with mammoth China. This is still true considering the national interest of the United States and its policy of rapprochement with China. Henceforth the contention, "Who cares for Taiwan?" Another explanation is political development in Taiwan lags far behind its economic development, which may have further convinced political scientists that academic contribution from research on Taiwan is hopelessly limited. We argue that political development in Taiwan may shed some light on the understanding of ethnic relationship.

A brief review of relevant literature reveals that most works on Taiwan are based on the assumption of an one-party political system. And political phenomena are interpreted as parts of the transitional movement from authoritarianism to democracy (Domes, 1981; Tien, 1980; Chou & Nathan, 1987; Winckler, 1984). Therefore, their focus has been on factions within the KMT, elections, the interactions between the

KMT and TW, succession to Chiang Ching-kuo, and even maneuver in the palace (see Chang, 1984; Lu, 1985).

It seems that TW also takes a similar democratic rhetoric, considering its struggle with the KMT as a process of democratization, at least in open. It is partly due to the fact that political discussion in the context of ethnic group relations is not allowed. It may also be owing to strategic consideration -- to avoid alienating moderate Mainlanders<sup>16</sup> and to prevent them from seeking help from their compatriots in China. Therefore, it was decided that the title of the opposition party, the DPP, not to include the word Taiwan, in order to play down Taiwanese elements (*Centre Daily News*, 2 October 1986).

The major weakness of this approach is that it neglects, if not ignore, the dynamics of group interactions between the Taiwanese and Mainlanders.<sup>17</sup> As we have pointed out earlier, the basic political problem in Taiwan is two ethnic groups competing for power and scarce resources in an asymmetrical political structure. People ask: "Why can't Taiwanese be the President? Why can't Taiwanese be chancellor of the university?" Political mobilization of the DDP, for instance, is also based on a Taiwanese consciousness. Political conflicts are thus best understood in terms of group competition. Therefore, we argue that a perspective based on ethnic relationship may be an alternative and hope that the wisdom of literature on ethnic relationship may provide us new insights.

## ENDNOTES

1. The government prefers to be called Republic of China, Republic of China on Taiwan, or more recently, Chinese Taipei.

2. No reliable census data on ethnic composition are available. Only the last figure is accurate.

3. So far, the Ministry of Interior has stubbornly refused the registration of any voluntary association carrying "Taiwan" on its formal title.

4. Before the emergence of the DPP, the moderate elements of the opposition (or Tang-wai, literally meaning outside the ruling Kuomintang, hereafter TW), played a dominant role.

5. It is equivalent to Hokkiens, or, in Mandarin, Minnans, suggesting their origin in southern parts of the province Hokkien in southern China.

6. The evolution of the Taiwanese identity will be explored later.

7. Some have even gone so far as to include the Aborigines are Han-Chinese too by showing archaeological evidences.

8. See the discussion in *Tai Tu Chi K'an*, no. 1, & no. 4. The author organized a symposium on Taiwanese nationalism recently. The proceeding was published in the book format (Shih, 1994).

9. During a demonstration rally attended mainly by the aborigines, around 300 Pepos despite prior political pressure to discourage their showing up.

10. The Aborigines can further classified into 11 "tribes."

11. Some Mainlander supporters of the TIM cause coined the term "New Residents" for themselves recently.

12. Some suggest 1895 as the cutting point, when Taiwan was ceded to Japan and thus cross-strait migration was prohibited formally. See Barnett, 1960, p. 387.

13. There are indications showing that more and more second generation Mainlanders are identifying themselves with Taiwan. See *Taiwan Tribune*, 4 April 1985, and 18 December 1986. Some young Mainlanders even proclaim that they are Taiwanese too. See *Taiwan Tribune*, 4 April 1984. Nevertheless, the degree of Mainlander attachment to Taiwan remains to be investigated, since reliable survey on political attitudes in Taiwan is unattainable so far.

14. During a recent interview to a famous Japanese journalist, President Lee voiced the "sorrow shared by the Taiwanese."

15. See for example, *Centre Daily News*, 5 March 1987; Cole, 1967: 648.

16. Some second-generation Mainlanders broke away from the KMT and established the Chinese New Party in 1993.

17. Ethnic conflicts along the Hoklo-Hakka and the Han- Aborigine dimension are less threatening.

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## 我國私立學校法董事會角色、功能之現況與檢討

胡茹萍\*

### **On the Role and the Function of Private School's Board in Taiwan: A General Review on Private School Law**

by  
Ru-Ping Hu

#### 摘 要

私立學校係屬財團法人，具強烈社會公益性質。董事會為財團法人私立學校之代表機關及執行機關。為求董事會組織健全，確能善盡其職責，1974年制頒之私立學校法乃針對董事人數、資格限制、任期、改（補）選、董事會職權、召集程序、決議方式、董事會與校長權限之劃分及董事會發生重大糾紛，無法召開會議之整頓與重組等節，逐一加以規定。惟境隨時移，目前之規定是否能彰顯董事會之角色與功能？抑或阻礙之？乃為本文探討之重點。藉著檢視法規與現況，本文試擬定義私立學校董事會角色與功能，並釐清其職權範圍，進而論述董事會與政府、社會之關係，俾為有關機關執法落實及修法之參考。

關鍵詞：私立學校法，財團法人，董事會

Key words : Private School Law, Foundation, Board

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\* 教育部技術及職業教育司專員

## 壹、前言

我國對私立學校之設立與管理，自1929年起即為私立學校規程。此項規程歷經四次修正，全部條文共二十九條。私立學校規程雖就私校之籌設、立案及停辦分別予以規範，但並未就私立學校性質作一明示。迄至1963年，教育部令頒之各級私立學校申請財團法人登記應行注意事項，始有各級私立學校申請財團法人登記之明示；然不論為私立學校規程，抑或各級私立學校申請財團法人登記應行注意事項，皆係行政命令。面對教育之發展及社會情勢之變遷，各級各類私立學校不斷增加的結果，如何妥善管理及監督私校運作正常，除非前開行政命令所能因應，而有就私立學校之性質、設立、獎勵及監督以立法之必要。爰此，私立學校法終在經歷三年草擬、討論、博得眾議及立法程序中，於1974年正式公布，揭示私立學校為社會公益事業，而非營利事業準則，並確定私立學校為財團法人。（立法院，1975）。

私立學校既屬財團法人，即見強烈社會公益性質。依法董事會即為財團法人私立學校之代表機關及執行機關。為求董事會組織健全，確能善盡其職責，1974年則頒之私立學校法乃針對董事人數、資格限制、任期、改（補）選、董事會職權、召集程序、決議方式、董事會與校長權限之劃分及董事會發生重大糾紛，無法召開會議之整頓與重組等節，逐一加以規定。唯境隨時移，目前之規定是否能彰顯董事會之角色與功能？抑或阻礙之？乃為本文探討之重點。以下將藉著檢視相關法規與現況，試擬定義私立學校董事會角色與功能，並釐清其職權範圍，進而論述董事會與政府、社會之關係，俾為有關機關執法落實及修法之參考。

## 貳、現行私立學校法董事會之角色與功能

董事會就法人一切事務，對外代表法人，對內則負有校長之選聘及所聘、校務報告計畫及重要規章之審核、學校經費籌措、基金管理、財務監督及預、決算之審核等職權，負有為學校發展方向掌舵責任，故有健全之董事會方能產生健全之學校。

為利統觀現行私立學校法有關董事會之規範，本節將從董事會之組成；董事會之職權；董事會議；董事長、董事之辭職、解職、所解聘、補選及董事會之整頓等方面，分別予以闡述。

## 一、董事會之組成

私立學校董事會置董事九人至十五人（第十四條）。第一屆董事，除申創辦人擔任外，餘由創辦人遴選適當人員，報經主管教育行政機關核備後聘任之（第十九條第一項）。而董事若有下列情形之一者，則不得充任董事：（第十八條）

1. 曾犯內亂、外患罪，經判決確定或通緝有案，尚未結案者。
2. 曾服公務因貪污、瀆職，經判決確定或通緝有案，尚未結案者。
3. 曾有期徒刑一年以上刑之宣告，服刑期滿，尚未逾三年者。
4. 褫奪公權尚未復權者。
5. 曾任公務員受撤職或休職處分，其停止任用，或休職期間尚未屆滿者。
6. 曾任董事長、董事，因利用職務上之機會犯罪，經宣告有罪之判決確定而被解職或解聘者。
7. 受破產宣告尚未復權者。
8. 無行為能力或限制行為能力者。

除上開董事之消極資格外，私立學校法對董事資格尚有定額限制。該法第十五條即規定董事須有三分之一以上曾經研究教育，或從事同級或較高級教育，見有相當經驗；而外國人充任董事，其人數不得超過總名額三分之一，並不得充任董事長。同法第十七條亦明示，董事相互間有配偶及三親等以內升親、姻親之關係者，不得超過總名額三分之一。此外，現任主管教育行政機關人員，或對私立學校具有監督權之公務員亦不得兼任董事及於私立學校法第十六條明文規範。所謂「具監督權之公務員」，依司法院大法官會議釋字第一三一號及第一五七號之解釋，係指公務員服務法上之公務員。簡言之，根據前揭釋公務員之超然地位及防止兼任其他業務有礙本身職務之執行，故凡公務員服務法上之公務員，除法律或命令另有規定外，不得兼任私立學校之董事長或董事。

## 二、董事會之職權

依私立學校法第二十一條規定，董事會職權包括：

1. 董事、董事長之選聘及解聘。
2. 校（院）長之選聘及解聘。
3. 校（院）務報告、校（院）務計畫及重要規章之審核。
4. 經費之籌措。

5. 預算及決算之審核。
6. 基金之管理。
7. 財務之監督。
8. 財團法人登記之辦理。
9. 學校立案之申請。
10. 學校教職員工待遇、退休、撫恤、保險與福利等事項章則制度之訂定。
11. 學校停辦、解散或申請破產之決定。

按董事會職權之行使，應經由董事會議決議行使之，且董事長、董事及董事會不得於私立學校法所定之職校外，干預學校行政。董事長及董事亦不得兼任校（院）長或校內其他行政職務，以避免董事會與學校間校責曖昧不清。

### 三、董事會議

董事會議分為常會與臨時會兩種，常會每學期舉行二次；臨時會則於必要時召集之。董事會議由董事長召集，並為主席。各董事皆應親自出席董事會議，不得委派代表（第二十六條、第二十七條）。

董事會議所討論事項，如涉及董事或董事長本身利害關係時，該董事或董事長除必要之說明外，應行迴避，並不得參與該案之表決（第二十八條）。而董事會之決議，應有過半數董事之出席，且以出席董事過半數之同意行之，但若有重要事項之決議，如董事、董事長之改選補選，校長之選聘或解聘，不動產處分或設定負擔，董事會組織章程之修訂，或學校停辦，解散或申請破產之決定等，則決議應有三分之二以上董事之出席，以現任董事總額過半數之同意行之（第二十七條）。另外，董事會議之重要事項決議，應以票決，並應專案報請主管教育行政機關核備；董事會議紀錄則應永久保存。

董事會議除由董事長主動召集外，若經現任董事三分之一以上，以書面提出會議目的及召集理由，請求召集董事會議時，董事長須自受請求之日起十日內召集之；逾期不為召集之通知時，由請求之董事報經主管教育行政機關之許可，自行召集。而董事會議連續兩學期未經召集，得由董事報請主管教育行政機關指定董事召集之（第二十六條）。

### 四、董事長、董事之辭職、解職、解聘及補選

依私立學校法第二十四條規定，董事長、董事在任期中，有下列情形之一者，應予解職或解聘：

1. 具有書面辭職文件，提經董事會議通過者。

2. 具有董事之消極資格情形之一者。
3. 利用職務上之機會犯罪，經宣告有罪之判決確定者。
4. 擔任主管教育行政機關工作或對私立學校具有監督權之公務員者。
5. 董事連續三次無故不出席董事會議者。
6. 董事長在一年內不召集董事會議者。

另外，董事長、董事有利用職務上之機會犯罪或有內亂、外患罪或服公務有貪污瀆職之犯罪嫌疑經被提起公訴者，亦應即停止其職務。

董事長、董事在任期中出缺者，由董事會補選之。補選之董事長、董事均以補足原任者任期為限。而若董事辭職人數超過半數無法召為董事會議時，則由主管教育行政機關指定董事召集之，並由召集會議之董事遴選適當人員，報經主管教育行政機關同意後聘任為董事。另外，主管教育行政機關因董事會議連續兩學期未經召集而指定董事召集董事會議時，連續召集三次而未出席之董事視為辭職，由負責召集會議之董事遴選適當人員，報經主管教育行政機關同意後，聘任為董事（第二十九條）。至所謂「連續召集會議三次者」，每次開會之間隔為三日至五日，開會通知並應於會前二日分送各董事。

#### 五、董事會之整頓

董事會因發生重大糾紛，致無法召開會議，或有嚴重違反教育法令情事者，主管教育行政機關，得限期命其整頓改善；逾期不為整頓改善或整頓改善無效果時，得解除全體董事之職務，並就原有董事及熱心教育人格指定若干人會同推選董事，重新組織董事會。主管教育行政機關認為必要時並將於新董事會成立前，指定熱心公正之教育人士三人至五人，督學一人或二人，連同創辦人組織管理委員會，代行董事會職權，至新董事會成立時為止。其已無創辦人者，則指定公正董事一人參加。（第三十條）

#### 六、小結

觀之私立學校法有關董事會職權之規定，董事會實為財團法人私立學校之意思、代表及執行機關，蓋因董事會對內負有選聘、解聘校長、監督管理財務、基金及審核學校重要規章及學校停辦、解散、破產申請之決定等監督、管理及指導學校發展方向決策功能；至學校經費之籌措，亦有賴董事會積極對外勸募，以竟其功。而董事消極資格及定額資格限制之故，係為辦理私立學校是捐資興學、是公益事業、是屬於社會的財產，而非投資興學、營利事業、私人的財產。另外董事會議之各項規定及有關董事會

整頓條件內容亦須明文詳列，以防董事會內部因鬩牆之爭而影響學校正常運作。

綜觀現行私立學校法有關董事會之規範，無論對其組成、職權、會議運作及整頓皆有明示規定，惟實務上，上關規定是否發揮其規範功能？是否仍有應修正之處？下節將予以檢討。

## 參、私立學校董事會之現況與檢討

本節所稱之私立學校董事會專指四所私立工業專科學校、十所私立商業專科學校及三十一所私立工商專科學校。以下將分就董事會董事人數、董事之現職及董事相互間親屬關係等背景資料，概述之，並進而檢討私立學校董事會目前運作情形。

### 一、董事會董事人數

關於四十五所私立工業、商業及工商專科學校董事會，置董事九人者計有二十所；置董事十一人者，有五所；置董事十三人者，有三所，而置董事十五人者，則有十七所。

### 二、董事之現職

四十五所私立學校董事會中，董事現職為大學專任教師者有二十三所，計三十七人；專科學校專任教師者有二十七所，計六十三人，其中由本校教師擔任本校董事者，共二十所，計四十二人。而董事現職為民意機關代表者，有十一所，計十五人，其中立法委員佔七位，國大代表四位，省議員一位、縣議員一位及市議員二位。另外，董事現職為校長者，有五所六名，其中擔任大學校長者一名、專科學校校長者一名，中等學校校長者四名。

### 三、董事相互間親屬關係

為免私立學校家族化，私立學校法第十七條明文規定董事相互間有配偶及三親等以內血親、姻親關係者，不得超過總名額三分之一。針對四十五所私立工業、商業及工商專科學校，有十四所董事會，其董事間並無親屬關係；餘三十一所董事會中，單一家族者（包含直系、旁系血親及姻親），有二十四所；二個家族者，六所，三個家族者，一所。

### 四、私立學校董事會運作之檢討

#### 1. 董事會董事人數

依私立學校法第十四條規定，私立學校董事會應置董事九人至十五人，但依民法有關財團法人規定，則並無董事人數之限制。按董事人數多寡，應由法人視其性質及功能自行擬訂，以符所需，惟鑑於教育之社會屬性及其董事負有學校發展方向決策權責，並參照私立學校法第十九條、第十



三條，創辦人應擔任第一屆董事，且創辦人以一人至三人為限及第十五條，董事須有三分之一以上曾經研究教育，或從事同級或較高級教育工作，具有相當經驗等規定，另亦考量董事會之決議係採多數決，故私立學校董事會董事之下限應為至少七人，而上限則宜由董事會衡酌自身功能，決定其董事人數，其明訂於董事會組織章程。

## 2. 董事之選聘

凡有私立學校法所定董事消極資格情形之一者，自不得充任董事。此外，教育部亦先後於1975、1976及1985年分別函示補充有關董事資格規定之行政命令。其一為「公私立學校校長受聘兼任私立學校董事均以校為限；並應於事前報經主管教育行政機關核准後始得受聘」；二為「公私立學校專任教師得兼任私立學校董事，但於受聘前必須報經服務學校校長之同意，惟均不得兼任私立學校董事會董事長」；其三為「大專院校在學學生，宜以課業為重，不宜擔任其本校董事或董事長」。就上開行政命令二，學校專任教師應於報經服務學校校長同意後，始得受聘任私校董事。查其原意應為合理，蓋因專任教師本不宜兼任他職，若有兼職行為亦須經主管人員同意；惟實務上卻造成可笑情境。

誠如前揭所示，共計有二十所私立學校董事會，其董事成員中，有部分董事係由本校教師兼任。而根據私立學校法所定董事會職權，董事具選聘、解聘校長權責。如此，「董事—校長—本校專任教師」三者之間之關係，即顯荒謬，蓋「教師董事」之資格須賴校長同意，而校長又須經教師董事之選聘。

民意機關代表，法無制其不得充任私立學校董事規定；惟實際上，民意代表對私立學校雖不若主管教育行政機關之直接監督，但仍具間接監督權限；而民意機關對主管教育行政機關則有直接監督權責。依私立學校法施行細則第十四條第二項，董事長、董事須報經主管教育行政機關核備後，方得行使職權規定，則「民意代表—主管教育行政機關—私立學校董事會」三者之關係，是否有類推上開「董事—校長—本校責任教師」情結之適用，實為一有趣之對照，值得研究。

至董事相互間親屬關係，依法不得超過董事總額三分之一。實務上，尚未有私立學校董事會違反此一規定，蓄因改選、補選董事長、董事皆須專案報經主管教育行政機關審核備查後始得行使職權。惟探究董事會之改選—補選過程，仍可發現家族意志之堅定，即若有家族成員辭職，遞補者亦為家族成員。總之，法規只能予以某程度之規範；要者，實為各董事是否懷有教育熱忱且兼具定位董事應有角色之能力。

## 3. 董事會之角色、功能

依私立學校法，所揭示之董事會職權，有關其與學校關係，如校長之選聘、解聘；校務報告、計畫及重要規章之審核；經費之籌措；預算及決

算之審核；基金之管理；財務之監督；學校停辦、解散及破產申請之決定，實即意謂私立學校董事會係學校各項制度之建立者及扮演學校發展方向決策之角色。依法校長據法令綜理核務，執行董事會決議，而董事會則具監督功能。而有關校務報告、計畫及重要規章之審核，實務上，從董事會議紀錄中除少數董事會有較完善之記載及參考文件外，大部分之董事會議紀錄、率皆大而化之。雖依法董事會議紀錄應永久保存，惟此類紀錄檔案恐難就事件始末及待完整，董事會之指導功能因而無法至基金之管理、財務之監督應如何落實管理，而不致遭干預學校行政之譏，則有賴董事會組織章程之釐請，惟實務上，幾乎所有私立學校董事會組織章程皆根據教育部1975年函示之各級私立學校董事會組織章程範例而制訂，相異處，僅在各家校名及董事人數而已。按私立學校既屬財團法人，依私法自治原則，在不違背相關法令及公序良俗下，法人應就財團之組織及其管理方法，依照其角色與功能自訂之，而主管教育行政機關於審核時，除法明示強制、禁止規定及基於目的事業監督考量外，自當尊重私法自治原則。

另外，為提高領導品質，董事會應該建立明確組織價值導向，透過價值的澄清，董事會能夠清楚地標示教育工作之優先順序，而價值的澄清則有賴學校各階層之廣泛參與。(Poston, 1993)

#### 4. 董事會之改選

董事每屆任期為三年，連選得連任。董事會應在每屆任期屆滿二個月前開會選舉下屆董事。而現任董事均得為下屆董事之當然候選人，董事會並應另行加推適當人員若干人為候選人。此為私立學校暨同法施行細則所明文規範，惟就實務言，董事會多有未依規定期限完成改選者，則董事任期屆滿後，新董事會成立前之期間，即宜明定權責之歸屬，以杜爭議。至現任董事是否連任，則仍宜由董事會自行決定。雖目前大部分私立學校董事會之改選董事，常由原任董事繼續擔任，惟是否因之而須於法上限制連任董事名額，則有待斟酌。蓋因私立學校法之制定係為獎勵私人捐資興學，並謀私立學校之健全發展，而董事會董事是否有新血之加入與健全私立學校董事會之組織與運作並無必然之關係，若法上強制要求，則是否對董事會、董事改選權責多有干預，實不無可議之處。

#### 5. 董事會議

依現行私立學校法規定，董事會議除由董事長依法召集外；經現任董事三分之一以上，以書面提出會議目的及召集理由，請求召集董事會議時，若董事長置之不理，則請求之董事亦可報經主管教育行政機關許可，自行召集之，另外，董事會議若連續兩學期末經召集時，亦得由董事報請主管教育行政機關指定董事召集之；惟上開兩種情況，主管教育行政機關皆係處於被動監督狀態，雖董事會運作正常與否，應謀各董事之監督義務，但若各董事疏於責任時，主管教育行政機關似應本於職權要求、督

促，以防因董事會運作出軌致影響校務推動。而為強化主管教育行政機關之監督功能，則須使監督於法有據，以防紛爭。

#### 6. 小結

私立學校既屬財團法人，依私法自治原則，在不違背相關法令及公序良俗下，有關之組織及重要管理方法，自應由法人依其性質、角色與功能自訂之。是以現行私立學校法有關董事人數規定，似宜修正為僅設下限（七人），而上限則由董事會自行衡酌其功能、角色決定之；另有關董事之選聘，根據教育部1976年函示規定產生之「董事一校長一本校專任教師」情結及可能類似之「民意代表—主管教育行政機關—私校董事會」情結，是否宜立法將該行政命令廢除，而由董事會於不違背法令下，自行訂定，亦可斟酌。至董事相互間親屬關係人數之限制，法已有明文規範，實毋需再行修正。蓋各董事是否具教育熱忱且過具備定位董事應有之局步能力，較之徒以外再拘束，實更重要。

另外，由私立學校法所揭示之董事會職權可知，董事會負責學校各項制度之建立及其發展方向，是為財團法人私立學校最高意思、代表及執行機關具有監督管理與指導功能。雖依法校長負有執行董事會之決議權責，惟如何落實董事會監督校務及決策之執行效果，且不致干預校政則有損董事會組織章程予以釐清董事會與學校間權責之歸屬。至為使董事會運作正常，則當董事長怠於召開會議，而各董事亦未盡監督之責時，似應立法明示主管教育行政機關得本於職權規定指定董事召集會議。而當董事會未依規定期限完成改選時，則董事任期屆滿後，新董事會成立前之過渡期間，即宜修法明定權責歸屬，以杜爭議。

承上，藉著橋視相關法規與現況，私立學校董事會應扮演學校內部各項制度建立者及校務發展決策者角色，對學校應具有監督管理及指導功能；而為釐清董事會與學校之間職權關係，除各私立學校董事會應視其自身性質、功能詳加制定其董事會組織章程外，董事會亦應建立明確的組織價值導向，俾利董事會標示教育工作之優先順序，使學校亦有遵循之依據。

## 肆、私立學校董事會與政府、社會之關係

以上，經由得出私立學校法有關董事會之規範可知，私立學校董事會與學校之間的關係，存在監督、管理及指導性質（私立學校法第二十一條）。而董事會與主管教育政府機關之間則為被監督—監督者關係（如私立學校法第三十條規定）惟是否二者僅能被界定在監督關係？本節將重新

予以思考。又，財團法人私立學校立處廣大社會，每天皆與社區進行無言的法律行爲，其對社會之角色與責任又爲何？亦是本節所將述及。

### 一、私立學董事會與政府之關係

中華民國憲法第一百六十二條規定全國公私立之教育文化機關，依法律受國家之監督。私立學校法第三條即明示，私立學校受之管教育行政機關之監督。行機機關本於依法行政原則，自當依法監督。惟在法所揭示之外，則應儘量減少行政干預，賦予學校董事會發展學校特色空間；反之，私立學校董事會基於實際運作教育工作經驗，亦可協助主管教育行政機關修正、訂定整體教育政策。從而私立學校董事會除依法受主管教育行政機關監督外，實質上亦應具有備諮詢及參與決策制定之功能。從而吾人可將私立學校董事會與學校之間的關係放大，即爲使教育系統組織效率比及提高品質，系統內組織之成員的關係應是合作式(collaborative)的共同爲教育目標制定策略儘力推動，而非僅止於上對下之監督關係。

### 二、私立學校董事會與社會之關係

私立學校第一條宣示其立法之目的爲增加國民就學機會。是以學校如何確實供應社會需求，實有賴私立學校董事會體察社會脈動及斟酌學校內部組織之價值導向，提供社區所需。依私立學校法揭示之董事會職權，經費之籌措爲其重要職權，蓋因學校係屬財團法人，具強烈社會公益性質，且因非營利事業，故若其財源收入僅依賴學雜費及政府補助收入，則學校將難有發展組織價值餘地，對教育計畫之落實，亦恐因資金之不足而放棄。而經費如何籌措，除外界主動捐資外，私立學校董事會應如何有效爭取外界支援，端賴董事會是否確保學校對社區的責任，包括提供大眾教育管道、協助訓練員工符合營工市場需要等。是以私立學校董事會應扮演一座介於社會與學校間的橋樑，具有雙向溝通的作用，亦即董事會不但要向社會說明學校的任務，也要充實必要的資源來完成學校組織的任務。

## 伍、結語

綜觀私立學校法所揭示之董事會職權，董事會負責學校各項制度之建立及發展方向之擬具，顯爲財團法人私立學校意思、代表及執行機關，具有監督、管理及指導功能。又查現行私立學校法，除標示董事會之職權外，對董事會之組織及會議運作亦有明文規範以防董事會內部因鬭牆之爭而影響校務運作。惟私立學校既屬財團法人，依私法自治原則，在不違背

相關法令及公序良俗下，有關之組織及重要管理方法，自應由法人依其性質，角色與功能自訂之。是以有關董事人數多寡規定，是否宜於修正為僅設下限，而賦予董事會自行決定其上限權責，似應斟酌。至有關董事之選聘，則宜排除因法規所造成之「董事—校長—本校專任教師」情結，而應回歸私立學校法原意，並應課董事會監督、評量本身運作責任。

綜上，現行私立學校法有關董事會規定，容或有應修正之處，惟私立學校董事會如何切實發揮法上所揭示之職權，善盡其監督、管理及指導學校功能，則非法能窮盡列舉，而應得董事會本身以相當責任。

學校負作育英才責任，主管教育行政機關除本於責依法監督外，亦應博將眾議，借重實際工作者經驗，共同擬定教育目標策略，戮力推動改革，是以政府與私立學校董事會之關係，不僅只為監督關係，更是合作式的夥伴關係。另外，在目前階段，學校雖尚未能成為社區之文化中心，惟學校如何充實資源，決非閉門耕作，得以自足。私立學校董事會既為財團法人意思、代表及執行機關，則應扮演溝通橋樑角色，一方面向社會說明學校任務，另一方面則積極爭取充實必要的資源，以達成學校組織的任務。

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## 美國麥迪遜市警察局品質管理運動之分析 與對我國警政之啓示

孟維德\*

### **An Analysis of Quality Policing: The Madison Experience**

by

Mon, Wei-Teh

#### 摘 要

建立有效的警政策略是當代警政發展的重要課題。其中強調警政工作要達到警民密切合作以抗制犯罪，及創造一個更優良的組織內部氣候之警政品質管理，便成爲不可不注意的發展趨勢。同時，多位學者認爲其已演變成爲九〇年代各先進民主國家，關鍵性的警政革命與進步指標。古柏爲美國威斯康辛州麥迪遜市警察局局長，他從八〇至九〇年代約十年的時間，以警政品質管理來改革其警政，遂使其本人及其所領導的警察機關深獲各界的好評與推薦。其管理哲學爲警察與社區密切結合聯繫，並強調組織內部配合的重要性，從決策階層、基層員警、刑警、文職人員、及義警等共同的參與，同時也改變以往由上而下權威式的管理模式，使得每一位員警皆有參與決策、充分發揮潛能、以及獲得工作成就感的機會。

本文的目的在於探討古柏的管理哲學及其實行方法，期能提供讀者對於警政品質管理一個參考的架構。

關鍵詞：警政品質管理、品質運動

Key words : Quality policing, Quality movement

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\* 中央警官學校專任講師

## 壹、前言

相信在一八二九年創立倫敦現代警察制度的皮爾爵士(Sir Robert Peel)亦將會很難辨認出構成九〇年代(當代)執法工作的最基本項目會有如此大的改變。單單是電腦的出現就已經大大地改變了警察收集資訊、對於報案的反應、以及探尋社區問題的本質。值此眾多改變發生之際，加強警察與社區之間的互動和合作就顯得日趨重要了，警察不能脫離其所服務和保護的社區，事實上，警察是社區的一份子。而現今警察機關的效能與依存關係，由於受到科技上快速發展的影響，而產生了極為重大且無法避免的改變。

影響警察服務傳達的因素並非僅是科技上的進步而已。從介於警察管理者、街警、刑警、文職僱用人員、以及義警等之間的內部工作關係中，顯示出軍事權威化以及由上而下的管理型態已逐漸不受重視。此種內部重組將有助於建立更為堅強的團隊以及互動的關係，使警察同仁更能面對工作環境中的危險以及工作的多樣性。美國有許多警察機關實施了問題導向的警政策略，該策略的中心思想摒棄了孤立的、呼叫導向的、以及事後反應為主的模式，問題導向的警政策略不僅滿足了社會大眾對於警察應有較高的責任感與可見性的需求，同時也增加了警察與社區居民的互動，並有效降低了居民的恐懼感，達成了犯罪預防的目標(Couper & Lobitz, 1991)。

美國威斯康辛州麥迪遜市(Madison, Wisconsin)警察局局長古柏(David C. Couper)長久以來艱苦地從事麥迪遜市警察局的改革工作。麥市警局在過去是一支保守、限制嚴格的警力，如今卻自豪於警局的未來遠景、以社區為基本的警政策略、品質領導的實務、員警工作方法的多樣性、以及賦予員警寬廣的自由發展空間等。本文的內容包含了許多不同的觀念、方案和政策，其中部份經試驗後發現不易成功或難於實行，另外試驗成功的部份如今已成為麥市警局未來發展的基礎。麥市警局透過其本身的專業力量，並結合社區的資源，使其所處的現狀獲得了成功的持續性改善。「警察」與「重大變革」這兩個名詞通常是難以有共通意義的，社會大眾對於警察機關自我保護和難以接近的觀感，不幸的在過去是有些正確性。然而在本文中，似乎可以看出那些負面形容詞已被麥市警局逐出許久，取而代之的是一種對於改革的認知。



## 貳、品質領導－邁向警政品質管理的第一步

在今日的美國警政工作上出現了若干令人興奮的事情，它就如同六〇年代中期的年輕員警所感受到的那一股力量一樣，當時該力量的產生，主要是受到甘乃迪總統「總統執法行政及司法行政委員會」(the President's Commission on Law Enforcement and the Administration of Justice)、以及希望和夢想新啓蒙的警政工作得以在美國實現等三項因素的影響所造就的(Couper & Lobitz, 1991)。

對於整個國家(美國)的警政專業化而言，一九六〇年代是一個充滿幻想、希望和期待的年代。當時對警察人員賦予超級的地位(super-status)，立下增進運用科技的諾言，對於願意畢業後擔任警察的大學生給予學業獎助金，以及對於警察、法院和矯治等機構視為一個充分整合過的體系等等，都是當時所熱衷的焦點(Kelling, 1987)。

不過從那個年代以後，警察便經歷了一個所謂緩慢和痛苦的進展演變，實際上那是一個停滯不前的階段。在一九六〇年代以後的二十年中，美國警察遺失了應有的純淨，再次面臨解決警察官僚的問題，他們似乎看到自己又成爲官僚體系中的一部份。

對於有心之士在社會上見到的那些對於警政造成重大衝擊的新趨勢，使他們再次感受到力量與興奮感。雖然操縱這些新趨勢並非容易之事，不過可以很清楚地看到這些新趨勢確實已存在私人的部門當中。

美國企業界爲了在國際市場上與他國一較長短，正被迫於重新檢視自己達到高品質的能力。這使得許多企業在經營的方式上發生了一些重大的改變，與其息息相關的「品質與生產力運動」，在美國是一項剛興起的運動，不過已經獲得許多重要的動力資源(Deming, 1986)。

### 一、品質運動

在對於品質與生產力方面的文獻探討中，顯示了這個運動主要的主題有：對於人們的諾言，如何對待人們－包括員工和顧客；以人爲導向的工作環境；以及相信不同的領導模式可以而且的確能夠造成不同的結果(Deming, 1986)。

在《創造卓越》(Creating Excellence)一書中，海克曼和席爾瓦(Hickman & Silva 1977)二人指出了一項管理重大改變的必要性，此重大改變就是：從舊有時期的管理技術(訂定目標、建立程序、組織化，及實施控制)，改變爲新時期的管理技術：這包括明瞭如何提出適當的問題、尊重員工、做爲一個幻想家、期望並實施改革，以及瞭解這些改變需要長期的努力等。海、席二人爲了要克服三種癱瘓許多國家企業和他們競爭能力的致命態度－即短期導向、粗淺式的思考、立竿見影式的期望，他們特別將組織中的

認同(commitment)、勝任能力(competency)和持續性(consistency)三者視為改變上述不當態度的必要條件。

美國企業界所面臨的不僅是顧客對於改善產品和服務的要求，同時更面臨了來自員工本身的新價值感和需求。公司如何在同行中競爭？同時更重要的是如何將最優秀的人才留用於自己公司？傳統上，組織皆相信他們所必須提供員工的是較高的工資和較佳的附帶福利(fringe benefits)。依據美國公共議程基金會(Public Agenda Foundation)最近所做的調查研究，發現下述所列人們在工作上所需的十項品質(Couper & Lobitz, 1991)：

1. 與尊重我的人工作。
2. 有趣的工作。
3. 對於良好工作的表彰。
4. 有機會開發自我的技能。
5. 為願意聽我表達如何改善工作意見的人工作。
6. 有機會為自我設想。
7. 為有效率的管理者工作。
8. 一份並非太容易的工作。
9. 能夠預見到自己工作最終的成果。
10. 對於情況的真相有被詳細告知的感覺。

值得注意的是工資和附帶福利皆未在上面所列的十項中出現，金錢並非永遠是動機，而這些「其他的品質」卻能夠刺激人們，只要領導者願意對員工有所回應。品質運動的內容到底與警政有何關連？由於轉換成後工業時期以及現今世界的新穎科技所造成的改變結果，使得警察不再擁有昔日所擁有財力和人力資源。因此，警察必須透過人民的協助以及僱用優秀的人員來克服這些限制(Couper & Lobitz, 1991)。如同品質專家戴明(Deming, 1986)所言，一個人不能再靠較努力的工作把事情辦妥，或懇求員工努力把事情做好，他必須開始更為聰明地工作。

在企業界固有的問題同樣也是警察界存在已久的問題。警察以短期導向的方式來面對他們的工作(警察主管很少提及他們的組織五年或十年的目標)，粗淺的思考(如果在某一特殊的區域內發生了問題，那麼將會派遣較多的警力前去處理，在大部份的情況下，這些派去的警察僅會把犯罪活動推到鄰近的區域或轄區內)，以及案件導向式的立即性反應(如沿街掃蕩娼妓)。如果警察機關想要克服這些致命的態度，就得不得不注意那些幫助美國企業的新理念和新潮流：對人們的承諾與認同，發展以人為導向的工作環境，同時並相信不同的領導作為可以而且的確能夠造成不同的結果。

## 二、新的領導風格

在歷史上，美國的警察被認為是處於一個政治贊助之下的環境。長久以來，警察貪污腐敗始終被認為是國家文化遺產的一部份，同時警察貪

污腐敗也一直是社區所面對和困擾的問題。在四〇年代末期和五〇年代初期時，警政舊有的政治模式（雖然是以社區和市民為導向的）遭受到新改革模式（誠實和專業政府）的衝擊。在美國的生活當中，貪污腐敗的政府和警察是一種令人無法接受的情況，由於對廉能政府的冀望，遂導致警察在人員遴選、訓練、道德觀，以及警政除政治化(depoliticize)的努力上產生許多的改革，此改革努力的成果在警政的模式上稱之為「專業化」。專業化的警政具有道德的規範，以及一種強而有力且中央控制的警察組織模式（以犯罪控制及科學偵查為主要功能），改革者堅信，只有這樣才能使警察獲得改善，並且防止警察陷入違法的作為(Kelling, 1987)。

毫無疑問的，當時需要採行嚴峻措施以改善警察，並去除普遍存在於警察內部的貪污和腐敗。不幸的在過程中，由於警察是集權式的體制，使得警察提供市民廣泛社會服務的社區導向(community-oriented)功能喪失其優先的地位。比起提供居民社區服務，管制警察顯得更為重要。這個模式的中心，就是強而有力且權威十足的警察局長(Couper, 1983)。權威型的警察領導模式是非常吸引人的，它具有階級性、單一性、及可預知性。此種領導模式所產生的問題，乃在於它忽略了我們對於人和人的行為所瞭解的任何事情。

在《領導者效能訓練》(*Leader Effectiveness Training*)一書中，戈登(Gordon, 1977)描述了當人們受到握有職權之人運用權力迫使其服從時的反應。有些人的反應是減少在組織中的上行溝通；其他人則會處於敵對的狀態，或是反抗甚至推翻迫使他們服從的人。領導者使用脅迫力量後，他通常得付出員工對他的疏離、壓力、甚至無法影響員工的代價。此外，假若領導者以脅迫的力量使他人服從的話，那麼當他下達命令後，就必須花費許多時間去監督受命者服從。對於脅迫力量的使用，組織也得付出代價，因為這將產生劣質的決策，這種情況的發生是導致於員工會保留許多訊息，而這些訊息可能對高品質的決策是必需的。

為什麼公、民營部門的領導者不願意啓用新的領導作為，將組織內潛在的人力資源做有效的運用呢？簡單地說，這麼做比較安全。權威式的領導型態並不鼓勵創新和冒險，這種型態對於甚至是誠實的錯誤也無法忍受，也不給予嘗試留有太多的空間，現有組織結構－官僚體系－的吸引力和舒適感是令人無法抵抗的。彼得斯和奧斯汀(Peters & Austin, 1985)在《追求卓越》(*A Passion for Excellence*)一書中曾對此現象做過討論，他們認為權威型組織中的階級性和單一性幾乎是一種令人無法抵抗的誘惑。然而它不僅違背了個人自由的原則，也抑制了個人創造力的發展，就是這些原因遂使得今日的企業界倍加批評昔日的領導模式。

在《再創造公司》(*Reinventing the Corporation*)一書中，奈斯比特及奧伯汀二人對於未來組織的特徵做了若干的預測，這些特徵似乎與昔日和今日的組織有很大的不同。

1. 能夠提供人員發展和成長機會的組織，自然會吸引優秀的人才。
2. 教練、老師、顧問等模式，是管理者的新角色。
3. 吾人正由權威管理型態轉換為網狀以人為主的管理。
4. 品質將成為組織中最主要的項目。
5. 直覺和創造力正挑戰「數字為主」的管理學院派哲學。
6. 大型組織正極力模仿小型組織所特有的積極和多產的管理特質

(Naisbitt & Auburdene, 1985)。

上述某些重要事項在今日已被提及，不過不幸的是，那些運用舊式領導的管理者大都並不接受這些事項，他們還是習慣於告訴別人該怎麼做，他們認為自己心中已有答案，同時也知道顧客的需求，但是事實上卻是他們的員工和顧客才知道確實的答案。這到底給警政管理留下什麼啓示？它告訴了警察管理者應當集合市民的需求，然後從其員警當中獲取解答；它也告訴了警察管理者應當把視線轉移到管理者的新角色上（教練和老師的角色），以開發員警的技能。

## 參、警政品質管理的準備：麥迪遜市的經驗

在警政上，改革過程是對品質服務的提供方式一種永不停止的尋求，此種警政策略融合了現今美國的品質與生產力運動，它對於下列三項重要領域給予大量的指導和注意：市民－顧客、員工、以及團隊工作的運用。提昇市民所定義之長程及全面性的滿足感，是警政品質管理的目的。

下文即為麥迪遜市警察局為實施警政品質管理所採取的準備作為：

### 一、員警諮詢委員會 OAC

員警諮詢委員會 (Officer's Advisory Council, 簡寫為 OAC) 的發展，協助了為警察局領導模式的主要改變鋪路。委員會的成員包括十二名由同儕推選出的員警代表，任期為兩年。當首度被推選出的成員在 1981 年聚集，管理階層認為他們過去大部份都是製造麻煩的人或不滿現狀的人，其中某些人更是與局長意見相左的人。然而，當委員會開始為組織和全體同仁效力，成員一改過去，反而更努力地謀求警察局的改善。

局長承諾定期會晤該委員會成員，尤其是當情況不平順的時候，這是使 OAC 產生效能的主要因素。局長把該委員會列為第一優先，並賦予該委員會某種程度的決策職權，若干時間後，麥迪遜市警察局已經賦予 OAC 職權在愈來愈多的組織事務上，諸如制服型式、武器種類、以及巡邏車的選擇等。OAC 由於發展了自己收集資料的能力，因而能夠運用問題解決的策略與途徑來提供有效的諫言，所以如今它在政策及程序上提供了重要的輸入。OAC 的成員至少每個月開會一次負責開發新構想，並以研究和有關資料來支持新構想的實現。他們知道如果他們把這一份工作做好，且能夠得

到支持他們的諫言的資料，那麼他們就可能可以見到這些諫言付諸實現。在1986年，OAC 經歷團隊建立的訓練，並且聘僱一位受過特殊訓練的警察同仁為會議擔任團隊促進者，之後，OAC 實驗性地嘗試在每一次會議上讓成員輪流擔任團隊領導者。為了有助於任務的導向以及團隊的流程，OAC 的成員在1985年決定選出一位任職一年的團隊領導者。如今他們的行動所反映出來的是，為達警察局全面品質改善的解決問題導向以及資料上的警覺(Couper & Lobitz, 1991)。

## 二、警察局未來委員會

麥迪遜市警察局在1984年組織了一個委員會，目的在注意時代的潮流，以及這些潮流未來會對警察局有何影響。這個委員會由一個多樣的團體所組成，成員必須在警察局至少有十五年以上的服務經驗，局長的用意是想要讓有歸屬感和興趣的成員參與警察局未來導向的決策。

為了銜接兩個重要的組織團體，一位OAC的成員被指派到未來委員會(Future Committee)服務。每月召開二至四次會議，一年之後，未來委員會發表了一份調查結果的概況報告，簡單來說，它做了三項主要的諫言：

1. 應更加接近我們的服務對象。
2. 更為善用有裨益的科技。
3. 改善和發展健康、良好的工作環境。

此份報告協助警察局瞭解了長期規劃的重要性，並把視線延伸至未來。每一年局長都運用這份報告來發起警察局重要的目標和方案，例如這份報告鼓舞了警察局的任務闡述、鄰里巡邏局、警察實驗區、以及外勤分散規劃等措施方案的發展。簡言之，考量未來使得警察局重新檢視它的組織結構、內部措施、以及組織發展的方向等(Couper & Lobitz, 1991)。

## 三、全市品質與生產力的努力

麥迪遜市的品質與生產力方案被稱為「QP」，背後推動QP的人是擔任與麥迪遜商業社區聯絡的市長助理，他曾被介紹與戴明以及其他品質專家一起共事過，他相信這些專家們的工作不僅可以解決企業界的問題，同樣也可以回答政府部門的問題。麥迪遜市警察局首次揭露「品質」的面紗是發生在局內一個幕僚單位想要探究在巡邏隊編組小夜班（通常是下午4-12時的值班）的可行性，其目的在於處理尖鋒時段的服務電話。韓特(Bill Hunter)是戴明的擁護者，也是威斯康辛州立大學的統計學教授，他幫助該單位完成了此工作。此事件的重點在於該單位強調收集資料以支持其所提出的諫言，後來該單位就被稱為「戴明團體」(Deming Group)。諫言付諸實行可說是埋植的第一批種籽，而戴明的方法也被運用在警察局的總機單位之開發上(Couper & Lobitz, 1991)。

當市長參加了由戴明主辦的四天研討會之後，品質和生產力便成為全市優先採行的方法。而後，該市聘僱了一個外部顧問隊為主要的主管人員舉辦了首次的QP訓練，訓練長達十五天，訓練內容就是品質和生產力的新哲學。在此訓練中，共有五位警察局同仁參加，訓練課程包括團隊建立團體過程、促進者技術、以及資料的收集與運用等。

市政府鼓勵所轄機關向全市QP指導委員會提出品質計畫的示範，只要計畫被選中的機關會受到市政所提供的額外訓練及支助。當時，警察局的同仁正致力於為警察勤務策略的實驗而建立實地實驗室的構想，他們決定把自己的方案—「警察實驗區之發展實施方案」當作QP示範方案提出，而它是QP指導委員會所選中六個方案當中的一個。

一年之後，QP指導委員會及市長共同遴選了一位方案管理人，監督以新品質哲學改革市政的全市努力。首位方案管理人出身於獨特的背景：社區組織、企業管理、及管理顧問的背景，這使得該方案對員工和管理階層兼具特殊的敏感性。

警察局的主動態度和市長興趣間的平行發展，毫無疑問的是一個有力的結合。全市的努力對於警察局而言，是一項決定性的因素(Couper & Lobitz, 1991)。

#### 四、任務闡述

在實現未來委員會所提出之諫言，以及為改善警政品質，警察局在1986年秋天發展了一份獲得層峰管理人員之支持和共識的任務闡述。藉由任務闡述的建立，使得層峰管理人員對於社區導向、問題導向警政、以及對於員警和工作環境品質的注意，發展成更為強烈的驅策力。

任務闡述所扮演的角色，是集中焦點在組織的目的上、集中注意力在重要的事務上、以及訂定實務與價值結合的組織目標。任務闡述的發展使警察局能夠定義出自己的價值、以及所共同懷抱的理想(Couper & Lobitz, 1991)。

#### 五、鄰里巡邏局

在1985年，當未來報告(the Future Report, 由未來委員會所提出)提出後，以及在任務闡述完成後，警察局決定成立一個具有六個巡邏區的新單位，稱為鄰里巡邏局。此項作為乃是基於層峰人員對未來報告中諫言的一種反應，即「更加接近我們所服務的對象」。

鄰里巡邏警察構想的設計，是為了要克服警察以往運用輪班觀念來面對工作時間的問題。在一個特定的區域內，警察局交付一位警員「勢力範圍」(truf)以及解決問題的責任，並要求他成為社區的組織者、資源者及協調人，協助市民改善他們社區中的生活品質。鄰里巡邏警察在社區中的工作並非僅是執法而已，而是提供廣範的社會服務。

鄰里巡邏警察研發出下列的目標：

1. 增加社區對犯罪問題的瞭解，並促成以區域為基礎之犯罪預防措施的發展。
2. 確認轄區內所關切的事物和問題，並謀求解決策略。
3. 透過特別的計畫方案、會議、以及步巡員警於固定區域執勤等措施，以增加社區對於警政活動的投入。
4. 降低區域內的恐懼感，增加市民個別的安全感。
5. 減少區域內實質的或感覺上的犯罪活動量。
6. 警察服務的提供，是與社區需求及警察局政策一致的。
7. 適當地將警察局的服務傳達給需要服務的居民。

鄰里巡邏警察與健康看護體系頗為類似，鄰里巡邏警員就像是位家庭醫師一樣，警察局鼓勵市民運用他們鄰里的巡邏警員來提供長期的看護和幫助，當有緊急狀況發生時，警察局將派遣機動性的警力前往現場處理緊急的狀況(Couper & Lobitz, 1991)。

## 六、警察實驗區

在鄰里巡邏區域建立不久之後，若干警察局同仁決定要實驗他們對警政所抱懷的一些構想，因此他們需要一個實地實驗室來考驗那些新構想，局長啟動了此實驗室方案，並藉警察局的通訊月刊以最廣的層面來討論實地實驗室的觀念，同時也鼓勵員工開始思考如何做始能有效；此外，局長更請教同仁，「應該如何將警察局加以組織化以符合內部員警和外部顧客（市民）的需求」？以及「我們希望要有怎麼樣的工作環境」？和「何謂有效的警察局」等？此即警察實驗區(Experiment Police District, 簡寫EPD)

在1986年夏天，局長召集了一個會議來討論這些構想，警察局計有超過五十位的同仁參加了這次會議，經過討論之後，會議決定一個由同仁組成的小組(EPD 規劃小組)負責密集性的規劃事宜，以嘗試實現這些構想。隨後備忘錄被分送至每位同仁的手中，甄求有意成為建立實地實驗的規劃小組成員，有興趣參加的同仁經過面談後，選出了十位組成了EPD 的規劃小組。

規劃小組為新區域(實驗區)的大小、面積及資源需求設立了標準。他們獲得局長和上層管理人員的授權，享有六分之一警察局主要和輔助勤務資源的上限，這意謂EPD 可以分配到六分之一警察局的人力資源以及在全市六分之一大小的區域內運作。因此，有三十五位同仁被分派到EPD，區域面積有十平方英里，五萬居民。

當區域的選擇標準建立後，小組成員選擇了市區西南處的一個區域，並建立了EPD 同仁的工作任務，之後他們就專心負責管理和監督的問題。他們提出了一個問題：「我們應如何改善現行的監督管理制度，以期同仁有更佳的工作表現？」為求得較客觀的解答，EPD 小組對警察局全體同仁

實施一項「內部顧客」(internal customer)的調查。結果得到了同仁所喜好的十項管理監督模式：

1. 改善昇遷管道。
2. 在決策之前，請求同仁參與。
3. 改善監督的訓練。
4. 執行政策須符合程序上的規定。
5. 鼓勵監督者接聽無線電。
6. 准允員工考核其監督者。
7. 要求監督者每天應與員工接觸。
8. 減少層峰管理者的數目。
9. 發展有效的及雙向的溝通管道。
10. 警察局的政令應維持一致性。

調查的結果鼓勵了EPD 規劃小組思考是否可將這些員警所喜好的模式轉化在新管理方式的實務上。最後，把這些員警的建議合併在EPD 管理幹部(隊長、巡官、以及巡佐)的職責之中。

規劃小組研擬了一項遴選程序，讓EPD 員警得以選擇自己的管理者，該遴選程序也讓員警定期考核他們的管理者，並直接向上層管理者報告。在過去，局長總是會保留主管人員的任用權，而在1987年十月間，EPD 三十八位剛被挑選至實驗區服務的員警，選出了他們自己的管理人員。

當內部員警調查完成後，規劃小組接著進行「外部顧客」(external customers，指在新區域內居住或工作的人們)的調查。為了實施這項調查，規劃小組特別結合了四位市議員的力量(四位市議員的代表區皆在EPD 區域內)，EPD 規劃小組及市議員在透過許多次社區會議中說明EPD 的觀念以及實施的方法，並尋求社區的協助與支持。下面所述的是市民認為警察局應改善者，並依重要性由上而下排列：

1. 徒步巡邏。
2. 警車巡邏。
3. 社區教育。
4. 事件之後的接觸。
5. 反應時間。
6. 種族關係。
7. 警民關係。
8. 年長市民的關係。

市民也被問及對警察服務的滿意程度，其中市民對「服務態度」最好的前三項反應是：

- 有幫助。
- 公平和平等的待遇。
- 有知識。



在另一方面，最差的三項反應是：

- 電話請求服務的反應時間。
- 一般電話接觸。
- 解決問題的能力。

這些資訊提供警察局若干思考的動力，而下列的問題被詳細的探索：那些事情可以使區域內市民的滿意程度增加？吾人如何對市民的需求做最佳的反應？對於提供警察服務的方式，是否有比以往更理想的方式？如果有，是哪些方式？

在調查的反應中，有一點是可以清楚地瞭解：在麥迪遜市，徒步巡邏是最受市民期望的警察勤務(服務)。過去，警察只用一種方法來面對整個社區所有的問題，而不考慮社區內各鄰里的問題。如今，麥迪遜市警察局所採行的警政模式，是基於解決鄰里問題的基礎之上，而非全市問題之上。同時，解決途徑是一種適合的社區涉入策略(Couper & Lobitz, 1991)。

## 肆、警政品質管理：從理論到實務

當警察實驗區規劃小組與警察局共同針對調查結果資料(對警察局員警及市民所做的調查)進行分析不久之後，古柏局長及其幕僚便開始思索這些資料的涵意為何。

管理者開始思索如何將員警所建議的、以及在文獻中所看到的融入在實務當中，並著手討論如何實施這些新的「原則」。大約在同一時間，麥迪遜市QP(品質及生產力改善方案)指導委員會也開始研討如何制訂新的品質原則，委員會的成員彼此互問：關於新的領導模式，我們應該告訴警察局領導階層什麼事？我們向他們請教了什麼事情？他們的工作有無不同？他們需要何種的訓練和幫助？這個討論使得警察局長草擬一份稱為「品質領導」的文件，此文件陳述了局長認為能夠反映新管理模式之實務的主要原則。在與市指導委員會及警察局上層管理人員做了更進一步的討論之後，局長替局內的監督者及管理者研發出了一套共十二項的原則，稱為「品質領導的原則」。

這十二項原則善用了「領導」的名詞，而非管理，因為古柏認為領導具有積極的意義，它意謂著捲起你的衣袖，致力於改善員警認為需要改善之處以幫助他獲得成功。領導，就是要起而力行，就是對現有的制度做持續性的改善，就是帶有創造性質的工作。相反地，「管理」這個名詞似乎帶有較少的主動積極意味，它意指的是：毫無問題的監督系統、坐在辦公桌後、以及一種對工作「不干涉」(hands-off)的態度，它涉及檢查與控制的系統。管理，並非創造性質的工作，它可以藉由電腦的輔助而輕易地被完成。

## 一、將理論融入實務中

一般人認為，唯有在改革的價值與需要相結合時，改革才會發生。麥市警局的領導者相信改革的價值在於—今日文獻中所獲得的重要觀念以及警察員工們所喜好的領導行為，他們也相信改革的必要性在於—市民的喜好與期望，而市民在社區的安全與生活品質皆有賴於警察勤務功能的發揮。

警察局計畫的第一步是創造一種對未來的構想 (vision): 我們的目的是哪? 其次，上層管理人員會問道：我們如何到那兒? 我們需要什麼資源? 當我們有所進展時，我們如何知道它? 最後，當我們持續有所改善時，我們怎麼知道它?

警察局的管理人員依循下列的步驟來實現他們的計畫(Couper & Lobitz, 1991):

1. 他們仔細聆聽他們的顧客—員警和市民的意見。
2. 他們修飾領導風格以面對顧客的需求。
3. 他們以新方法來訓練警察局上下各階層的員工。
4. 他們賦予管理及監督人員權力(empowered)、訓練和能力，使其成為品質領導者。
5. 他們會對組織的品質擁護者予以拔擢、褒獎，並賦予重任。
6. 他們訂定長程計劃；他們勇於冒險，並讓同仁見到他們持續地實行他們所做過的宣示。

在建立品質領導原則以及詳細說明管理人員所依循的價值和哲學之後，局長為巡官及巡佐的工作團體舉行了若干次以品質領導為主題的研討會，他詢問他們希望從局長處及上層管理處獲得什麼，以有效地實行品質領導。警察局的巡佐和巡官，有的是以個別的方式，有的是以集體的方式，向局長報告他們支持局長對改革領導模式所做的努力，不過為了達到改革的目的，他們對於警察局的上層管理人員有下列的請求(Couper & Lobitz, 1991):

1. 全面的 support。
2. 言行一致的承諾(實行自己所做過的宣示)。
3. 這些原則的品質訓練。
4. 誠實的回饋。
5. 彈性。
6. 決策和冒險的自由。
7. 學習此種領導模式的時間。
8. 對誠實錯誤的忍耐。
9. 耐心。

事實上，他們對於實行品質領導所需要的東西，就是品質領導模式和哲學的一部份。同樣的，局長也為基層員警舉行了研討會，目的在描繪出

品質領導的輪廓，以及說明品質領導如何能夠給予他們在工作上的幫助，而局長也告訴他們警察局在此種新模式的運作下，可以產生較佳的工作決策，可以改善工作氣氛，更可以藉由其顧客導向的結果，增加民衆對於警察的支持。最後，基層的員警也支持了品質領導的實行，同時他們也表達出與巡佐和巡官相類似的需求。在這一點上，局長不僅獲得了第一線監督者和中層管理者的支持，更獲得了基層員警的支持。

此時，局長才與管理團隊將品質領導的原則定案，而且他認為他已經獲得同意去改革警察局的領導模式。

另一個警察局所面臨的是晉昇與品質領導的問題。昇遷是組織生機的根源，具有重大的影響力，獲得拔擢的人會比管理階層發出更有力的訊息。因此，警察局的命令以及層峰管理人員的價值觀可以藉由昇遷政策在組織中散發出有力的訊息，而且昇遷決策也會透過被拔擢的人而造成組織受到長久的影響，警察局的員警看到局長致力於品質領導的實行，非常期望他會在昇遷的問題上做出有力的證明和行動。在1987年三月面對全體員警所發表的備忘錄中，局長確實做出了有力的表現和行動。

除了訓練之外，昇遷政策的更新可以說是警察局以新哲學運作的頭項努力。之後，被拔擢的同仁皆是強力支持品質領導、同輩團體中的領導者、以及希望採行品質領導模式的人員，其中若干人在過去是不可能被拔擢的。如今，警察局擁有了新領導者的中堅幹部來協助改革的進行。

## 二、訓練和教育

要將討論付諸行動的重要步驟之一就是訓練。訓練必須要經過妥善的規劃，並且能夠滿足員工最高標準的品質(Couper & Lobitz, 1991)。組織訓練服務的顧客就是員工，假若領導者在意他們的顧客—員工，那麼員工就會在意他們的顧客—市民，因為領導者之於員工，就相當於員工之於市民，所以領導者應做為員工行為上的模範。在1987年初，麥迪遜市警察局的管理團隊完成了為期七日的品質與生產力／品質領導的訓練。

這個訓練是由跨部門的訓練小組所執行的，該小組的成員是：警察局的指導員、負責市品質與生產力運動的行政官員、市社區服務處的主任、以及一位任職州政府並曾經在工作上實施過品質改善的主管人員。訓練的內容包含了下面的主題(Couper & Lobitz, 1991)：

1. 品質與生產力原理概論。
2. 系統思考。
3. 領導系統：思考與規劃。
4. 有效團體的運作。
5. 人際關係技巧。
6. 社區組織技能。
7. 資料代表化與圖示化。

### 8. 統計的本質與變異性。

在該年秋季之前，警察局所有的巡官皆完成了六天的類似訓練，而在每天最後一個小時的訓練課程，局長會回答受訓者所提的問題，並表達關切之意，此構想主要是局長想藉由塑造他所認為新領導者的角色，來銜接理論與實務的間隙。

巡官訓練之後接著有三次為巡佐所舉辦的六天研討會。局長再次參加了每天最後一小時的訓練，與受訓者討論自己的期望以及說明實務的運作。

在1988年一月之前，警察局共訓練了六十位的警察監督人員和管理人員，共舉行三十一天的訓練。隨後，警察局開始為所有的基層員警、行政人員、以及各級幹部實施品質改善的訓練，警察局設計了一項為期三天的訓練課程，內容涵蓋了系統思考、團體技巧、人際關係技巧、以及品質領導。在訓練最後一天的閉幕時，局長和副局長皆到場回答問題並澄清某些品質領導的原則。在局長抵達之前，受訓者先行整理所要發問的問題，並把問題依重要性排列了順序，所提出的問題大多是公正的、直接的，也有若干是尖銳的，這些問題對於訓練的過程以及局長實行品質改善和品質領導的需求提供了重要的回饋訊息。為了達到言行一致的目的，參與者在每天受訓後皆被要求提出文字評估報告，以確認教學不足之處，此評估報告提供訓練執行者立即的回饋訊息，使他們瞭解訓練被接受的情形。有些資深的巡佐和巡官認為這是在他們的工作生涯中所受過最佳的訓練。對於訓練而言，從資深員警處很少獲得這般的讚賞，局長和訓練人員的努力終於有了代價。在1989年春天，可謂完成了一大步，所有基層員警、行政人員、以及各級幹部共380人均接受了品質改善和品質領導的訓練，而且所有的基層員警對於品質運動的理論和意義均有透澈的瞭解，並且非常支持此運動(Couper & Lobitz, 1991)。

### 三、品質協調者

假若局長想要對於改善過程給予適當的注意，顯然他需要協助以保持適當的注意焦點以及警察局的必要動力。因此，局長設立了一個品質協調人員的職位。品質協調人員的角色就是藉由推動品質領導及在組織中建立品質改善的文化，以協助局長及其他人實現局長的構想。首任的品質協調員是一位有三年資歷的三十四歲警察，她提出申請的同時也被選中參加麥市十五天的團隊領導者及協助者的訓練課程。之後他又成為警察局EPD 規劃小組的協助者，她擁有社會工作的研究所文憑，並曾在大學任教，在統計學及研究方法方面有很強的背景，在進入警界之前，她的經驗是社區組織及組織發展(Couper & Lobitz, 1991)。

若將每天來自四面八方的需求都加諸局長身上，那麼局長就很難給予新方案足夠的注意，而讓遍及組織的改革自生自滅。然而此缺陷，是造成

改革失敗的主因之一，局長若不是對於改革的過程沒有花費足夠的時間和精力，要不然就是讓自己過度疲倦，改革的功能終將衰退。而大多數的員警對於那些曇花一現的新方案數目已經太清楚了，所以也不能責備他們懷疑他們領導者訂定長期規畫的能力。他們通常會以應付了事的態度來看待新方案，這就是為什麼必須不能陷入衝動、短視、不在乎、以及缺乏焦點的舊習的原因。當局長扮演實施者的重要角色時，品質協調員便可以協助局長，品質協調員在組織中是一位品質擁護者，由於具有老師及指導員的角色功能，因此品質協調員也是警察局與訓練者、規劃者、及組織管理者的聯絡人，同時也是警察局與其他市企圖實施品質改革運動的警察局聯絡人。根本上，品質協調員的最終工作目標就是確保組織在整個品質改善的過程中，投入了改革的努力。

#### 四、顧客調查

對於警政工作而言，持續的調查研究是不可或缺的。若無調查結果的顯示，警察機關如何知道政策執行的成果？警察局為瞭解自己的情況，已經發覺有必要從顧客處—市民—獲得定期的回饋訊息。在1987年一月和二月間經過若干次的預測之後，每週就將調查表(附回郵信封並已註明回寄地址)寄發給警察局案件號碼每第五十之案件的有關人員，有關人員包括受害者、證人、原告、以及被逮捕者。警察局平均每年大約簽發出100,000案件號碼，這代表每月大約要寄發出160份調查表，回收率大約是35%-40%，該調查是請市民評定他們對警察服務的滿意程度，從差勁(1)到優良(5)，評定共有七項，如下所列：

1. 關心度。
2. 有助益。
3. 知識程度。
4. 服務品質。
5. 解決問題。
6. 讓你保持輕鬆。
7. 專業行爲(Couper & Lobitz, 1991)。

其中有一道開放性的問題問道：我們如何改善？調查也同時問及受訪者的年齡、種族、性別、以及收入程度。在回收的問卷中，大約有25%對於此改善問題提供了回饋的訊息。

局長閱讀了每一份回收的調查表，每一次調查的結果也定期的發表在警察局通訊月刊上，以提供員警回饋的訊息，並將市民有關改善正面和負面的評論整理做成摘要，通訊月刊上也提供了七個項目滿意程度的統計結果，並提供受訪者的背景資料，以及將滿意度與受訪者背景資料(年齡、種族、收入及性別)之間的關係加以表格化。

警察局的員警對於回收的調查表可以自行查看，同時警察局的政策也明示不會因為調查的結果而對於有關的內部同仁予以行政上的處分，因為這並非調查的目的。而且由於問卷是經過編碼的，因此無法辨認出涉入的事件與當事人。

## 五、外部的教練與良師

另外一個警察局所採用的方法，是聘請警察局外部的「教練」來協助局長及其幕僚實施品質領導。外部教練可以比內部人員更為客觀和正直地表達有關局長實施過程、改善程度、以及人際間關係效能上的意見。而擔任警察局的外部教練就是麥市社區服務局的主任，她不僅是QP方案的管理人員，並且在團隊和人際關係技巧上擁有很強的背景，她與局長定期見面，對於局長的作為提供一位「局外人」的看法與回饋。

聘用外部教練對於兩個市府部門之間的合作與團隊工作而言，可謂是一項重要的示範。由於警察局開始把它的經驗與其他的市府部門分享，並幫助他們實施品質改善，它幫助發展了一項讓人們透過組織連線得以分享觀念、利益和經驗的全面性政府品質網路(Couper & Lobitz, 1991)。

## 六、遊走式的管理

領導風格應當可以輕易的被組織成員看到，但是一旦領導者把大量時間花在幕後工作上，那麼他們本身便無法被適當地看到。警察局發現遊走式的管理(managing by wandering around, MBWA)是一項有效且簡單的管理技巧。管理者應該出現在組織的工作場所，並且能夠被同仁見到—包括夜間勤務的現場，一方面協助部屬工作的進行，一方面詢問問題，如此他們才能清楚地瞭解到他們的部屬到底可從他們那獲得什麼需求以完成高品質工作，同時這也可以讓部屬知道他們對工作的品質的關切，以及他們正積極尋求改善情況及過程的方法。員警必須藉著與他們的領導者見面和交談而瞭解到領導者有追求卓越的積極態度，並清晰的看到領導者的工作就是幫助員警。

對於大多數的警察工作而言，MBWA就是走出辦公室到「街上」來。因為大部份的警察事務需要與民衆直接接觸而在街上完成，這是警察工作的基本，領導者必須要曉得到底是誰直接接受了服務，或者是誰從他們的工作當中獲得了利益。

在推動品質管理的期間，局長(工作時通常穿著制服)花了一個星期在街上，並利用無線電與正在執夜勤的員警通話，從那時之後，他更花費了一個月(通常在七月)的時間出現在警察局各單位的勤務現場，包括深夜勤(Couper & Lobitz, 1991)。

## 七、領導的查驗

在1988年六月，由巡官及三隊的巡佐共同實施了一天的「查驗」工作，查驗的目的在於評估團隊重組的功能以及警察局實施品質領導的情況如何。局長和新任的副局長要他們提出一些有關品質領導的成功事蹟及確認實施的障礙、他們對局長的需求以期成為更有效的品質領導者、和他們需要何種訓練以協助改善他們的技能。

局長和副局長花了一整天分別與每組的查驗人員面談，他們的主要目的乃在於聆聽這些領導者的意見以及檢視整個警察局改革進行得如何，這提供了他們珍貴的資訊，使他們得以洞察改善過程的需求為何(Couper & Lobitz, 1991)。

## 伍、結 論

如今，在警察實驗區實施改革兩年後，實驗區顯示區內同仁的工作環境品質已有改善，同時對於顧客－市民－所提供的服務也獲得改善。在針對EPD 內工作同仁所實施的一項內部調查中，顯示了若干正面的發現(Couper & Lobitz, 1991)：

1. 與以往的工作比較起來，EPD 有超過60% 的員警相信他們目前已更有效的解決了犯罪問題。
2. 與以往的工作比較起來，EPD 有超過80% 的員警認為他們有較高度的工作滿足感。
3. EPD 有超過75% 的員警相信有必要使刑警也以散在式的方式分派至各地區工作。
4. 員警選擇在EPD 工作的五大因素是
  - (1) 較支持員工的管理模式。
  - (2) 較不僵化的組織結構。
  - (3) 對於決策的過程有較多的參與。
  - (4) 較多的自主性。
  - (5) 具有團隊的氣氛。

從麥迪遜市警察局的經驗中，可得知下列導致組織變革成功的重要條件：

1. 對於努力的方向有明確的構想。
2. 從決策階層獲得了堅定不移的認同。
3. 賦予員警權力，並准予他們參與組織的指揮監督和決策的制訂。
4. 發展領導者及員警的技能，並使他們不斷地獲得訓練。
5. 靠著毅力和耐性，長期地來經營及改革組織。

對於變革造成的轉型，領導者必須要有效地回答所有各階層員警可能會問到的問題：變革與我何干？假若員警無法從領導者身上獲得滿意的答案，那麼變革成功的機會便等於零。

到目前為止，麥迪遜市警察局顯示出基層員警對此問題比上層管理人員獲得了更為滿意的答案。筆者認為這些變革會產生以下的結果：

1. 員警得以成長、充滿活力，自我價值感增加。
2. 更理想的工作決策。
3. 工作環境的改善。
4. 從社區獲得更多的支持。

警察局相信大多數的基層員警皆已經看見了品質領導可以使他們的工作環境與工作本質獲得改善，並提昇社會大眾的支持程度。警察局的巡佐和巡官也看見了改善他們工作的契機，特別是他們在層級結構中對上與對下之間的關係；由於上層管理已經承諾過要授予巡官更多的決策權，此承諾因此使得巡官有機會成為他們部屬的教練及協助者，這是他們所冀望擔任的角色。而巡官同仁也相信這些變革會使得他們在工作上做出比以前更多的決策。

同時，筆者也認為層峰管理人員追求品質領導的最佳「自我利益」，是他們可以制訂更高品質的決策，這是因為他們的部屬提供了更多和更佳的訊息給他們。而且，對於員警曾投入或參與的組織重大決策，將會有愈來愈多的擁護者與員警的支持。同時，由於透過團隊工作來完成任務，以及員警願意提供改善所需的全面性的資訊給管理者。警察局的管理與運作不需要像以往那樣的費勁。過去花費了許多的時間在督導工作、查核部屬、以及運用脅迫力量把工作完成，這些努力並不會在工作環境中培養和諧與合作的氣氛，相反的，他們只會導致層峰管理人員在對和諧與合作缺乏支持的氣氛中，花費無盡的努力去嘗試追求工作的和諧與合作。

層峰管理人員從以往命令和控制員警的模式轉換為幫助員警成長並賦予他們力量，層峰管理人員終將會發覺個人的滿足感提昇了許多，他們將擁有更多的時間去規劃和領導組織。

在麥迪遜市所進行之大規模的組織轉型唯有靠長期性的努力不為功，筆者對此一再的強調，那是因為一般人較趨於短視，對於問題的解決方法都希望有立竿見影的效果，所以一有失敗，幾乎總是很快就放棄。警政的改革就是考驗人們的毅力，它需要時間、注意力、耐心及毅力。



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## **Interest Representation in Vietnam: The Relationship between the Party and Mass Organization**

by

**Yeonsik Jeong \***

### **摘 要**

越南經濟自由化不可避免造成戲劇性的社經環境變化。無數私人社經團體勃興，在市場經濟的邏輯下，它們嘗試著擴大其利益。問題是：共產黨到底有何能力去吸納並協調這些相互衝突的團體利益。本論文認為越共對於環境的變化相當有調適的能力，並且使用組合主義的方式來與群眾組織建立連繫。

**Key words:** Vietnam, interest group, Vietnamese Communist Party, Corporatism

**關鍵詞：**越南、利益團體、越南共產黨、組合主義

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\* Ph. D. Candidate, Dept. of Government and International Studies, University of South Carolina,  
Columbia, SC 29208, U.S.A.

## **THE SOCIAL CONSEQUENCES OF DOI MOI**

Since the Sixth Party Congress of the Vietnamese Communist Party (December 1986) decided to spur economic reform by the introduction of a market system, Vietnam has experienced dramatic changes in its socio-economic environment. One of the most conspicuous changes is the proliferation of private sectors in industry, commerce, and agriculture. The number of private businesses has soared since the National Assembly passed private-enterprise and company laws in April 1991. By January 1993, 4,403 private firms had applied for licences (Far Eastern Economic Review [hereafter FEER], 31 March 1994: p. 63.) According to official statistics, three million workers (two-thirds of the total industrial work-force) were employed in private sectors in 1991, which accounted for three fifths of GDP by the end of 1992 (FEER, 31 March 1994: p. 63). In the area of greater Ho Chi Minh city alone, there were reportedly 722 private enterprises by the end of 1992, which contributed 60 percent of the total industrial output in 1992 (Indochina Chronology [hereafter IC], 12, 3, 1993: p. 3.) Even in public enterprises, the state agencies are now not allowed to "interfere in the daily operations of the enterprises which are to be decided by the congress of workers." (Vo, 1990: p. 200) The contribution of private enterprises in trade and services is also remarkable. It is estimated that they account for more than 70 percent of domestic trade and 60 percent of transport services (FEER, 31 March 1994: p. 63).

Agriculture was the outright beneficiary of the reform. According to the 1990 census, 25 million people are in the agricultural work force (IC, 10, 2, 1991: p. 5), and most of them now work on an individual contract basis. Since the end of 1988, peasant households are the units of production, whereas "the role of agricultural cooperatives is limited to economic planning and organizing technical services for peasant households." (Vo, 1990: p. 192) Surplus over quota is completely at an individual farmer's disposal. According to the Law on Land passed by the National Assembly in July 1993 (third session of ninth assembly), the state-owned land can be leased to

farmers and "can be transferred, subleased, inherited or used as collateral for bank loans." (IC, 12, 3, 1993: p. 4) Thanks to these incentives, private farmers now produce more than 90 percent of farm output (FEER, 31 March 1994: p. 63).

These changes in the economic structure mean that no longer is the absolute majority of the population state employees or collective farm members, and that consequently more and more socio-economic groups will emerge formally and informally in pursuit of private interests. For instance, the Industrialist Association of Ho Chi Minh City was formed by well-known local entrepreneurs in March 1989 (IC, 8, 1, 1989: p. 7). It was reported that by 1990, there were 124 nationwide and 300 provincial socio-economic associations (IC, 9, 2, 1990: p. 8). Organizational purpose of socio-economic associations is to achieve efficiently a set of goals that would benefit the members. A case that clearly demonstrates that Vietnam is not an exception from this organizational principle is the peasant protest in 1988. James C. Scott (1976) once observed that Vietnamese peasants tend to remain politically passive unless their standard of "moral economy," i.e., subsistence, is violated. However, the fact that it is the first organized demonstration of the peasants in the history of SRV seems to suggest either that the standard of moral economy in Vietnam might have changed or that Samuel Popkin's (1979) account of Vietnamese peasants as rational economic actor is more relevant to the current situation. One might argue that the Vietnamese peasants have been politicized by the VCP, so that they now clearly identify what their "objective interest" is. If this is the case, it would not be really irrelevant to apply the model of interest group politics to Vietnamese political system.

If we assume that the Vietnamese political system is adaptive, it would have a new political mechanism that is, in whatever fashion, able to mediate conflicting interests of these various socio-economic groups. Conceptually, of course with variations in practice, there are three pure types of interest representation system: communist, pluralist, and corporatist. The VCP, at least in theory, had been able to represent the interests of the whole population. But the situation has completely changed. Having ceased to be a genuinely communist country, Vietnam seems to stand at a crossroads where it has to choose a pluralist or a corporatist model. But Party leaders have cautiously tried to prevent the Party as the sole interest representation

structure from being officially challenged and replaced by any other type of interest representation. On many occasions, Party leaders emphasized the principle of party dictatorship. For instance, Nguyen Van Linh at a PAVN general's conference asserted that "the Party intends to purge all members who advocate a multi-party system for Vietnam or endorse any form of political pluralism." (IC, 9, 3, 1990: p. 12) Do Muoi's address at the National Assembly in September 1992 emphasized that "Vietnam should retain one-party system of government." (IC, 11, 3, 1992: p. 7) This iron principle is riveted in the revised Constitution that guarantees the VCP's monopoly of political power.<sup>1</sup> Although a monopoly of political power can coexist with pluralism such as in the case of Singapore, it is clear that leaders in Hanoi consider them conceptually incompatible.

This discrepancy between the political structure and economic structure has led some observers inside and outside Vietnam to believe that Vietnam will face a system crisis unless political democratization occurs in parallel with economic liberalization.<sup>2</sup> As Brantly Womack (1992a) observe observes, "the same societal forces that exploded in European communism are fermenting" in Vietnam. Indeed, this strategy of open economy and closed politics is an extremely difficult one that requires skillful manipulation of political forces and huge amount of resources including repressive measures. But neither plural democracy nor political chaos may necessarily be the next step for Vietnam. Womack (1992b) is correct in pointing out that Vietnam is different from East European countries in terms of the level and rate of economic development, the international environment, political culture, and the strength of the communist party. According to Huntington (1968), regime stability depends on the extent that the institutionalization of political system absorbs the demands of participation. Institutionalization does not refer to any specific formal structure, and thus does not necessarily have to be a pluralist democracy.

Rather, what one-party dominant states in the Third World have usually adopted seem to be bureaucratic pluralism and state corporatism. Bureaucratic pluralism refers to a political system in which pluralism is institutionalized within the bureaucracy. In such a case, bureaucrats constitute the channel of interest representation in lieu of political parties, and the government itself becomes bargaining process in place of

parliament (Emmerson, 1983: pp. 1220-41). State corporatism roughly refers to a political system in which a single state-licensed or state-created organisation monopolizes the interest representation of each functional group. A primary function of such an organization is to control its members by providing a sense of participation while reducing and filtering the demands of its members (Schmitter, 1974: pp. 89-131).

Two points should be made clear. First, these two concepts are not mutually exclusive. It seems conceptually possible for a political system to have both kinds of interest representation mechanisms as when a corporatist organization has its own agents within the bureaucracy. Second, this paper has no intention to advocate either bureaucratic pluralism or state corporatism instead of democratic pluralism. What is often neglected in Huntington's equilibrium-oriented, conservative theory is his somewhat teleological, evolutionary notion that institutionalization is so incessant a process that all political systems, no matter how well institutionalized at a given moment, would eventually move toward a two-party pluralist system. As the economy grows, so does the society become complex. As the histories of Spain, Portugal, Japan, South Korea and Taiwan show, there seems to be a certain limit in the adaptability of bureaucratic pluralism and of state corporatism to the demands of developed economy and complex society. Given that the Vietnamese leaders, both reformists and conservatives, hold steadfast to the principle of party dictatorship, it would be more plausible to look for a likely course of political development rather than to prescribe an ideal.

Faced with the dilemma of maintaining the political status quo, while at the same time continuing economic liberalization, Vietnamese leaders therefore have to incorporate pluralism into the Party and government and/or to mobilize socio-economic groups under the state control. The transition from the purely Leninist system, in either direction, requires changes in the internal structure and functions of the Party and government. In Almond and Powell's parlance (1966), the VCP has to accomplish "structural differentiation" and diversify its functions in order to maintain the form of party dictatorship. Such a structural-functional transformation of the Party depends on its "adaptability" which in turn depends on its flexibility and the leaders' willingness to bring changes into the Party. In order to survive those challenges of the

rapidly changing society, in Huntington's term, the VCP must be able to "institutionalize" itself in a different way than it is already institutionalized.

The objective of this paper is to examine whether the VCP will be able to adapt to the rapidly changing society, and to what extent it is institutionalized, and finally what kind of interest representation system it has established or is likely to establish. For these purposes, the first section will briefly review the functionalist theory of Almond and Powell and the institutionalization theory of Huntington. In the second section, I will apply these theories to Vietnam in an attempt to see to what extent the VCP is adaptable and institutionalized. Based on the evidence presented in section two, the final section will try to examine and predict what kind of interest representation system is likely to be developed in Vietnam.

## **SYSTEM ADAPTABILITY**

According to Almond and Powell (1966), the "conversion process" of any political system regardless of differences in formal structures includes interest articulation, interest aggregation, and communication which are preparatory steps for legislation, administration, and adjudication. Through this process, inputs of demands and supports are transformed into policy outcomes. A distinctive merit of this functionalist paradigm is that it enables us to have a holistic view of a given political system. In order to come to grips with a state and society relationship, it is necessary to follow the whole process from the formation of demands to policy responses. However, most of the comparative studies on communist political systems, especially on Vietnam, have been focused only upon the final stage of the conversion process. This lack of attention to the initial stage--i.e., interest articulation, interest aggregation, and communication--is due partly to the lack of information and partly to the state-oriented perspective. The state-oriented approach is theoretically based on the presupposition that society plays little political role in communist political systems. Even if it is true, it is no longer appropriate for the analysis of current Vietnamese politics. For the unprecedented degree of economic liberalization since 1986 has brought tremendous changes to Vietnamese society. Therefore, it is now necessary to



know how interests are articulated, aggregated, and presented to the government in Vietnam.

But this suggestion is based on the assumption that the Vietnamese political system is responsive or adaptable to changing environments, and thus has developed its conversion process to cope with the changing society. Hence we need to examine this assumption before we attempt to analyze the (new) interest representation system in Vietnam. According to Almond and Powell (1966: p. 22), system responsiveness or adaptability can be measured in terms of "structural differentiation." By "differentiation" they mean "the processes whereby roles change and become more specialized or more autonomous or whereby new types of roles are established or new structures and subsystems emerge or created." In this perspective, I will examine in the next section structural changes in the Vietnamese political system.

We can also measure the system responsiveness or adaptability to changing environments in terms of "institutionalization." Political stability, according to Huntington, depends on the extent that the institutionalization of political system absorbs demands for participation. The criteria that Huntington provides for measuring the degree of institutionalization of a political system are "the adaptability, complexity, autonomy, and coherence of its organizations and procedures."

Adaptability, as opposed to rigidity, of an organization can be measured by its age, which in turn can be measured by the length of existence, generational age, and functional change.<sup>3</sup> All these three criteria refer to the organizational ability to survive changes in its environment. By the length of existence, Huntington means that "the longer an organization or procedure has been in existence, the higher the level of institutionalization." Generational age refers to the number of peaceful succession between leaders of different generations. And functional change means that an institutionalized organization has survived changes in its principal functions. Complexity corresponds roughly to what Almond and Powell call structural differentiation. According to Huntington, "the more complicated an organization is, the more highly institutionalized it is." Complexity can be measured by the number and variety of subunits. An autonomous organization is one that is free from pressures of particular social groups. By coherence, Huntington (1968: pp. 12-17) means that an

institutionalized organization is based upon "substantial consensus on the functional boundaries of the group and on the procedures for resolving disputes which come up within those boundaries."<sup>4</sup>

Yet one must be cautious when using these criteria. As Emerson (1986: p. 145) points out, structural "overcomplexity" may eventually "deinstitutionalize" a given political system by undermining its coherence and autonomy.<sup>5</sup> For example, a highly complex bureaucracy is more likely to face communication problem, and consequently lack of coordination and corruption. With this caveat in mind, we have to assess the degree of institutionalization in an overall context, not the sum of individual scores of each category.

## **INSTITUTIONALIZATION IN VIETNAM**

It has been acknowledged by some scholars that the Vietnamese leadership has been quite responsive to demands from below. Beresford (1988: p. 117) argues that the most important reason for the absence of widespread resistance to the Party rule in spite of many policy failures is that "the Party has been genuinely responsive to persistent pressure from below." A structural source of such responsiveness of the Party leadership seems to lie in the basic communication channel imbedded in the VCP structure. It is *chi bo* (local party cells) that has connected the grassroots members with the top leaders. The *chi bo* usually consists of from three to ten members, and splits into two when the number of members exceeds ten. The membership of the VCP is around 2.1 million since the end of 1989.

An example of the VCP's responsiveness is the quick response of the Party to the demand of the Vietnam Women's Union. When the Fifth Congress of VWU criticized the shortcomings in achieving emancipation of women, the government supported the establishment of a center for Women's Research (Beresford, 1988: pp. 122-23). However, it is doubtful that the existing structure is institutionalized enough to handle the rapidly increasing and diversifying demands of the society. In August 1988, for the first time in the history of SRV, there was an organized peasant demonstration demanding changes in land policy. The Politburo quickly responded to this

embarrassing case by issuing a directive on the problems that farmers raised (Vo, 1990: p. 191). Such sporadic incidents are of course different from prolonged protests of a certain interest group, and exists even in a highly developed pluralist society. Yet it made the Party leaders realize the necessity to develop its structure and functions, so as to meet the challenges from proliferating socio-economic groups.

### **i) Structural Differentiation and Complexity**

Since then, the Party has gone through a series of changes in its internal structure and its relationship with mass organizations. The most significant changes in the structural-functional aspect of the Vietnamese political system seem to be the "division of responsibility" (i.e. functional division) and the subsequently increased role of the government and the National Assembly vis-à-vis the Party. At the Fifth Plenum of Sixth Congress (June 1988), Secretary General Nguyen Van Linh gave a speech focused on the reorganization of party structure in order to expedite reform (IC, 7, 2, 1988: p. 7). One month later, a specific division of responsibilities among the Premier and the four vicepremiers initiated a series of steps leading to the reorganization of the government.<sup>6</sup> The Council of State announced in January 1992 that legislation to "reorganize the State bureaucracy" would be accomplished (IC, 11, 1, 1992: p. 6). In May 1992, the Ministry of Population and Family Planning was established (IC, 11, 2, 1992: p. 7). Finally, representative bodies including the National Assembly have gained more active roles. They convene more frequently and discussions are much more outspoken and critical. Press reports describe the closed sessions of the National Assembly in 1990 as "stormy, free wheeling and punctuated by delegates' spirited criticism." (IC, 9, 4, 1990: p. 8) Although the VCP maintains that such a functional division of labor should not be confused with the division of power in western democratic sense, in practice, however, it is clearly the case that the representative bodies and government would certainly gain more leverage.

### **ii) Autonomy**

It is widely acknowledged that there is a strong tradition in the VCP of collective leadership and consensual decision rule. According to Beresford, "political power

resides in the collectivity of the Political Bureau, that is, in the institution, and not with any individual or faction leader of that body." (Beresford, 1988: p. 88) Although there exists a factional struggle between reformists and neo-conservatives, the point of dispute between them is not on specific policies affecting interests groups, affiliated with each faction, but on the fundamental issue regarding the course of development. From all available information, it appears that the VCP is still very autonomous from socio-economic pressure groups.

### **iii) Organizational Coherence**

This criterion appears to be less satisfied by the VCP. There is a chronic problem of inconsistency in policy implementation. Hanoi has more often than not criticized the lack of enthusiasm among local cadres and officials to meet policy goals set by the VCP. As Duiker (1989) points out most cadres were trained amidst the wars against France and the United States, and thus lack managerial perspectives and skills. More importantly, the historical tripartite division of the country left the strong tradition of local particularism. There is a "structural dichotomy" whereby the center has had difficulty in controlling local units of the Party. Correct implementation of policies depends on "support and compliance from the localities, which usually continue to enjoy a high degree of autonomy." (Shultz & Le, 1993: p. 181) Many rank and file cadres seem to be preoccupied with advancing their personal interests. A series of purges and imprisonment of local cadres who failed to follow the Party line has not alleviated the problem of organizational incoherence. This clearly shows that it is not a matter of personnel management but a structural problem. Nevertheless, leaders in Hanoi painfully understand this problem, and continue their effort to enhance the organizational coherence of the Party and government.

### **iv) Age**

In his comparative assessment of institutionalization in Southeast Asia, Professor Emmerson places Vietnam at the middle of the spectrum. However, his analysis is not only a "sweeping, impressionistic, and summarized" one but also based on conceptual categories which are fairly misleading. Categories like the "year of de jure

independence" and the "year of present constitution" obscure VCP's durability (Emmerson, 1986: pp. 149- 55). The VCP was born long before the independence, and the main body of the party constitution has been intact. Since its birth in 1925, the VCP has survived many seemingly insurmountable challenges. For the last 69 years, it fought an anti-colonial war against France, built a socialist system in the north, engaged in the war against Goliath America, built a unified nation-state, and now is trying to develop the economy. This brief history of Vietnam clearly demonstrates that the VCP has successfully changed its basic functions according to changing environments. Furthermore, it has successfully accomplished leadership change, passing the power from the leaders of the revolutionary first generation to the next generation. As Beresford (1988: p. 88) observes, "Vietnam has an institutionalized system for transferring power from one generation to the next." It is also noteworthy that the power struggle between opposing factions is not a zero-sum game in Vietnam. The case in point is that when Do Muoi was elected in the National Assembly in 1988 for premiership, representing the ascendance of conservative camp, Vo Van Kiet, a reformist and acting premier at that time, retained his vice premiership in charge of economy.

It seems that the VCP more or less meets all the criteria of institutionalization except organizational coherence. Therefore, it seems now safe to assume that the VCP is very capable of adapting itself to changing environments. Then, the next question is what kind of systemic adjustment it would make to resolve the problems and challenges generated by the economic liberalization. What kind of interest representation system would the VCP establish? Will it incorporate pluralistic elements into the Party and state bureaucracy? Or will it rely on mass organizations under a state corporatist system? Indeed, this was the main topic of the Seventh Congress of the VCP held in March 1991 (IC, 10, 1, 1991: p. 8).

## **INSTITUTIONALIZATION OF STATE CORPORATISM**

Beresford (1988: p. 119) seems to suggest a model of bureaucratic pluralism as the preferred solution. She argues that "the Party serves as the main institutional means

for pulling together diverse sectional, regional and functional ranges of interests in society, provides a forum for the articulation of those interests and for the formation of alliances and compromises which determine policy outcomes at the central level." But her assertion is not supported by much evidence. She admits that "little is known about the actual relations between state and population or the mechanisms by which political interests can be expressed and translated into policy outcomes." (p. 77)

Contrary to Beresford's argument, it appears that the VCP leaders have deliberately chosen the strategy of state corporatism. Since 1988, the Party leaders have ostensibly engaged in creating new social organizations, or revitalizing and supporting other existing mass organizations. They have participated in the congresses of major organizations, and often delivered addresses, emphasizing the role of mass organizations. Mass organizations in a state corporatist system have a dual function. On the one hand, they implement state policies in their areas of responsibility, educating or indoctrinating their members, garnering support for the government, and containing demands of grievances within their structural boundaries. On the other hand, they are supposed to articulate the interests of their members and try to reflect them in state policies. The power or influence of a mass organization in terms of reflecting its interests on state policy depends on its loyalty to the state and the amount of support it creates.

This corporatist way of controlling the population is not a completely new idea in Vietnam. In fact, corporatism has always been an ingredient of communist strategy of controlling the society. Existing mass organizations in Vietnam have performed the dual function mentioned above. For example, the Vietnam Confederation of Trade Unions (VCTU) has been a very important channel through which the VCP collect the mass support for new policies. At the same time, it has to a certain extent exerted its influence in the decision making process. It is allowed by the Constitution to "take part in State affairs and supervise the work of State bodies and participate in the management of factories" (Article 10). Moreover, the president of the VCTU has a constitutional right to attend meetings of the Council of Ministers (Article 106) (Beresford, 1988: p. 104). But the trade unions remain weak vis-à-vis the government (p. 116).

However, not all Leninist systems should be considered corporatist. What distinguishes such a corporatist ingredient in communist systems from corporatism per se seem to be that in the case of the former, the number of mass organizations are very limited because private sectors are less developed in communist states; and that corporatist organizations in communist countries are often regarded as an auxiliary means to strengthen the direct party control of the population. Increase in the number and role of mass organizations, decrease in the scope of the communist party's direct involvement in society, and consequently increase in party's dependence on mass organization would differentiate a corporatist communist system from a genuine communist system with limited corporatist characteristics.

Viewed from this perspective, Vietnam appears to be moving toward a more corporatist mechanism in order to keep up with its rapidly diversifying society. First of all, it must be noted that since Nguyen Van Linh urged improved cadre performance in his speech at the Fifth Plenum, substantial numbers of "degenerate elements" have been either reeducated or expelled from the Party. Nhan Dan (People's Daily) reported that about 20 percent of all provincial/city Party officials, 21 percent of all factory directors and managers, and 18 percent of all institute directors would be replaced by the end of 1988 (IC, 7, 3, 1988: pp. 5-6). It was reported that 7,000 members in the first half of 1988 and 100,000 members in 1990 were expelled from the party, and 16,561 members were disciplined in 1991 (IC, 9, 4, 1990: p. 6; IC, 10, 3, 1991: p. 5). Despite its reduction in membership, the VCP has reduced the size of new recruitment. In 1988, it accepted about 2,824 new members which was only one-fifth of 1987. For three consecutive years from 1990, the total membership had decreased to 2.1 million organized into 41,300 chi bos ( IC, 12, 3, 1993: p. 8; IC, 11, 3, 1992: p. 7). Roughly one out of thirty-three Vietnamese people, or three percent of the total population, and one out of nineteen voters is VCP member. Compared to nine percent of the former Soviet Union and four percent of China, the Vietnamese ratio of party membership to total population is very low (Porter, 1993: p. 69).

One important reason for the decrease in the number of new recruits is that party membership is no longer attractive to the Vietnamese youths. Under the market economy system, political status ceased to be a lucrative source of income. Rather,

party cadres are suffering from low salary with which they can hardly maintain their subsistence. Developing countries typically put the burden of monetary control on bureaucrats, forcing them to rely on corruption. China seems unable to control the problem of corruption, in spite of the enormous effort to punish corrupted officials. Vietnam is no exception. As will be discussed below, the VCP has also unsuccessfully struggled to solve the problem of cadre corruption and misconduct. Therefore, there is no reason for smart young Vietnamese to take such a risky, unprofitable job as long as there exists ample opportunity to get rich in the market.

Nevertheless, the VCP does not seem to be really concerned with the decreased size of the party membership. The leaders appear to be more concerned with the "organizational coherence" by streamlining the ineffective party and government structures. At the Second Plenum of the Seventh Congress held in December 1991, Do Muoi emphasized the necessity of such an organizational transformation by saying that "state power is unified and indivisible (i.e. the Party monopolizes the political power) but division of work and responsibility must be clearly defined (i.e. administrative authority will be transferred to the government)." (IC, 10, 4, 1991: p. 8) But the reduction of rank and file cadres who used to link the state and society obviously requires a new mechanism with which the VCP can control the society. In addition, the Party influence at localities and branches has seriously been weakened by the economic reforms as the distribution system has been essentially changed (Shultz & Le, 1993: pp. 187-88).

We can observe that since 1988, the VCP has encouraged the revitalization of dormant mass organizations and tried to establish a communication channel between top leaders in Hanoi and those organizations. In March 1988, the first National Congress of Delegates of the Vietnam Peasant Association was convened in Hanoi, with 611 delegates representing 20 million peasants. It is noteworthy that Party secretary-general Nguyen Van Linh delivered a lengthy address on the importance of agriculture in Vietnam's economic development (IC, 7, 1, 1988: p. 8). That top party leaders were present at the "resurrection of this moribund front organization" indicates that the VCP recognized the significance of mass organizations in terms of social control. Since then, top Party figures have actively participated in congresses and



conferences of various new and old social organizations, and expressed governmental support. The Vietnamese Union of Science and Technology Associations of 200,000 members held a convention in May 1988 to follow a Central Committee directive that ordered its reorganization. Nguyen Van Linh was there, speaking the importance of science in the national development (IC, 7, 2: p. 5). The four-million member Vietnam Confederation of Trade Unions held its Sixth National Congress in October, which was basically "devoted to reports and discussion of the responsibilities of Vietnamese workers in overcoming Vietnam's economic difficulties." (IC, 7, 4, 1988: p. 4) In the following month, The Vietnam Fatherland Front convened its Third Congress which was also devoted to the discussion of VFF's role in mobilizing support for VCP programs and policies (IC, 7, 4, 1988: p. 5). The VFF deserves a special attention because it is the most broadly based mass organization, even though it is not a functional one. Founded in 1955 as the successor to the Lien Viet (League for National Union of Vietnam), it expanded its membership base in 1976 by absorbing the National Liberation Front for South Vietnam and the Alliance of National Democratic and Peace Forces. Organizations such as the VCTU, Peasants' Association, the Committee for Solidarity of Patriotic Vietnamese Catholics and the Vietnamese Buddhist Church are affiliated to the VFF. It serves as "a coordinator and liaison" between the VCP and its affiliated organizations (Beresfor, 1988: p. 121; Joiner, 1990: p. 1061).

The VCP continued in the following years to strengthen its corporatist relationship with mass organizations. Vo Nguyen Giap chaired a conference on education in August, in which 270 delegates representing 800,000 people in educational sector participated (IC, 8, 4, 1989: p. 5). When the Fifth Congress of the Vietnam Journalists Association was held in October, Prime Minister Do Muoi in his address emphasized the role of the press as "the Party's voice and the people's forum," and defined the media's chief task "to struggle against negativism" which includes anything against the Party line. In the same month, Do Muoi also attended the fourth Vietnam Writers' Association conference and requested that the members be "genuine writers" who "create appealing works that profoundly and correctly cultivate the ideas of the people." (IC, 8, 4, 1989: pp. 3-4)

In February 1990, the Council of Ministers authorized the founding of the Vietnam War Veterans Association in an effort to mobilize somewhat restive veterans. It was a successful cooptation of the Club of Former Resistance Fighters, whose demands for Party reforms had received both domestic and international attention (Joiner, 1990: p. 1062). Financial support was promised for the creation of subcommittees at the province, district, town and subward level. It was proclaimed that the basic objective of VWVA is to "safeguard gains of socialism and defeat the western strategy of erasing socialism." In response, the Ministry of National Defense promised to settle the issue of veterans benefit by 1992 at the latest (IC, 9, 1, 1990: p. 7). At the Eighth Plenum of the Sixth Party Congress (March 1990), cadres were urged to improve their mass mobilization efforts through the reconstruction of mass organizations, so as to motivate "all Vietnamese to continue to unquestionably accept the Party's monopolization of political power." (IC, 9, 2, 1990: p. 10) In his analysis of the Eighth Plenum, Charles Joiner argues that what Vietnamese leaders conceive of fully developed socialist democracy is a mechanism in which mass organizations "can serve as an outlet for members to let off steam and simultaneously be instructed in what the Party and state are doing for them and what they are expected to contribute in turn." (Joiner, 1990: pp. 1061-62) This idea is exactly what state corporatism is all about. Demands and criticisms can be contained within those organizations, while supports can be effectively collected through those organizations.

Right after the Plenum, Party Secretary General Nguyen Van Linh attended the Ho Chi Minh Communist Youth Union's fifth plenum held in April, and stressed "the need for the young to be loyal to the Party." (IC, 9, 2, 1990: p. 4) The Vietnam Fatherland Front convened its third Plenum in the same month and listened to Vo Chi Cong's address that called on the organization to increase efforts "to mobilize the general public in support of State and Party policies." (IC, 9, 2, 1990: p. 5) In December, Do Muoi addressed the Vietnam Federation of Physicians and Pharmacists, and Nguyen Van Linh addressed the Vietnam Traditional Medicine Practitioners (IC, 9, 4, 1990: p. 9).

The Party confirmed its support to the Committee for Solidarity of Patriotic Vietnamese Catholics in 1991 (IC, 10, 3, 1991: p. 4). Do Muoi in the same year made

a series of visits to "intelligentia meetings in Hanoi and Ho Chi Minh city in an effort to collect support and contribution of intellectuals (IC, 10, 4, 1991: p. 5). It is extremely important to note that Do Muoi was present at a Central Committee meeting of the VWVA and asked its leaders to work within the structure of the Fatherland Front complex (IC, 10, 4, 1991: 8), because such a meeting may form an informal communication channel outside the Party. Also it signifies that the Party recognized and sanctioned the role of the VFF as one main umbrella organization which can manage all important mass organizations on behalf of the Party.

"Numerous officials from Hanoi" went down to Ho Chi Minh city in May 1993 to attend the Sixth Congress of the Ho Chi Minh City Trade Union Federation, whose 500,000 members were grumbling about the "excessively low wages and poor working conditions." (IC, 12, 2, 1993: p. 6) In the same month, Party Secretary General Do Muoi attended the Eighth Congress of the Vietnam Lawyers Association and asked for help in creating a low-abiding state(IC, 12, 2, 1993: p. 7).

Meanwhile decisions intended to curb or oppress organizations that are not sanctioned by the state have been made as well. Politburo Directive 135, "Mass Movement Activity to safeguard National Security." issued in April, explicitly states that the VCP will not tolerate any organized political resistance that includes "those who organize to undermine political security, those who rally forces to oppose the lines and policies of the Party and state, those who try to recruit people to oppose socialism." (IC, 9, 2, 1990: p. 4) It can be understood that the Party will not tolerate any mass organization that operates outside the parameters set by the Party, and that therefore every organization should come under the state control if it is to survive. Two months later, the Council of Ministers issued a more specific rule designed to regulate the activities of all mass organizations in Vietnam. It requires that all organizations report their activities to the government (IC, 9, 2, 1990: p. 8). A few days before this rule was announced, the Confederation of Vietnamese workers drafted a new trade union law which does not permit independent trade unions, and thus codified the monopoly of its representation of Vietnamese workers. (IC, 9,2, 1990: p. 8)

## CONCLUSION

I have tried to identify the type of political adaptation that the VCP has established to cope with the rapidly changing socio-economic situation. The collapse of communist regimes in the Soviet bloc and the Tiananmen incident in China helped the VCP leaders realize their primary political task. Given that the ultimate goal of the VCP is to promote economic development, while at the same time maintaining its monopoly of political power, it is necessary for them to establish or expand a communication channel within the existing system through which both demands and support of the people can flow. By absorbing some portion of the increasing and diversifying demands, the VCP can avoid an immediate outcry for pluralist interest representation system. By collecting more support of the people, it can maintain the economic development under its leadership.

In order to demonstrate the emergence of bureaucratic pluralism as the type of political adaptation, an empirical study on intra-bureaucracy conflicts and reconciliation regarding a certain major policy that affects various sectors of the society is required. Yet no empirical research comparable to what Donald Emmerson (1983) did on Indonesia has been done on this subject. At this moment, therefore, it is hard to tell whether or not bureaucratic pluralism operates in Vietnam. In contrast, it seems clear that the VCP has tried to develop state corporatist institutions. Starting in 1988, top party leaders have actively engaged in galvanizing mass organizations and other functional groups. Unusual amount of media attention has been paid to the conventions of major socio-economic organizations due to the presence and the speeches of the top party figures. Their presence at those conventions signifies that these organizations are officially sanctioned as the sole representative body of each functional category. In addition, the VCP has taken some legal measures to prohibit social organizations that are not approved by the government. Speeches delivered by the top party leaders typically emphasized the important role of mass organizations in achieving the goal of socialist development.

Therefore, it seems safe to conclude that the VCP's initial response to the stimulus of diversifying economic interests in the Vietnamese society was the

institutionalization of state corporatism. But whether this form of political adaptation works well or not is another matter. We have to conduct more empirical research on the questions of how successful the state corporatist adaptation has been, how the mass organizations are connected with policy makers, and how much influence the mass organizations can exert on policy outcomes.

## **ENDNOTES**

1. Article 4 of the Constitution stipulates that the Party is "the only force leading the state and society."

2. For example, see an interview with a senior official in IC, 9, 1, 1990, p. 8, and also Clifford Shultz and Khai Le (1993), pp. 179-94.

3. Donald Emmerson (1986: pp. 138-56) calls these three criteria survival, renewal, and programming.

4. It is important to note that Huntington argues that structural differentiation presented by Almond and Powell does not necessarily mean the development of an organization. But I will try to examine both dimensions in the following section.

5. In addition, Emmerson points out a problem in the criterion of autonomy. Autonomy offers the state a preemptive right to interpret the "public interest" without consulting the public.

6. Premier Do Muoi is responsible for defense and inflation control; Vo Van Kiet is responsible for administration of the economy and increasing productivity; Nguyen Co Thach is for foreign relations; Vo Nguyen Giap is for development of technology. See IC, 7, 3, 1988, p. 3.

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## **A Review and Framework for Understanding Political Personality Typologies**

by  
**Charles E. Snare \***

### **摘 要**

本文詳述各種政治行為者的架構，並且提出一個架構來幫助我們了解政治性格的分類。我們指出這些架構的異同，並且指出自來政治性格的研究方向。顯而易見，這些架構並未受到等量的理論與實證上的注意；此外，這些架構適用的政治性格與行為並不相同。

**Key words:** political personality, leadership, political actors, motivation, beliefs, and political behavior

**關鍵詞：**政治性格、領袖、政治行為者、動機、信念、政治行為

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\* Charles E. Snare teaches at Middle Georgia College and pursues research in the areas of political psychology, leadership, foreign policy, the Middle East, and decision making. Prior to teaching, he spent a few years engaged in political research for the Mershon Center in Columbus, Ohio and Defense Systems in Washington D. C.

Political actors come in all shapes and sizes. A cursory list, such as Saddam Hussein, Bill Clinton, Winston Churchill, Ho Chi Minh, King Hussein, Dan Quayle, and Mohandas Gandhi, reveals that political leaders may be quite diverse with regard to their personalities and, consequently, their political behaviors may be quite disparate. Can we possibly discuss and analyze each of the thousands (if not tens of thousands if one includes local politicians or even those from the past) of political actors separately? It seems highly implausible. Therefore, if we wish to find general patterns among the large numbers of actors, we need to sort these leaders into categories. Then the following questions become important: What are the various categorization frameworks? What kinds of characteristics, beliefs, and behaviors is each type expected to exhibit? How were the frameworks created? What assumptions about personality does the researcher embrace? Does the framework have a method to systematically classify the political actor? What level (i.e. world or local leader) has the researcher (or those that have employed the typology) concentrated upon? In what ways can the various typologies be helpful in our understanding of political actors?

This article seeks to examine the various typologies which have been proposed for classifying political leaders. Within this discussion a framework for categorizing the typologies is delineated. Such an analysis is seemingly timely for two reasons. First, this has not been done. The theorists who have proposed typologies often work in isolation of one another and it may serve the purpose of cumulative research to pull them together under one framework. Second, the researchers and students of politics, who do not have the inherent inclination to study political personalities, often find personality research as extremely Freudian, unsystematic, and/or lacking with regard to the context (or situation) and, therefore, consider it of little use. Hopefully, the reader will come to understand that political personality researchers within the last thirty years have begun to show an appreciation for the context, have begun to meet the challenge of becoming more systematic, and have developed non-Freudian based typologies. Nevertheless, this article provides the reader with at least a taste of the various types that have been proposed and what each encompasses.

## **HOW ARE POLITICAL ACTORS LIKE "SOME" OTHER POLITICAL ACTORS**

This article endeavors to concentrate on the frameworks that evince different types of political leaders. Thus, we are focusing on elites and not the general population.<sup>1</sup> Furthermore, since the focus is on political leaders, we are not concerned with groups or nations. Such writings on national character, or more precisely what Greenstein (1969: 15) calls "aggregate analyses", are out of the purview of this endeavor.

We can further differentiate political leaders by utilizing Kluckhohn and Murray's (1953: 53) idea on people. They contend every person, in certain respects, is: a) like "all" other persons, b) like "some" other persons, and c) like "no" other persons. This trichotomy helps distinguish what aspects and tasks the analyst is concerned with and interested in describing.<sup>2</sup> The first one, like "all" others, illustrates the notion that all of us share some things universally. The works of Jervis (1976), Janis and Mann (1977), George (1980) or Cottam (1977) suggest psychological features which pertain to all leaders.<sup>3</sup> The second category, like "some" others, relates to how political leaders are similar to a number of other political actors. The works previously noted by Lasswell (1927) and Munro (1924); differentiating between types, are considered here. The third category, like "no" other, is concerned with the unique characteristics of a particular leader which s/he shares with no one else. Biographies and psychobiographies, such as George and George (1956), Glad (1980), Edinger (1965), or Rogrow (1963), illustrate this sort of analysis, as do Bonham and Shapiro's (1982) cognitive processing model which reveals the structure of thinking about a particular problem for a leader.<sup>4</sup>

The concern of this paper is on the second category -- like "some" others. It has been recognized for a long time that not all political figures are alike as well as that some of them share common characteristics (e.g. Munro, 1924; Lasswell, 1927). However, it has only been within the last thirty years that this area of inquiry has really begun to develop.<sup>5</sup>

In order to make sense of the various psychopolitical frameworks we can turn to psychology. Maddi (1989: 41, 534) has outlined four broad schemes of psychological theorizing.<sup>6</sup> The four categories are: 1) conflict perspective, 2) fulfillment perspective, 3) consistency perspective, and 4) overt behavior perspective.<sup>7</sup> These categories will be used to organize the extant literature and elements in the scheme and will be briefly described or noted.<sup>8</sup> Nonetheless, the reader should take note that some researchers tend to be more eclectic (e.g. Barber, Elms, or Walker's more recent work) and, therefore, will draw upon the insights of more than one perspective. Nevertheless, I have attempted to classify such work according to the dominant perspective the researcher embraces. Additionally, this essay seeks to identify the main contributions of each perspective. While various typologies have been proposed, I will either adumbrate those frameworks or pull together various types in order to propose a framework under the relevant perspective. The latter may include combining various types from different analyst or proposing various subtypes.

## **CONFLICT PERSPECTIVE**

The "conflict perspective" assumes a person is continuously and inevitably caught in a clash between two great forces (Maddi, 1989: 41). Man's inner conflict is a tension that exist between what the individual would like to do and what the person realizes the world demands. Behavior is motivated by reality oriented considerations as well as inner impulses. Life, at best, must be a compromise and involves a dynamic balance of forces (Maddi 1989: 41). Personality theorists such as Freud, Kohut, and Horney are examples of this approach.

To a large degree, this "conflict perspective" of personality has been applied to political figures at the level of "no" other person. That is, idiosyncratic or actor specific psychological dispositions have been its emphasis (Hopple, 1980: 64).<sup>9</sup> Nevertheless, within this perspective a number of frameworks have been proposed. The most prominent typologies generated or expanded upon include the following: 1) Lasswell (1930) -- Agitator, Administrator, and Theorist<sup>10</sup>, 2) Davies (1980) --

Agitator, Administrator, and Theorist<sup>11</sup>, 3) Luck (1974; 1978) -- Charismatic (Oral), Bureaucratic (Anal), and Genital<sup>12</sup>, 4) Etheredge (1978a; 1978b) -- Bloc Leaders, World Leaders, Maintainers, and Conciliators, 5) Swansbrough (1990; 1991; 1994) -- Compulsive (or Achiever), Paranoid (or Master), Schizoid (or Loner), Depressive (or Follower), and Dramatic (or Performer), 6) Post (1991) -- Compulsive, Paranoid, and Narcissistic, and 7) Elms (1976; 1986) -- Ego-idealism, Authoritarian, and Machiavellian<sup>13</sup>. Three other political personality syndromes -- Warfare (Tucker, 1977; 1965), Belligerent (Friedlander and Cohen, 1975), and Phaeton complex (Iremonger 1970; see also Berrington's 1974 review), -- have also been formulated by researchers in an effort to explain political leaders.

Researchers utilizing the "conflict" perspective tend to enunciate the genesis of political behavior and have a distinctively Freudian bent. If one examines the various types of individuals delineated by the American Psychiatric Association (1987) the reader will appreciate the direct influence. Part of the difference among the researchers is related to their interpretation of which types are relevant to political actors. For instance, Post (1991) contends that the compulsive and narcissistic types are often found among political leaders while the Paranoid is found less frequently. This should not infer that all analysts have rigidly followed this pattern. With Lasswell, Davies, and Luck one observes the Freudian influence with regard to the first five years of one's life. Etheredge, on the other hand, proposes a fourfold typology based upon the personality dimensions of extroversion and dominance. He focuses on advocacy of a hard line policy by U.S. leaders in the international arena. Like Lasswell's or Luck's types, Etheredge does not consider beliefs to shape policy preference; rather both are a manifestation of underlying psychodynamics. However, his findings suggest high dominance personalities tend to advocate the use of force and extroverts tend to advocate cooperative policies (see also Shepard's 1988 study which does not support the latter).

What are the major contributions of the "conflict" perspective? Three stand out in particular: Compulsive, Narcissistic personality (NP), and Authoritarian. These three represent fairly distinct types with somewhat fixed

boundaries. One notable category missing is the Paranoid<sup>14</sup>. I would concur with Robins and Post (1987) that it is difficult to place rigid boundaries on the Paranoid type. It seems more useful in distinguishing subtypes of Authoritarian and NP political actors.

The Compulsive (e.g. Carter, Wilson, and Hoover), or Achiever in Swansbrough's terms (see also George's 1987 and Post's 1991 discussions of the Compulsive), is a perfectionist who is opinionated, if not dogmatic. Such a leader is principled in that he is inflexible about matters of morality and ethics. Nevertheless, such a leader lacks a unified belief system which would show a clear path.

The Compulsive leader has a strong need to be in control (which includes his/her own emotions). He has difficulty delegating authority because he believes others will not do things correctly. Therefore, the Compulsive tends to impose order on others, often preferring a hierarchical organizational style. This ritualized way of doing things is attractive to him because he is intolerant of ambiguity, uncertainty, and surprises as well as it provides him with an elaborate information processing system. Concomitantly, people in the organization become secondary (i.e., emotionally detached). The Compulsive does not encourage spontaneity or initiative but rather conformity and loyalty are emphasized. His relations with others are formal and serious since he wants people to respect him.

The Compulsive is so concerned with details and efficiency that he has trouble considering the big picture. That is, he sees the trees but not the forest (i.e., analytic rather than holistic). Furthermore, his preoccupation with details, along with his risk averse nature, inclines him to continually search for that last piece of information (i.e. workaholic). Decision making is considered a logical reasoning process in which one attempts to consider all facets of the problem. However, this is an attempt to achieve certainty as well as to allay his deeply felt fear of making a mistake. Consequently, in his quest to be thorough and complete, decisions are often postponed.

The second notable type under the "conflict" perspective is the narcissistic personality (see Post, 1991; Etheredge, 1979). De Gaulle, Sadat, Nixon, Wilson, and LBJ are considered to be Narcissistic leaders.<sup>15</sup> Zonis (1991) and Falk (1984)

have employed the conceptualization of the Narcissistic Personality (NP) to leaders outside the U.S. (the Shah of Iran and Moshe Dayan, respectively). The NP leader's overdeveloped grandiose image of self elicits both a drive for accomplishment and an intense need for the love, admiration, and respect from others. He will likely surround himself with "yes" men who do not criticize him in any fashion. Furthermore, his need for admiration may distract him from the central task (Pervin, 1989: 157-58). Thus, the NP's achievement related behaviors are employed in the service of recognition and admiration rather than an end in themselves (Emmons, 1989: 34).

The NP leader has an inner compulsion to win control, and punish challengers. In other words, he is a ruthless competitor who has little concern for others. This insensitivity to others also translates into superficial interpersonal relations and, therefore, he has a difficult time sustaining loyal relationships over time.

The NP leader is inordinately self-centered, if not selfabsorbed. Thus, "words and ideas are instrumental and are designed to enhance his own position" (Post, 1991: 480). As a result, this leader is highly flexible with respect to tactics and easily can change his position as the circumstances change. He is seen by others as shrewd, crafty, and astute.

Volkan (1980: 138-39) adumbrates two types of NP leaders. One type, the reparative NP (e.g. Ataturk) wants admiration from valued followers. The followers are elevated in becoming idealized objects so their representativeness can be fused into the grandiose self of their leader. The second type, the destructive NP (e.g. Hitler), protects the cohesion of his grandiose self by devaluating others. Such a leader mobilizes hatred against an outside enemy. Thus, this leader often exhibits paranoid tendencies.

The third type under the "conflict" perspective is the Authoritarian personality. The Authoritarian personality, on the other hand, has an extreme concern with power, regardless of the substantive issues involved (see also Etheredge, 1979, and Adorno et al., 1950). He craves power over others. Such a leader expects uncritical submission to ideological authorities and ingroup values. The Authoritarian leader is dogmatically moral, rigid, ethnocentric, and nationalistic. He believes the world

is very dangerous and sees people and things in simple stereotypes. Thus, the world is divided up into the "strong" and the "weak". Furthermore, the Authoritarian leader can be exploitive and manipulative as well as having a tendency to blame others. Elms (1986) considers Al Haig to be a political figure who exhibits this personality type.<sup>16</sup>

The Authoritarian personality can also be divided into two subtypes with respect to whether this type is paranoid or not (or more appropriately the degree to which one is). The Warfare subtype has extreme paranoid tendencies whereas the Belligerent subtype does not. Consequently, the Warfare type has an intense need for enemies while the Belligerent does not. Tucker's (1977; 1965) Warfare personality and Freidlander and Cohen's (1975) Belligerent personality may be useful in creating this useful distinction. It may hint to which type of authoritarian actor will actively search for a fight.

With regard to political actors the Compulsive, NP, and Authoritarian personalities have made the most significant contributions to date. It is evident that each of these types see the world in a different way. Therefore, their understanding of others and situations is disparate. The Compulsive understands others and situations in the following manner: effective versus ineffective people. In essence, there is a right and a wrong way. One avoids the less than perfect situations. On the other hand, the Authoritarian views people as either strong or weak. Situations are sized up according to whether it preserves or enhances one's power. The NP type views others as exploited or nonexploited. Successful rather than unsuccessful outcomes are sought. From the previous discussion, the "conflict" perspective tends to highlight the cutthroat, contentious, and quarrelsome aspects of the world. The world tends to be a competitive place rather than a cooperative one. The glass is viewed as half empty. The contrast with the next perspective, "fulfillment" perspective, which sees the glass half full.

## **FULFILLMENT PERSPECTIVE**

The second broad scheme of theories of types of political figures is the "fulfill-



ment perspective". The "fulfillment perspective" assumes only one great force. Life is seen as the progressively greater expression of this force within the individual. Conflict can occur, but it is a failure in living rather than an unavoidable condition.<sup>17</sup> Personality theorists such as Rogers, Maslow, and Gordon Allport are representative of this model.

The "fulfillment perspective", along with the "overt behavior perspective", is the least developed with regard to political figures. The efforts made in this area have dealt with the mass population rather than leaders (e.g. Knutson, 1972; Davies, 1963; Renshon, 1974; Simpson, 1971). Nevertheless, three research efforts have enunciated, although not in great depth, types of political leaders. All three of these efforts -- Knutson, Binford, and Burns/Bass share three common characteristics. First, they are based or heavily influenced by Maslow's work. Second, they each delineate the ideal type of political actor. This is noticeably different from the "conflict perspective" which proposes no ideal types. Third, in contrast to the "conflict perspective" which concentrates on the unhealthy aspects of humans, these researchers who have a more optimistic bent, focus on the healthy side.

Maslow (1987; 1971), in defining self-actualization, studied the lives and personalities he considered highly successful such as Abraham Lincoln, Thomas Jefferson, Eleanor Roosevelt, Walt Whitman, and others. He argued these individuals had moved through the lower stages of human needs (physiological, safety, belongingness & love, and esteem) and came to be motivated by the supreme need to satisfy their potential (self-actualization). Maslow indicated the self-actualizing individual possesses the following characteristics: not a conformist, exhibit more creativeness, show greater acceptance of self and others, able to tolerate and respect differences among people, capable of understanding and empathy, more autonomous and independent, tend to be problem-centered rather than self-centered, and possess a more democratic character structure. The individual with such a character would be suspicious of power, need not maintain postures of superiority toward others, optimistic, warm, caring, and value personal freedoms. Recently, Hamby (1991), has suggested Truman is an example of a leader with this

character type. The interested reader should also see Sniderman (1975) and Lasswell (1951).

Knutson (1972: 64-65) identifies that Maslow divides political leaders into two types -- those who are high in self-esteem and secure, and those high in self-esteem and insecure.<sup>18</sup> Binford (1983), while still emphasizing self-esteem, integrates styles of moral reasoning with the functional bases of political attitudes. He proposes three subtypes (socially adaptive, cognitive, and character-rooted) of the democratic political personality.<sup>19</sup>

James McGregor Burns (1978), on the other hand, has used Maslow's formulations to suggest "transformational" and "transactional" types of leadership. This notion focuses on the relationship between the leader and the led. The Transactional leader emphasizes giving rewards if subordinates meet agreed upon standards, while the Transformational leader attempts to alleviate the needs of the follower in line with the leader's goals and objectives. Burns sees the Transformational leader at the opposite end of the continuum from the Transactional leader (Bass, 1985: 26-27).<sup>20</sup> For instance, De Gualle represents the extreme Transformationalist who has little time for "transactional" leadership; while LBJ was the more extreme Transactional leader. In the middle is FDR who did both (Bass, 1985).<sup>21</sup>

## **CONSISTENCY PERSPECTIVE**

The third broad scheme of theories of types of political figures fits under the rubric of the "consistency perspective".<sup>22</sup> This perspective puts little emphasis on forces but rather the emphasis is on the formative influence of feedback from the external world. There is no inherent conflict between the person's needs for satisfaction and environmental demands. Individuals seek out rewards and avoid costs. Inconsistency between feedback and expectancies produce discomfort which the individual seeks to alleviate. Life is understood as an attempt to maintain consistency. Psychologists such as Kelly, Festinger, and McClelland fall into this perspective. Thus, this perspective focuses on both cognitive and motivational

features.

With respect to the literature of political types of leaders, the approaches have taken some distinct directions which can be separated into three subsections. The first subsection of the "consistency perspective" relates to motivational approaches. The second focuses on the cognitive features. The third subsection encompasses those approaches which consider both cognitive and motivational elements.

Motivational approaches posit motivations are learned rather than based on instincts. They rise out of childhood experiences which are learned rather than physiologically based needs. Via early experiences, individuals learn what kinds of behaviors lead to certain rewards (Barney-Barry and Rosenwein, 1985: 128). Furthermore, individuals may seek out situations where these can be gratified. Notwithstanding these common features, along with reference to similar motives and often concurring conclusions, the five conceptualizations vary in breadth of implication, how they combine motives, and how many motives they choose to focus upon in describing political leaders. The frameworks include the following: 1) Barber (1965; 1985) -- Lawmaker, Advertiser, Reluctant, and Spectator, 2) Kirkpatrick (1974) -- Leaders, Personalizers, Moralizers, and Problem Solvers, 3) Payne and Woshinsky (1972) -- Adulation, Status, Program, Mission, Obligation, Game, and Conviviality, 4) Christie and Geis -- Machiavellian, 5) Winter (1980; 1976; 1973) -- Crusader, Entrepreneur, Pragmatic Crusader, and 6) McClelland (1975) -- Conquistador, Imperial, and Personal Enclave.

James Barber (1965; 1985) has classified U.S. legislators and presidents into four character patterns. These four types are: 1) Active-positive or Lawmaker (e.g. FDR, JFK, Carter), 2) Active-negative or Advertiser (e.g. Wilson, LBJ, Nixon), 3) Passive-positive or Spectator (e.g. Harding, Reagan, Taft), and 4) Passive-negative or Reluctant (e.g. Coolidge, Eisenhower). The leaders are categorized by two dimensions -- active/passive, which classifies one according to level of activity in the performance of his duties, and the positive/negative dichotomy, which relates to his general outlook on life.<sup>23</sup>

The Advertiser is ambitious, dominant manipulator who is struggling to attain and hold power and, therefore, has an acute need for power. He seeks domination.

Since such a leader is in a hurry to do this, his political activities take on a compulsive nature. The Advertiser can easily shift from one set of standards to another. This leader often uses this effectively to be responsive to those he is trying to influence. The Advertiser has a competitive orientation to the world. That is, the world is viewed as a highly uncertain and unharmonious place, if not dangerous.

The Spectator is other directed with an intense need for love and approval. Thus, unlike the Advertiser who has an aggressive stance toward the environment, the Spectator is a conflict avoider. Such a leader seek cooperation with others. Even though this leader feels unloved (i.e. low self-esteem), the Spectator views the world with rosy optimism. He tends to be unambitious and apolitical (i.e. not likely to see himself as a politician). The Spectator is inclined to simplify the world into a few categories.

The Reluctant has a need to feel useful and has a moral sense of social obligation. This leader has an overdeveloped social conscious, but he is not a crusader since he sees himself as basically uninfluential. Consequently, he is concerned with means rather than ends. The Reluctant is an inner directed actor who tends to be reactive. Such a leader admires workers not gladiators. Thus, the Reluctant is inclined to withdraw from the conflict and uncertainty of politics. He desires to get along with everybody. Like the Spectator, the Reluctant is unambitious and unlikely to view himself as a politician. However, unlike the Spectator, he sees himself as a moral man in an immoral world. The Lawmaker is a policy oriented politician who wants to achieve results. Such a leader may be drawn to power to achieve results. The Lawmaker stresses rationality and presses for action. However, he is not an ideologue who is fanatically devoted to a narrow cause.<sup>24</sup>

Kirkpatrick (1974) and Payne and Woshinsky's efforts have many similarities to Barber's work. Kirkpatrick undertook a most unique study by conducting interviews with women legislators. On the other hand, Payne and Woshinsky have spent the last twenty years elucidating seven types of political figures.<sup>25</sup> Their cross-cultural motivational typology focuses on what they call "incentive" types rather than on character patterns as Barber does. Three of the seven types, which

they ascertained via intensive interviews with politicians, parallel types in Barber's scheme.<sup>26</sup> Like Barber, Payne and Woshinsky posit one motive or incentive is dominant in a political leader. Three of the four types unearthed by Kirkpatrick also are leaders in which one motive dominates.

Christie and Geis (1968) developed the idea of the Machiavellian personality. While most efforts with this type have related to the nonpolitical arena, Elms (1976; 1986) has applied this type to a few political leaders.<sup>27</sup> The Machiavellian political leader (e.g. Henry Kissinger or Colonel House according to Elm's 1986 analysis) does not allow ethical, ideological, or interpersonal concerns to distract him. He tends to mistrust others and, therefore, maintains his psychological distance between himself and others (i.e. lacks affection in interpersonal relations). The Machiavellian, though, does not appear cold and unconcerned but rather than taking others' concerns as his own, he uses it to his advantage. Such a political figure gets others to help him win in such a way that others feel grateful for the opportunity. He is a master manipulator and opportunist who is concerned with winning and not the end result. Thus, in unfavorable situations, this type will adopt a more participative style in order to win (Drory and Gluskinos, 1980: 85).

The Machiavellian leader is responsive to situational demands but less so to the group member's feelings. He is willing to compromise, even abandon, his ideological position in order to gain a competitive advantage. Yet, he is not one who blows with the wind. The Machiavellian, for instance, is one who will cheat for some perceived rational justification, but not because of peer pressure. Concomitantly, he changes his beliefs not because others influenced him but because it is to his advantage to do so.

David Winter (1980; 1976; 1973), in viewing political leaders, concentrates on three motives -- achievement, affiliation, and power.<sup>28</sup> Winter and his colleagues have assessed U.S. presidents, African leaders, and Gorbachev on these three motives.<sup>29</sup> While he has outlined a conceptualization of each motive and linked it to political behavior, he has not formally elucidated patterns. Thus, for instance, he indicates that the power oriented tends to be more aggressive in his relations with other nations while the affiliative oriented tends to avoid war and

conclude arms limitation agreements (Winter, 1976: 48). However, he does indicate that the important aspect is the interaction or the relationship between the three motives.

McClelland (1975) identifies three motive patterns -- Conquistador, Imperial, and Personal Enclave. He focuses on the interaction of power and affiliation to obtain his division of different types. While McClelland only in passing applies these motive patterns to political figures, M. G. Hermann (1987b: 13) has refined these patterns with regard to leaders. Furthermore, Hermann has integrated these patterns with other characteristics and therefore the reader is referred her efforts with regard to these three motive patterns.

While each of the six conceptualizations have been briefly adumbrated, it is apparent that one motive is common to all the schemes -- power. While not every type of leader has a high need for power, each of the frameworks presented -- Barber, Payne and Woshinsky, Kirkpatrick, Winter, and McClelland -- explicate a type with a high need for power and low on other needs. Power is the dominant motive for that type. Concomitantly, affiliation plays an important role in these five schemes. For Barber, Payne and Woshinsky, and Kirkpatrick, one of their types exhibits a high need for affiliation and it is the dominant motive. Winter and McClelland, though, consider the level of affiliation as affecting the way power is expressed. For these researchers, affiliation does not dominate a particular type.

A second interesting feature is that Barber, Payne and Woshinsky, and Kirkpatrick (for the most part) view leaders as having one dominant motive. While Winter and McClelland may not argue that this may be the case, their emphasis is on the relationship between the motives. It is also interesting that Barber, Payne and Woshinsky, and Kirkpatrick extrapolated their types from interviews with political figures while Winter and McClelland types are theoretical conceptualizations applied to political leaders. Winter uses speeches and interviews to ascertain the motive pattern.

The second subset falling under the "consistency perspective" is various *cognitive approaches* to understanding different types of political leaders. The cognitive approaches focus on the realm of knowing and understanding the world.

That is, how the leader handles information. Two different frameworks have been formulated. They are: Ziller's (1977) Self-Other Orientation -- Apolitical, Pragmatist, Ideologue, and Indeterminant and 2) the OPCODE.<sup>30</sup>

Ziller (1973; 1977) contends responsiveness is associated with two components of the self concept -- self-esteem and complexity.<sup>31</sup> The intersection of these two variables results in the four types. Ziller et al. (1977) found in his study of U.S. legislators that the most responsive leaders are characterized by low self-esteem and high complexity -- the Pragmatic Self-Other Orientation. However, he also found that the Ideologue and the Pragmatist were more likely to be elected than the other two types. Nonetheless, M. Hermann has also drawn on Ziller in her endeavors. She has integrated these insights into a larger more encompassing scheme of political actors.<sup>32</sup>

The other cognitive approach which has elicited disparate political figures is the OPCODE.<sup>33</sup> The OPCODE is primarily devoted to the codification of cognitive rather than affective features of the individual's personality.<sup>34</sup> The operational code approach, pioneered by Leites' (1951;1953) and George's (1969) refinement, spawned a generation of case studies. Holsti (1977), by utilizing these case studies, was able to propose a typology of six types of belief systems.

The six OPCODES are constructed by the interaction of two fundamental beliefs the individual has about political life. These two beliefs -- fundamental sources of conflict (i.e. human nature, attributes of nations, and international system) and fundamental nature of the political universe (i.e. harmonious or conflictual) -- combine to provide the six types. Furthermore, Holsti extrapolates a series of hypotheses about other political beliefs which each type may possess.

Holsti's efforts are concentrated in conceptualizing the six ideal types. By and large, the OPCODE studies, which aided Holsti in his development of the types, did not attempt to establish systematic linkages between beliefs and behaviors.<sup>35</sup> This, along with Walker's (1983) reanalysis of the Holstitypology, and the subsequent refinements (i.e. linkages to motivations and decisionmaking behavior), provide a more potent framework. Therefore, further explanation of the OPCODE will wait until we discuss Walker's contributions.

The third subsection of the "consistency model" encompasses those approaches which consider *both cognitive and motivational elements*. Two frameworks -- one by Walker (1983) and the other by Hermann (1987a; 1987b) -- both discuss those elements of political personality but in differing ways.<sup>36</sup> Walker proposes that beliefs may be derivatives of motives; while this is not the case with Hermann's framework. Furthermore, a second salient difference between the two frameworks is that Hermann considers not only beliefs (i.e. the way a leader organizes information already in his mind) as relevant, but how a leader selects and organizes incoming information as important for understanding the different types of political leaders.<sup>37</sup>

Walker collapses Holsti's six ideal types of belief systems into four types by arguing they contain overlapping beliefs. He employed a TAT scoring system to identify the motivational imagery in the Holsti typology. Walker (1983: 190) found consistencies between the behavior prescribed by instrumental beliefs of the OPCODE and the different dominant motivations of achievement, power, and affiliation. He, therefore, proposes that beliefs are acquired as an extension of the relationship among the leader's power, achievement, and affiliation motives. The motivational OPCODE differs according to their combination for ranking power, achievement, and affiliation.

The A type (e.g. Eisenhower) exhibits a high need for affiliation but low needs for power and achievement. The B type (e.g. LBJ, Dulles) has a high need for power and achievement but a low need for affiliation. Moreover, they are high dominant introverts on Etheredge's (1978) scheme. Type C is not as clear but exhibits achievement and affiliative motives followed by a need for power. Finally, Type DEF (e.g. Truman) has a high need for power but little need for achievement or affiliation. Additionally, this type is a low dominant introvert on Etheredge's (1978a) scheme.<sup>38</sup>

Walker and Falkowski (1984), in an investigation of U.S. presidents and secretaries of state, link the various types to bargaining strategies. Type A prefers an appeasement strategy, type B a bully strategy, and type DEF a reciprocal strategy. Nevertheless, Walker and Falkowski (1984: 245) point out that not all the



presidents (e.g. JFK) display one of the four patterns.<sup>39</sup>

Margaret G. Hermann's (1987a; 1987b; 1987c; 1987d) framework of political figures distinguishes between six types of personality orientations -- Expansionist (Castro and Nasser), Active Independent (Gandhi and Lin Piao), Developmental (De Gaulle and Franco), Influential (Zhou En Lai and Kosygin), Opportunist (Erhard and Nehru), and Mediator Integrator (Sato and Diefenbaker). As shown in Table I, eight personality characteristics interrelate to form these six orientations. Hermann's work is especially notable because she has linked specific characteristics to types as well as arguing the orientations reflect the personality as a whole (Hermann, 1987d: 163). Such an effort distinguishes her framework from the others. Additionally, the eight characteristics capture the leader's beliefs (ethnocentrism and belief in ability to control events), motives (need for power and need for affiliation), decision style (conceptual complexity and self confidence), and interpersonal style (distrust of others and task tendency).

TABLE I: Basis for Determining Orientations -- The Hermann Model

Orientation	Personal Characteristic *							
	N	B	P	A	C	S	D	T
Expansionist	Hi	Hi	Hi	Lo	Lo	Hi	Hi	Hi
Active Independent	Hi	Hi	Lo	Hi	Hi	Hi	Lo	Hi
Influential	Lo	Hi	Ho	Hi	Hi	Hi	Lo	Lo
Mediator Integrator	Lo	Hi	Lo	Hi	Hi	Lo	Lo	Lo
Opportunist	Lo	Lo	Lo	Lo	Hi	Lo	Lo	Lo
Developmental	Hi	Lo	Lo	Hi	Hi	Hi	Lo	Lo

\* The abbreviations denote the following personal characteristics:

N = Nationalism, B = Belief in one's ability to control events,

P = Need for power, A = Need for affiliation, C = Conceptual complexity,

D = Distrust of others, S = Self confidence, and T = Task emphasis.

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Source: Hermann, 1987d: 172-73

For each orientation Hermann has described its view of the world, style, typical foreign policy behavior, level of tolerance for disagreement and political actors with different orientations possess disparate ways of searching for information, picking advisors, and dealing with opposition. Table II provides the

definition of each orientation as well as the operating goal. Furthermore, Hermann has proposed various personality and situational factors that mediate the effects of personality on policy behavior. For instance, a strong interest in a certain policy is likely to enhance the effects of personality, but training (or previous experience) and sensitivity to the environment are likely to diminish those effects.

TABLE II: Definitions and Goals of the Hermann Orientations

Orientation	Definition	Operating Goal
Expansionist	Interest in gaining control over more territory, resources, or people	Maintain self in office; further ideology or set of beliefs
Active Independent	Interest in participating in the international community but on one's own terms and without engendering a dependent relationship with another country	Further ideology or set of beliefs
Developmental	Commitment to the continued improvement of one's own nation through the development of useful relations with other entities in the international system; an interest in building up one's own nation with the best help available	Solve particular societal problem
Influential	Interest in having an impact on other nations' foreign policy behavior; in playing leadership role in international affairs	Maintain self in office
Opportunist	Interest in taking advantage of present circumstances, in dealing effectively with the demands and opportunities of the moment	Seek public support
Mediator Integrator	Concern with reconciling differences between other nations, with resolving problems in the international arena	Solve societal problems

Source: Hermann, 1987c: 134; 1987d: 168, 170

To date, of all the personality frameworks, Hermann's political personality efforts have been given the most careful theoretical and empirical attention. Hermann has not only delineated the various types in a fairly detailed manner but has also developed a system to assess (at-a-distance utilizing speeches, sermons, and interviews) and categorize political actors in a quantitative way. Her system allows for an actor to be classified as a mixture of various types as well as to be distinguished between the different orientations an actor may demonstrate in different arenas (domestic or international) or topics (economic or political). Along with this, Hermann has analyzed more than one hundred leaders worldwide. Thus,

it should be of no surprise that her typology is considered one of the most well developed (Walker, 1988).<sup>40</sup>

## **OVERT BEHAVIOR PERSPECTIVE**

The fourth broad scheme of theories of types of political actors is the "overt behavior" perspective. The focus in this perspective is usually exclusively on behavior. It is not concerned with thought processes or feelings. Ergo, leaders are differentiated according to the way they act.

Three studies fit under the rubric of the "overt behavior" perspective. They are a study by Shepard (1988), Kotter and Lawrence's (1974) five types of mayors, and Weigele and Oots' (1990) utilization of the Type A and Type B personalities. While these studies focus on overt behavior to differentiate political figures, each study does so with different personality characteristics, and different sets of political figures.

Shepard's (1988) research employs the framework developed by Etheredge (1978a). However, Shepard's data set consisted of American political elite members who served during the period 1969 and 1984. While his study still basically elicits the same four categories hypothesized by Etheredge, Shepard, unlike Etheredge, does not suggest that decisions are manifestations of psychodynamics. Rather, he focuses on observable personality behavior when assessing personality and therefore, traits are not inferred entities but directly observable behaviors. While Shepard's study adds no new types; it does illustrate how the same framework can be applied from a different perspective -- the "overt behavior" rather than "conflict" perspective. While Shepard's replication study found high dominant actors tended to urge the use of force, Shepard did not find that extroverts are inclined to favor cooperative policies.

Kotter and Lawrence (1974) in studying twenty mayors ascertain five types of mayors -- Ceremonial, Caretaker, Personality-Individualist, Executive, and Program-Entrepreneur.<sup>41</sup> The most striking difference between these five types is their activity level. The five types could be placed on a continuum -- Ceremonial,

Caretaker, Personality-Individualist, Executive, and Program-Entrepreneur. The Ceremonial type represents the reactive end and the Program-Entrepreneur represents the most active type of mayor.

While Kotter and Lawrence (1974: 191, 188) do indicate that each type of mayor is associated with a personality pattern, they emphasize that a mayor, the city, the network, the agenda, and three process variables (i.e. agenda setting, network building, and accomplishing tasks) are a dynamic relationship with no single cause and effect. Consequently, no one type is seen as better than another type. Nevertheless, while this study begins to bring forth some interesting aspects, no one has picked up on it to further develop it.<sup>42</sup>

Weigle and Oots (1990) used the Type A and Type B distinction to distinguish between rural councilmen. The Type A personality tends to be aggressive (and hostile), excessively competitive, hard driving (see also Mathews 1982 and Madsen 1985). This type wants to achieve much in a short time while at the same time receiving approval from others. The Type A political actor will change his behavior to fit the situation. However, Bruch et al. (1991) suggest the Type A is unlikely to be empathetic, compromise on issues, or process information in a cognitively complex manner. The Type B leader is easy going, relaxed, and displays a noncompetitive behavior style. This type is more trustful and conciliatory.

## **DISCUSSION**

Each of the four broad perspectives -- conflict, fulfillment, consistency, and overt behavior -- have been adumbrated along with the various approaches that fit under each. Table III slices the research of types of political leaders into a number of categories. This table evinces the major ways political figures have been distinguished and compared (see row one). While a variety of types have been advanced, some of these seem to overlap. At the same time, these similar types do describe important differences among political actors. Thus, this appears to indicate how complex and diverse political actors tend to be. Each of these typologies help the student of political psychology grapple with understanding the

obvious differences among political actors as well as teasing out subtle nuances.

Row two of Table III indicates the geographical area the researcher tended to focus his/her research upon. The U.S. is the dominant concentration of most of the researchers. European and Soviet elites are also a popular focus of many analysts. Such an observation raises a number of interesting questions. How relevant are the typologies to Third World countries? If they seem relevant, is it because those Third World leaders were Westernized? Is there a Western bias in these frameworks?

Another differentiation of this table, as shown in row three, is that some of the researchers relate their types to foreign policy behavior. Cooperative or aggressive behavior is a primary focus of most of the researchers who seek to explain foreign policy behavior. Another area of focus is the degree of autonomy a particular political type is likely to prefer.

Row four of Table III shows whether the researchers have elicited a formal method to distinguish the various types proposed. As indicated, a number of them have not. This should not be surprising since many of these studies were exploratory. The framework was proposed after examining a set of political elites. Unfortunately, neither the original researcher(s) or other researchers have applied the framework to another set of political actors.

Row five indicates how, to date, the researcher has distinguished one type from another. As shown, this may be accomplished by interviews with the political figures, content analysis of verbal materials, a case study, and/or questionnaires. This does point out a significant feature regarding the development of political personality types. Since, as Hermann (1977) has indicated, leaders often pose an assessment problem, it is important to be able to assess the leader's personality at a distance. However, of the models presented in this paper, only six of them -- Luck, Etheredge, Barber/Snare, Winter, Walker/Holsti, and Hermann -- provide a way to do this<sup>43</sup> Political psychologists need to develop at a distance ways of assessment for other types or typologies of leaders. One avenue is to utilize the schemes of

TABLE III: Focus, Linkages, Methods, and Perspectives of Various Researchers

	Lasswell/Davies	Etheredge	Swansbrough	Binford
Political Personality Types	Agitator Theorist Administrator	Bloc Leader, World Leader, Maintainer, Conciliator	Paranoid, Compulsive, Dramatic Schizoid, Depressive	Socially, Adaptive, Cognitive, Character-rooted
Focus of Research	#	U.S.	U.S.	U.S.
Link to Foreign Policy Behavior	No	Force vs. cooperation	No	No
Formal Method to Distinguish Types	No	Yes	No	Yes
Means to Distinguish Types	Case study	Case study, Questionnaire	Case study	Interview
Perspective	Conflict	Conflict <sup>1</sup> , Behavior	Conflict	Fulfillment

	Luck	Elms	Volkan	Post
Political Personality Types	Oral Anal Genital	Authoritarian Ego-idealism Machiavellian	Destructive narcissistic Reparative narcissistic	Compulsive Narcissistic Paranoid
Focus of Research	USSR PRC Germany	U.S.	#	#
Link to Foreign Policy Behavior	Aggressiveness	No	No	No
Formal Method to Distinguish Types	Yes	No	No	No
Means to Distinguish Types	Content analysis	Case study	Case study	Case study
Perspective	Conflict	Conflict, Behavior	Conflict	Conflict

	Freidlander & Cohen	Iremonger	Knutson	Kotter & Lawrence
Political Personality Types	Belligerent	Phaeton complex	Secure Insecure	Personality individualist, Program entrepreneur, Ceremonial, Caretaker, Executive
Focus of Research	USSR U.S. Europe	England	#	U.S.
Link to Foreign Policy Behavior	Cooperation vs noncooperation	No	No	No
Formal Method to Distinguish Types	No	No	No	No
Means to Distinguish Types	Case study	Case study	Case study	Case study Interviews
Perspective	Conflict	Conflict	Fulfillment	Behavior

TABLE III: continued

	Burns & Bass	Barber <sup>2</sup>	Kirkpatrick	Weigle & Oots
Political Personality Types	Transformational Transactional	Advertiser, Law-maker, Spectator, Reluctant	Problem solver, Leader, Personalizer, Moralizer	Type A Type B
Focus of Research	#	U.S. & Middle East	U.S.	U.S.
Link to Foreign Policy Behavior	No	Amount of co-operation, activity, & autonomy	No	No
Formal Method to Distinguish Types	No	Yes	No	Yes
Means to Distinguish Types	Case study	Case study, Content analysis	Interviews	Questionnaire
Perspective	Fulfillment	Consistency, Conflict	Consistency	Behavior

	Payne & Woshinsky	Winter	McClelland
Political Personality Types	Conviviality, Adulation, Status, Game, Obligation Mission, Program	Crusader, Entrepreneur, Pragmatic crusader	Conquistador, Imperial, Personal enclave
Focus of Research	South America & Western Europe	U.S. & Africa	#
Link to Foreign Policy Behavior	No	Amount of cooperation, & autonomy, & type of affect	No
Formal Method to Distinguish Types	No	Yes	No
Means to Distinguish Types	Case study Interview	Content analysis	Case study
Perspective	Consistency	Consistency	Consistency

	Ziller	Walker & Holsti	Hermann
Political Personality Types	Ideologue Pragmatist Apolitical Indeterminate	A B C DEF	Mediator integrator Active independent Developmental Expansionist, Influential Opportunist
Focus of Research	U.S.	U.S. & Europe	Africa, Asia, Europe, N. & S. America
Link to Foreign Policy Behavior	No	Bargaining strategies	Affect, commitment, relationship with other nations, scope of action, & instrument of statecraft
Formal Method to Distinguish Types	Yes	Yes	Yes
Means to Distinguish Types	Interviews	Case study Content analysis	Case study Content analysis
Perspective	Consistency	Consistency <sup>3</sup>	Consistency

TABLE III: continued

- # These researchers have only suggested political figures which may exemplify the various types proposed.
- 1 Etheredge proposes his framework from the Conflict perspective while Shepard utilizes the framework from the Overt Behavior perspective. Snare (1992), recently, applied Etheredge's model to Anwar Sadat and Muammar Kaddafi as well as proposing the sort of autonomy each type would prefer his nation to seek or maintain.
- 2 Snare (1985) applied Barber's model to four Middle Eastern leaders to discern the relationship between their character type and the foreign policy behavior of the leader's nation.
- 3 Walker's (1988) more recent work delves into linkages from the Conflict perspective.
- 4 Tucker's Warfare personality has not be listed above. It would, however, fit the same categories as Lasswell's. Tucker in describing the Warfare personality suggests Hitler and Stalin are examples.

content analysis of verbal materials which have been developed (often by psychologists) and link it to the respective political personality type. For instance, Raskin and Shaw (1988) have suggested how a narcissistic individual can be distinguished via verbal materials. Their results indicate a relationship between narcissism and the use of first person pronouns. Another viable content analytic scheme is the one developed by Weintraub (1989).

The last row of Table III denotes the perspective the researcher tends to employ with his/her typology. This illustrates a couple of interesting features. First, researchers tend to either take the "consistency" or "conflict" perspectives rather than the "overt behavior" or "fulfillment" perspectives. Second, the "conflict" perspective concentrates the most on unhealthy types, whereas the "fulfillment" perspective elicits an ideal type. On the other hand, the "consistency" perspective, by and large, like the "overt behavior" perspective, is not concerned with such distinctions.

One issue we have sidestepped to this point is the person-situation debate -- the role of internal and external forces in governing behavior. That is, which mainly influences behavior, the person or the situation? While the person-situation debate of the 1970's and 1980's can be linked to Mischel's (1968) *Personality and Assessment*, this is not a new debate. The debate, in the most pristine sense, is best summarized by Bowers (1973: 318). Succinctly, the "classical trait" view suggests that a person's behavior should be relatively constant from one situation to the next, while "situationism" suggests that a person's behavior should change from one



situation to the next.<sup>44</sup> To put it another way, are characteristics relatively stable over time and situations or do they vary? The perspective researchers choose is evident in the literature. Allport (1961), Lecky (1945), and Maslow (1970) all emphasize the need to maintain internal consistency within the self, while others such as Cooley (1902), Goffman (1959) and Schlenker (1980) argue that the context of the interaction determines what image is chosen. Some extreme "situationist" (e.g. Farber, 1964: 37) maintain personality theories will eventually be a thing of the past. Other "situationist" (e.g. Suedfeld, 1983) maintain, for instance, that authoritarianism increases or decreases with environmental parameters such as information load, time available to process the information, nature of the decision making structure, and the like.

We have assumed up to this point that person and situation are clear, distinct, and separate entities. But the line is artificial and, therefore, the boundary is quite fuzzy. Rausch (1977: 290), in trying to grapple with this issue, asks if one's glasses, beard, cold, or a pain are part of the person or the situation. Where the person ends and the situation begins is by no means clear cut. Thus, it should be of no surprise that psychologist and political psychologist acknowledge the interaction of both.<sup>45</sup>

So what significance does this debate have, if any at all? This internal-external debate is relevant for two reasons. One relates from a theoretical standpoint and another from a practical standpoint.

The internal-external debate is an issue to be kept in mind when considering various theoretical points of view (Pervin, 1989: 16).<sup>46</sup> In the previous literature review, although there are no extreme "situationists", the various theories do differ in matter of degree. Thus, for instance, Lasswell (1930; 1948) or Davies (1980) focus our attention more on the internal factors; while the work by Kotter and Lawrence (1974) shift more toward the external environment. In other words, theories vary in where they place the emphasis.

Shifting from the theoretical to the practical standpoint, the person-situation debate should also be kept in mind. As pointed out earlier, the classical trait view suggested that a person's behavior should be relatively constant from one situation to the next. The move by some psychologists (e.g. Pervin, 1989: 318) and more so

by political psychologists (e.g. Hermann, 1987b; George, 1969; Herrmann, 1988) is an appreciation that consistency within certain domains of situations is a more useful and appropriate way of capturing a person's behavior. Ergo, both situation and person matter and to predict political behavior we need to know about both.<sup>47</sup>

TABLE IV: Various Political Personality Typologies and the "Personality" versus "Situation" Distinction

Researcher	Personality	Situation	Combination
Lasswell/ Davies	Agitator	Administrator	Theorist
Luck	Oral	Anal	Genital
Etheredge	Bloc leader	Maintainer Conciliator	World leader
Swansbrough		Compulsive Schizoid Depressive	Dramatic Paranoid
Elms	Ego-idealist	Machiavellian	Authoritarian
Tucker	Warfare		
Freidlander/ Cohen			Belligerent
Iremonger			Phaeton complex
Volkan	Destructive narcissistic		Reparative narcissistic
Knutson		Secure	Insecure
Burns/Bass			Transformational Transactional
Barber		Lawmaker/Spectator Reluctant	Advertiser
Kirkpatrick	Moralizer	Problem solver Personalizer	Leader
Payne & Woshinsky	Mission Obligation	Game Conviviality Program	Adulation Status
Winter	Crusader	Entrepreneur	Pragmatic crusader
McClelland	Conquistador	Personal enclave	Imperial
Ziller		Pragmatist Apolitical	Indeterminate Ideologue
D'Amato		Systemic	Personalist
Holsti/Walker		Type A Type DEF	Type C Type B
Hermann		Developmental Mediator integrator Active independent	Opportunist Influential Expansionist
Weigele & Oots		Type B	Type A
Binford	Character	Cognitive	Socially adaptive

Note: Post's typology is not indicated since the three types he employed are covered by Swansbrough and Volkan.

Nonetheless, it is evident some types of political leaders are more "personality driven" whereas other leaders are more "situation driven." Table IV slices the types within each framework in this manner. Columns one and two of this table indicate

the types which could be considered "personality driven" and "situation driven". The third column in that table, "combination", indicates that the type is personality driven in some areas while situation driven in other areas. Obviously, for the "situation driven" type it is necessary to either know the preferences of the group the type is associated with, the preferences of the dominant group in the regime, and/or more about that particular type. Thus, for some of the types (e.g. Opportunist of Hermann's framework), if the group tends to be one or the other, then this type will likely follow suit. On the other hand, for other types (e.g. Ego-idealist of the Elms' system), some of such types are more inclined to be "personality driven".

As shown in Table IV, a few of the frameworks are helpful for distinguishing the difference between the "personality driven" and the "situation driven" actor. It would seem, however, the typologies are best at informing us which types would not be "personality driven". That is, the majority of types tend to be "situation driven" to a significant degree. Therefore, we must either be satisfied with identifying who will be a "situation driven" or know more about the specific significant groups within the regime as well as more about that particular type. In the latter case, with such added information, we may be able to predict policy choices and preferences.

## **CONCLUSION**

This article has endeavored to present the various category schemes political psychologists have created as well as indicate the dominant perspective the researcher tends to embrace. Political psychologists, based on their perspective(s), emphasize certain aspects about the political actor(s) they focus upon.

Future studies might proceed in a variety of directions. Specifically, it would be useful to compare the various classification schemes, as this would enhance theoretical progression. One effort in this direction was undertaken by Snare (1992b) in which he applied three frameworks -- Barber, Etheredge, and Hermann -- to two leaders -- Muammar Kaddafi and Anwar Sadat. Nevertheless, more studies are needed. Do these different frameworks inform us about the same

characteristics and behaviors or do they have something to add? Are certain typologies more useful for certain types of leaders (for instance, geographical or historical)? Other studies should replicate and/or expand upon the existing frameworks. Schemes continue to proliferate with no eye to areas of overlap or divergence between them. Furthermore, ad hoc frameworks are utilized rather than working or reworking the existing set of typologies.

A set of third future studies should focus on Third World political actors. As indicated previously, this area tends to be slighted. A fourth future study should examine those actors who do not fit any of the proposed types within a framework one is utilizing. How important is the degree of fit to the category type important? What relevance does it have for political behavior if the actor is a combination of types? While some researchers have begun to address this issue, most notably Margaret Hermann's work, it is something often sidestepped.

A fifth study might address the issue of similarities and differences between men and women political actors. A sixth study could focus upon the life cycle changes of various types. That is, how does a type of leader adapt to the different physiological and psychological changes of adulthood? Does it have implications for policy behavior? A seventh study could consider the relationship between characteristics and particular types of actors. Is a political type greater than the whole or is it a sum of the characteristics?

In conclusion, it is striking the headway that has been made in the last twenty-five years with regard to political personality types. Substantial and useful efforts have been made. Nonetheless, we are just scratching the surface. A number of these frameworks have not been given careful theoretical and/or empirical attention. The challenge is to build upon, rework, remold, or possibly toss out those frameworks and/or types which are not viable. Such an effort does not imply that each actor is not unique rather that political figures are like other political actors in some important ways that are useful to distinguishing their beliefs, motivations, development, and behaviors.

## ENDNOTES

1. For studies delineating the differences between political figures and nonparticipants see Spranger (1928), McConaughy (1950), Di Renzo (1967), Costantini and Craik (1980; 1969), and Manheim (1959).

2. While the three categories of like "all", like "some", and like "no" other are an appropriate conceptual device for explicating the literature, in reality the distinction is not always so clear cut. For instance, Cottam (1977: 320-21) suggests, at the end of his book, that leaders vary in their probable perceptual inclinations. If this area is developed, then his analysis instead of relating to "all" persons moves into the realm of like "some" other persons. Moreover, other researchers, like Walker and Falkowski (1984: 243), posit that type of misperception depends on personality type. However, Vertzberger (1984: 11) distinguishes between five variables that account for misperceptions and personality is one of the five.

3. Cottam (1977) and those who have continued to develop his approach [e.g. Herrmann (1988) and ElWarfally (1988)] differ from the others in that in their work, which focuses on perception, typologize situations. They would contend with individuals and leaders, there is a strong relationship between perceived threats and opportunities and degree of simplification in foreign policy imagery (Herrmann, 1988: 184).

4. This area of analysis would fit under the rubric of what Greenstein (1969: 14) calls single case psychological analyses. These areas are not synonymous since Greenstein includes in-depth studies of members of the general population.

5. Lane (1968: 20) notes that to study the interrelationship of personality qualities and political life is just beginning. Moreover, if one compares Raser's (1966) review with what has transpired since then, one will see how much this area has developed. A few scholars have ventured into summarizing how political figures have been studied. Frank (1973), for instance, divides the literature into four categories: need hierarchy, psychoanalytic, developmental, and information processing frameworks. Hopple (1980: 61-69), on the other hand, conceptualizes three categories: psychodynamic, personality traits, and belief systems. While these schemes are noteworthy, a more viable alternative would be to base a scheme on both the extant literature and the ways personality theories, in general, have been categorized. This is germane for two reasons. First, this covers both the state of the existing research and illuminates areas that have little or no emphasis. The scheme may be applicable even as further research develops. Second, according to the perspective, personality has many definitions. Thus, personality theorists can vary

widely on the definition. How one defines personality depends on one's perspective. That is, what constitutes personality is linked to theory. Ergo, such a scheme helps identify what constitutes personality for a particular theory.

6. Maddi (1989) is by no means the only psychologist who has categorized the psychological theories of personality. See for instance Mischel (1981), Pervin (1989), or Hall and Lindzey (1978). Each of these psychologists have categorized the theories in a different manner.

7. The fourth perspective, overt behavior, is this author's adaptation of Maddi's behavioristic alternative. The conceptualizations which fit under the rubric of this perspective are not openly linked to behaviorism but do share an emphasis on overt behavior.

8. The ensuing review does not list all efforts at developing types of political leaders. Some are not sufficiently developed to constitute a wholly satisfactory type or typology such as Snyder, Bruck, and Sapin (1962) who suggest leaders fall into six categories -- communicator, innovator, traditionalist, literalist, power seeker, and career servant (see also Munro's 1924 or Roche and Sachs 1955 typologies of political actors). A more recent example is the four types of leaders -- wise, impulsive, megalomaniac, and messianic -- adumbrated by Zonis and Offer (1985a). Other typologies are too idiosyncratic to be helpful in the present analysis, such as the anthropological study by Sahlins (1963). Some personality typologies, like C. G. Jung's framework, have been applied to one particular leader. For instance, Storr's (1969) study of Churchill or Orbovich's (1986) study of Eisenhower utilize Jung's framework.

9. This is evident of the psychodynamic approach from the beginning. For instance see Fearing (1927), Harlow (1922), and Clark (1921).

10. Lasswell in his book, *Power and Personality*, proposed a Democratic Character type. However, this type is not included in a comparative framework or developed sufficiently. For a discussion of the Democratic type see the "Fulfillment" perspective. Additionally, one early application of Lasswell's typology is by Hopper (1950) with regard to the stages of a revolutionary movement. But Hopper does not develop the types any further.

11. Davies explicates Lasswell's types to somewhat of a greater extent. Others who have delved into Lasswell's framework include Swanson's (1956; 1957) discussion on publicists and orators and Duncan's (1987) more recent in-depth study of one agitator.

12. Along with the threefold typology, Luck proposed an elaborate coding scheme to classify leaders into the three types by utilizing verbal materials (i.e. speeches and interviews). He also advanced an index of leader aggression level. Unfortunately, it does not appear that his quantitative system of assessing leaders or his index level of aggression have been replicated or embellished by other researchers.

13. Elms borrows the Machiavellian personality from the Consistency perspective. Thus, we will deal with that personality type in that section.

14. The Paranoid exhibits an unwarranted suspiciousness and antagonism toward others. The world is a hostile place and others are the cause of his (or his group's) problems. Since one must vigilantly defend oneself and/or one's group against attack, he exhibits an overstated need for autonomy. While such a leader yearns for information about what is happening, this actor sees what s/he expects to see -- a highly conflictual, evil world. The efforts of subordinates are concentrated to stay on top of what is happening. The Paranoid demands unquestioning loyalty and lacks empathy toward others. The Paranoid is a self-centered leader who is extremely rational. His strategy may change according to the circumstances. Although this leader avoids risks and tends to be reactive rather than taking the initiative, he ultimately seeks to control and dominate others.

Robins (1986) identified three types of Paranoids: egocentric (e.g. James Forrestal), interactive (e.g. Ida Amin), and charismatic (e.g. Hitler, Stalin, and Ayatollah Khomeini). Robins and Post (1987: 6) delineate the role of the Paranoid in the political system as a function of the scope of delusion and the effectiveness of his political skills.

15. Pervin (1989: 158) points out that some NP political figures, because of their arrogance of power and that rules are made for others, come to believe that they are invulnerable which may lead to their downfall (e.g. Gary Hart).

16. Most efforts with authoritarianism are concerned with followership rather than leadership. Sanford (1950: 168) reports that authoritarians are not highly participant in political affairs. Milbrath and Klein (1962) and Milbrath (1965) concur with Sanford, but Di Renzo's (1967a) study with Italian politicians suggests that the politicians of his study were more dogmatic than nonpoliticians. Additionally, with regard to those outside the realm of the legal political system, Kreml (1976: 48) suggests the vigilante personality, in the broadest sense, is one who displays authoritarian characteristics. Barney-Barry and Rosenwein (1985: 122) posit that the concept of narcissism is a reinterpretation of authoritarianism. See Etheredge (1979) for the similarities and differences between the two

conceptualizations. Moreover, Eckhardt (1971) outlines two types similar to the authoritarian personality. They are the Military-Industrial and Fascist personality types. However, only the latter type is linked with political leaders.

17. The explanation of the "fulfillment perspective" is taken from Maddi (1989: 42).

18. The former are interested in leadership only in fields in which they are interested and for the sake of getting the task done (e.g. FDR, JFK). The latter ones, who are insecure, are people who lack a sense of inner worth (e.g. Hoover, Taft, Wilson, LBJ).

19. The Socially Adaptive Democratic Personality is marked by a sense of low self-esteem and feelings of inferiority as well as rather simplistic views of right and wrong. The immediate social context provides the cues for acceptable beliefs and behaviors. The Cognitive Democratic Personality is status quo oriented and, therefore, the broader societal norms are crucial for providing the cues for the range of acceptable beliefs and behaviors. This socially responsible actor who respects and obeys traditions and authority, takes comfort from the social order. Consequently, disruptive or unconventional behavior is threatening. The third subtype, the Character-Rooted Democratic Personality, has internalized democratic values. Such an actor demonstrates complex style of political reasoning and moral reasoning skills at the highest level. As suggested by the name of this type, such actors are internally directed and the political environment provides little, if any, guidance for beliefs or behaviors.

20. The transformational--transactional leadership notion, as with other typologies, can be conceived as mutually exclusive types. However, it can be interpreted as actors possessing varying degrees of each. See Bass (1985) for further discussion.

21. Bass (1985: 176) further speculates that the Transactional leader is likely to find his satisfaction in affiliation while the Transformational leader finds his in power. Transactional leaders are much more subject to situational effects and are concerned with conformity. The Transformational leader is empathetic and seeks to satisfy the needs of others (Bass et al., 1987: 75). Last, Bass (1985: 185) extrapolates that the Transformational leader may be either highly idealistic (e.g. De Gualle or Wilson) or pragmatic (e.g. FDR).

22. The discussion of the "consistency perspective" is taken from Maddi (1989: 42, 172-73).



23. Barber originally defined the positive/negative dimension as affect toward his role but later changed it to general outlook on life (Snare, 1985: 9).

24. A further study utilizing Barber's typology was undertaken by Snare (1985). Embellishing the original types, Snare elucidated more clearly the dynamics of each type and the corresponding overt political behavior we should expect in the decision-making process and the foreign policy arena. The typology was applied to four middle eastern leaders -- Hafez Assad of Syria, Muammar Kaddafi, King Hussein of Jordan, and Anwar Sadat. A few other researchers have applied or expanded Barber's framework. Tulis (1981) applied the model to Lincoln, whereas Green and Pederson (1985) used the typology to classify nearly all the American presidents. Shank and Conant (1975: 143-72), in applying the framework to mayors, suggest some possible subtypes.

25. See Payne (1972, 1980), Payne and Woshinsky (1972), Payne et al. (1984) and Woshinsky (1973). Their typology of political figures, mainly legislators, has been utilized in the U.S., Columbia, Brazil, France, and the Dominican Republic.

26. The Advertiser is similar to the Status, the Lawmaker to the Program, and the Spectator to the Conviviality type.

27. The discussion on qualities of the Machiavellian personality are taken from Geis (1978), Christie and Geis (1970), Bryman (1986), Drory and Gluckinos (1980), and Elms (1986).

28. See also Winter et al. (1991), Winter and Carlson (1988), Winter (1982), Donley and Winter (1970), Winter (1976), Winter and Stewart (1978; 1977), and Maddi (1989). Achievement oriented are concerned with excellence, prefer moderate risk, modify behavior on the basis of feedback, and prefer expert advice. Affiliative oriented seek security in friendship and surround themselves with people like themselves. The power oriented is concerned with having an impact on others, takes great risk, and picks advisors who know the political process.

29. Winter (1980: 84), in assessing the U.S. presidents, found that the Advertiser in Barber's scheme is achievement oriented and the Lawmaker is power oriented. This is a reverse of what Barber posits. But Winter does concur with Barber that the Passive is high in need for affiliation.

30. D'Amato (1967) extrapolated a construct with regard to how one should view the operational environment. The Systemic leader (e.g. JFK) is less concerned with ideology and monitors the external environment. The Personalist (e.g. LBJ, Nixon) is more ideological, sees a "we-they" world, and is likely to act on his emotions. While D'Amato proposes three other constructs -- Hawk/Dove, Incre-

mental/Avulsive, and Flexible/Rigid -- he does not indicate how they would intersect or suggest leaders which would fit into the various cells.

31. See also Ziller (1973) and Stone and Baril (1979). Stone and Baril (1979) apply the Self-Other Orientation to Maine legislators. Additionally, Ziller's work is put within the cognitive subset since self-esteem is related to how information is processed.

32. Ziller et al. (1977: 193) also drew parallels with Barber's work. The Ideologue seems to correspond to the Lawmaker and the Pragmatist to the Advertiser. Additionally, his results suggested that the Pragmatist and Ideologue were more likely to use coercion in persuasion situations than the Apolitical.

33. The OPCODE explains the characteristics of a leader's decisionmaking by focusing on his beliefs. These beliefs are classified as either philosophical or instrumental. The OPCODE does not assume a one-to-one correspondence with political behavior. Holsti (1977) outlines the various conditions in which it is likely to influence diagnosis and behavior. Holsti (1970: 123) astutely recognizes that it is just as important to know when there is a lack of belief-behavior consistency. Additionally, George (1979) points out that a variety of actions may be compatible with an individual's belief system. That is, there may be a range of likely decisions or actions and not an exact choice.

34. While in this article, belief system is implied to be a well-agreed upon term, this is not the case. Consensus of definition is far from unanimous. There are a myriad of competing concepts. For instance, Brecher (1968) refers to worldview, George (1969) to OPCODE, Burgess (1968) examines elite images, and Axelrod (1972) discusses beliefs [see also Cobb's (1973) assessment of the belief system concept]. Furthermore, there is the work on values, such as Searing (1978) and Hopple (1982), which was spurred on by White (1951) and Rokeach (1973; 1979; 1980).

35. Hoagland and Walker (1979), Stuart (1980), and Walker (1977) in employing the OPCODE seek to make the linkage from beliefs to bargaining moves and rhetoric in statements.

36. See also Walker (1988), Walker and Falkowski (1984), and Hermann (1974; 1980a; 1980b; 1984).

37. It should be noted, as will be self evident shortly, that each of these researchers also focus on different sorts of beliefs.

38. It is also of interest that Types A, B, and C, unlike Type DEF, are more optimistic with regards to an individual's control over historical development

(Walker, 1983: 191).

39. More recently, Walker (1988) hypothesizes that the motives power, achievement, and affiliation are manifestations of the basic needs ambition, ideals, and essential alikeness as outlined by the psychoanalyst Kohut. Therefore, power, achievement, and affiliation motives are relatively stable. Furthermore, diversity across leaders is due to the varying configurations of structural relationships between ambition, ideals, and essential alikeness which are established in the individual's development. The "ideal" structure is when no one pole is dominant. The "compensatory" structure is where one of the constituents of the nuclear self is underdeveloped. Thus, this is manifested for instance, in higher affiliation and power than achievement or higher power and achievement than affiliation. The "disabled" structure is when two of the three constituents of the nuclear self have serious developmental defects. Ergo, one motive is dominant in the leader.

40. Snare (1992b) has built upon Hermann's framework by proposing each of the six types can be associated with a particular schema of situations and a particular schema of others. Within his study of Iranian elites, it is also proposed what reference group is most likely to influence the orientations' advocacy position. While Snare's findings are promising, further research is needed in this area. Nevertheless, it is an effort of linking the six orientations to specific ways the environment is structured (i.e. schemata).

41. Kotter and Lawrence (1974: 199) suggest that there may be more than five types.

42. Two other researchers have adumbrated differences among mayors according to the way they act. Yates (1977: 146-47, 165) identifies four types (crusader, broker, entrepreneur, and boss) with two dimensions (one of which is activity level). Lockhard (1963: 417-27) sketches out four types also -- reformer, program-politician, evader, and stooge.

43. Coogan and Woshinsky (1982) have illustrated an example of how a couple of the types developed by Payne and Woshinsky may be distinguished at a distance. Furthermore, for the reader who is interested, Snare (1992a) utilized Barber's and Etheredge's approaches to discern the relationship between the personalities of Anwar Sadat of Egypt and Muammar Kaddafi of Libya and their nations' foreign policy behaviors.

44. For a fuller picture of the debate see Alker (1972), West (1986), Houts et al. (1986), Costa and McCrae (1985), Epstein (1979), Block (1981), Hogan et al. (1977), Small et al. (1983), Funder and Ozer (1983).

45. An analogy from the physical sciences may explicate this more fully. If we were going to study water, we would not study it without considering the temperature, (i.e. the situation). Water's form is not the same in all situations. Moreover, some elements may be fairly constant in form over a wide range of situations while other elements may be quite sensitive to minute changes. The inference is that this is also the case with people.

46. Pervin (1989: 15), with regard to personality theories in psychology, indicates that a Freudian view focuses our attention on internal aspects while a Skinnerian view focuses our attention on environmental variables.

47. While generally speaking this is the case, we should not forget that psychologists (e.g. Snyder, 1987) and political psychologists (e.g. Hermann, 1989) have found that some individuals/leaders are more consistent across situations/domains than others. Thus, to predict behavior for some individuals/leaders we may need to know more about the person and for others we may need to know more about the situation.

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Correction :

The article by Ho-Won Jeong on issue 3 should read "The World Bank, the IMF, Economic Policies in Ghana."

更正：

本刊第三期由Ho-Won Jeong 所寫的論文篇名請更爲〈世界銀行，國際貨幣基金會，以及迦納的經濟政策〉。

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