

「橡皮圖章」如何轉變為「河東獅吼」？ ——立法院在台灣民主化過程中角色轉變 之探究(1950-2000)*

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威權政體中的議會通常被描繪成「橡皮圖章」，這是表示，議會只有象徵性的意象，並沒有實質監督的功能。但如果威權政體正經歷民主演化的過程，體系中的議會功能也會相應變化，而且轉變的方向理論上一定是從非常弱到強，其強度也許不會如美國國會般的有實質政策制定的效果，但某種程度，如「河東獅吼」般的監督及震攝作用，應該會出現。問題的關鍵是：這種轉變過程是如何產生及發展的？這也是本文主要的關切。

本文試圖從一個辯證的角度，解析議會與民主化之間的關係。更具體一點的說，辯證的關係是指兩者間的包含、矛盾與質量互變。也就是議會的存在，雖是民主改革的種子，但是議會並不能因此而單獨帶動起民主改革的波濤；相對的，議會較強勢的出現，也不僅是民主化的效果。議會與民主化之間，有一個很長程質量互相牽引的積累變化過程。

這個過程或可進一步做這樣的解析：議會角色變遷和政治系統的民主化是互相呼應的，但這種呼應的建構發展，必須透過制度的安排及個人的力量；也就是一方面政治系統的制度安排至少賦予議會能實踐民主功能的基礎；而另一方面，來自議會內外部各方人士的努力推動追求民主，才能使這樣的制度安排，發揮效果，讓議會能實踐它被賦予的功能。

基於以上的理論預設，本文試圖以台灣的立法院為個案，運用系統化蒐集立法院公報所登錄、及相關報刊媒體所刊載有關「民主」的議題，在過去五十年發展演變的質量情形(1950-2000)，並輔以相關文獻的分析，來探討檢證立法院的角色變遷與台灣民主化的關係。

關鍵詞：民主化，台灣，立法院，橡皮圖章，議會

How Does a Rubber Stamp Become a Roaring Lion—The Case Study of the Transformation of the Taiwanese Legislative Yuan's Role During the Process of Democratization (1950–2000)

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ABSTRACT

A legislature in an authoritarian system usually is portrayed as a 'Rubber Stamp'. That is, it only has symbolic meaning, and no substantive functions. However, if an authoritarian system has been undergoing democratic change, the functions of its legislature must have also been transforming from being very weak (a rubber stamp) to being quite strong (a roaring lion). How has this transformation process developed? This is the main focus of this paper.

This paper tries to explicate the relationship between legislatures and democratization from a dialectical perspective. This means that neither can a legislature alone promote democratization in a given system, nor should a strong legislature solely arise as an effect of democratization.

The changing relationship between legislatures and the political systems they establish should be cumulative, on the one hand. That is, the systems must have been constantly undergoing some democratically oriented changes, with their legislatures thus correspondingly reflecting those changes. On the other hand, the changing relationship between the two should result from both institutional influence and individual force. That is, the institutional arrangements of a given system should establish the foundation for its legislature's being able to realize democracy. How-

ever, if individual efforts both from inside and outside of the legislatures are not focused on pursuing democracy, the institutional mechanism cannot be fully utilized to fulfill its given functions.

Based upon the foregoing theoretical propositions, this paper will employ Taiwan's Legislative Yuan as a case to study its role change linked to Taiwan's democratic development.

Key Words: democratization, Taiwan, Legislative Yuan, rubber stamp, parliament