

ISSN 2079-3952



9 772079 395004



香港中文大學政治與行政學系
Department of Government and Public Administration
The Chinese University of Hong Kong



ISSN 2079-3952

Civilitas

政學

*A Hong Kong Student Journal
of Political Science*
香港政治科學學生期刊

Volume 5 Summer 2013
第五卷 2013 年夏

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特別鳴謝 政學編輯委員會感謝圓桌研究及教育協會對本卷出版的贊助及個別捐獻者的贊助。

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Internet Access The online version of this journal can be found at: http://www2.cuhk.edu.hk/gpa/student_journal.php.

Acknowledgement The Editorial Board would like to thank the **Roundtable Community** for sponsoring this volume. Also, we would like to thank a **personal donor** for donating to this volume.

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On Dworkin's Equality of Resources: A narrow conception of equality and the undesirable social imagination

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Abstract The ambition of Ronald Dworkin's theory of equality of resources is to eliminate factors of brute luck in one's life, and it aims to construct distributive principles that are both "ambition-sensitive" and "endowment-insensitive". To achieve this, therefore, the preservation of "option-luck" and the elimination of "brute luck" are central to his theory. Such distributive scheme, however, points to a narrow conception of community and also an undesirable social imagination, and if we hope to capture the authentic meaning of treating everyone as equal, a border sense of equality is required.

I. Introduction

Current debates in social justice are inescapable from the virtue of equality. Most philosophers agree on Ronald Dworkin's abstract formulation of the conception of equality that equality should be understood as equal concern and respect for the fate of all.¹ Thus, "equal concern is the sovereign virtue of political community – without it government is only tyranny."² All reasonable political theories, therefore, would not deny the value of equality, but the problem is how to realize it.³ Dworkin proposes his answer to the question of how to realize equality in his influential article which he named as "Equality of resources", that he argues that if a society hopes to treat its citizens with equal concern and respect, then a society should pursue equality

1. Ronald Dworkin, *Sovereign Virtue* (Cambridge, M.A.: Harvard University Press, 2002), 1; see also Ronald Dworkin, "Liberalism", in *Public and Private Morality*, ed. Herbert Smith (Cambridge: Cambridge University Press, 1978), 126.

2. *Ibid.*, 1.

3. See Martin Wilkinson, *Freedom, Efficiency and Equality* (London: Macmillan Press Ltd, 2000), 59.

of resources rather than equality of welfare.⁴ The former indicates that citizens are as equals when the bundles of resources they own cannot be more equal.⁵ And the latter points that citizens were being treated as equals when no further transfer of resources would improve the level of equality among them.⁶

In his theory of equality of resources, he tries to establish a distributive scheme which is both “ambition-sensitive” and “endowment-insensitive”.⁷ In order to achieve this, he further distinguishes the difference between “brute luck” and “option luck” that the former can call for compensations while the latter cannot do so. Many critics reject his theory by illustrating that the distinction between the two types of luck is practically impossible that they have so many overlapping areas. This kind of critique is worthy of further investigation, but is beyond the scope of this essay.

In this essay, I assume that this distinction is valid, that we are able to draw a clear line between “brute luck” and “option luck”. My main argument goes as follows: even if we can clearly distinguish brute luck and option luck, and hence completely compensate for brute luck and remain neutral to option luck, it is still not desirable for our distributive principles to be grounded on such distinction, since the distinction (1) is pointing toward an undesirable social imagination, and (2) was founded on a wrong conception of equality.

This essay is structured as follows: in part two, I will briefly summarize Dworkin’s “Equality of resources” to see the grounding and ambition of his theory. In part three, I will examine three imaginations of a community and argue that Dworkin’s theory was founded on

4. See Dworkin, *Sovereign Virtue*, 16–18. In this essay, I will not further discuss “equality of welfare”. Roughly, equality of welfare can mainly be characterized in two classes of theories. One is “success theories of welfare” which suggested that a person’s welfare is equal to his success in fulfilling his preferences, goals and so on. Another is “conscious-state theories” which suggested that distributions should try to leave people as equal as possible in some aspects or in the quality of their conscious lives.

5. See Richard J. Arneson, “Equality and Equal Opportunity for Welfare,” *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 56 (1989): 77–78.

6. *Ibid.*, 12.

7. *Ibid.*, 89;

see also Will Kymlicka, *Contemporary Political Philosophy* (Oxford: Oxford University Press, 2002), 75.

one of them. In part four, I will argue that Dworkin's conception of community is a too narrow one that it fails to properly deal with several significant relational values. In part five, I argue that Dworkin's theory would generate an undesirable social relation and also a community of inequality. I suggest that we should rather accept another conception of equality which I named as "equality of dignity".

II. Equality of Resources

Equality of resources "holds that it treats people as equals when it distributes or transfers so that no further transfer would leave their share of the total resources more equal".⁸ According to Dworkin, the resources to be equalized are "whatever resources" that "owned privately by individuals."⁹

To illustrate the idea of equality of resources, imagine that we are now living on an island that full of resources, and we all agree to a principle that no one is antecedently entitled to any of these resources. Now, we are thinking of how to distribute these resources with a method that can realize the value of equality. Dworkin suggests that we can employ "envy test" as a device to realize the equal division of resources, that "no division of resources is an equal division if, once the division is complete, any immigrant would prefer someone else's bundle of resources to his own bundle."¹⁰ In order to distribute resources, suppose that all people on the island got an equal and large amount of clamshells, "which are sufficiently numerous and in themselves valued by no one."¹¹ Also, "each distinct item on the island is listed as a lot to be sold".¹² And, "the auctioneer then proposes a set of prices for each lot and discovers whether that set of prices clears all markets, that is, whether there is only one purchaser at that price and all lots are sold."¹³ If not, "the auctioneer adjusts his prices until he reaches a set that does clear the market."¹⁴

8. Dworkin, *Sovereign Virtue*, 12.

9. *Ibid.*, 65. He further explains that why he has this narrow definition, that "equality of political power, including equality of power over publicly or commonly owned resources, is therefore treated as a different issue, reserved for discussion on another occasion."

10. *Ibid.*, 67.

11. *Ibid.*, 68.

12. *Ibid.*

13. *Ibid.*

14. *Ibid.*

All people can freely change their bids whenever they want. When the auction is successfully done, the result should be that “everyone declares himself satisfied, and goods are distributed accordingly.”¹⁵ Also, the envy test would now be fulfilled and “no one will envy another’s set of purchases because, by hypothesis, he could have purchased that bundle with his clamshells instead of his own bundle.” That is, everyone gets his fair share and his own preferred bundle of resources, and there is nothing he would or should envy of.

Under equality of resources, given the background information about the cost of each form of life and the resources they have, that people voluntarily decide which form of life he would like to pursue and take the responsibility of his choice. Therefore, the differences between them “simply reflect their different ambitions, their different beliefs about what gives value to life,”¹⁶ and, obviously, the auction illustrates the ambition-sensitive element in his distributive scheme.

Once the auction is completed as described, then the equality of resources holds for the moment. However, when people go to lead their lives, the development might result in the failure of the “envy-test”. For instance, the differences in our natural talents and also our fate with arbitrary experience would sometimes alter our situations and finally lead us to favor others’ bundles of resources more than our own. Hence, it is necessary to cope with the problem of “post-auction fortunes.”¹⁷ Post-auction fortune means the impacts of luck in the course of our lives. Dworkin describes two different kinds of luck. The first one is “option luck”, which is a choice that we can predict the gain and lose and we still take the risk to choose it. The second one is “brute luck”, which is something that we cannot predict before it really happens. Thus, the former is like a gamble that we can rationally deliberate and calculate, but the latter is not.¹⁸ A man, for example, develops cancer in the course of a normal life is brute luck, but if he takes cigarettes which he clearly know that it might develop cancer and finally it happens, then it is an option luck.

15. Dworkin, *Sovereign Virtue*, 68.

16. Kymlicka, *Contemporary Political Philosophy*, 75.

17. Dworkin, *Sovereign Virtue*, 73.

18. *Ibid.*

Since the brute luck is not under our control and the differences between individuals that caused by brute luck was not the result of one's own choice, the distributive scheme is not "ambition-sensitive" and "endowment-insensitive" if it allows individuals to be affected by the factors which are not responsible to themselves.¹⁹

Also, if we do not take the brute luck seriously, the auction would only be a formal rather than a substantial equality, since handicapped people are unreasonably worse than those healthy people, and the same amount of clamshells values to them very differently. To solve this problem, Dworkin proposes an insurance scheme. Assume that we all subject to the same possibility of being handicapped and given that we all have an equal share of clamshells, then, how much of the share we are willing to spend on the insurance against being handicapped? After everyone has decided how much they would spend on the insurance, we can find out that how much the society should compensate for each of them if some of them were unfortunately being handicapped.²⁰ The insurance scheme provides a bridge to link up brute luck and option luck, because how much you would like to spend on the insurance is your own choice, and that reflects your willingness to take risk from brute luck.²¹ When everyone has decided on the amount that they would invest on the insurance, the society will compensate for their brute luck according to the proportion of resources that they have spent on the insurance.

To conclude, the theory of equality of resources expresses Dworkin's view of justice. As Kymlicka points out that Dworkin's theory is (1) "respecting the moral equality of persons", (2) "mitigating the arbitrariness of natural and social contingencies", (3) "accepting responsibility for our choices".²² Since we have equal moral worth, we should have the same amount of resources to bid for the things that is important for us to realize our own conception of good life and the envy-free requirement enables all of us have the best choice under the constrain of limited resources. Moreover, since we have equal moral worth, no one should be superior or inferior to others in the distribution

19. Tom Campbell, *Justice* (New York: Palgrave Macmillan, 2010), 160.

20. Dworkin, *Sovereign Virtue*, 77;
Kymlicka, *Contemporary Political Philosophy*, 77.

21. Dworkin, *Sovereign Virtue*, 74.

22. Kymlicka, *Contemporary Political Philosophy*, 75.

of resources merely because of the brute luck that we cannot control, so that the insurance scheme puts the brute luck under our control. Finally, since we have equal moral worth, all of us should freely lead our life under the same constraints and resources, and we should be responsible to our choices because we choose them freely and autonomously, and that is the reason why option luck cannot command for any compensation.

The most essential feature of Dworkin's theory lies in the distinction between "brute luck" and "option luck", which is the main consideration of the distribution of resources when the auction has completed. My criticisms of his theory would primarily base on this distinction which plays as a ground for his whole distributive scheme. I shall make a remark here that I will not challenge the practicability of his theory even himself admits that his theory is only the "second-best" in a real world.²³ Any challenge founded on the problem of practicability is only a factual challenge which does not mean that the ideal of his theory is undesirable.²⁴ I would prefer to make a normative challenge. Even if his theory can be perfectly done in the real world, it is still not desirable for us to pursue such a distributive scheme.

III. Three Imaginations of the Origin of Community

When we are designing the distributive scheme for a community, we must firstly have an imagination of the community as a foundation for the design. Otherwise we have nothing to judge the reasonableness of a distributive scheme. Therefore, all distributive principles or schemes were based on some understandings of the proper constitution or pattern of a society. For instance, Nozick believes that there is no such thing as "social entity" and hence his distributive principles are extremely individualistic.²⁵ Rawls believes that a well-ordered society is "a social union of social union", so one of the main considerations of his distributive principles is to guarantee citizens as "fully cooperating

23. Dworkin, *Sovereign Virtue*, 73;
see also Kymlicka, *Contemporary Political Philosophy*, 78;
see also John E. Roemer, *Egalitarian Perspectives: Essays in Philosophical Economics* (Cambridge: Cambridge University Press, 1994), 147.

24. Gerald A. Cohen, *If you're an Egalitarian, How Come You're So Rich* (Cambridge: Harvard University Press, 2001), 118.

25. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), 32–33.

members of society”²⁶ I do not intend to further discuss the content of their imaginations of society or community here. Rather, I would like to roughly distinguish three different imaginations of a community to see which position Dworkin was grounded on when he thinking of his distributive scheme.

(1) The first imagination: *We have no choice but to live together*. We can only live together since we cannot live without a community. The community is only a sphere for us to maximize our own benefits with some constraints that I cannot remove. All of us only care about ourselves. For us, others are more or less means to maximize our own benefits.

(2) The second imagination: *We have no choice but to live together*. All of us, however, hope that we can cooperate in a community which was regulated by just principles. These principles should draw a clear boundary of desert or entitlement, that means what the community can take away from me and what cannot. We all try to establish a community that each of us has an equal opportunity to pursue for our own conception of good life. A significant feature in this society is that, justice cannot command for one to contribute the resources that he deserves and entitles to own, no matter what reasons.

(3) The third imagination: *We want to live together*. It is not solely because we need a sphere to realize some of our aims, but we also enjoy the social relations as such. We want to cooperate and reach collective enjoyable lives. Therefore, the strict distinction between deserved and underserved which might violate our civic friendship and deeply damage some members' sense of belonging would be abandoned by the community. All in all, our aim is that all of us can have an equally decent life with enjoyable social relations.

These three different imaginations would generate different kinds of distributive schemes. The first one will generate some principles or schemes that resources would be distributed according to your bargaining power. The second one will generate principles or schemes

26. John Rawls, *A Theory of Justice* (Cambridge, M.A.: Harvard University Press, 1999), 462. “The main idea is simply that a well-ordered society (corresponding to justice as fairness) is itself a form of social union. Indeed, it is a social union of social unions.”;

Samuel Scheffler, “What is Egalitarianism?” *Philosophy & Public Affairs* 31, no. 1 (2003): 30.

that ensure everyone has the same substantial opportunity to pursue their own conception of good life and everyone is fully and strictly responsible to his own choice and hence pays the full cost of his choice. The third one will generate some principles or schemes that guarantee everyone in this community has a decent life, that sometimes the redistribution might violate the strong sense of desert and responsibility.

Dworkin grounds his theory on the second imagination of community. Firstly, in his whole discussion, he does not demonstrate any relational value in his distributive scheme, and he focuses on what kind of distributive design can make one comprehensively responsible for his own informed choice. Thus, a further inference is that he apprehends a distributive scheme solely as a device to distribute benefits and burdens according to one's own choice and his responsibility, but he is not aware of the function to create an ideal social relation of a distributive scheme. He states that "we have already decided that people should pay the price of the life they have decided to lead, measured in what others give up in order that they can do so."²⁷ Moreover,

we have no general reason for forbidding gambles altogether in the bare fact that in the event winners will control more resources than losers, any more than in the fact that winners will have more than those who do not gamble at all. Our initial principle, that equality of resources requires that people pay the true cost of the lives that they lead, warrants rather than condemns these differences.²⁸

To use a more simple phrase to express it, "two people born into a situation which gave them equal life chances can end up leading lives of very different quality as a result of their own free choice," and "equality of resources" would "warrants rather than condemns these differences".²⁹ Then, the chief supporting reason of "equality of resources" is that it fully realizes the value of responsibility. It seems likely that from the very beginning, the meaning of a community for

27. Dworkin, *Sovereign Virtue*, 74.

28. *Ibid.*, 75.

29. Thomas Nagel, *Equality and Partiality*(Oxford: Oxford University Press, 1991) 71; Gerald A. Cohen, *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy* (Princeton: Princeton University Press, 2011), 18. "When deciding whether or not justice (as opposed to charity) requires redistribution, the egalitarian asks if someone with a disadvantage could have avoided it or could now overcome it. If he could have avoided it, he has no claim to compensation, from an egalitarian point of view".

Dworkin is only a sphere to realize one's own conception of the good life under several fair and commonly agreed principles. Citizens, under this imagination, require that the community should clearly distinguish what different individuals are entitled to. If the plight of one is the result of his own choice, then the community should warrant that result rather than redistribute resources to help that person. Thus, citizens in this kind of community are clearly separated. Dworkin's distributive scheme, apparently, leaves not much room for the value of community, reciprocity and fraternity. The above explanation shows that why I believe that his theory of equality of resources was founded on the second imagination of a community.

IV. Dworkin's Conception of Equality

I have, heretofore, said nothing about why the "equality of resources" is undesirable and what is the problem of a community based on the second imagination. In order to illustrate these, I will firstly lay out some counter-intuitive examples that would happen in Dworkin's distributive scheme.

Example (1): This example was mentioned by Dworkin himself. Two men got cancer. One got it from a normal healthy life while another got it from a life that smoked cigarettes heavily.³⁰ To the former, the community should compensate for his bad luck. To the latter, he just took an unsuccessful gamble and "it was the fair price of possibility of gain".³¹

Example (2): An emergent patent got injury resulted from a foolish but voluntary decision. Unfortunately, he made a lot risky financial decisions (given that he knows the possibility of gain and loss) which let him no money to pay for a treatment. So, an emergency doctor left him untreated.³²

Under the "equality of resources", there is no ground for the community to further redistribute resources for these poor people to overcome their plight, since any such kind of redistribution would

30. Dworkin, *Sovereign Virtue*, 73–74.

31. *Ibid.*, 74–75.

32. Scheffler, "What is Egalitarianism?", 33.

violate the priority of Dworkin's existing distributive scheme and also contradict the existing logic of distribution. This, however, would be quite counter intuitive. In everyday life, we believe that the community should help those who faced a poor circumstance even that is the result of their own choices. We think that the community should help them not because the result might involve some elements of brute luck or some reasons like that, but merely because we think that the community should help them. To calculate or trace back to the original cause of his predicament to see whether there is any element of brute luck and to decide whether to help that person accordingly is beyond doubt "one thought too many", that applying such a perspective to think of these matters would seriously impair the authentic meaning of civic friendship and also the value of fraternity and reciprocity in a society.³³

Some might think that Dworkin would reject my interpretation and saying that if something threatens one's life, this is another story. The community may have legitimate claim to give some resources to him. I doubt the validity of this reply and I believe that Dworkin would not do such reply. In "Equality of resources", when the auction was completed, that all redistribution would only be used to compensate or rectify the interference of brute luck in people's life. This kind of redistribution is based on a "luck-neutralizing emphasis" which constitutes the legitimate areas of redistribution and recognizes the legitimate areas that people are entitled to.³⁴ All redistributions are taking resources from one and give it to others. If we say that one is entitled to something, then it will generate an obligation to the community that no matter what reasons, the community cannot take out those resources from the one who entitles to those resources. Therefore, individuals in case (1) and case (2) have no claim on the resources that others are entitled to. Those pitiful people can only hope for the sympathy and voluntarily donations from others.

Thus, we can see that the concept of equality in the "Equality of resources" is quite problematic. It starts from we all have equal moral worth, thus the community should treat us with equal concern and respect. And then, in order to do this, people are given the same amount

33. Bernard Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1982), 18.

34. See Samuel Freeman, *Justice and the Social Contract* (Oxford: Oxford University Press, 2007), 113. This distributive basis was developed by the misreading of Rawls; Steven R. Smith, *Equality and Diversity* (Bristol: The Policy Press, 2011), 84.

of resources to bid for their own bundle of goods until envy-free. The insurance market compensates and rectifies the effects of brute luck in one's life. Now, only our choices can determine our lives, and we are all the master of our lives. Because we are the master of our lives, we should take the responsibility of our choices – to pay the true cost for it. It, obviously, does not deal with the inequality which was generated from our own choices, and we can certainly predict that in such scheme when several decades later, some people will live far below than other's standard. At its extreme, Dworkin's society would be more or less equal to a libertarian society, that those who are willing to take risk and fortunately have good luck will live in a very high standard, while those who are also willing to take risk but unfortunately have bad luck will suffer greatly from his attitude and live under a very poor situation. Dworkin's conception of equality, therefore, would only guarantee the ex-ante equality but not the post-auction equality, and such conception of equality is too narrow in the sense that it does not authentically guarantee our equal status, which is partly defined by our amount of economic possessions, in the whole course of life.

Dworkin's conception of equality is too narrow, for another reason, because it leaves no room for values except fairness and responsibility.³⁵ Love, caring, fraternity, and reciprocity these important values are not included in Dworkin's narrow conception of equality. We should ask that what is the point of equality – why do we seek for equality? There are two reasons, one negative and one positive. Negatively, we hope to “abolish oppression – that is, form of social relationship by which some people dominate, exploit, marginalize, demean, and inflict violence upon others.”³⁶ Positively, we seek “a social order in which persons stand in relations of equality.”³⁷ Social relation, therefore, is one of the essential matters that every conception of equality needs to deal with. However, we could clearly see that Dworkin's conception of equality fails to tackle this essential matter properly. We can hardly imagine that a social relation just has little room for love, caring, fraternity, and also allows

35. Fairness: in the sense that I do not need to pay for the cost of other's choices. Responsibility: since after we eliminate all arbitrary factors, only your own choice can determine your life, and we should take the responsibility of our own choice.

36. Elizabeth S. Anderson, “What Is the Point of Equality?”, *Ethics* 109(1999): 313.

37. *Ibid.*

a huge economic inequality if it was the result of one's own choice. A community which was founded on such a conception of equality will only be a community that full of separateness. For a proper conception of equality, it should emphasize on a long run equality, which means that it should guarantee people's equal status in their whole course of life. To achieve this, the economic inequality must be restricted to a certain limited range that it should never harm the self respect and also should not undermine the social recognition to that agent's own form of life. Dworkin's conception of equality, "equality of resources", is a too narrow one, and it also implicitly points to a social relation that is undesirable.

V. The Foundation of Community

I agree with Dworkin that equality is the sovereign virtue in contemporary world. But as Amartya Sen asked in his *Tanner Lecture*, "equality of what?", the answer that given by Dworkin was "Equality of resources".³⁸ I have demonstrated that his answer is unsatisfying because his concept of equality is too narrow and points to an undesirable social relation.

In order to think of what kind of conception of equality should we pursue, we should first to see that which imagination of community is worth to be taken as the basis of the conception of equality. I would prefer the third imagination which emphasizes on the significance of a harmonious social relation and also the collective enjoyable lives of all, and only the third imagination can display the intrinsic value of a community.³⁹ We come to live together because we want to live together but not solely we are forced to be so. The two different scenarios will have vastly different implications. If we want to live together, that implies one of the primary attractive features of a community is the social relations in which we can build up our sense of belonging and also experience different kinds of relational values, while if we are only forced to do so, that perhaps a community for me has no value besides as a tool for me to realize my own project. The latter kind of social

38. Cohen, *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, 3.

39. For a brief description of the attractiveness of such community, see G. A. Cohen, *Why not Socialism* (Princeton: Princeton University Press, 2009), 50–52.

imagination is problematic since it is unable to capture our social needs which we could experience every day, for instance, seeking for other's recognitions and seeking for a harmonious relationship with others.

Under the third imagination of a community, we will not accept "equality of resources". Since if we emphasize too much on the distinction between brute luck and option luck, and ground our basic distributive principle on such basis, it would, undoubtedly, create a clear boundary of entitlement, obligation, and responsibility, but the cost of it is in the harm of several treasurable relational values. More importantly, a fundamental distributive principle which founded on this basis would sometimes informally deprive the membership of those who are in poor economic situation which was resulted from their own choices. Firstly, the community denies that we should help these people by reallocating resources to them (it means that we have no obligation to them), and that such a denial would inevitably shape our attitudinal perceptions on these people, "lazy people", "risk takers", and so on. It finally leads to a perception that they are unwelcome members of the community.⁴⁰ Secondly, when these people faced the unfriendly attitude from citizens and the community, it would severely damage their sense of belonging, that they might think others do not give enough respect to them, and they will not be able to sense themselves as a member of the community anymore. The lack of resources, regardless the cause of it, furthermore, will also make some of them cannot fully exercise the rights which secure by a community, and it therefore deprives them of equal citizenship informally. Thirdly, a substantial sense of equality requires that there cannot have a vast inequality in economic possessions. It is not difficult to imagine that a person who owns one thousand billion dollars will not think that his worth is equal to a bagger. A community of equals needs a relatively equal share on some significant resources, which are the determinant factors of a person status, in the whole course of life.

I would, accordingly, prefer another conception of equality – equality of dignity. Roughly speaking, we have equal moral worth, thus we all should have a dignified life. A dignified life is a life that

40. Just think of the poor in some highly capitalist societies, most of the citizens applying particular conception of desert to describe the plight of the poor, and also think that they are burdens of the society. A distributive principle focuses on desert would therefore unavoidably alter our understanding to some citizens.

recognized by the whole community. Since members of community recognize the worth of that kind of life, they are willing to share their fate together and give support to that kind of life. To specify, a dignified life contains self-respect and the sense of belonging that these are constitutive to the well-beings of different individuals. To secure a life has these two elements, that members of the community will guarantee all their fellows not being excluded by the community. So that if a person makes a choice that results in bad option luck and it largely harms his self-respect and sense of belonging, then the community would redistribute resources to him in order to ensure his dignified life. Then, the distributive principle of such community primarily aims to secure a substantial equal status of individuals and also guarantees the capacity to exercise the significant rights which protected by that community.

In equality of dignity, love, caring and fraternity found their room. No one will be excluded from the community, that all of us are willing to help others to overcome their plight. Moreover, the value of responsibility found its place too, that we have an absolute right to enjoy a dignified life thus we have a positive responsibility to ensure others also have a dignified life. The value of reciprocity was expressed by the distributive principle that we do not want any of us to get far behind the whole community, and we are willing to assist each other mutually.

When compare the second with the third imagination of community, the third one would be more compatible to the sentiment of a proper social relation which we desire in everyday life. I believe that the second imagination which was taken by Dworkin is undesirable in the sense that it neglects several communal values which are treasurable, and his conception of equality fails to develop an ideal social relation for us. Therefore, another conception of equality: “equality of dignity” would be a much appealing concept of equality for us to ground our distributive principle on in order to create a desirable social relation and also a suitable understanding between members of community.

VI. Conclusion

“Equality of resources” was based on three deep convictions: (1) we all have equal moral worth, (2) we should not gain or loss by brute luck, and (3) we should be responsible to our own choice. The auction is used

to realize the conviction of equal moral worth, and the insurance is used to rectify the effects of brute luck. The concept of option luck is used to realize the value of responsibility in our own choice. When the auction was completed, the main concern of the redistribution is to neutralize the effects of brute luck and warrants the outcome of option luck.

“Equality of resources”, as interpreted as above, is a too narrow conception of equality. We take equality seriously because we want to properly deal with the relation between individuals and try to establish an ideal social relation for them, but Dworkin fails to do so since his proposal involves no elements of fraternity, reciprocity, caring, and love. It chiefly emphasizes on the distinction between brute luck and option luck, and intends to establish a clear boundary of responsibility, obligation and entitlement, but meanwhile it also implicitly reflects a social relation which is full of separateness. It, furthermore, is not aware of the possibility of a vast unequal distribution of economic resources, no matter on what reasons, would informally deprive some individuals of equal status and their capacity to exercise several significant rights which was secured by the community. Most importantly, these inequalities in economic possession would unavoidably alter our perceptions on some members of community to a defective way, and this would greatly damage the self-respect and sense of belonging of those members. To specify, “Equality of resources” would finally generate a community of unequals. Therefore, I propose that we should accept the “equality of dignity” which would secure our equal status.

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Comment

Professor William Smith, *The Chinese University of Hong Kong*

The article is well written and carefully reasoned. The only substantive point the author might better address in section V is the question of incentive. Dworkin's model builds in the question of responsibility, which not only makes every actor partially the author of his own fate but also creates incentives for optimal performance. This is the perennial distinction between capitalism and socialism often debated. Dworkin would surely argue the members of his society would be motivated to be productive to realize the advantage of the risks and efforts they take. I actually agree with the author's choice of option 3, but suspect it could be constructed as caring society that favors human dignity through some safety net to meet basic needs, while still retaining some incentives for productivity to everyone's advantage. So he might add some discussion of this in section V, if he has a plan for some incentives. Otherwise, he may encounter the same problem of traditional Marxist societies of low productivity and egalitarian poverty. In any event, I will leave it to the author to decide whether to include some discussion of this point. Otherwise, it looks good.

Reviewing Democratic and Anti-corruption Theories: Comparative Case Studies of Two Semi-Presidentialism Countries – Taiwan and South Korea

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Abstract According to corruption theories, predicting and explaining the success of attempts to combat corruption focus on three important indicators and perspectives to investigate different political structures and regimes as an explanatory mechanism in comparative studies, namely democratization, economic development and cultural traditions. This essay is going to examine whether the theories are accurate or not. The essay provides empirical and qualitative analysis to point out that the traditional theories neglected how the institutional factors, such as governance power, decision-making process and the composition of governmental bodies, affect the attempts to combat corruption. Therefore, this essay takes two cases – South Korea and Taiwan (Republic of China) – for a comparative analysis. These two countries are similar in various aspects which can be compared at several levels. First, the two countries have adopted the semi-presidential system as the democratic structure under the third-wave democratization. Second, the two countries are honoured as two of the “Four Asian-Tigers” of economic success, which is attributed to the developmental state strategy; finally, Confucianism is the dominant cultural ideology in these countries. However, even though these factors mentioned above are held constant; a comparison of the levels of combating corruption in these two countries shows a dramatically different picture. Thus, this essay is going to illustrate, explain and investigate their governance at micro-level, arguing that political party, as an indicator which directly influences the relationships between branches and the decision making model, is worth to be concerned in this field.

I. Introduction

This essay adopts the notion of public administration theories that combating corruption is a result of institutional setting.¹ Many scholars argue that institutional settings which influence the current corruption level, social norms and cultural norms, are correlated to the public's understanding and tolerance towards corruption.² Therefore, using a comparative approach and investigating a number of cases with different status of political and economic circumstances would illustrate and summarize the pattern and tendency of corruption.

According to traditional corruption theories, political factors and democratic level could affect the government in the following dimensions: public governance, accountability, transparency, responsiveness, efficiency, effectiveness and legitimacy.³ In essence, the theories state that a democratic system with voting system and electoral system could provide incentives to politicians and political parties to against corruption. Meanwhile, it could help to establish a checked and balanced political structure for monitoring and combating corruption.⁴

Moreover, the economic scale and development strategy are taken into account to evaluate and explain the different corruption situation in this field. Some scholars believe that a prosperous and well-developed economy could provide a basic platform and is a prerequisite for striving towards equal opportunity and fair competition. In order to reduce the transaction cost and enhance productivity and efficiency, government and private sectors have impetus to proceed with rent-seeking activities.⁵ Thus, in essence, despite economic development is an indicator in the theories, it is always widely believed that there is an interdependent relationship between economic situation and corruption. In other words, the relationship between combating corruption and economic

1. Jon S.T. Quah, "Benchmarking for Excellence: A Comparative Analysis of Seven Asian Anti-Corruption Agencies," *The Asia Pacific Journal of Public Administration* 31 (2009): 171–95.

2. Ibid.

3. Vito Tanzi, "Governance, Corruption, and Public Finance: An Overview," in *Governance, Corruption and Public Financial Management*, ed. Salvatore Schiavo-Campo (Manila: Asian Development Bank, 1999), 1–20.

4. Mari-Liis Liiv, "The Causes of Administrative Corruption. Hypotheses for Central and Eastern Europe" (PhD diss., University of Tartu, 2004).

5. Tat-yan Kong, "Corruption and the Effect of Regime Type: The Case of Taiwan," *New Political Economy* 9 (2004): 341–64.

development is mutually-beneficial. However, according to their post World War II histories, South Korea and Taiwan's governments have similarly adopted an aggressive and active approach in developing their economies, and are being called "developmental states". To a certain extent, it builds a spectacular circumstance that rapid economic growth and active rent-seeking activities occurred at the same time.⁶

Following this logic, taking South Korea and Taiwan as case studies, which both share similar political transition histories, political structure and economic strategies but ends up with different corruption levels, is meaningful. This essay will first summarise and trace back the histories in order to justify that the two cases are similar and worth to be quoted in this comparative study. Furthermore, it will explain why the different levels of corruption exist. The contribution of this essay and the findings can be references for the new-born states in developing countries, it also supplements the weakness of the current theories.

To conceptualize the above, this essay is divided into three parts. Firstly, the essay is going to provide statistics of corruption level in these cases, in order to challenge the traditional theories. Meanwhile, based on the statistical differences, the essay raises a question of whether the existing theories can sufficiently explain the great distinctions or not. The second part compares the similarities of South Korea and Taiwan in political, economic and cultural perspectives. With reference to these observations and findings, it could shed light on the loophole of the theories.

Finally, the last part of this essay will provide a new explanatory mechanism to supplement the current theories in political and economic perspectives. There are some micro-factors and new corruption combating strategies which should be noticed, such as re-election, decree power and electoral dynamics. Therefore, the differences of corruption level between South Korea and Taiwan are primarily attributed to these factors and disparities, influencing and festering in two dimensions: 1) The relationship between administrative branch and legislative branch, 2) Decision making model and parties' development.

6. David C. Kang, *Crony Capitalism: Corruption and Development in South Korea and the Philippines* (Cambridge: Cambridge University Press, 2002).

II. Turning Point: Different Corruption Level

This essay makes use of empirical data, from researches conducted by International Transparency (CPI) and Kaufmann (CCI). Although these data were widely adopted and the data sources were generated by various of surveys and the two surveys are highly correlated with each other and they are only perceptions of public opinion. Therefore, they must contain some methodological errors.

According to the Corruption Perception Index (CPI) of International Transparency, the ranking and corruption situation in Taiwan was much better than South Korea from 1995 to 2005 (Table 1 & Figure 1). Moreover, according to the governance index, in one of the indicators, "Control of Corruption indicator" (CCI), Taiwan was obviously better than South Korea as well (Figure 2).

Table 1 CPI Index and CPI World Ranking

State	1995	1996	1997	1998	1999	2000
Taiwan	5.08	4.98	5.02	5.3	5.6	5.5
	25/41	29/54	31/52	29/85	28/99	28/90
S. Korea	4.29	5.02	4.29	4.2	3.8	4
	27/41	27/54	34/52	43/85	50/99	48/90
	2001	2002	2003	2004	2005	
Taiwan	5.9	5.6	5.7	5.6	5.9	
	27/91	29/102	30/133	35/145	32/158	
S. Korea	4.2	4.5	4.3	4.5	5	
	42/91	40/102	50/133	47/145	40/158	

Source: Transparency International, *Corruption Perceptions Index (CPI) 1995-2005*.

Figure 1 Corruption Perception Index of Taiwan and South Korea, 1995-2005

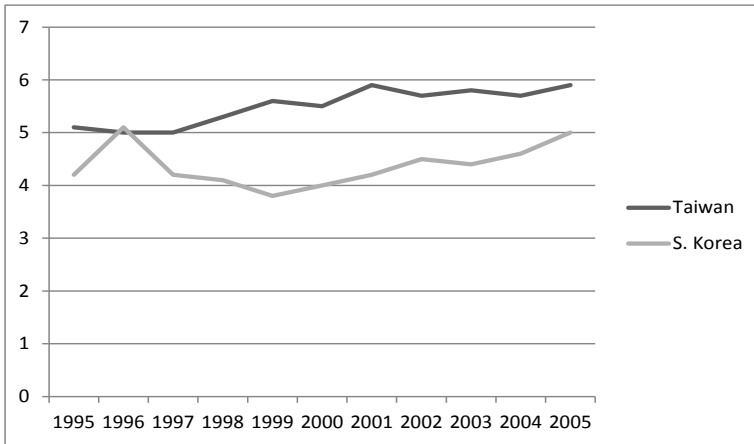
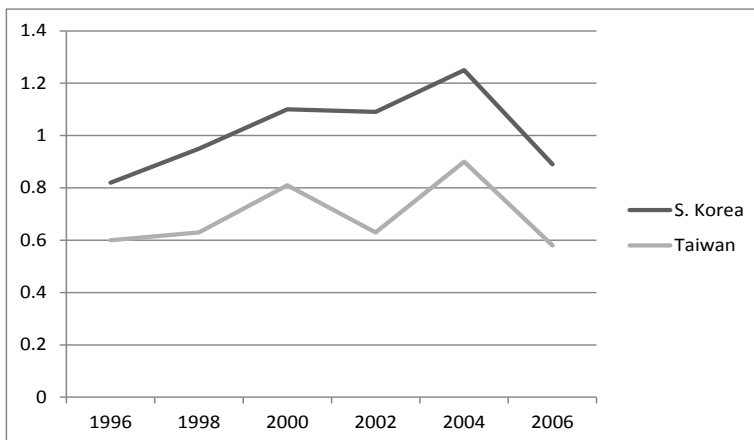


Figure 2 “Control of Corruption” in Governance Index

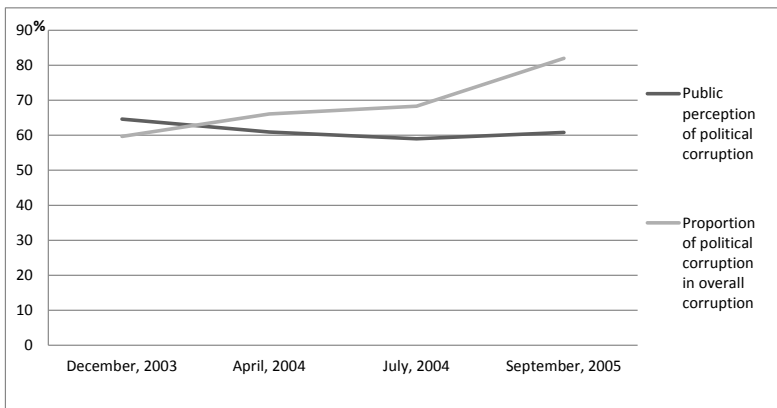


Source: Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi (2010)⁷

7. Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi, *Policy Research Working Paper 3106 – Governance Matters III: Governance Indicators for 1996 – 2002* (The World Bank Institute Global Governance Department and Development Research Group Macroeconomics and Growth: Washington, D.C., 2003).

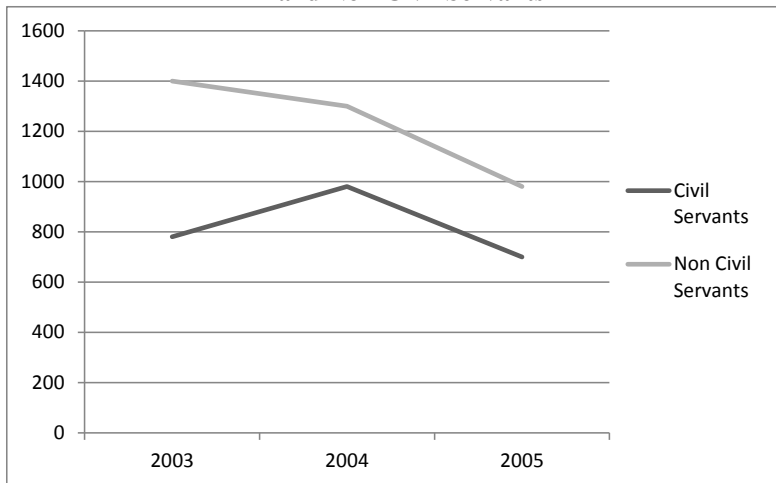
One significant observation in this comparison is the combating performance and result, which consistently shows that South Korea was worse than Taiwan. Although the development of democracy in South Korea became stable after 1996, Figure 3 and 4 show that the democratic development did not help the situation: the proportion of government officers in the overall corruption cases has no remarkable improvement, remaining at over 80 percent. On the contrary, in Taiwan, after a host of movements against corruption in 2001, the political corruption was no longer common as before.

Figure 3 Perception Towards Political Corruption and the Actual Percentage of Cases in South Korea



Source: Year book of ACRC 2003-2005

Figure 4 Prosecution Number of Civil Servants and Non-Civil Servants



Source: Year book of Department of Justice 2003-2005

Moreover, in terms of the number of prosecutions in Taiwan, Chen Shui-bian's government has put effort into prosecution after 2001, therefore many government officers were sentenced. (Refer to Table 2 and 3 and Figure 5)

Table 2 Prosecution Cases in Taiwan 2001-2003

Year	Prosecution Cases	Prosecuted People	Verdict of guilty
2001	585	1734 (1201)	54
2002	605	1278 (659)	143
2003	640	1276 (687)	562

Figure 5 The Tendency of Prosecution Cases over 1992-2003 (a)

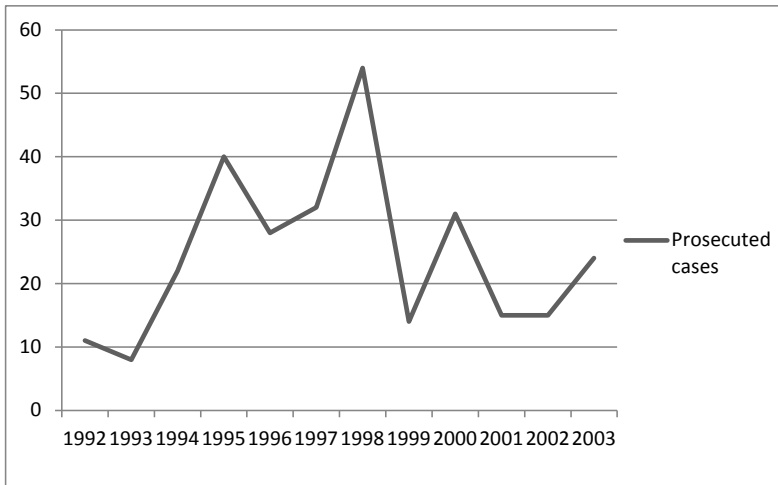


Table 3 The Tendency of Prosecution Cases over 1992-2003 in Taiwan

Year	Prosecuted cases	Officers' cases
1992	11	47
1993	8	27
1994	22	82
1995	40	99
1996	28	77
1997	32	84
1998	54	125
1999	14	28
2000	31	76
2001	15	24
2002	15	49
2003	24	71

Source: Year book of Department of Justice, 1992-2003

On the other hand, from 1996 to 2000, there was no obvious improvements in combating corruption in South Korea. According to the statistics from the Department of Prosecution, only half of every 1000

revealed political corruption cases could be successfully prosecuted.⁸ Moreover, based on the extrapolation by Callick, a public administration expert of South Korea, there were at least 8,200 government officers engaged in corruption and bribes in 2001. However, the numbers of prosecutions in that year was only 204.⁹ In other words, 97 percent of bribed officers were freed from penalty. Therefore, even if South Korea has established an independent organization, the ACRC for combating corruption in 2001, the combating result is still inferior to Taiwan.

Given that the levels of combating corruption in Taiwan and South Korea are different, the current theories are supposedly able to explain the differences by investigating the democratic level and economic situation. However, the following part proves that they have the same democratic system and development level, whereas the perceived indicators cannot fully explain the situation; hence the evidence mentioned above undoubtedly weaken the applicability of the current corruption theories. At the same time, the following part intends to show that the current theories underestimate the importance of internal setting and policymaking model in the political structure, and the theories also overstate the effects of economic development on corruption. By adopting the notion from Kang, the finding shows the linkage between a positive economic growth and rent-seek activities, as well as they could occur at the same time.¹⁰

III. Comparison of the Political Perspectives of South Korea and Taiwan

As mentioned in the introduction, the common features of traditional corruption analysis in investigating and evaluating democracy is only in terms of voting, president, and parliament. All these theories and studies were widely adopted as a reference for understanding how to set up a political structure in some newly formed states after the Second World War and in the third wave democracy, (including South Korea

8. Kee-bong Paek, "Combating Corruption: The Role the Ministry of Justice and the Prosecutor's Office in Korea" (paper presented at the ADB/OECD Conference on Combating Corruption in the Asia-Pacific Region, Seoul, South Korea, December 11–13, 2000).

9. Rowan Callick, "East Asia and the Pacific," in *Global Corruption Report 2001*, ed. Transparency International (Berlin, Germany: Transparency International, 2001), 10–22.

10. Kang, *Crony Capitalism*.

and Taiwan (Republic of China). Therefore, the following part compares the similarities of several perspectives— political, economic, cultural—justifying two cases are compatible.

The first aspect to be addressed is the political system and the history of transition. There are three important factors in order to constitute an effective combating corruption system: democratic regimes, an inter-branch level system of checks and balances, party politics.¹¹ There are actually many common features that can be found in South Korea and Taiwan:

From an Authoritarian Regime to Democracy

Firstly, both South Korea and Taiwan have the same historical background and same results of democratic transition.¹² Based on the needs of decolonization, the two countries have chosen a hybrid of presidential and parliamentary system to bestow the president more autonomy and power, such as verdicts in conflicts, coordination between different departments, representation of foreign affairs and military power.¹³

In addition, according to Huntington's definition, the newly formed countries in East Asia under the third wave democracy generally asked for and fought for being independent regimes because of the fall of the imperial empires.¹⁴ Therefore, most of these newly formed democratic-regimes intentionally resisted the ideologies of communism and socialism in the cold war period, thus it was necessary to have a political transition from authoritarian regimes towards democracy. In other words, retaining as an authoritarian government had political function and practical reason during that transitional period, which was maintaining the social stability

11. Samuel P Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK.: University of Oklahoma, 1991);

Larry Diamond, "Anatomy of an Electoral Earthquake: How the KMT Lost and the DPP Won the 2000 Presidential Election," in *Taiwan's Presidential Politics: Democratization and Cross-Strait Relations in the Twenty-first Century*, ed. Muthiah Alagappa (Armonk, NY.: M.E. Sharpe Press, 2001), 48–87.

12. South Korea and Taiwan were the winners of the Second World War. However, the territories were occupied by Japan from 1895 to 1945, so during the transition period, the government was not developed through voting and democratic procedures.

13. Robert Elgie and Sophia Moestrup, *Semi-Presidentialism Outside Europe: A Comparative Study* (New York: Routledge, 2007).

14. Huntington, *The Third Wave*.

and ensuring the political ideology of striving towards democracy.¹⁵ In this sense, South Korea and Taiwan share the same political background.

“Check and balance” in constitution

Due to the politics of liberation in 1987 and 1988, Taiwan and South Korea have respectively amended the constitution to limit the power of president, congress and government officers. Theoretically, it would result in a better situation for combating corruption.

For instance, Lee Teng-hui, the former president of the Republic of China, has proposed to amend the ordinance of president and the guidelines for legislative branch (Legislative Yuan) election, in order to give the green light to universal suffrage. In essence, according to the amendment, firstly, the legislative branch (Legislative Yuan) has been delegated the rights for recall of the president and the recall could be made through a referendum. Secondly, although the president is the head of the state, with the right to appoint the Premier (head of the executive Yuan), head of the government, the president is no longer able to exercise the supreme power while plunging into a policy gridlock between administrative and legislative branches.

However, in South Korea, the situation is slightly different. The president proposes the candidate of the prime minister, but the candidate has to be appointed by the congress. Moreover, according to the Article 66 of the constitution, the president has decree power to implement policy and exercise authority without the permission from the national assembly (legislative branch) in some specific area. Based on the statistics between 1993 and 1997, former president of South Korea, Kim Young-sam, has exercised the decree power 1780 times, but there were only 3 cases of impeachment over the period.¹⁶ In contrast, from 1992 to 2002, the control Yuan (branch) in Taiwan has cumulatively impeached 270 times and 718 officers in Taiwan were involved.

Hence, it implies that even if the legislative branch (Legislative Yuan and National Assembly) in two countries could propose an impeachment

15. Yun-han Chu, Larry Diamond and Doh Chull Shin, “Halting Progress in Korea and Taiwan,” *Journal of Democracy* 12 (2001): 122–36.

16. Aurel Croissant. “Strong Presidents, Weak Democracy? Presidents, Parliaments and Political Parties in South Korea,” *Korean Observer* 33 (2002): 1–45.

motion against the president's decision, Taiwan's system is relatively stricter than South Korea's one in the micro-view of check and balance system between the president and the legislative branch.

Party Politics

Political party, by definition, is a form of organization to gather and unify different people who share similar interests and beliefs in the society, with the aim to enter the government to be the ruling party by election. Hence, party politics in democratic countries is kind of an incentive system to motivate the opposition parties to monitor the ruling party and government. Furthermore, it is an indispensable factor for constituting a valid democratic system, as a valid competition between parties allows the public to choose and to penalize the ruling party and the government through "polling penalty".¹⁷ Taking 2005 statistics to compare the number of political parties in the two countries, there were nine parties which have successfully obtained seats in the legislative Yuan in Taiwan, and there were six parties which were elected in the local government and district congress. On the other hand, eight parties have successfully won the seats in the national assembly and local congress in South Korea. Besides, according to table 4 and 5, it is obvious that those parties' stances were diversified and reflected an effective party alternation. In other words, the two countries both had enough political parties to establish an effective party politics system.

In order to show the maturity and the diversification of the parties, the following tables were generated. (About the ages of parties and political cleavage, refer to footnotes remarks.¹⁸) The political difference in the result of the elections over 1992-2004 are as follows:

17. Huntington, *The Third Wave*;
Diamond, "Anatomy of an Electoral Earthquake."

18. Additionally, in terms of the age of parties, comparatively three main parties in Taiwan were more mature than the political parties in South Korea, as they were established at least 15 years ago in 2005. Conversely, the political parties in South Korea were always reorganized and replaced, but generally there were two main camps, Liberal (L) and Conservatives (C), which were co-founded at least 10 years ago.

**Table 4 The National Congress Election Result
of South Korea from 1992 to 2004**

Party	1992	1996	2000	2004
1st Party	Democratic Liberal Party (C) 149	New Korea Party (C) 139	Grand National Party (C) 133	Uri Party (L) 152
	Democratic Party (L) 97	National Congress New Politics (L) 79	Millennium Democratic Party (L) 115	Grand National Party (C) 121
2nd Party	United People's Party (C) 31	United Liberal Democrats (C) 50	United Liberal Democrats (C) 17	Democratic Labor Party (L) 10
	Total	299	299	273

Furthermore, by comparing the main distinctions between the parties, the two countries' situations before 2005 were dramatically different: the political cleavage in Taiwan was mainly about the position of "PRC" in Taiwan's politics and the attitude towards Taiwan independence, so there were two important political camps: representing local interest (L) and promoting unified China (K). However, despite the fact that South Korea is still confronting with North Korea about the political fragmentation before 2005, their political cleavage was relatively more focused on the ideological difference towards economic development and social welfare, rather than concerning the foreign affairs and the relationship with North Korea. Interestingly, corruption issues and ways to fight against bribery were highly concerned and discussed in the election campaigns over 1992-2005 in both countries. To sum up the comparison of the above, semi-presidential system was applied and those are valid semi-democratic system in the two countries. Following this logic, it is commonly believed that a democratic system could restrain the corruptive influence and to maximize the efficacy of anti-corruption, so democratization should be an important factor against corruption and

bribery in these countries.¹⁹

Table 5 The legislative branch election result of Taiwan from 1992 to 2004

Party	1992	1995	1998	2001	2004
1st Party	Kuomin-tang (K) 102	Kuomin-tang (K) 85	Kuomin-tang (K) 123	Democratic Progressive Party (L) 87	Democratic Progressive Party (L) 89
2nd Party	Democratic Progressive Party (L) 51 China	Democratic Progressive Party (L) 54	Democratic Progressive Party (L) 70	Kuomin-tang (K) 68	Kuomin-tang (K) 79
3rd Party	Democratic Socialist Party 22	New Party (K) 21	New Party (K) 11	People First Party (K) 46	People First Party (K) 34
Total	116	164	225	225	225

IV. Comparison of Economic Perspective

In order to mitigate the error margin and make a more convincing and integrated research findings, this part will focus on introducing how the current theories depict the relationship between corruption and economic development. These theories commonly plunge into a belief that corruption and rent-seeking activities could harm the economy, because they could induce more non-productive activities in price competition, and all these activities could lead to a loss of economic efficiency “dead-weight loss”. Therefore, this part has to clarify two things: 1) Corruption existed in the sample period, but there was staggering amount of economic growth in South Korea and Taiwan. 2)

19. Susan Rose-Ackerman, *Corruption and Government: Causes, Consequences and Reform* (Cambridge: Cambridge University Press, 1999);

Herman Schwartz, “Surprising Success: The New Eastern European Constitutional Courts,” in *The Self-Restraining State: Power and Accountability in New Democracies*, eds. Andreas Scheller and Larry Diamond and Marc F. Plattner (Boulder, CO.: Lynne Rienner Publishers, 1999), 195–214;

Alison Jamieson, *The Antimafia: Italy's Fight Against Organized Crime* (New York: Palgrave MacMillan, 2000);

Liiv, “The Causes of Administrative Corruption”.

Following Kang's notion, developmental state should be inserted in for re-understanding the influence of corruption upon economy.²⁰

Developmental Strategy

By tracing back the histories and the anecdotal evidence in these countries, there are many similarities in the economic perspective. Firstly, in terms of the role of the state, Taiwan and South Korea have adopted a patron-client approach to develop and recover the economies after the Second World War. By virtue of the US's containment policy against Soviet Union and the People's Republic of China, these two countries were subsidized by the Washington government through Marshall's plan, boosting the economy through direct investment.²¹ In other words, providing basic infrastructure and creating job opportunities was in order to resist the attraction of Communism. Moreover, the amount of monetary support to Taiwan and South Korea was US\$1.05 billion and 894 million respectively in the 1960s. These two countries have successfully developed a strong industrial sector. Meanwhile, they have primarily established a foundation and related infrastructure for the future's commercial sectors in the 1980s.

The data has been extrapolated by governments showed that the GNP growth in Taiwan from 1956 to 1986 was 360%, and the rates of increase of gross industries production over 30 years was 860%. Moreover, the GDP growth in South Korea has dramatically increased (Refer to Figure 6). Furthermore, South Korea intentionally reduced the poverty and unemployment rates to a lower level within 25 years. After that, the South Korean government promoted Seoul to host the "1988 Summer Olympic Games" and the football World Cup in 2002, in order to promote Seoul as an international city. Thus, some scholars have respectively honoured their economic success as "Taiwan Miracle" and "Miracle on the Han River", depicting the rapid improvement both in Taiwan and South Korea.

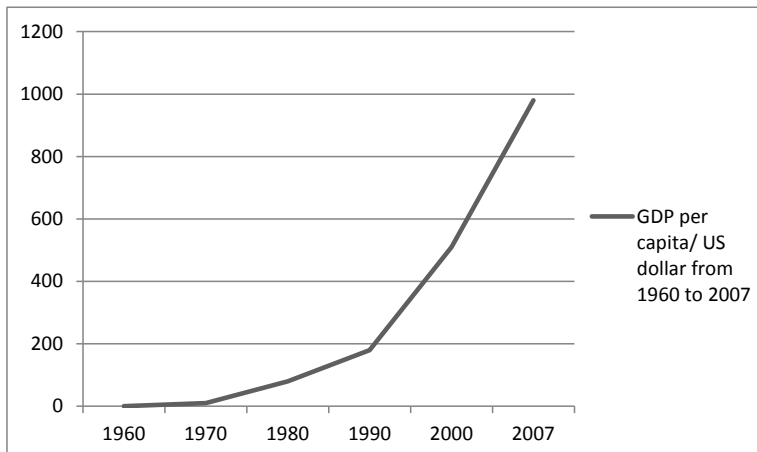
Undoubtedly, due to the foreign investment, South Korea and Taiwan have gradually transformed the mode of production from agricultural to

20. David C. Kang, "Bad Loans to good friends: Money politics and the developmental state in Korea," *International Organization* 56 (2002): 177–207.

21. Asian Development Bank/Organisation for Economic Co-operation and Development, *Taking Action Against Corruption in Asia and the Pacific* (Manila: Asian Development Bank, 2002).

industrial production and commercial service in the 1980s.²² Therefore, the governments had enough taxation to provide different social service: education, health care and social security, and the competitiveness and the living standard of people have improved. Thus, after 1990s, two countries were no longer being categorized as developing countries.

Figure 6 GDP per capita/US dollar of Korea from 1960-2007



Kang's explanatory mechanism

The previous part actually prompts a question of why rapid economic development and a series of corruption cases have co-existed in these countries.

According to the traditional theories, corruption has a harmful effect to the society and social justice. Corruption undermines development by

22. The rapid economic growth was not only related to the direct investment from the US, but it was also attributed to the Civil War in Vietnam. Taiwan and South Korea as the bases of resources reinforcement and backup for the US's military, it has contributed a lot to the industrial and export sectors of the two countries in the 1960s. In other words, Taiwan and South Korea have grasped the chance in the right times, to maintain a patron-client relationship with the US for receiving and obtaining huge subsidies to strengthen the governance of the country. Thus, connected to the pervious part, we would say that the political transition of the two countries were placed in the same historical background and the same level of development; undoubtedly a well-developed economic situation have provided sufficient resources and incentives to the middle-class and the reformers, achieving political reforms and democratization.

distorting the law and regulations and weakening the market function. Therefore, corruption affects many small enterprises and individuals, that have no capacity to pay the cost for monopoly. Hence, the weak, the poor and the vulnerable were the losers in this informal competition. Eventually, it destroys the state's ability and legitimacy to provide and implement essential social policy for development.²³ Following the logic, these two countries were not supposed to be honoured as “Four Asian Tigers” with Hong Kong and Singapore, experiencing a high economic growth and industrial development.

In order to explain the “Asian Miracle” in Taiwan and South Korea, many hopes were placed on economic growth and political-economic alliance so as to benefit the society, emphasizing strong state to control the economy and also reducing the transaction costs.²⁴ Moreover, another scholar provided a more complete argument to explain why corruption did not hinder the economic success in S. Korea. The following table is the new framework for understanding the relationship between state and business sector.

Table 6 Kang's Four types of corruption

		Coherent State	Fractured State
Business	Small-N (concentrated)	1.) Mutual hostages type: PD collusion	2.) Rent seeking type: botton-up
	Large-N (dispersed)	3.) Predatory state type: top-down	4.) Laissez-faire type: residual

Source: Kang, Crony Capitalism.

Kang claims that South Korea was in (1) situation before 1990. In other words, in this situation, the government was stable, and there were only a small number of business agencies. The bribery and corruptive actions actually did not influence the perfect competition in the market. On the contrary, those closer relationships between government and business can reduce transaction cost and minimize the deadweight loss. Therefore, he argues that corruption and economic development were

23. Paolo Mauro. “The Effects of Corruption on Growth and Public Expenditure,” in *Political Corruption: Concepts and Contexts*, eds. Arnold J. Heidenheimer and Michael Johnson (New Brunswick, NJ.: Transaction Publishers, 2002), 343.

24. Kong, *Corruption and the Effect of Regime Type*.

not mutually exclusive.²⁵

Undoubtedly, Kang's explanatory mechanism sheds light on the situation in some Asian countries. However, taking it to explain the difference in levels of corruption between Taiwan and South Korea is powerless and fragile.

Firstly, based on Kang's description, Korea should be categorized as (1) before 1990, because the government strongly supported some big business actors, such as: LG, Samsung, Hyundai and Daewoo. All these companies received a lot of loan and subsidies from the government. At the same time, in order to maintain all these political privilege and favourable policies, the companies donated a staggering amount of money to support different politicians for political funds.²⁶ For instance, in the 1967 election, DRP has spent approximately 40 million to buy votes, meanwhile in 1971-1975, Samsung, LG and Daewoo in total have donated 20 million. However, putting Taiwan's situation in the Kang's framework, in 1960-1980, Taiwan's government has adopted a developmental strategy, but they provided impetus for SME (small and medium sized enterprise) to export their products and services, instead of nurturing some big agencies. Therefore, Taiwan should be categorized as (3). In this situation, the corruption level is predatory and top-down approach, moreover the scale should be larger than Korea's one (1). However, the truth tells us another story.

Secondly, Kang further explained that Korea increased rent-seeking activities and shifted to (2) during democratization in Korea after 1992. In the (2) area, the mutual hostages relationship is no longer happening, then it stipulates that more and more rent seeking activities exists and creates a host of non-productive activities, increasing transaction cost. Following this logic, it could affect and undermine the development. However, it did not happen, even when the Korea experienced the Asian financial crisis.

25. Ibid.

26. Ibid.

V. Conclusion: Theoretical Explanation

So far, we have briefly looked at the similarities between Taiwan and South Korea; all these perspectives have demonstrated that they are compatible and similar. Firstly, these two case studies have the same historical background and political structure, and should result in the same level of corruption as stated in the theory.

Secondly, semi-presidential system is a political structure, which is inclined to empower the president as the centre of the government. Thus, the president and the ruling party could dominate the administrative resources and the authorities, which undoubtedly weakens in weakening the check and balance system, making it not as strong as the U.S presidential system. As a result, the semi-presidential system offers more loopholes for the abuse of power and the political networks, which are connected with the presidents.²⁷ Hence the corruption levels in Taiwan and South Korea are worse than that of the US and other democratic countries.

Thirdly, considering the traditional economic perspective and Kang's new supplementation, Taiwan and South Korea have both adopted developmental state approach to promote their industries and business sector. The theories proved why economic success and high level of corruption co-existed in the same period.

However, no matter whether the theories are political or economic, they could not explain the difference in corruption level (refer to the first part of this essay). This essay contributes on top of the findings from Kang, because his theory only provides a new framework to re-understand and re-evaluate the effect of corruption on economy.²⁸ Thus, in order to supplement the explanatory capacity, this essay will mainly focus on the political perspective, and the following part will further explain some new investigating perspectives for looking at some cases at micro-level.

27. John Gerring and Storm C. Thacker, "Political Institutions and Corruption: The Role of Unitarism and Parliamentarism," *British Journal of Political Science* 34 (2004): 295–330.

28. Kang, Crony Capitalism.

VI. New investigating perspectives: Re-election, Decree Power, and Electoral Dynamics

After an in-depth investigation into the political structure and the power arrangement of Taiwan and South Korea, this essay argues that the key factors for evaluating the combating corruption level should not be limited to the check and balance system and the electoral system. To step forward, the theories should include and further consider the term of the presidents and the impacts of electoral system on the decision/policy making process. Thus, the following part will briefly describe the differences between the aforementioned:

1) Opportunity of re-election: According to constitution of Republic of China, Article II, the president could be elected twice, and each term is 4 years; on the contrary, the presidents in South Korea have no rights for re-election after his 5-year term. Thus, the latter arrangement does not provide any impetus to fight for being re-elected again in the next term, so the political cost of committing corruption is relatively lower. Moreover, in essence, a longer working term in Korea also provides more opportunities and hazard to corrupt.

2) Decree power for president: All the decrees must be proposed by the Executive Yuan and the Legislative Yuan in Taiwan, thus facing the conflicts between the executive and legislative power. The president, as the head of the state, has no absolute power to make judgment calls or to solve the gridlock. On the other hand, the president in South Korea is blessed with the decree power; he/she could make the final decision on the deadlock. In other words, the latter constitutional arrangement utterly results in a better relation between the executive branch and the legislative branch. Due to the final decree power from president, the legislative branch has lower incentives and bargaining power to stand against the president's decision. In order to achieve their political preference, the opposition parties could be willing to co-operate and compromise with the president and the ruling party. To some extent, the check and balance system between the parties is kind of collapsing.

3) Political Dynamics: According to the electoral system in Korea, the seats in national assembly are distributed by the single-member electoral district voting system (SMD); on the other hand,

before the electoral reform in 2008, single-seat non-transferable voting system (SNTV) was used in Taiwan, thus the strategic voting and political bribe for votes must have happened in Taiwan.²⁹

In this sense, South Korea should be better than Taiwan in terms of the electoral system. However, because of the election result of national assembly in South Korea, no parties have ever won half of the seats, therefore the coalition government has always been formed by different parties. Thus, a closer relationship between ruling party and opposition parties is sort of weakens the confronting setting to combat corruption. On the contrary, the election results in Taiwan are dramatic; the opposing parties have occupied most of the seats in the legislative Yuan after 2000, so the president and the ruling party were the minorities in the legislative Yuan. In other words, we cannot strictly draw a clear-cut answer (to explain the level of corruption) by the electoral system. In reality, because of their particular situation and political dynamics, the check and balance system between the parties in Taiwan was more workable.

To further explain the aforementioned differences, this essay is going to elaborate in these two perspectives: the relationship between the executive and the legislative branch and the development of political parties. Therefore, by supplementing the current theories, it would help some new-born democratic regimes to design the political structure.

VII. New Explanatory Mechanism I: Relationship between the Executive Branch and the Legislative Branch

An opposed executive-legislative relationship could be a political tool for combating corruption.

There was an obvious improvement of combating corruption in Taiwan since 2000, when the Taiwan democratic progressive party's candidate (L) Chen won in the president election. This was actually the first party alternation in Taiwan's politics. Before the 2000 president elections, KMT (K) predominated the president election was over 50 years. At the same time, in the coming election of Legislative Yuan (the legislative branch) in 2001 and 2004, no parties successfully won the

29. Diamond, "Anatomy of an Electoral Earthquake."

majority of the seats. Even when the ruling party had already become the biggest party in the Legislative Yuan, only 38 percent of the seats were obtained. Therefore, the President and the Premier (the head of Executive Yuan) had to seek for supporting votes from other parties, in order to pass the bills and policies.

Moreover, an interesting situation was that the total seats controlled by the opposing camp (K) (Second party + third party) were much more than the ruling party's. In other words, because of the political structure and electoral system, it resulted in a dramatic situation that the opposing camp is the most influential party in the Legislative Yuan, while the president has no absolute decree power to deal with the gridlock. Therefore, given that the opposition parties had no incentives to cooperate or compromise with the ruling party. The relationship between admin-legist was eventually not harmonious in Taiwan, hence becoming an effective policy tool against corruption:

1) Due to the political structure and re-election system, the ruling party and opposition party would not co-operate. Firstly, two political camps polarizing themselves on the two sides is primarily attributed to the re-election system of president. Because the opposition parties might nominate a member to be elected as the president in the next election, becoming the ruling party, they would not join the cabinet nor share any political responsibilities with the current ruling party. Only if the worse governance of ruling party could help the opposition parties to win in the following election, so the opposition party is a must to resist and stand against the current policies in order to polarize the stance in the current issues, showing a clear political position in the political spectrum that they are different with the ruling party.³⁰ For instance, the main political cleavage between Taiwan democratic progressive party (L) and KMT (K) is the diplomatic position towards the People's Republic of China. In this case, if the opposition party joined the ruling cabinet, it means they have to compromise, which only brings a negative effect to the opposition party in the following election. Therefore, those two camps in Taiwan were not inclined to co-operate, on the contrary they tried to polarize the stance of the voters to consolidate their supports. In this circumstance,

30. Maurice Duverger, *Political Parties: Their Organization and Activities in the Modern State* (London: Methuen, 1954).

corruption does not easily happen, because the opposition party as a watchdog keeps inspecting and monitoring the public expenditures.

2) Normally, if the president has the right to appoint the prime minister (head of the executive branch), the ruling party also has no incentives to share the political power with the opposition party. In some semi-presidential countries, such as France, normally the president would like to share the seat of the prime ministers or ministers with the opposition party, in order to gain the support and votes in the congress or national assembly (legislative branch). The presidential election in France is 2-round system (Run-off election), which aims at encouraging the candidates to appeal broad cross-sectors of voters. The eliminated candidates in first round are still able to bargain with the candidates in second round, because the candidate want to get their support, thus it could enhance more negotiation and produce a coalition government, narrowing the cleavage. Therefore, it is kind of providing imputes for the opposition and ruling party to co-operate. On the contrary, the 2-round system is not adopted in Taiwan. Moreover, the president can appoint the head of Executive Yuan without the permission of Legislative Yuan. In reality, the candidate of Prime is very important to cumulate popularity and personal capital, in order to represent the party in the following presidential election. Therefore, the relationship between the ruling party and opposition parties is worse with a vengeance.

3) Thirdly, by the virtue of the distribution of power between the executive and legislative branches, the President does not have absolute majority in the Legislative Yuan, and does not have enough legal power to deal with the gridlock. Moreover, according to the constitution Article 3(2), the Premier could send the bills back to the legislative Yuan for retrial. Hence, this power is sort of a veto power to resist the Legislative Yuan's decision. However, in case that the Legislative Yuan refuses to reconsider or retry, then the president would not have any methods to dismiss legislative Yuan. In the presence of 50 percent or more of the legislators supporting the affirmation the original judgment, the executive Yuan has the legal obligation to obey the judgment and to implement the policies.

On the other hand, the legislative Yuan could propose the motion of no confidence against the government and the premier. In essence, despite

that the premier is appointed by the president, the power of appointment is meaningless and helpless to deal with the gridlock. Therefore, in this unbalanced relationship, the executive Yuan and the president do not find it easy to approve their favourable bills and motions. In reality, the opposition parties in Taiwan were able to obtain the absolute majority in the legislative Yuan after 2001; therefore they had enough bargaining power and political influence to negotiate with the ruling party rather than joining the cabinet.

In contrast, the relationship between the executive and the legislative was closer in South Korea. Refer to the Table 7, which shows the basic information about the national assembly in South Korea from 1992 to 2000, three terms of governments were coalition governments.

Table 7 The composition of the government and the ruling parties

President	Years	Parties in Coalition	Seats
Kim Young-sam	1992-1996	DLP	223/ 299
		NDRP	
		RDP	
Kim Dae-jung	1996-1997	NKP	150/ 299
		DP	
		ULD	
Kim Dae-jung	1998-2000	NCNP	150/ 299
		ULD	
		4 from GNP	

Source: "Patronage Politics as an Obstacle to Democracy in South Korea: Regional Networks and Democratic Consolidation." ³¹

Compared to Taiwan's situation, the opposition parties in South Korea were relatively willing to join the cabinet and to co-operate with the ruling party.

Firstly, the presidential tenure is 5 years and the president cannot be re-elected. Thus, no matter how good the performance of the president is, the president could not directly transfer the popularity and supporting

31. Sunhyuk Kim, "Patronage Politics as an Obstacle to Democracy in South Korea: Regional Networks and Democratic Consolidation," in *Democracy and Its Limits: Lessons from Asia, Latin America and the Middle East*, eds. Howard Handelman and Mark Tessler (Notre Dame, IN.: University of Notre Dame Press, 2000).

votes to the party's candidate. In other words, after winning the election, the ruling party actually did not have a strong influence to restrict the president, or ensure him to carry out the wills of the party. With regard to the president himself, he aimed at obtaining the majority support in the national assembly, thus his political stance is normally inclined to neutral, in order to satisfy majority of legislators. Sometimes, the appointment of ministers and some principal officers could include a give-and-take condition to trade off with opponent parties. For example, the leader of the opposition parties, who joined the cabinet, could help the president and the cabinet to increase popularity. Meanwhile, it also helped himself to promote his political status, enhancing his possibility of being the potential candidate in the next presidential election. Hence, joining in the cabinet was less risky than doing so in the Taiwan situation.

Secondly, the opposition parties were not endowed with enough power and privileges to inspect and check-balance the government in the legislative branch of South Korea. For instance, the president obtains the decree power, which is kind of discouragement passing through the legislative branch (national assembly). In other words, this weakened the check and balance system. According to the report of Korea Observer, it explained that there were 1492 bills, which were passed through the national assembly; at the same time, there were 2768 and 2542 bills which were respectively issued by the presidents and the prime ministers without any discussion or voting in the assembly from 1993 to 1999.

Thirdly, the veto power of president in South Korea simultaneously encourages the ruling party to formulate and co-operate with the opposition parties as a coalition government. According to the constitution of South Korea Article 54(4), it shows that the president has veto power to object and repeal the motions, but if one third of the legislators in the assembly refuse to repeal the motion, then the presidential veto power could be invalidated. One more thing is worth mentioning is that the ruling parties have never ever controlled majority in the national assembly over this sample period. Therefore, even when facing the deadlock between the branches, the presidents do not intend to use the veto power, because it may cause a serious political crisis and destroy the legitimacy of the coalition government.

To simplify what has been discussed above, the disparity of admin-

legislative relationship in Taiwan and South Korea is mainly attributed to the arrangement of presidential tenure, decree power and presidential veto power. All these could explain why these two countries have adopted the same democratic structure, but ended up with different institutional behaviours in national assembly and dissimilar composition of government. Hence, an opposed admin-legislate relationship could become as an inspection and check-balance system to monitor the ruling party and the principal officers keeping them distant from corruption. On the contrary, a closer relationship could decrease the incentives to intentionally reveal the bribing cases in the higher-level of the government and in the coalition, because the parties in the coalition have to shoulder the political responsibilities collectively.

VIII. New Explanatory Mechanism II:

Party-development and the Role in Policy-making

A mature party politics and highly party-involved policy-making model could reduce corruption.

According to Shugart and Mainwaring, there is a positive co-relation between the institutionalization of party politics and the influence of president in legislative branch.³² Thus, this essay adopts the notion of democratic theory and argues that parties should not only be seen as a part of the election system, to run the electoral campaigns, it should also be seen as an inspecting system to restrict and examine the presidents and the principal officers who joined as party members, to keep distant them from corruption. To operationalize the research, the following part is going to use the qualitative analysis approach to investigate the relations between presidential power and the institutionalization of party politics in Taiwan and South Korea.

Refer to table 8, there are three criteria, which are widely adopted to compare and evaluate the institutionalization of parties.³³ The table shows that the electoral volatility in South Korea was higher than in Taiwan over 1992-2004. It means that the transfers of individual votes in the

32. Scott Mainwaring and Matthew Shugart, *Presidentialism and Democracy in Latin America* (Cambridge: Cambridge University Press, 1997).

33. Jan-Erik Lane and Svante Ersson, *Politics and Society in Western Europe* (London: Sage, 1999).

election of national assembly were not stable, but fluctuating. Moreover, the age of the parties in South Korea is younger than Taiwan's political parties. All of these reflect that the institutionalization of Taiwan's parties is more mature than South Korea, and the scores of institutionalization of parties are 6.5 and 4.5 respectively.

Table 8 The Electoral Volatility, Difference between Presidential and Assembly's Voting, and The age of Parties on South Korea, Taiwan, France and Russia

Countries	Electoral Volatility	Difference between Presidential and assembly's voting	The age of Parties
South Korea	1992-2004 (18.1)	15.6 (1992-2004)	12.5 (-2005)
Taiwan	1992-2004 (11.9)		58.5 (-2005)
France	1950-1997 (14.3)	7.1 (1992-2000)	51
Russia	1993-1999 (42)	12.6 (12.6)	12.5

Source: Lane and Ersoon, *Score of Party Development*

Furthermore, by using the Shugart and Mainwaring's scoring system to calculate the power differences in semi-presidential system, this essay produces the following result (Table 9). This result is based on the constitutional setting for evaluation, and shows that the presidents in South Korea are endowed more political power in the decision making process than Taiwan's one. The scores are respectively 7 and 3. Thus, based on the calculation result, the new explanatory mechanism is correct.

Table 9 Differences of Level of Power in Semi-presidential systems in South Korea, Taiwan, France and Russia

State	Pack. Veto	Part. Veto	Decree	Excl. Intro	Budget pow	Referendum	Judicial Re.	Total
S. Korea	1	0	2	0	3	1	0	7
Taiwan	0	0	0	3	0	0	0	3
France	1	0	1	0	0	1	1	4
Russia	1	0	2	1	1	2	4	11

Source: Shugart and Mainwaring, *Legislative power of president*

In order to examine the capability and applicability of the new

explanatory mechanism, this research supplies two more semi-presidential countries for reference, France and Russia. According to the Democracy Index, France is being ranked at the top 10 democratic regimes; on the other hand, Russia is categorized as an authoritarian regime in the Democratic Index. Thus, by taking all these cases for comparison, we could examine the accessibility of the explanatory mechanism. Using the same calculation method, table 10 is generated.

According to table 16, it shows that a higher level of institutionalization of parties and a lower presidential legislative power lead to a better corruption level. At the same time, as we mentioned in the earlier part, if the president is endowed more legal power in the legislative process, it surely harms the institutionalization of party. Following this logic, in the semi-presidential system, more centralized power to president could weaken the determinations in combating corruption and this should be seen as a negative factor when developing a matured party system and party politics.

Table 10 Comparison of Presidential Legislative Power, Level of Party Institutionalization and Corruption Level in 2005 in Russia, France, Taiwan and South Korea

State	Presidential Legislative Power	Index of Party Institution	Corruption in 2005
S. Korea	7	4.5	5
Taiwan	3	6.5	5.9
France	4	6	7.5
Russia	11	3	2.4

Source: Shugart and Mainwaring, Legislative power of president in semi-presidential regimes.

South Korea Political Parties

In terms of the decision making model and political influences, the term of office for President in South Korea is once only and 5 years long, and the president is endowed with more power than the legislative branch (national assembly). Hence, to some extent, the opposition parties or even the ruling party do not have enough enforcement or bargaining power to ensure that the president obeys the parties' discipline. Furthermore, due to the electoral system and the spectacular political dynamics, formulating coalition governments in South Korea was common, which

narrows the political spectrum. Therefore, the disparity of the political stance between the parties was not obvious. It is a reason why the relationship between different parties is relatively closer and connected. Moreover, the composition of the coalition government and the narrowed-differences of parties existed. As a result, the relationship between the executive and the legislative branches was closer and ambiguous as well. Therefore, the check and balance system over the branches were distorted and collapsed in this highly connected political networking. Thus, even if some corruption cases were discovered, they would not intend to prosecute and penalize in a serious way.

In addition, by considering of party development, the multi-party system in South Korea theoretically should end up with a broader political spectrum in the local politics, but such phenomenon did not exist in South Korea.

The single-seat-single vote system was adopted, which indirectly encouraged the legislators to focus on their own district constituency to gain their popularity and supports. In other words, if the candidate has enough supporting votes in his/her own district constituency, the branding effects was meaningless in the election, hence the party discipline did not be respected and obeyed as the highest principles. Because of the above and the lax party structure, finally the function of parties was mineralized as a resources coordinator in the election only.

Taiwan Political Parties

To investigate the decision making process in Taiwan, there are two main political camps in the local politics and their relationship is opposed and completely incompatible. Internally, these parties require their legislators to obey the verdict of the central committee of their party, otherwise they would be disciplined if they do not follow the verdict to vote in the legislative Yuan. It actually strengthens the institutionalization of the party and enhance all these parties to formulate a complete decision making process in the party level.

Moreover, due to the minority government and the limited power of the president in Taiwan, getting 50 percent of supporting votes in the legislature is a tough mission. Generally, the Legislative Yuan is given more privilege to check and balance the government. Thus, the opposition

party obtains more bargaining power to trade off with the ruling party, and it leads to an opposed relationship between these branches and the parties. And, because of the political dynamics, the two camps intend to strengthen their supports. They intentionally clarify and build up a sharp stances and position, in order to broaden the political spectrum. Undoubtedly, this culture and dynamics are not limited to politics, but extend to the civil society and other policy networking, such as media and NGOs. All of these actually have become an informal and non-institutional check and balance system against corruption.

In terms of party development, Taiwan has adopted the SNTV voting system in the sample period, which causes more strategic voting and political bribery to exist, making the level of corruption in Taiwan supposedly worse than that of South Korea. However, strategic voting and political bribery also require a more centralized and well-coordinated organization to allocate the resources, to motivate the public and to manage the media information and public opinion. Therefore, the party is not only an organization to function during the election period for the candidates, but also is a brand that carries a symbolic meaning of political ideology, which could help the candidates to win in the election. Therefore, this could explain why the parties are able to require members of the party to follow the decision of the central committee. Compared to South Korea, president re-election, two-polarized political stance, and party development are the structural reasons to explain why Taiwan's corruption level was better.

IX. Conclusion: Party as a Future Indicator for Investigating in Corruption Theories

The theories in the comparative studies that explain the corruption level mainly focus on two perspectives: the voting system and check and balance. Therefore, this essay quotes Taiwan and South Korea as examples to investigate, which have the same democracy level and economic prosperity, as the current theories could not explain the difference of corruption level. It shows that there is a need to find a new mechanism. In order to supplement the loophole of the theories, this essay provides two new explanatory perspectives and have played an important role in some new-birth democratic countries: relationship between the executive and the legislative branch and party development.

Despite the independent combating corruption organizations are established in both Taiwan and South Korea, it ends up with different determinations of combating corruption. Thus the key factor is not only whether to establish the independent organizations or not, but also the political supports from the governments. According to the research findings, the relationship between the branches, party politics and political dynamics are directly making impacts on the practical behaviour and institutional results.

This essay concludes that the democratic system was an important indicator and explanatory mechanism in the last century, and is of great importance in the design of political structure in democratic regimes. However, after the third wave of democratization, there are many new-born democratic countries in Asian world, in which the political parties are not formulated nor appealed by political ideologies, but instead depend on religions and nationalism or otherwise. Thus, political party can act as a driving force to enhance a democratic atmosphere and to educate the citizen that probity and incorruptibility are important values, leading to a better society.

By taking Taiwan and South Korea to explain the ideas, the data reflects that an obvious improvement could be found in the corruption perception index from 2005 to 2011 in South Korea. Because of the changes in the voting behaviours in the last two general elections, there were two main camps and the ruling party (GNP) obtained 150 seats, and hence it became the majority in the national assembly in 2008. Undoubtedly, it has changed the relationship between the executive and the legislative branches. Since a single party can win in the presidential election and obtain majority in the national assembly, in order to maintain the governance in the following elections, the ruling party would intentionally kept distant from corruption in the governance period. Last but not least, after this essay is published, if the observations and predictions are correct, the corruption level and CPI would keep improving with the one caveat that there is a party could obtain the majority seats in the national assembly in the 2012 general election.³⁴

34. This research paper was written in autumn, 2011.

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Comment

Professor Zhu Jiangnan, *The University of Hong Kong*

This article tries to make contribution to existing theories explaining levels of corruption, and especially success of anticorruption in different societies. This is a theoretically interesting and practically important topic.

The author designs the research in an intriguing way. By comparing the cases of Taiwan and South Korea, the author shows that societies with similar democratization histories, formal political structures, economic development levels, and cultural traditions, may end up achieving differently in terms of corruption control, a phenomenon not very well explained by extant literature. The author further proposes news explanations that the possibility for the incumbent to be re-elected to serve a second term, presidential decree power, and electoral dynamics may all influence the politicians' incentives to combat corruption or get involved in corruption. The article is able to engage with a range of relevant literature and combine both qualitative studies and data to support its arguments with evidence. In general, this is a good research paper.

Some suggestion for revisions.

First, the author may bring up the comparison of corruption levels of Taiwan and South Korea earlier, say right after the introduction section. This will help present the major research question more convincingly and clearly.

Second, the author may refer to David Kang (2002)'s article "Bad Loans to Good Friends: Money Politics and the Developmental State in South Korea" to look at how business-government relations have shaped the landscape of corruption in Korea. The author may incorporate his argument as an alternative explanation to the phenomenon discussed in the article.

Third, the author wants to be cautious about categorizing Taiwan as a country. Calling TW a country may arouse unnecessary debate for this article. Maybe, a society, or a case, is a safer way to describe Taiwan.

Professor YEP Kin-man Ray, *The City University of Hong Kong*

This is a decent piece of work with a coherent and well-structured argument. It has a very clear theoretical concern and the discussion is well grounded with empirical data. The quality of writing is fine though there are still lapses in English usage and further proof in proof-editing is recommended.

The paper has a very focused theoretical concern. It reflects on the limitation of the existing theories on the linkage between democracy-economy and corruption and argues that we need a more nuanced view in understanding the impact of political structure on the occurrence of corruption. Central to the argument is the evaluation of the actual level of check and balance of the concerned polity. The author presents a very strong account of the dynamism of politics in Taiwan and S Korea by highlighting the impact of prospect of political coalition, institutionalization of political party, electoral arrangement and terms of the office of chief executive on political plurality and tradition of accountability. The narrative is well researched and clearly presented and the argument is quite persuasive.

Further improvement can be made however, in the evaluation of the actual level of check and balance. Political elites make choice in response to political opportunities, interests or values but they are also subject to public pressure. And it is rather strange to find the discussion has no mention of the role of civil society and media at all. One needs to take all these into account before we can come to the conclusion that: “the check and balance system is kind of collapsing (p.18). A more critical review of the existing theories at the very beginning is warranted as well. For example, economic development is a very vague term. The author implies that it mainly refers to the level of economic development (probably GDP level etc). But what matters more maybe the developmental strategy of the concerned regime. The two cases here are renowned for its developmentalism, i.e. interventionist approach in promoting local industry. This in fact creates space for rent-seeking and serves as a breeding ground for corruption. The structure of the economy is relevant as well.

一個新生政治空間的現狀與展望： 空間分析視角下的香港添馬艦新特區總部¹

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撮要 本文將會借助現有的文牘和田野考察、訪談和所獲得的資料，以空間分析的視角研究添馬艦這個新生的政治空間，包括其產生的過程、官方的管制策略，並試圖指出，儘管現階段的「非政治化」規管措施看似卓有成效，但這一空間的政治潛力不可忽視，完全可能在特定時刻和群眾的想像力和行動相結合，進而開創出自己的歷史、意義與價值。

一、問題緣起

2011年8月，隨著歷時三年的添馬艦發展工程最終竣工，原本散落各處的港府、特首辦及立法會相繼告別了殖民時代的舊址，陸續進駐經由中國國務院副總理李克強主持揭幕的新大樓。添馬艦原為英國海軍基地，回歸之後幾經波折，最終在2006年獲立法會批准撥款興建，成為現在的政府總部與立法會大樓。儘管從計劃到動工期間爭議不斷，但大多集中在環保、商業利益的考量，只有少數人關注過空間意義與規劃的面向。² 作為維港的「新地標」和「三位一體」的所在地，添馬艦特區總部無疑將成為香港當仁不讓的「政治中心」，也無可避免成為公民表達訴求、反抗現存建制的核心場所。³ 因而，經歷了09年反高鐵示威的港府是如何管制這全世界最新「生產」的潛在政治空間 (Political Space)？民間社運人士又將如何適應和利用這樣一個全新的環境？這無疑值得研究。

1. 包括政府總部大樓高座、低座及立法會綜合大樓三座建築物，由於沒有一個官方表述同時稱謂三者，為行文方便，筆者暫代之以「添馬艦特區總部」或「新特區總部」，以便和僅指政府大樓的「政府總部」相區別。

2. 何美華，劉德欣，「添馬艦不應建總部」商人和應；
龍應台，〈皇帝才於市中心建宮殿〉，香港經濟日報，2006年6月3日；
李家翹，〈深層反思添馬艦〉，信報，2006年6月17日；
韓潔瑤，〈香港的人民廣場〉，香港經濟日報，2007年1月24日。

3. 「三位一體」分別是：政府總部、行政長官辦公室及立法會。

二、文獻回顧與研究設計

專門針對空間面向的研究曾長期被英美社群的學者所忽略。空間往往被看作是一個中性的「容器」，作為事件發生的背景而存在。然而，法國新馬克思主義學者列斐伏爾卻告訴我們：

“Space is becoming the principal stake of goal-directed actions and struggles. It has of course always been the reservoir of resources, and the medium in which strategies are applied, but it has now become something more than the theatre, the disinterested stage or setting, of action Is space indeed a medium? A milieu? An intermediary? It is doubtless all of these, but its role is less and less neutral, more and more active, both as an instrument and as a goal, as means and as end.”⁴

在他看來，空間並非是一個靜態的存在，而更是一個充滿動態的環境，既是各種勢力鬥爭的場域與仲介，也是其爭奪的目標，扮演著積極的角色。隨著他關於空間研究的最重要作品《La production de l'espace (空間的生產)》在 1991 年被譯介入英文學術世界，人們不再視「空間」為理所當然之物，而是學術分析中一個重要的面向，相關的研究也應運而生。

不少研究側重於官方在空間爭奪中發揮著積極乃至主導的作用。比如，在封閉社會 (Close Society) 官方可以透過構建宏大的政治空間來鞏固政權。⁵ 而在開放社會 (Open Society)，由於作為領土的空間背後所代表的國家主權與作為公共領域的空間背後所代表的民主價值之間持續的張力，空間管制策略成為一種重要的官方管治手段。⁶ 通過具體的空間設計和進化的規管措施，可以有效控制示威遊行、壓

4. Henri Lefebvre, *The Production of Space* (Oxford: Blackwell, 1991), 410–11.

5. Wu Hung, *Remaking Beijing* (Chicago: University of Chicago Press, 2005);

洪長泰，《地標：北京的空間政治》，（香港：牛津大學出版社，2011）。

6. Michael Zajko and Daniel Béland, “Space and Protest Policing at International Summits,” *Environment and Planning D: Society and Space* 26 (2008), 719–35.

制言論自由，以致公共空間的減少與衰落。⁷ 但也有學者認為行動先於空間，民眾也可以透過集體的主動行動製造出自己的政治空間，實現對霸權空間的反抗和顛覆。⁸

儘管尚未實現普選，但作為開放社會的香港顯然也處於這樣的一種張力之中，而新落成的添馬艦特區總部無疑是其中一個重要的焦點，無論在計劃、開工還是運行期間，都是官方與民間進行空間爭奪的關鍵場域。因此，本研究將著力於這一案例的構建（參見附錄一表格一），首先會回溯添馬艦工程的緣起、計劃與建設過程，分析官方對於這個空間的理解和論述；其次，則會以對比的視角呈現現狀，基於微觀與宏觀兩個維度來展示現有的空間管制策略（Strategy），包括空間設計與規管措施；之後，我們將基於訪談的資料，從民間的視角來分析這個全新的空間。⁹ 最後，我們將對全文進行一個小結，並給出未來的展望。為了達致這樣的目標，本研究的研究方法包括了田野考察（新舊特區總部）、文牘的論述分析（相關理論、法律條例、歷史資料、新聞報紙、官方文件）和訪談（示威組織者）等。¹⁰

7. John D. McCarthy and Clark McPhail, "Places of Protest: the Public Forum in Principle and Practice," *Mobilization* 11 (2006): 229–47;

Don Mitchell, *The Right to the City: Social Justice and the Fight for Public Space* (New York: Guilford Press, 2003);

———, "The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced," *Stanford Agora* 4 (2004), Retrieved from <http://agora.stanford.edu/agora/volume4/articles/mitchell/mitchell.pdf>;

Richard Sennett, *The Fall of Public Man* (New York: Norton, 1974);

Zajko and Béland, "Space and Protest Policing at International Summits";

王志弘，〈徒步政治：臺北市人行空間治理術〉，〈第二屆發展研究年會，2010年〉。http://web.bp.ntu.edu.tw/DevelopmentStudies/Data/ACDS_2nd_B31.pdf;

劉靜怡，〈臺灣民主轉型的「人權保障」未竟志業——「言論自由」和「集會遊行自由」往何處去〉，《臺灣民主季刊》6(2009年)：1–46。

8. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958);

Nelson. K. Lee, "How is a Political Public Space Made? How is a Political Public Space Made? The Birth of Tiananmen Square and the May Forth Movement," *Political Geography* 28 (2009):32–43; 李家翹，〈重寫香港的殖民都市空間歷史：「西瓜波」與日常生活中自由公共空間的構建〉，《中國城市研究探索》（香港：香港中文大學香港亞太研究所，2009），81–108。

9. 對比的視角不是整式的前後對比，而是注重於現有的案例，以彰顯其特點，既可以與「舊特區總部」對比，也可以與原有設計對比，亦可以是與一些一般情況對比。

10. 「舊特區總部」是相對於現在的添馬艦而言，但實際上舊立法會大樓、政府大樓（中區政府合署）、特首辦並非集中一處。

三、添馬艦新特區總部的產生過程

1. 建設過程與爭論

早在 1998 年，政府已經把添馬艦例為政府用地。在 2002 年 4 月，政府正式建議在添馬艦興建新政府總部大樓和立法會綜合大樓。這建議在 2003 年 5 月經過工務小組委員會審議並通過發展工程的撥款申請，但同年 SARS 在香港爆發，添馬艦工程因而暫時擱置。

2005 年 10 月，行政長官在施政報中重申提出添馬艦發展工程。¹¹ 是次重提工程，議員對選址提出不少問題，因為添馬艦位處商業中心，是高價地段，用作商業用途更具經濟價值。對於議員的質疑，政府回應指添馬艦為最可行的方案，政府曾經考慮三個方案，包括選址啟德和西九龍，但由於兩個地方經過長期的諮詢後，已經決定分別發展為世界級郵輪碼頭及綜合文化藝術區。¹² 另外，有建議要求在政府總部和立法會原址重建，但政府指出原址重建相對於添馬艦工程將多耗時 4 年。同年 10 月，政府邀請有興趣的發展商提交申請，經審批後共有四個合資格投標商，分別是金門—協興建築、嘉華國際、瑞安和中國建築。

2007 年 3 月至 4 月，政府公開展示了這四個設計（參見附錄一 圖片 (1)「四個方案對比」），並依據技術、功能、可持續發展、美觀和環保、價格等為評分標準，最後選取金門—協興建築的設計方案，而有關工程的撥款已於 2006 年 6 月獲得工務小組委員會和財務委員會的批准。對於四個設計方案，立法會只收到四間公司的設計圖，而政府也未有向立法會提供具體的資料。立法會曾要求政府派代表出席在 2007 年 5 月 7 日和 6 月 1 日的事務委員會和諮詢會，向小組委員會和立法會交代設計方案，但政府均以「不想影響投標結果和投標程序的公平及公正性」為理由，拒絕出席會議。¹³

有關添馬艦工程的爭論，主要是在經濟成本、環保設計、和選址

11. 立法會規劃地政及工程事務委員會，〈資料文件：重新開展添馬艦發展工程〉，《立法會文件CB(1)289/05-06(03)》，立法會秘書處藏，2005年11月，<http://www.legco.gov.hk/yr05-06/chinese/panels/plw/papers/plw1122cb1-289-3c.pdf>。

12. 立法會規劃地政及工程事務委員會，〈討論文件：添馬艦發展工程〉，《立法會文件CB(1)1319/05-06(01)》，立法會秘書處藏，2006年4月25日，<http://www.legco.gov.hk/yr05-06/chinese/panels/plw/papers/plw0425cb1-1319-1c.pdf>。

13. 立法會規劃地政及工程事務委員會，〈檢討中區海旁(包括添馬艦舊址)規劃小組委員會會議紀要〉，《立法會文件CB(1)1954/06-07號》，立法會秘書處藏，檔號：CB1/PS/1/05，2007年5月7日，http://www.legco.gov.hk/yr06-07/chinese/panels/plw/plw_cw/minutes/cw070507.pdf；

立法會為討論與新立法會綜合大樓有關的事宜而舉行的諮詢會議，〈會議紀要〉，《立法會文件AS240/06-07》，立法會秘書處藏，檔號：AM 6/01/20/6，2007年6月1日，<http://www.legco.gov.hk/yr07-08/chinese/panels/plw/papers/devas-240-c.pdf>。

等問題上，只是在 2007 年 6 月 1 日的立法會諮詢會的 33 次發言中，單仲譚議員和吳靄儀議員分別提到「應提供足夠地方及作出適當安排，方便市民在日後的立法會範圍內示威，以及向議員及政府官員請願」和「規定示威者只可在設有圍欄的地方示威，並非尊重民意的做法」，而他們的提議在其後的討論中並沒有得到回應。¹⁴ 事實上，招標文件中沒有就市民請願的安排訂明具體的要求，事次諮詢會的召集人范徐麗泰議員則回應旨「這項安排旨在為投標者提供更大的設計創作空間」。2008 年 1 月，整個工程正式開始，於 2011 年 5 月順利完工，並於同年 8 月開始逐步啟用。而有關公眾集會、示威的討論在 2011 年 10 月才重新展開，原因是不少議員發現新總部預留的示威區面積太小。

2. 官方論述與分析

對於添馬艦工程的興建，政府的論述主要在強調原政府和立法會大樓的辦公空間不足，導致各個機構分散四處，有礙行政效率，並增加了辦公開支。¹⁵ 此外，政府還強調中標設計的環保，造價也較低與原先的預算，並預計能帶來 2700 個就業機會以進一步合理化這個工程。總之，官方以效能為理由，藉以把添馬公園「去」政治化。¹⁶

相比於對於經濟、環保的實用方面的強調，在設計理念上，政府只是泛泛的提出要把新總部打造成「主要公民及社區設施地帶」、「凸顯香港作為大都會及亞洲國際城市的地位」和「反映新政府總部及立法會在憲制上所代表的獨特角色」。¹⁷ 儘管整個設計極具時代感，但和周遭的商業大廈似乎沒有很大的分別，只是帶著一種「模糊的威嚴」融入到了原有的地景中去。而對於身處「政治中心」因而極具政治象徵意義的添馬公園，政府只是將這佔地多大 1.7 公頃的政府前「廣場」簡單地論述為「公眾休憩用地」，而並沒有其他特別的考量，除了有計劃在此成列一些藝術品（無主題預設）（參見網絡資料：政府邀請公眾為添馬艦休憩用地提交藝術品提案（香港政府新聞處））。總之，新總部被打造成以實用為主的建築物，整個空間缺乏官方的意義論述，而本應該具有很強政治性的添馬公園則表現出了一種被「非政治化」的傾向。

14. 立法會規劃地政及工程事務委員會，〈檢討中區海旁(包括添馬艦舊址)規劃小組委員會會議紀要〉；

立法會為討論與新立法會綜合大樓有關的事宜而舉行的諮詢會議，〈會議紀要〉。

15. 立法會規劃地政及工程事務委員會，〈資料文件：重新開展添馬艦發展工程〉。

16. 立法會規劃地政及工程事務委員會，〈討論文件：添馬艦發展工程〉。

17. 立法會文件CB(1)1319/05-06(01)：http://www.legco.gov.hk/yr05-06/chinese/panels/plw/papers/plw0425cb1-1319-1c.pdf。

四、新特區總部的空間管制策略分析：對比的視角

本部分將立足於添馬艦工程結束之後既成的空間狀況，以對比的視角從微觀和宏觀兩個維度來呈現官方對於這片新生「政治空間」的管制策略，包括示威區的規管措施、公眾用地的情況、建築的設計、宏觀的地理位置與交通狀況等，並分析其對於民間反抗的潛在限制。

1. 微觀維度

官方對於現有示威區的管理規則和之前沒有太大的區別（參見附錄一表格三），甚至政府不斷強調新政府總部的示威面積甚至與樓宇的距離都與過去由政府總部一致，表明其根本不願提供更大、更有效的空間給市民表達意見而只求達到「最基本的要求——不縮小面積」。¹⁸

最大區別在於示威區的設置問題。無論是新政府還是新立法會，官方都提前設置和計劃了提供民間示威、集會的區域，這明顯有利於官方的安保與管理。

比如，引人注目的特首辦前的小廣場由於一個未有在原有設計計劃中出現的花圃的存在，僅被劃出一個固定的 24 平方米的不允許示威的「請願區」（參見附錄一表格三），且進入的人必須通過嚴格登記，人多時更只允許登記團體的 1-2 名代表進入。而新立法會的最大的一個示威區（立法會廣場）（參見附錄一圖片（3）「示威區安排」）採用了「封閉式」的空間，即此空間的四周都預設有圍欄或相應功能的設置，這樣的空間安排無疑進一步限制了民間的使用。與此相反，舊立法會的劃定示威空間則為其四周開放式的走廊，而其最主要的示威、集會地點則為與其相鄰但已為民間自發佔據、使用的遮打花園和皇后像廣場（參見附錄一表格四），顯然擁有更大的自由度。儘管新立法會也有一個佔地面積達 1.7 公頃的公園（添馬公園）（參見附錄一圖片（2）「獲選方案『門常開』」及附錄一表格四），但它在官方的計劃中只是作為一個公眾休憩之所，大部分為綠地、花圃所覆蓋；更重要的是整個公園不涉及立法會或政府的主要出入口，即便佔據也無法直接給官方施加壓力，影響立法會或政府的正常運作。

而在建築設計方面，新立法會用玻璃外牆及鋼架結構，官方號稱象徵「透明包容」以利市民監督。¹⁹但實際上其只是包了一個透明的「外殼」，內部的整個建築則為橙色的非透明體，能看見的只是立法會的

18. 明報專訊，〈新政府總部示威空間沒改善〉，《明報》，2011年9月1日。

19. 南方都市報，〈透明的立法會大樓〉，《南方都市報》，2011年6月17日。

供市民參觀的「景觀長廊」，實非議員之日常用地，根本談不上由此對立法會內的活動進行監督，反而更利於對示威、集會的監控；而政府大樓雖基本採取大落地窗，但層高較高，加之具有隔音效果的玻璃，無疑將削弱示威、集會活動的效果。

2. 宏觀維度

首先，在地理位置上（參見附錄一 圖片(4)「宏觀區位」），儘管舊政府較為隱蔽、低調，但舊立法會位於繁華鬧市中心，毗鄰匯豐、中國銀行等商業大廈，人流穿梭頻繁，在此進行遊行、示威非常容易吸引行人的關注甚至讓人中途加入。而新特區總部則更接近與海邊，周圍多為景點和政府的其他機構等，人流較少，將大大削弱示威、遊戲的效果；此外，其近鄰中國人民解放軍駐港部隊大廈，遠接香港警政大樓（警務處總部），透露著某種象徵意味。

其次，相較於舊立法會和政府總部，新特區總部在交通上甚為不便（參見附錄一 表格五）。儘管添馬艦工程在設計時被稱為「門敞開」，但看似開放的整座建築群實際上更像是一個「孤島」，因為行人抵達它的最主要途徑是連接金鐘地鐵站出口所在大樓的兩座行人天橋。雖然官方聲明天橋已為普通天橋的三倍寬，但與正常的道路相比，其給遊行、示威人群抵達特區總部帶來的不便仍顯而易見，比如通過人數有限、樓梯帶來的安全隱患，而這就為警方在此處控制遊行示威的人數提供了正當的理由。同時，這座「孤島」四周為快車道環繞，人行道的寬度十分很有限，因而增加了示威者突破正規示威區爭取額外空間的不便，甚至危險。這樣的設計在後期工程快結束時於立法會會議上被某些議員諷刺為「門常關」以及建築師都是開車抵達立法會的，不會考慮行人問題。²⁰ 政府這樣刻意與民眾保持距離，可理解為政府不願向民眾溝通及問責；此外，由於位置偏僻，媒體採訪不便，也不利於民間在政府總部進行抗爭。

總之，相較於過去，現有的空間環境削弱了一般民間反抗對於政府、立法會日常運作的影響和干擾能力，降低了民間的遊行、示威和集會對於當權者的壓力和社會效果。

20. 立法會內務委員會，〈內務委員會特別會議的逐字紀錄本〉，《立法會文件CB(2)2489/10-11號》，立法會秘書處藏，檔號：CB2/H/5，2011年7月11日，<http://www.legco.gov.hk/yr10-11/chinese/hc/minutes/hc20110711.pdf>。

五、新特區總部的空間管制策略分析：民間的視角

基於訪問的資料（參見附錄一 訪談摘要），本部分將從民間的視角來理解和分析這個由官方主導構建的空間環境。在示威者組織者看來，對其示威活動安排和效果影響最大的是地理位置（Location）的改變，而示威的人數則是在與官方進行空間爭奪中最高為重要的一個變量，因而以下將從這兩個方面展開討論。

1. 位置

與舊特區總部比較，現時添馬艦的位置相對遠離城市的主要商業區和交通樞紐，因而把市民在新總部的示威、集會等政治活動從空間上被孤立和隔離出來，按照受訪者的說法，這會從兩方面損害示威的效果。

首先，從城市其他地方前往新總部的遊行路線需要重新安排。與過去相比，現時示威組織者與警方商討的遊行路線有遠離主要繁忙街道或需要比繞路而令行程變長兩個主要缺點。前者令遊行時於城市中心區域的「曝光率」減低，損害示威者希望透過使用該空間而吸引其他空間使用者注意的效果；而後者則會加重遊行人士的精神和體能負擔，亦降低組織者以外市民即興參與遊行的意欲。

其次，這種隔離令示威活動抽離與市民的日常生活，使得他們對於示威的認知主要來自傳媒的報道。在香港，大部份的示威活動都落入「Protest Paradigm」的報道模式。²¹ 這種報道模式「非法化」（Delegitimize）及「邊緣化」（Marginalize）示威活動及其直接參與者。²² 而在缺乏其他空間使用者存在的情況下，政府針對示威活動的管控手段變顯得更嚴厲並不為輿論所責難。同時，擁有透過影像和文字廣泛傳播能力的傳媒亦主導了往後對示威活動定性的話語權和公共討論空間。示威在這種範式下容易被標籤為負面、危害他人的空間活動。

2. 人數

六七暴動後香港的示威活動陷入了一種「和平、理性、非暴力的迷失（Myth）」（綜合兩位受採訪人的觀點），鮮有透過破壞建築物本身以達到象徵性甚至實質性的反抗意義，因而很大程度上使得參與者被

21. Michael Boyle, Douglas McLeod and Cory Armstrong, "Adherence to the Protest Paradigm: The Influence of Protest Goals and Tactics on News Coverage in U.S. and International Newspapers," *The International Journal of Press/Politics* 17 (2012): 127-44.

22. D. McLeod and B. Detenber, "Framing Effects of Television News Coverage of Social Protest," *Journal of Communication* 49 (1999): 3-23.

動地受制於靜態的空間環境，但這並不意味著民間的示威無法打破這些固有的限制。在受訪者看來，動態中空間爭奪的突破關鍵在於參與的人數。當示威的人數明顯超過官方所提供的「指定示威區」所能容納的限度使得整個環境變得擠迫時，他們就有「能力」和「正當性」去衝破既有的規限（比如受訪者提到的一次示威遊行）。²³ 這種規限其實不只是一種物理空間上的，更可以是一種意義與象徵層面上的。比如，儘管兩位受訪者都表示不傾向使用開闊的添馬公園進行示威集會，認為其遠離官員使用的出入口，因而位置不佳、在那裡聚集沒有意義與效果，但其亦不排除往後舉行大型示威時人數眾多而使用該公園的可能性，或許因為足夠多人數本來就能夠製造出某種「意義」。

六、結論與展望

基於對比、民間的這兩個視角，我們對於新特區總部的空間有了一個基本的認知。在民間看來，最大的變化在於整個位置的改變，因而在一般的遊行示威活動中增加了其所謂的「遊行成本」（參見 附錄 - 訪談摘要 (1)）；而官方的管制策略似乎也發揮了其應有的效果，現在的空間爭奪實際上正集中在了政府預設的示威區及其周邊。然而一個有趣的現象則是，雙方不約而同的選擇性忽略了位於特區總部前的添馬公園。政府在條例上並沒有明文禁止，而現有的示威案例也從未出現在那裡。因此，下面將簡略的談談這一現象，作為後續研究的可能方向和對此空間未來的展望。

一般而言，位於核心政治機構附近或城市中心的廣場 (Square, Plaza, Forum) 都無可避免的具有極強的政治象徵 (Symbolism) 意味，而政權有意無意也會對其進行意義 (Significance) 上的構建，或是成為權力的表現 (Manifestation of Power)，或是體現國族的認同 (National Identity)，或是展現其政治的理念 (Political Belief)。比如北京的天安門廣場、布達佩斯 (Budapest) 的 Kossuth Square、開羅的解放廣場、聖荷塞 (San Jose) 的 Parque Central 和 Plaza de la Cultura、渥太華的

23. bbqueen8964, 〈Now新聞台報導：部份遊行隊伍衝入政府廣場拒絕離開〉, 《YouTube》, 影片上傳日期2012年3月3日, <http://www.youtube.com/watch?v=u5kEGQjLFIY>。

聯邦廣場等。²⁴

也因此，當這樣的一個被「政治化」(Politicalized)了的空間在物質層面(Physical)和精神層面(Spiritual)被構建起來之後，這樣的廣場也演變成了一個備受各方勢力矚目的政治劇場，具有強大的政治潛能。²⁵強者會著力於維護已被構建的「秩序」(Order)，而弱者則會試圖通過集體的政治行動去打破這現有的「秩序」，以便將他們的「聲音」放大進而帶入到公共議程的討論中去。

然而弔詭的是，位處「三位一體」的政治中心，被立法會大樓、政府大樓、特首辦環繞的添馬公園卻沒能引起社運組織者的興趣，甚至認為在那裡集會和示威沒有意義(參見附錄一 訪談摘要(1))。為什麼呢？順著前面的邏輯，一個可能的解釋便是添馬艦公園的政治意義尚未被構建起來，因而不存在「秩序」也就無所謂破壞「秩序」。特別是作為強者的官方並未有所行動，而不少現有的措施和設計維持著這片具有潛在政治性的空間的「非政治化」。比如，我們在那裡看不到能帶來政治意義的紀念碑、雕塑，官方暫時也沒有在這裡舉辦具有特殊意義的活動；能夠吸引示威者的立法會和政府大門則由於設計的因素而和公園不處在同一平面，因而被巧妙得與之隔開；而整個公園則被定義為市民的休閒場所，反映著一種具有保守特性的中產價值。²⁶而在建設之初，政府也未有明確的意義、價值論述，反而處處以經濟、環保的角度來為這個工程辯護，反映著一種迎合香港文化的「工具性」傾向。所謂的「門常開」其實是設計師的想法，而不是政府所要求的。而香港本身的特殊之處則在於其並非不是一個民族國家，沒有國族身份建構的意識；不是一個威權政府，因而沒有可能像革命政權那樣進

24. András Gerő, *Public Space in Budapest: the History of Kossuth Square* (New York: Columbia University Press, 2009);

David Gordona and Brain Osborneb, "Constructing National Identity in Canada's Capital, 1900–2000: Confederation Square and the National War Memorial," *Journal of Historical Geography* 30(2004): 618–42;

Michael Webb, *The City Square* (London: Thames and Hudson, 1990);

Nelson K. Lee, "Tiananmen Square,";

Setha M. Low, *On the Plaza: the Politics of Public Space and Culture* (Austin: University of Texas Press, 2000);

Steven A. Cook, *The Struggle for Egypt: from Nasser to Tahrir Square* (New York: Oxford University Press, 2012);

Wu Hung, *Remaking Beijing*;

洪長泰,《地標：北京的空間政治》;

蔡永洁,《城市廣場：歷史脈絡·發展動力·空間品質》(南京：東南出版社,2006)。

25. 立法會為討論與新立法會綜合大樓有關的事宜而舉行的諮詢會議,《會議紀要》。

26. 香港政府新聞處,〈行政長官出席添馬艦新政府總部落成典禮致辭〉,《新聞公報》,2010年4月22日。

行宏大的權力表現；但「小圈子」產生的管治團隊缺乏認受性，只是想著「打好這份工」而沒有政治理想。此外，作為一個新生的空間，歷史記憶的積澱還需時日。

以上分析的一個前提是民間沒有能力自行開拓出一片政治性空間，而要依賴一個先被「政治化」的空間所具有的效能 (Efficacy)。其實這樣的前提預設並非沒有道理。現今的集體政治行動 (Collective Political Action) 在各種規管和約束之下已經越來越常規化 (Routine)，往往是通過撬動 (Leverage) 現有「結構」的某個機制 (Mechanism)，產生間接的政治壓力，以達致其目的。而也許是時代使然 (比如作為政權和平移交方式的選舉形式的普及、現代教育體系對於人性理性化的改造、現代國家對於社會無所不在的滲透與監察)，現有的政治行動最多只能是一種社會運動，遠不可能上升到一種大規模、具持續性及有組織的暴力革命，乃至建立自己的空間—革命根據地。²⁷ 因而，作為在社會結構中有一席之地的一個行動的參與者最終還是要回到各自的結構中去，絕無可能像國家機器般對於空間產生深刻的改變 (Transform)。此外，「遊行成本」這種提法其實也頗具實用主義的意味，似乎和官方的實用傾向不謀而和，這其實也值得深究。

儘管如此，我們依然不能忽略民間的潛能，因為人民的政治行動絕不盡限於由專業團體所組織的示威遊行，爆發性的、超大規模的群眾集會完全可以令官方現有空間管制完全失效，而這種規模的行動本身就為這樣的空間開創了政治意義。²⁸ 身處「城堡」中的「統治者」或許可以安然無恙，並在隔音玻璃的阻絕下不被干擾的繼續辦公，但卻絕不可能坐視不理。而佔地近 2 公頃的添馬公園無疑有能力承擔上萬民眾的聚集，甚至延伸至周遭的機動車道。此外，隨著未來連接到添馬公園的海濱長廊的竣工，空間的通達性也將增強，因而為將來的種種可能埋下伏筆。沒有人知道未來會發生什麼，即將到來的七一會發生什麼。但作為一個新生的空間，其顯然具有無限的潛力，能夠和群眾的想像力和行動相結合，進而開創出自己的歷史、意義與價值。因此，未來充滿希望，一切值得期待，而我們的研究也才剛剛開始。

27. 立法會規劃地政及工程事務委員會，〈諮詢文件：重新開展添馬艦發展工程〉。

28. 同上。

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八、附錄

第一部分：表格

表格一：研究設計—案例分析

建設過程	新特區總部空間管制策略	對比的視角	民間的視角
選址與設計方案	微觀：設計與管理	規管措施、公眾用地、建築設計	訪談（遊行示威組織者）、示威
官方論述	宏觀：周邊環境	地理位置、交通狀況	例子分析

表格二：添馬艦發展工程時間表

時間	事件概述
2002 年 4 月	建議在添馬艦舊址興建新政府總部大樓、立法會綜合大樓，以及其他社區設施、消閒設施及休憩用地等。
2003 年 5 月	工務小組委員會審議並通過發展工程的撥款申請
2003 年	因為 SARS 爆發，宣布暫時擱置發展工程，以便檢討政府開支的優先次序。
2005 年 10 月	行政長官在施政報告宣布重新推出發展工程 選址問題： 1. 相對於政府總部和立法會原址重建的方案，添馬艦方案可以提早 4 年完成，亦可及時舒緩現時政府總部及立法會所面對的空間短缺問題。 2. 選址啟德：在 2004 年至 2006 年期間進行了廣泛的公眾參與活動，已制訂啟德發展方案，主要設施包括世界級郵輪碼頭、多用途場館及都會公園等。 3. 西九文化區：已決定將由西九文化區管理局發展成一個綜合文化藝術區 4. 添馬艦無論在位置和可供發展樓面面積方面皆是最佳的選擇
2005 年 12 月	政府當局邀請有興趣就發展工程合約的預審資格提交申請
2006 年 6 月	獲得工務小組委員會及財務委員會批准有關的撥款
2007 年 3-4 月	添馬艦發展工程「公眾展示」
2007 年 7 月	政府當局就發展工程向金門 協興聯營公司發出意向書
2008 年 1 月	工程開始
2009 年 12 月	得到財務委員會批准，將工程的核准預算費用提高。
2011 年 5 月	工程結束
2011 年 8-12 月	逐步啟用
2011 年 10 月	商討與新政府總部大樓有關的公眾集會及公眾遊行事宜

表格三：政府、立法會示威區設置對比

新政府	面積 (m ²)	開放時間	申請程序	其它
新一：東翼外旗杆位置 (最大)	1000 (距大樓約 5 米)	周日及公眾假期 (10:00-18:30)	<ol style="list-style-type: none"> 1. 向政府行政署「申請」 2. 七天前向警務處處長作出通知並取得警方所發出的「不反對通知書」 3. 無論人數，必在兩日前向行政署長申請 4. 如舉行超過 50 人的公眾集會或超過 30 人的公眾遊，必須根據該條例通知警務處處長。 	當局可在沒有預先通知的情況下，隨時撤回在東翼前地舉行公眾集會 / 遊行的批准。
新二：特首辦門外花園附近	24 (距離大樓約 5 米)	週二早行政會議舉行時 (7:30 後)	團體或個別人士可到特首辦大樓外籠和道的行人道所設定的等候區登記，在指定地點請願。	大面積花園縮小了請願面
新三：東翼對出添美道行人路	167 (距離大樓 50 米)	週一至週六	<ol style="list-style-type: none"> 1. 七天前向警務處處長作出通知並取得警方所發出的「不反對通知書」 2. 遞交請願信不需要事先申請，但請願人士亦須遵守《公安條例》有關的規定 	有花園與政府隔離
舊政府	面積 (m ²)	開放時間	申請程序	其他
中區政府合署中心範圍	未有明確數據，但按政府的說法，新的於舊的保持一致	星期日及公眾假期上午十時至下午六時三十分	<ol style="list-style-type: none"> 1. 向政府行政署「申請」 2. 七天前向警務處處長作出通知並取得警方所發出的「不反對通知書」 	當局在可能的情況下會儘量予以安排，如週六下午不工作亦可示威、遊行。

新一：大樓 低座前方的 「立法會廣 場」 新二：議員 下車處（旁 為立法會申 訴部）	合共 1600 週一到周日	1. 向立法會行政管理委員會申 請 2. 向警務處處長作出通知	保安人員可 編配示威區 大小及給予 不同申請團 體，立法會 秘書處還計 劃設置網上 示威區。	
舊立法會	面積 (m ²)	開放時間	申請程序	其他
立法會大樓 專屬示威區		正常情況為 任何時間皆 可以	1. 立法會行政管理委員會申請 2. 通知警方	遮打花園 / 皇后像廣場 皆可示威、 集會，只需 向康文署預 訂場地並通 知警方
資料來源	陳雪玲，〈新大樓多出口「圍堵立會」難再〉； 立法會秘書處，〈資料便覽：處理與新政府總部大樓有關的公眾集會 及公眾遊行的事宜〉，《立法會文件 FS02/11-12 號》，立法會秘書處 藏，2011 年 10 月 11 日， http://www.legco.gov.hk/yr11-12/chinese/sec/ library/1112fs02-c.pdf ； 香港特別行政區政府，政府文件（上文第二部份）； 通過電話向官方諮詢。			

表格四：交通區位對比

	舊立法會	添馬艦
交通工具	緊鄰中環地鐵站三個出口	距金鐘出口較遠
與外界聯繫	地區開放，四通八達	基本通過天橋與外界相連
行人與車輛	周圍多為步行通道，車輛速度 慢，方便多人聚集	周圍多為快車道，更方便車 輛，不利於眾人一起達到
從維園開始的示威	在市中心，可以吸引更多人的注 意和加入	途徑海邊，人流下降，且方 便半途加入

	舊立法會		新立法會
名稱	遮打花園	皇后像廣場	添馬公園
前身	香港木球會	中央廣場，填海所得地	英國軍營
建成時間	1978、1983年	1897年	2011年
面積	16,000平方米		17,000平方米
地理位置	前立法會大樓旁，中環中心。	前立法會大樓前，中環中心。	添馬艦
交通	中環地鐵站J出口；天橋通往金鐘和政府山；德輔道中出入口，連接往返港島電車、巴士站，臨近政府停車場。	港鐵中環站K出口	金鐘站出站後步行；被立法會道、添美道、夏慤道、添華道及龍和道包圍。
功能	1. 上流社會的木球會宣揚英國技術，進行教化，樹立權威。 2. 70年代改為遮打花園，六七暴動后，政府增加基建，安穩民心。 3. 中環人的後花園：晨運、商務午餐、旅遊、週日菲傭聚集。 4. 85年立法會搬來後，開始了民間的集會示威。	1. 普通公園 2. 樹立各種銅像，成為一種政治地標和紀念 3. 集會示威	公眾休憩用地
空間規管	較少，只見到「不准吸煙」的標誌。	香港首個市內公共場地	暫未有示威、集會，但依慣例可向康文署申請。空間規管較多：不准擺攤、吸煙，不准犬進入，不准用滑板、腳踏車、損壞花木等。
資料來源	邱汛瑜，〈遮打花園 綠色空間的優質示範〉；梁小嫻等，〈二十年的抗爭：公安條例〉；維基百科，「皇后像廣場」；維基百科，「添馬公園」。		

第二部分：圖片

四個方案對比



拱門設計有觀魚台

- 設 想：金門—旋轉樓梯
- 主 題：門閣設計、綠廊、天橋廊、公共廣場
- 特 點：
 - 政府辦公大樓與拱門設計，外形有高修直感，象徵國家之門。
 - 立法會大樓以玻璃圓合的圓柱，象徵透明、包容、高素質的運作。
 - 行政區辦公室採用伸縮立方 (Cube) 的設計，象徵設計、務實、有禮。
 - 多個功能與建築組合起來，象徵各方溝通無礙。
- 公共設施：
 - 建築辦公大樓的拱門設計下有大片綠化草場 (綠化行人平台)，樓閣間橋，可觀望綠地，象徵中樞式開放式公園。
 - 立法會大樓設有綠地、蓮花池、雕塑噴泉。
 - 環形設計：
 - 政府辦公大樓建築風扇扇面，太陽能光伏板，向內或向外轉動。
 - 立法會大樓設計有自然自然散熱感。
 - 行政區辦公室建築玻璃有向外擴外牆。



鬧市觀魚

設計人：陳樹培
 的方案：設計人：陳樹培(土庫)和觀魚台(右邊)，在鬧市鬧市鬧市。



玻璃加綠意 吸納「龍氣」

- 設 想：匯聚龍氣促進風氣轉運
- 主 題：開明設計、開放空間、風氣共享
- 特 點：
 - 結構簡單，大量垂直玻璃，如立法會綜合大樓、立法會會議廳等採用玻璃牆，貫通由各種公共法文書寫樓層中可清楚看到，象徵透明度和開放。
 - 設有高層寬度一至100米長，5米高大型玻璃牆，確保採光作用。
 - 樓層中用上風水，樓層設計與玻璃之氣體的關係，外層可以根據風向轉動扇面，引導氣流，為香港帶來平安安寧。
- 公共設施：
 - 大馬路400多種組成的天然綠廊——「青蔥青蔥城市森林」，對辦公樓是一點點移動的綠水牆，有自然環境，為文化中心增加綠意。
- 環境設計：
 - 立法會大樓建築風扇，其電量較傳統建築減少15%，確保通過風扇室內一氣化以改善室內空氣品質。
 - 建築物以綠草和綠草為主，避免太亮造成風扇效應。



城中森林

實施者：香港房屋委員會
 的：建築師：香港房屋委員會



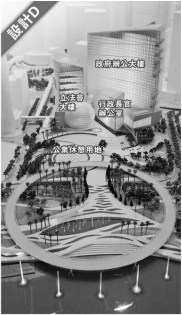
雀巢建築 加強通風

- 設 想：建築—保養設計
- 主 題：公共設施
- 特 點：
 - 結構簡單，大量的玻璃，看上去如英文字「W」。
 - 政府辦公大樓、立法會大樓北座、道政、行政區辦公室建築設計與公共大樓成一氣，可互成關係或為公共建築。
 - 大樓最大特色是採用了能隨風轉行的設計，或能隨風「旋轉」，大大加強通風，實現了通風效果。
 - 大樓之建築採用結構 (Exoskeleton and Steel Structure)，看上去如英文字「W」，是北座建築的線性式建築動向有動感。
 - 外層牆上全玻璃風扇扇面，使建築有可省27%耗電。
- 公共設施：
 - 佔地2公頃。
 - 方圓廣場可與公共設施，讓地地有大規模電機，並設有風扇以產生風動，專在市中心增設立風扇的成效，則未有提供資料。



無柱結構

設計人：香港房屋委員會
 的方案：設計人：香港房屋委員會



世貿中心重建設計師操刀

- 設 想：香港匯聚一體與有利發展
- 主 題：不透明
- 特 點：
 - 結構簡單，大量的玻璃，看上去如英文字「W」。
 - 政府辦公大樓、立法會大樓北座、道政、行政區辦公室建築設計與公共大樓成一氣，可互成關係或為公共建築。
 - 大樓最大特色是採用了能隨風轉行的設計，或能隨風「旋轉」，大大加強通風，實現了通風效果。
 - 大樓之建築採用結構 (Exoskeleton and Steel Structure)，看上去如英文字「W」，是北座建築的線性式建築動向有動感。
 - 外層牆上全玻璃風扇扇面，使建築有可省27%耗電。
- 公共設施：
 - 佔地2公頃。
 - 方圓廣場可與公共設施，讓地地有大規模電機，並設有風扇以產生風動，專在市中心增設立風扇的成效，則未有提供資料。

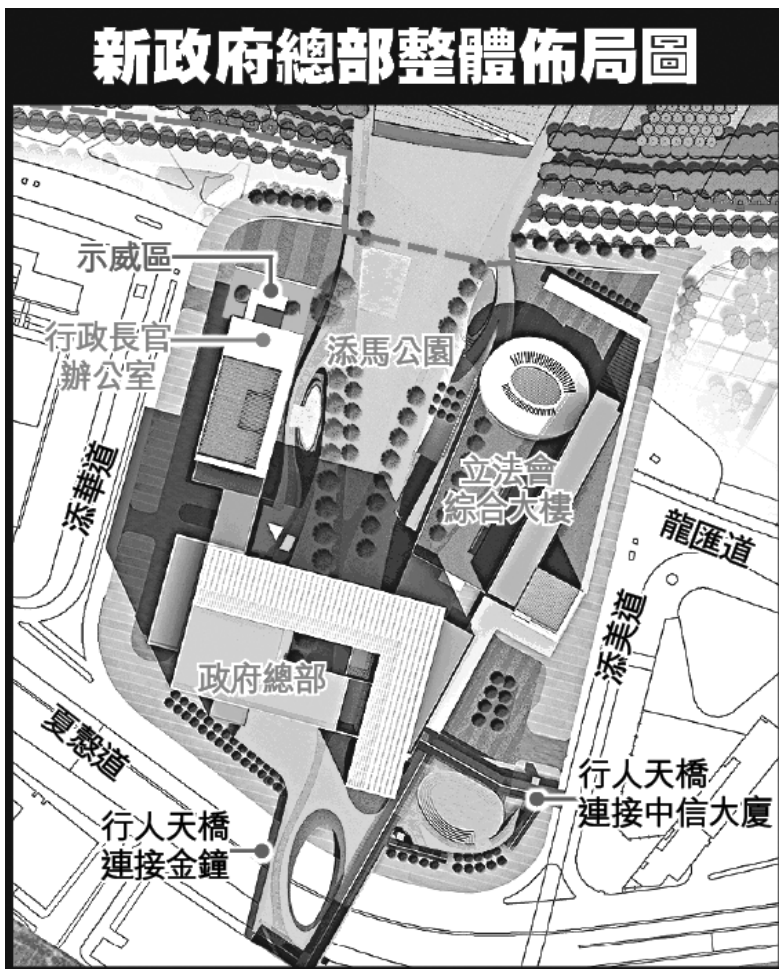


風扇式建築

設計人：香港房屋委員會
 的方案：設計人：香港房屋委員會

資料來源：明報專訊，《添馬4方案多採玻璃 設計大環環保 專家批展出資料不足》，《明報》，2007年3月29日。

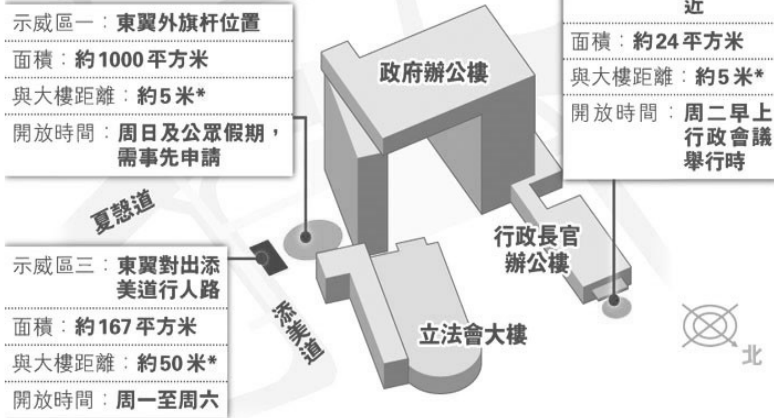
獲選方案「門常開」



資料來源：蘋果日報，〈新特首辦示威區小得離譜 僅周二開放 被轟窒礙市民表達訴求〉，《蘋果日報》，2011年7月12日。

示威區安排

新政府總部示威區安排



資料來源：明報專訊，〈行會遷新總部開會 團體不知示威安排〉，《明報》，2011 年 9 月 20 日。



資料來源：明報專訊，〈新大樓多出口 「圍堵立會」難再 三大示威區 兼顧戶外室內〉，《明報》，2010 年 9 月 27 日。

第三部分：訪談摘要

受訪者：黎恩顯（香港民間人權陣線召集人）

日期：2012年4月13日

訪問者：請問你對新總政府總部及立法會大樓的示威區安排有什麼認識？

受訪者：就新政府總部有兩種安排。如果它（行政署）願意開闢，我們能夠進入內裡的地方示威。如果它不願開闢，就在總部（東翼）開外的添美道請願。如果是立法會就需要走遠些，在停車場的公眾入口有鐵馬包圍的示威區。

訪問者：那麼你是否清楚在新政府總部的示威區示威的申請方法？

受訪者：新總府總部是要向一個政府部門「行政署」申請而非警方。譬如我們要舉行示威，便通知行政署我們將於何月何日舉行，會進入政府總部的廣場請願。

訪問者：一般示威者對申請程序瞭解嗎？還是只有組織者清楚？

受訪者：這很正常，因為示威者是不會申請的。組織者是因為以往的經驗知道要申請所以較清楚。

訪問者：作為一個示威組織者，你認為新總府總部與舊政府總部比較，新政府總部的空間對示威行動／效果／士氣有什麼影響？

受訪者：首先，大家（示威者）是不喜歡到新政總示威的。原因不是其示威區的設置，而是新政府總部的位址不方便遊行。譬如以前要到舊政總示威，可以一條直路轉上政府山就到達。而現在需要繞一個大圈或經天橋才能到達。而到達新政總後，最不滿意是其開放時間。以前舊政總是「全年無休」；而現在有些規定如星期六及平日不開放廣場。當然，舊政總的開放都是經過當年的一番爭取。而新政總的空間實際上是方便了市民聚集，反而問題是其位址遠離市區，令遊行時沒有市民看到，而遊行的一個目的是讓市民看到我們的訴求。

訪問者：之前舊政總能入內示威是經爭取過才成功開放，那麼你覺得有什麼因素能令新政府總部能開放其空間？

受訪者：首先，在（二零一二年）三月三日那次遊行，最初他們（行政署）亦不開放廣場。當時我們向警方提出要進入時，他們稱是行政署不讓我們入去。而他們亦表示有幾千人集會時不準入內是不合理。結果，由一些參與遊行團體成員衝入去，其他人則跟隨而完成集會。就如 Hannah Arendt 所說，那個 Public Space 是由自己製造出來，因為建制只會刻意限制你。能否突破空間限制與人數一定有關。

訪問者：你作為一個示威組織者，對示威區存在有什麼看法？

受訪者：其實政府指定示威區根本就不該存在。因為政府是應該讓市民向官員表達示求，所以我們要用盡一切方法去突破。

訪問者：那麼示威組織者間會否討論對示威區的看法及對策？

受訪者：有，具體方法如通過立法會議員質詢或交代但用處不大。唯一有效的就是透過我們的鬥爭增加輿論壓力甚至以法律途徑爭取，但需要耗用很多時間。

訪問者：你認為新政總的位置不便對你們有什麼具體影響？

受訪者：其實這會加大我們的「遊行成本」和風險。譬如維持秩序和市民參與遊行的意欲。因為主辦單位需承擔責任。如部份示威者在遊行時於天橋「發難」，我們便較難維持秩序並需要負責。

訪問者：你們有沒有想過在添馬公園遊行或集會？

受訪者：舉行記者招待會或某些行為藝術的活動是可以的，但在那裡示威是沒有意義。因為遊行是要直接到政府總部表達訴求。

訪問者：你認為新／舊立法會鄰近空間哪個較適合集會？

受訪者：其實現在的比以前更難集會，因更難做到包圍政府的效果。唯一可以做的是封鎖添美道和夏慤道，但這樣做的成本很大，因市民未必支持。而以前政府總部、立法會和終審法院分散各處，而現在立法會與新政總彷彿一個堡壘被附近的解放軍總部和警察總部包圍是一種意識形態的呈現。

訪問者：其實你們有沒有想過在添馬公園遊行或集會？

受訪者：舉行記者招待會或某些行為藝術的活動是可以的，但在那裡示威是沒有意義。因為根本看不到。其實遊行／集會有一些基本原則，Accessibility 和 Visibility。先說 Visibility，其實現在新政總很差（的示威和集會）一般市民是看不到的，你可以包圍但無人看到。而講到 Accessibility，現在示威者只能在「牆外」示威。而以前雖然相似都不能入內，但由於位置方便，能不斷累積群眾參與。

訪問者：現在的示威區或廣場不是能容許入內嗎？

受訪者：情況不同。示威區是較少人去請願，但當大型示威時示威區便不會被接受。

受訪者：吳文遠（社會民主連線副主席）

日期：2012年4月19日

訪問者：請問你對新總政府總部及立法會大樓的示威區安排有什麼認識？

受訪者：新政府總部在施工前已跟公眾及各大政黨講述了示威區安排。示威區共有數處，其一為正門有區旗的圓形廣場，暫時而言大型遊行都的終點都在那邊。其次，最常用的就是立法會出入口，間中（立法會）會議前的示威就在那邊為第二處。第三處就是它（政府）稱作為公眾大集會、向海的大草地。

訪問者：你說的就是添馬公園嗎？

受訪者：是，那時（政府）私底下說得（情況）很好，因為它稱立法會議議會外就是草地，但現在都亦未使用過。

訪問者：根據我們的考察和資料，示威大都位於圓形廣場。雖然添馬公園沒有明文不准示威，但有人指添馬公園非位於政府出入口，所以在該地示威沒有意義？

受訪者：當然了，所以到現在都沒有到該處示威。不過今「七一」（遊行）才是第一次大型、以政府總部為目的地的示威活動，所以將來不一定。

訪問者：雖然民間人權陣線暫時沒有計劃在該地示威，但你們的想法是？

受訪者：其實我們的想法很簡單，就是我們想在何處示威，政府就應配合而非加以阻撓。現在問題在於警方或政府用各種理由多番阻撓。現在中型示威多在圓形廣場，但新政府總部剛建成時，政府以該廣場於假日不開放為理由，迫使民陣於（正門）關外馬路對出設台。直到我們有人爬過鐵馬衝入去，當數十人成功進入，其餘數千人方能進入。自從以後，他們亦以行政理由「要求」我們留在外面，但我們強行進入（圓形廣場）時他們亦不再多加阻撓。

不過，在中型示威最重要的並非示威區的安排，而是遊行路線的安排。因為添馬艦是一個十分隔離的位置，除非坐船過去，否則只有經金鐘天橋一途。所以很多次警方以人流控制為由，把路線安排迂迴曲折、狹窄的小路。令遊行人士鼓譟及無奈，當幾千人迫於使用自動電梯上天橋時，情況混亂是可想而知。而警方可有更好安排，但卻以影響交通為由拒絕安排。

訪問者：那麼有沒有什麼實際例子能說明其安排的影響？

受訪者：記得有一次於三月四日、應為新政總開放後最多人的遊行，當時由維園出發。由於人數眾多，經天橋到新總府總部亦不可行，結果警方叫示威者行到舊政府總部，再下去交易廣場繞路到新政府總部，就是多了一程金鐘到中環，中環又回到金鐘的路，很消耗示威者體力。

訪問者：以你的觀察，有沒有示威者因各種安排上的不便而放棄繼續遊行？

受訪者：有，畢竟由維園到金鐘已需要一小時，在天橋的樽頸位置亦十分侷促。雖然大部人都堅持，但老人家、小朋友或其他人亦被迫放棄。政府正是通過如示威路線的安排、集會廣場的空間等妨礙示威活動。實際上，廣場的設計是不方便集會的。首先，新政府總部沒有一個具象徵意義的正門。添馬艦的建築群基本上都沒有供示威的「對象」如雕塑等，這似乎是刻意的安排。

舊政府總部亦有較大空間的廣場，而新政府總部的廣場空間相對亦是較小。而新立法會亦一樣。以前外面有停車場、遮打花園和皇后像廣場，比較方便遊行人士集合。而新立法會入口都是玻璃門，完全沒有一個徽號去標誌此地為立法會，與一個貨運出入口沒有分別似的。而其建築物設計，令官員少有從這些門口出入。

訪問者：那麼他們通常由什麼地方出入？

受訪者：由停車場、西座那邊。而特首辦有一條專用通道出入。就算立法會亦是，不過議員由於是市民選出但官員卻傾向於迴避。同時，新立法會向北出口雖「有瓦遮頭」，但最多只能容納千餘人。對示威者而言，該處難以看見官員，迴音較大及嘈雜，沒有意義。

訪問者：從另一角度看，添馬艦整個建築群雖然很大很有威嚴，但其設計卻近似一座宏偉卻面目模糊商業大廈？

- 受訪者：** 整個建築群似一個「甲級寫字樓」多於一個政府總部，就算宏偉亦沒有。雖然有一個很大的公園，但如果逗留時間較長亦會被查問。另外，在位置或設計上都不鼓勵市民蒞臨、嬉戲。因為政府建築理應融入社區，讓市民活動而非隔絕。現時整座建築群的結構都似乎刻意與市民隔絕。雖然外表貌似莊皇，但與有人造河、公園、位於市中心附近的德國柏林議會設計比較，後者更能把人和議會融合起來。於議會附近工作的市民能於該公園休憩和食飯。香港的立法會卻不容許市民或遊客隨意參觀。所以與外國例子比較，首先外國議會建築物會有歷史重要性，但這難以比較。不過就算是較現代的建築，都比較與社會融合。這亦可能因其為民主社會，公眾有份參與設計、規劃甚至撥款。而香港的新政府總部及立法會較少市民參與，只有讓市民於數個設計中投票選擇。
- 訪問者：** 作為示威組織者，你們對政府的安排有什麼對策嗎？譬如重新為建築群賦予政治意義？
- 受訪者：** 其實無論怎樣做，我們示威是希望示威對象聽到我們的聲音。因此就算建築物是否有政治意義也好，如果該空間的安排有阻礙我們表達意見，而當權者借用建築物的象徵意義，設計等「方便」他們忽略我們的聲音。以前舊的建築，特首出入都需經過特定出入口。而現在的特首辦如果特首不想見我們，他可以不需見我們就經其他通道出入。
- 訪問者：** 那麼你們就新政府總部和立法會的空間限制就什麼具體對策嗎？
- 受訪者：** 其實示威遊行，最重要的是市民參與。就算空間合宜但示威人數少亦無意思。但如果市民對某議題反響很大，過十萬人上萬示威，就算在何地示威亦有重要效果。所以不會我們因建築設計而去思考對策，反而會思考如何令政府阻撓我們的方式更困難及更重要的，是鼓勵市民主動表達意見。政府的各種行徑如在遊行時胡亂拘捕示威參與者等，都是借此減低市民參與的意欲。而我們便必須鼓勵市民繼續出來參與示威。有一點可以預想的，如果有如過十萬人遊行到新政府總部，警方制定的安排將使情況非常混亂，因現在幾千人的示威已十分鼓譟。雖然海濱長廊是一條可使用的通道，但遊行示威亦想把我們的聲音傳給其他人聽，所以我們希望遊行過程同時與他人互動，而選擇海濱長廊雖然方便，但「對空氣說話」亦沒有什麼意思。

2013年9月，也就是報告完成的大概四個月後，香港爆發反國教運動，學民思潮及反國教支持者佔領政總，改名為「公民廣場」，並進行絕食以及集會等抗爭行動，成功挑戰了官方縱控的空間。



明報專訊，〈4萬人集會反國教接力絕食〉，香港新浪：即時新聞，2012年9月1日，<http://news.sina.com.hk/news/32/1/1/2760340/1.html?l=957875>。

The Present and Prospect of a Nascent Political Space—A Spatial Analysis of New HKSAR Headquarter in Tamar

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Abstract This article aimed at analyzing the newly born political space – Tamar in a spatial perspective, including its production process and government’s regulation, through literature review, field studies and interview. Although the present depoliticize regulating strategy are seemingly effective, the political potential of this space cannot be ignored. It is possible to create its own history, meaning and value in a particular moment, with the articulation between the multitude’s imagination and action.

Comment

Professor S.Y. Ma Smith, *The Chinese University of Hong Kong*

The empirical case is nicely situated in a theoretically perspective, and a “puzzle” is identified. This is not commonly seen in today’s undergraduate works. However, the article is rather thin both in theoretical and empirical terms. Some arguments are made without sufficient substantiation.

沒有承載的自主性

— 論華茲式個體自主性

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撮要 在《自由的道德》一書中，華茲認為個體自主性是西方對於福祉特有觀念。同時，他進一步指出個體自主性只有工具價值而不具有任何內在價值。華茲對於個人主體性觀念在證成的過程中既不能被證立，也沒有足夠的規範性基礎。如果華茲嘗試改正其連結以回應其批評，他必須確認個體自主性的通用性及其內在的元素。

一、前言

自主性 (Autonomy) 一詞源自於希臘文 *auto* (self 自我) 及 *nomomo* (rule 規律) 兩詞，它在現代社會中是構成我們生活的核心元素。同時，自主性這一價值亦是現代社會政治制度所建基於的一個重要根本。¹ 約瑟夫·華茲 (Joseph Raz) 在他的《自由的道德》(The Morality of Freedom) 中，指出了當代的西方工業社會對個體自主性 (Personal Autonomy) 的越益重視以及一個沒有自主性的人生不可能是一個美好的人生 (在現代西方工業社會的背景下)。² 換言之，在現代西方的工業社會之中，我們最重視的核心價值就是個體自主性，而個體自主性亦是所有現代西方工業社會中的個體的美好人生的核心元素。正因如此，政治制度的首要任務就是要保障以及發展這種個體自主性，從而令每個個體都能過上一個美好的人生。華茲繼而認為，對個體自主性的重視將令得我們有充份理由去支持自由式的至善主義 (Liberal Perfectionism)。³ 華茲對個體自主性有某一種特定的觀念 (conception)，而他的觀念中，並不認為個體自主性有任何內在價值 (intrinsic value)，它只有一種工具價值 (instrumental value)。⁴ 本文將概述華茲式自主性的內容，並指出這種個體自主性的觀念在

1. Marina Oshana, *Personal Autonomy in Society* (Hampshire: Ashgate Publishing Limited, 2006), 1.

2. Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), 369–70; Stephen Mulhall and Adam Swift, *Liberals & Communitarians* (Oxford: Blackwell Publishing, 1996), 310.

3. Thomas Hurka, *Perfectionism* (Oxford: Oxford University Press, 1993), 16–17. 至善主義通常是指一種對「美好人生」的說法，是一種道德的理想；

Raz, *The Morality of Freedom*, 395–99. 華茲的自由式至善主義的特色是他的至善主義與價值多元主義是相容的，因此，在他的觀念中，世界上有多種美好而可以並存的人生而不是只有一種。

4. 華茲自己並沒有清楚指出他對個體自主性的看法中其實隱含這點。

證成的過程中既不能被證立也沒有足夠的規範性基礎 (normative foundation)。同時，本文將指出，若華茲要修正他的論證，就必須要肯定個體自主性有其內在價值。而肯定內在價值的同時，就將會令得這種個體自主性可以成為一個標準去衡量其他文化。

二、個體自主性及其條件

對華茲而言，於西方工業社會中，個體自主性的理想 (ideal of personal autonomy) 是一種特定的個人福祉的理想 (particular conception of individual well-being)，即個人福祉是部份地取決於人們有意識且成功地追求或達到自己所選擇的目標。當中的核心想法是個體應去創造自己的人生。因此，個體而非他人，才是自己人生的作者，他們透過不斷的自主選擇去決定自己的人生，並且在一定程度上掌握著自己的命運。故此，自主性同時是一種自我創造的理想 (ideal of self-creation)。⁵

一般來說，一個自主的人生與一個被強制的人生不同，前者要求個體運用自己的選擇能力 (capacity to choose)，而這種選擇能力不單單是作出選擇，更要能夠理解不同選擇對自己人生所產生的影響以及意義。因此，自主性是意味著一組能力，這組能力可能甚至包括一個人去實踐自己的選擇的能力。華茲認為這種說法是有問題的，這種將某組能力與自主性相等同的理解，忽略了純粹擁有能力的本身並不意味具有任何價值。例如，我們很難想像一個人純粹具備這些能力而不去運用它們的話，這些能力有任何的價值可言。基於這點，這些能力的價值其實是由另一些基礎所產生的（而不是能力本身），這個基礎就是一個自主的人生。因為一個自主的人生是有價值的，而運用這些能力是一個自主人生的必要條件，這些能力才變得有價值，華茲稱這些能力為「第二層次的自主性」 (secondary sense of autonomy) 或自主性的條件 (conditions of autonomy)。⁶

自主性的條件主要有三個，(1) 相應的思考能力；(2) 足夠的選擇；(3) 獨立性。⁷ 首先，相應的思考能力是指有一種足夠的計劃能力，即一種最低限度的理性能力 (minimum rationality)。一個人要去實踐自己所揀選了的選擇，他必須要知道如何去實踐和實踐所必要的工具與有效途徑。其次，必須要具備一個有足夠多選擇的環境，一個自主的

5. Raz, *The Morality of Freedom*, 369–70.

6. 同上, 372。以下我將只會使用「自主性的條件」這一名稱。

7. 同上。

人生才有可能得以實踐。⁸ 同時，這些足夠的選擇也要達到一定的標準才是一種真正的選擇。以下是幾項不同的標準：(i) 選擇必須是具備對生活有長或短期，巨大或微少的影響；(ii) 個體能對自己生活的各個範疇作出選擇；(iii) 選擇能讓他發展所有的潛在能力；(iv) 選擇不能都是帶有極高成本的。⁹ 再者，自主性的一個重要條件是獨立性，獨立性是指個體能免於被強制 (coercion) 及操縱 (manipulation)。強制會減少一個人可能擁有的選擇，操縱則會令個體的決策過程受到扭曲。當存在任何形式的強制或操縱時，我的選擇都不是依據自我的意志 (will) 作出的，而是處於他人的意志之下，因此談不上是一個自主的個體。¹⁰

一個個體必須要具備以上的基本條件才可以說得上擁有自主性，故此，自主性條件是自主性的基礎，同時，自主性則是自主性條件的價值基礎，我們追求這些條件，是由於我們希望過一個自主的人生。

三、自主性及其價值

然而，為甚麼我們追求一個自主的人生呢？這是由於自主的人生具備某種價值，因而值得我們追求。但這些價值又是甚麼呢？

一個自主的人生意味著一種整全性 (integrity)。¹¹ 由於一個自主的人生必須依賴自主的選擇，因此，由於這些選擇關乎到個體的福祉，個體必須要對這些選擇有某程度的關注 (awareness)，並為自己的人生在不同的選擇中作出決定。由於選擇是經深思熟慮並且是得到自己所認同的，個體便會對忠誠於 (loyal to) 並且委身於 (committed to) 自

8. 同上，373-74。華茲舉了兩個例子，第一個是想像自己掉進了一個陷阱當中，而同時永遠不可能逃出來，那裡有足夠的食物去維持自己的生命。但這個人可以做的事情不多，即使是稍稍的移動也不能，他唯一可以選擇的就是何時進食及何時睡覺等的小事情。另一個例子是，想像一個人與一隻兇殘的獵豹活在某小島上，這只獵豹會永久地追殺這個人。他唯一可做的就是不斷地逃走。這人的精力、意志、智力、體力全都被求生的需要而限制，除了如何不斷逃避獵豹，他再沒有任何的事情可以做。這兩個例子要說明的是沒有足夠的選擇根本談不上自主性，因此例子中的兩人根本不可能享受一個自主的人生。在陷阱的例子中，所有的可能選擇對那人而言都是無關重要的。在獵豹的例子中，除了不斷逃跑外，所有的其他選擇都可能導致災難性的後果。因此，兩者看似有選擇，實際而言都是沒有選擇的。

9. 同上，376。華茲指出，只有極高成本的選擇其實等同沒有選擇，一個在生存與死亡之間的選擇並不是一個真正的選擇。

10. 這點亦展示了一種應有的人際關係。如果我們視每個人為自主的個體，就有道德理由去支持我們不能對他人作出任何強制與操縱，否則就是不尊重該個體的意志，並將他作為實踐自己某種目的的工具，違反了一種平等的人際關係；

Raz, *The Morality of Freedom*, 377-78；

Andrew D. Mason, "Liberalism and State Neutrality," *The Philosophical Quarterly* 40 (1990): 436.

11. Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011), 50.

己的選擇。¹² 同時，由於我們希望真正理解自己以追求一個自己確實想要的生活，個體便不能自我欺騙 (self-deception)，因為自我欺騙會導致「不能理解自身的性格與動機」，而這就會阻礙個體去達成一個自己真正想要的人生。¹³

當個體開始忠誠於並且意識到自己的選擇的意義時，他便同時為自己的人生創造價值 (creating value)。¹⁴ 當個體委身於某些選擇時，他是發現了自己人生中所重視的東西，並且透過參與這些重視的東西的過程去為自己的人生賦予價值。雖然，自我的創造與價值的創造並不是僅僅在一個自主的人生中才可能出現，但個體自主性卻與這兩者有一個特別的關係——個體自主性會要求這兩者佔個體生命的幅度擴大 (expanded)。¹⁵ 例如一個重視個體自主性的社會可能會要求個體將這兩項特性 (自我創造、價值創造) 應用於生活的每一個層面之上。

可是，要一個自主的個體能夠實踐自我創造及價值創造，卻有一個先決條件，就是個體自主性必須要以追求善為目標 (aiming at the good)。因此，自主性要求個體在善 (good) 的選項當中進行選擇，它要求社會上存在大量道德上許可的選項 (morally acceptable options)。華茲認為，道德兩難之間的選擇並不是一種真正的選擇，同樣，在善與惡 (evil) 之間的選擇也不是真正的選擇。¹⁶ 因為一個不斷地追求道德生還 (moral survival) 的人不可能有個體自主性；當他選擇要做一個道德的人時，變相他就是沒有任何的選擇。¹⁷ 所以，壞選擇 (bad options) 的存在與否，對一個人實踐個體自主性是無關重要的。因為「自主性只有當它運用於追求善時才有價值」。¹⁸ 故此，自主性要產生價值，繼而對個體的生命有意義的話，就必須要以追求善為目標，這是自主性的價值基礎。

12. Raz, *The Morality of Freedom*, 382.

13. 同上。

14. 同上, 375。

15. 同上, 389。

16. 同上, 379。他舉的例子是，一個人會被發派某項職業，他可以拒絕，但前提是每拒絕一次，他也要以謀殺一個人作為代價。兩難的位置在於，一方面個體希望尋找到自己喜愛的職務，另一方面，若要達成這個目標卻要殺人。因此，若那人因為不想殺人而接受了職務的分派，他並不是真正地選擇了該職業，而只是為了道德而被逼接受。

17. 同上, 379–80。

18. 同上, 381；

Quong, *Liberalism without Perfection*, 50.

四、工具式的自主性理解及其謬誤

華茲式個體自主性 (Razian personal autonomy) 的最大特性是，只有當一個自主的個體選擇了善的選項，這種自主性才會產生它的價值。如果一個自主的個體選擇了壞的選項，他的自主性是不能產生任何的價值的。華茲將自己的個體自主 (personal autonomy) 與康德式的道德自主 (moral autonomy) 區分開來，他認為個體自主與道德自主只有一種十分間接的關係。¹⁹ 個體自主只是一個特定個體福祉的理想 (particular ideal of individual well-being)。基於這點，華茲式個體自主無可避免只能具有一種工具價值。雖然在他對個體自主的描述中，似乎呈現出一種以自主性為本 (autonomy-based) 的圖像，即由於我們尊重個體自主性，為了使這種個體自主性能發揮他的功能及價值，我們便有理由要求政府提供足夠的條件令得每個人都具備一定的能力並免於活在他人的意志之下，可以創造自己的人生。但特別的是，華茲式個體自主同時亦要求政府將壞的選擇消除 (eliminate)，因為華茲強調個體自主只有在選擇善時才有價值，而當個體自主如此重要時，我們就由理由要求政府去令得每個人的個體自主都發揮應有的價值。²⁰

但問題是，為何個體自主如此重要？在華茲式個體自主觀下，個體自主重要是因為它對我們的福祉非常重要，即對我們能否過一個美好人生極為重要。故此，我們尊重個體自主性，純粹是由於它會令我們可以過上一個美好的人生。由此，我們亦可以理解到，為何當一個自主的個體選擇了壞的選項時，他的個體自主性是完全沒有價值的，因為自主地選擇一個壞的選項並不能令我們的福祉增加。²¹ 從這裡，我們可以看出，其實在華茲式個體自主性的觀念當中，我們最根本所尊重的並不是每個人的自主性，而是每個人的福祉。個體自主性純粹是獲取

19. Thomas E.Hill Jr. *Autonomy and Self-Respect* (Cambridge: Cambridge University Press, 1995), 43–45. 最概括而言，康德式道德自主的意思是，人類尊嚴以及道德的基礎都來源於自主性，而個體能用理性為自己做一種自我立法，去限制自己的行為。自主體現於我們並不是由於任何欲求 (desire) 而產生出某種行為，而是由於我們自身的理性；

Raz, *The Morality of Freedom*, 370.

20. Raz, *The Morality of Freedom*, 417;

Stephen Mulhall & Adam Swift, *Liberals & Communitarians*, 312. “But the autonomy principle is a perfectionist principle. Autonomous life is valuable only if it is spent in the pursuit of acceptable and valuable projects and relationships. The autonomy principle permits and even requires governments to create morally valuable opportunities, and to eliminate repugnant ones.”

21. Raz, *The Morality of Freedom*, 412. “Indeed autonomously choosing the bad makes one’s life worse than a comparable non-autonomous life is. Since our concern for autonomy is a concern to enable people to have a good life it furnishes us with reason to secure that autonomy which could be valuable.”

個體福祉的一種工具。²²

因此，自主性本身是沒有任何內在價值 (intrinsic value) 的，內在價值是指獨立於工具價值以外的價值。²³ 因此，如果自主性有內在價值的話，即使用一個人自主地做壞事，他的自主性也是有價值的。但華茲認為自主性的價值純粹是源自於對福祉的貢獻，並且他舉了一個簡單的例子來證明自主性其實不具內在價值：一個犯罪者並不會因為自主且有意識地決定犯罪而令得他的罪行變得有價值，相反，他的自主性會令得他的行為比起無意識的犯罪更為邪惡。²⁴ 所以，如果自主性本身是有價值的，即使用於壞的選項時，也理應會令得該選擇變得有價值或至少變得沒有那麼壞。但是，他這種說法忽略了一個問題，就是如果自主性本身沒有任何內在價值的話，為甚麼一個罪行會因為自主性的原因而變得更加邪惡？如果自主性是沒有任何內在價值的話，一件罪行理應不會因自主性而產生任何形式的價值上的改變。當我們再進一步去想這個問題時，就可以發現，其實我們認為一件自主而犯的罪行更為邪惡，是由於我們給予個體自主性一個很高的價值。同一個結果，往往因應行動者的不同，事件善惡的程度也會有相應的改變，而這是由於我們對不同的種類的個體賦予了不同的價值與位置。

具體來說，一個有個體自主性的人就是一個有自由意志的人，他有計劃自己人生的能力，並且能夠知道哪些選擇能夠真正的提高自己的福祉，而提高自己福祉的，並不是選擇的本身，而是選擇背後的理由 (reason)，理由令得該選擇對個體而言變得有價值，亦是個體行動的基礎。²⁵ 同時，我們認為這種能力是有價值的，這種能力能夠讓個體

22. 他稱自己的個體自主性觀念為一種特定個體福祉的理想 (particular ideal of individual well-being) 就是基於這個原因。

23. Raz, *The Morality of Freedom*, 188. "Having intrinsic value is being valuable even apart from one's instrumental value."

24. 同上, 380. "No one would deny that autonomy should be used for the good. The question is, has autonomy any value qua autonomy when it is abused? Is the autonomous wrongdoer a morally better person than the non-autonomous wrongdoer? Our intuitions rebel against such a view. It is surely the other way round. The wrongdoing casts a darker shadow on its perpetrator if it is autonomously done by him. A murderer who was led to his deed by the foreseen inner logic of his autonomously chosen career is morally worse than one who murders because he momentarily succumbs to the prospect of an easy gain. Nor are these considerations confined to gross breaches of duties. Demeaning, or narrow-minded, or ungenerous, or insensitive behaviour is worse when autonomously chosen and indulged in."

25. 徐向東，《自由意志與道德責任》，（江蘇：江蘇人民出版社，2006），頁13；

Raz, *The Morality of Freedom*, 388;

Gary Watson, "Free Agency," *The Journal of Philosophy* 72 (1975): 208.

了解到自己行的選擇及行為的意義。²⁶ 故此，我們對擁有這種能力的個體給予其相應的位階，而不同的位階會賦予同一行為同一結果不同的價值意義。例如，我們會在法學的領域中給予一個法律專家比普通人更高的位階，那是由於我們認同了他的法學能力的價值，但同時，如果當這位法學專家犯罪，他就會得到相應更高的懲罰，這是由於我們肯定了他的法學能力的價值，肯定了他能夠比普通人更理解法律與犯罪背後的意義，因此他相應地應得更高的懲罰。故此，一個自主的個體犯罪時，其結果的價值比起一個無意識地犯罪的人更差是由於我們先肯定了個體自主能力的價值，繼而這種肯定會賦予個體相應的位階，最後這位階就會決定個體行動結果的價值。因此，否定行動結果的價值其實並不同於我們否定擁有個體自主能力的價值，反而是意味著我們肯定了個體自主能力的價值。由此可見，個體自主性並不僅僅具有一種工具性的價值，它同時具有內在價值，因為即使它用於不良的用途上，我們仍會肯定這種能力的價值。

同時，華茲式對個體自主性的工具式理解會推出一種非常違反我們直覺的政府責任，就是政府不單有責任去提供大範圍的有價值的選項，同時有責任盡可能去消除壞的選項。²⁷ 因為他將個體自主性視為是一種特定的個人福祉的理想，因而，它只是一種純粹的工具，讓個體獲得福祉。由於在現代西方工業社會的生活中，自主選擇是構成美好生活的核心元素（在用於選擇善的前提下），當政府有責任讓其公民過上一個美好的人生，就有責任要讓所有個體將他們的自主性用於能產生價值的地方——善的選擇。亦由此，政府有責任阻止個體去作出壞的選擇，因壞的選擇一方面不能令自主性產生價值，同時亦阻礙了個體去享受一個真正的美好人生。故此，政府便有責任去消除壞的選擇。²⁸ 然而，壞的選項有不同的程度，若一種壞的選項是會傷害他人的，

26. 這項能力的價值並不如華茲所言，是建基於一個自主而選擇好的人生的價值上。相反，我認為能力的價值是獨立於這項能力所能導致的結果。例如，一個經自主選擇而過上結果堪慮的生活的人以及一個沒有自主能力的植物人，我們會認為前者的人生更有價值。因為不論結果如何，擁有及使用這些能力已經足以產生一定程度的價值；

Harry G. Frankfurt, "Freedom of the Will and the Concept of a Person," *The Journal of Philosophy*, 68(1971): 6. 有些哲學家會將自由意志視為人類獨有的特質。自由意志並不一定在一個重視自主性的文化中才有，但一個重視自主性的文化相對而言會更重視自由意志。

27. 見註腳19。

28. Mulhall & Swift, *Liberals & Communitarians*, 313–14. 華茲認為，好與壞之間是有一個客觀的分野，而不是純粹的主觀信念 (belief)。因為個體的福祉是源自於他的追求與目標的價值，而這價值又來自於背後的理由，這理由是客觀的；

Marina Oshana, *Personal Autonomy in Society*, 125. 這裡指出個體對於福祉的觀念中可能不包括任何自主性的元素。但華茲的方法就解決了這個問題，因為個體可能主觀地認為自主性對其福祉不重要，但我們仍可客觀地判斷其實自主性對他的福祉仍是很重要。

政府固然有理由以保護他人自主性之名來消除該種選項。²⁹ 但若有一些選擇，本身並不是一項好的選擇而同時又不會對他人做成損害，政府就似乎沒有理由去消除他們，而只能用某種不鼓勵的手法去嘗試令個體不會選擇那些選項。這是基於一個理由，就是不論是用於選擇好壞的選項，自主選擇本身都有其內在價值。³⁰ 這令政府若要尊重自主性的話，就不能用消除的手法，否則就等同於阻礙個體運用自主能力的機會。³¹ 故此，華茲對於尊重自主性所推導出的政治安排是基於一種對個體自主性價值的錯誤理解。

五、兩種工具式自主性的論證及其困境

華茲式自主性的工具式論證並不能為個體自主性提供一個強而有效的證成。證成是指我們給予足夠的理由去支持尊重自主性這一觀點。

工具式的論證主要可分為兩種：第一種我稱為自主性優先論；第二種稱為自主性中心論。³² 兩者同樣的重心都是指，個體自主性的價值是源於它對個體福祉的貢獻。然而，自主性優先論指，自主性是眾多價值的其中一種，但自主性的價值在個人福祉之中是最為重要的，有詞序式優先性 (lexical priority)。自主性中心論則指，自主性是所有其他價值的條件 (a condition of other goods)，任何具價值的選擇都要透過自主選擇才能使該價值對個體變得有意義。

優先論會指出，只有當個體具有自主性時，才能為我們的生命構建意義。³³ 因為我們在作決定時，同時是認了自己的選擇及背後的理由，這些都繼而成為「我」的東西，構成了我對自己的認識的一部份。³⁴ 同樣地，個體自主性亦會促進我們發展一些對我們福祉十分重要的才能，達致自我發展 (self-development) 的效果。³⁵ 中心論則會指出，在

29. 例如殺人是將他人的自主性完全消除，政府便有理由以保障他人自主性之名來消除這種選擇的可能性。

30. 上文已論證這點。

31. 有關自主能力的價值的問題，見註腳26。

32. Simon Clarke, "Debate: State Paternalism, Neutrality and Perfectionism," *The Journal of Political Philosophy* 14 (2006): 112-13;

Joseph Raz, *The Morality of Freedom*, 388;

Gary Watson, "Free Agency," *The Journal of Philosophy* 72 (1975): 208.

33. 同上，113。

34. Steven Wall, *Liberalism, Perfectionism and Restraint* (Cambridge: Cambridge University Press, 1998), 136. "Autonomy requires not only that we make choices and decisions, but also that our choices and decisions be based on reasons and wants that we identify – or would identify – as our own."

35. 同上，150。

現存的社會環境下，自主性已是一種社會的要求，並且進入每一件事的本質當中。³⁶ 因此，必須要透過自主的選擇才能使某事情對個體而言是有價值的。³⁷

兩種工具式論證都會遇到相應的困境，以令它們無法證成個體自主性的超越性 (superiority)。優先論無法處理的問題是，一個自主的個體亦可能過上一個無甚意義的人生，對這些人而言，如果個體自主性只是眾多價值的其中一項，那麼我們憑甚麼去說即使一個自主的人生沒有甚麼意義，個體自主性在眾多價值當中仍有超然性？³⁸ 能讓我們福祉增加的價值可以有多種，如果個體自主性在我的身上發揮不了這種功能，我為何不能給予其他價值一種超越個體自主的優先性？另一方面，中心論雖然可以解決優先論的問題，因為在中心論下，自主性並不是眾價值的其中之一，而是眾價值的門匙，沒有了這條門匙，所有的其他價值也不能對個體產生意義。然而，中心論會面對兩個問題，第一，它不可能為提供原因讓不重視個體自主的社會去追求個體自主。第二，這一點更重要，即使在一個以個體自主性為基礎的社會，也有可能有一個不自主的個體能夠過上一個成功而幸福的人生。例如一終身依據父母的安排及父母的意願而活的人，最終可能活得很幸福，甚至令得社會上許多自主的個體都羨慕他的人生；一段依據父母意願的婚姻可能最終也同樣令得雙方感到滿足而幸福；一個依據社會的意願而去選科求職的人，最終可能比起依自己意願的人活得更好。³⁹ 種種例子，實在不勝枚舉。因此，從現實上看，中心論就不可能成立，因為即使沒有了個體自主性，一個人的福祉依然可以很高。

由此可見，其實兩種工具式的論證都不能為個體自主性提供一個穩固的證成。因為當個體自主性最終的價值根源是個人的福祉時，工具式論證永遠也無法處理一個情況：我沒有自主性，可是我仍活得很

36. Raz, *The Morality of Freedom*, 392. "An autonomy-supporting culture offers its members opportunities which cannot be had in a non-autonomous environment, and lacks most of the opportunities available in the latter.", "Consider the change in the Western attitude to marriage which accompanied the change from pre-arranged marriages being the norm, to the general convention that the married should choose each other. The change has gone so far that any action by a parent which might be seen as an attempt to influence the choice of a spouse is frowned upon, however innocent it may be. Parents have to be very careful before introducing to their children anyone who is of suitable age and status to be a candidate for marriage. The move away from pre-arranged marriages affects in a profound way the nature of the marriage bond. The free choice of partners is a major element determining the expectations spouses have of each other and the conventions which determine what is expected of their relations. The change to marriage as a self-chosen partnership increased personal autonomy."

37. 同上，394；

Clarke, "Debate: State Paternalism, Neutrality and Perfectionism", 113.

38. Clarke, "Debate: State Paternalism, Neutrality and Perfectionism", 113.

39. 同上，113。

幸福快樂，而追求個體自主卻可能會與我現時的幸福生活又衝突，同時又未必能令我的福祉比現在更高，我為何要追求它？

六、沒有承載的自主性—缺乏規範性的證成基礎

因為華茲對個體自主性的價值的錯誤理解，導致了他的個體自主性觀念無法穩固地證成個體自主性的重要性。同時，我更要指出的是，他的自主性觀念是一種「沒有承載的自主性」，沒有承載是指這種觀念中並沒有任何實質的內容。由於這個原因，對自主性的證成就不能就自主性的內容本身而進行，而是要依賴社會的現實作為證成的基礎。

華茲指出，「個體自主的價值是生活中經驗得到的事實。因為我們已經活在一個很大程度上基於重視個人選擇而建構的社會模式當中，同時我們可有的選擇是受社會所限的，如果我們要在當中取得成功，我們便必須要成為一個自主的人」，同時「所有活在一個鼓勵自主性的環境中的人，他們沒有選擇，只能夠成為一個自主的人。⁴⁰ 因為除了成為自主的個體外就沒有其他途徑可以令他在這個社會中取得成功」。

由此，我們可看到，華茲對於個體自主性的證成其實全是基於社會形式 (social form) 的。這是由於我們的福祉是受限於社會形式，而個體自主性只有當可以推動我們的個人福祉才是具有價值，因此自主性價值的證成便無法不以社會形式作為基礎了。⁴¹ 故此，華茲認為個體自主性只是在某些條件下才具價值 (conditionally valuable)，沒有了這些條件，個體自主性便不值得我們追求。⁴² 他相信即使一個不支持自主性的文化仍然可以有她的道德價值，只要她能夠為其中的成員提供一個良好的社會條件，並讓人可以過一個有價值並成功的人生。⁴³

然而，即使我們假設華茲這個說法成立，他仍有一個重要的問題未解決，就是一為何我們要接受一個以自主性為基礎 (autonomous-based) 的社會形式？現時西方工業社會的社會形式以自主為基礎是一個生活中的事實 (a fact of life)，這是一個實然 (is) 的判斷。⁴⁴ 問題是，

40. Raz, *The Morality of Freedom*, 394. "The value of personal autonomy is a fact of life. Since we live in a society whose social forms are to a considerable extent based on individual choice, and since our options are limited by what is available in our society, we can prosper in it only if we can be successfully autonomous."

同上, 391. "For those who live in an autonomy supporting environment there is no choice but to be autonomous: there is no other way to prosper in such a society."

41. Mulhall & Swift, *Liberals & Communitarians*, 345.

42. Raz, *The Morality of Freedom*, 424. "Time and again I have emphasized that people can successfully enjoy an autonomous life only if they live in an environment which supports suitable social forms."

43. 同上, 423。

44. 同上, 394。

實然的判斷當中並不含有應然 (should) 的判斷。雖然現代社會事實上是自主性作為一種基礎，但並不代表這種社會形式是對或是好的。若這種社會形式是不對或不好的，我們為何有理由維持它？為何不去改變它？或者，為何我們不去尋求一個更好的社會形式？故此，當華茲要回答這個問題時，便要指出這種以自主性為基礎的社會形式在道德上為何值得我們去追求並且去維持，而當要指出這點時，又不得不同時指出，自主性對我們而言，除了工具價值之外，有甚麼內在價值？⁴⁵而這些內在價值又為何值得我們去追求？

這些都是華茲無法逃避的問題。但如果他要回答這些問題，那麼論證的進路將會有很大的改變。他現在所用的進路是：首先肯定我們有一個以自主性為基礎的社會形式，繼而，個體要在當中過一個成功的人生就必須具備自主性，因此，我們便有理由去追求自主性，而且政府亦有責任去令每個公民都可以過一個自主而有價值的人生。然而，當華茲要回答我上述的問題時，就必須要先肯定自主性本身有它的價值，繼而，因為這些價值對我們來說是重要的，因此一個以自主性為基礎的社會形式是道德上值得我們追求的。而在這種社會形式中，人必須要具備自主能力才能過上一個美好的人生，故此，政府有責任為個體提供具備自主能力所需要的條件及環境，並盡量令每人都過得到一個有價值的自主人生。在這種進路下，自主成的內在價值證成了自主式社會基礎的合理性，而這個社會基礎繼而再肯定了自主性的工具價值，這工具價值再證成了自主人生的重要性。只有這樣，我們才能全面地解答為何一個自主的人生是值得我們去追求。在這種思路下，任何對於自主性的證成都必須基於個體自主性的內在價值而開始。所有「沒有承載的自主性」的論證是缺乏規範性的基礎而且是注定失敗的。

七、跨文化的反思⁴⁶

當肯定了個體自主性擁有某種內在價值時，而用這作為基礎去證成一個以自主性為基礎的文化，就是意味著自主性本身對個體而言有某種重要的意義，同時，這就能構成一個跨文化的評斷基礎。因為自主性價值的基礎不是基於社會形式，而是基於個人。當有文化相對地將自主性放在較低的位置，我們就可以問，這對當中的個體是否合理。

不同文化其實是不同的價值排序，而不同的原則 (principle) 就是不同價值排序的結果。不同的制度其實就是不同原則的具體呈現。我

45. 因為如果只談工具價值的話，便會面對上述對工具式論證的批評。同時，工具價值最後的基礎仍是來自這個社會形式，故此若用工具價值來進行論證，就等同一種循環論證。

46. 這部份只會簡略提出一個初步對於跨文化比對的想法。

們每個人都活在這些制度當中，它們會限制我們個人生命的可能性，同時亦限制了我們如何才能過上一個美好的人生。因此，我們就能夠理解，為何所有工具式的論證都不能用於一個文化以外。因為工具式的論證必須就一個文化以內的價值排序，指出在某文化之下，這種觀念（只有工具價值的某觀念）最能夠為個體帶來最高的福祉。顯然，沒有任何工具可以在不同文化的價值中都是個體福祉的核心元素。⁴⁷

故此，若要構成一個跨文化比對的基礎，就必須要直接將自主性與個體扣連，並指出不論是否有助於達到一個美好的人生，自主性本身就對我們來說具有某種重要的意義。⁴⁸

八、總結

華茲式個體自主性是一種承載的自主性。這種觀念中，自主性的價值完全是於一個美好人生的價值，而美好人生的可能性又是完全受限於社會形式，故此這種自主性的觀念最核心的基礎就是西方工業社會的社會形式。然而，這種工具式論證一即指出個體自主性在西方工業社會是一個美好人生的必要條件這一點，不但無法為跨文化的比對提供任何基礎，甚至也無法在西方工業社會中得到證成，再而也無法證成社會形式自身的合理性。

不同的社會形式本身就意味著個體在其中會有不同的待遇，而政治哲學要處理的最根本問題並不是個體在某種文化當中如何有效地活出一個美好的人生，而是要判斷這個社會形式的對錯，而對錯的標準就在於該文化中的個體觀（conception of the person）是否合理。⁴⁹故此，華茲式的個體自主性觀念不足的地方是他將此視為個體福祉的特定理想，以致個體自主性只能有工具式的價值，當自主性無法跨越這個限度，就解答不了種種規範性問題，以致種種上述的問題出現。

47. Charles E. Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), 52. 自主性也當然不能例外，它不可在所有的善的觀念（conception of the good）中都有重要的價值。

48. George Sher, *Beyond Neutrality* (Cambridge: Cambridge University Press, 1997), 46. 作者指出了自由與自主性之間的緊密關係。籍著這點，我認為如果我們視自由為所有個體的基本利益（essential interest），那麼自主性的內在價值就是它肯定了自由的重要性及對之給予保證。

49. 威爾·金里卡著，劉莘譯，《當代政治哲學》（台北：聯經出版事業有限公司，2003），頁vi。錢永祥先生在這中譯本導讀中指出，哲學本身就是一種後設性兼評價式思考；

周保松：《自由人的平等政治》（北京：生活·讀書·新知三聯書店，2010），頁5；

Will Kymlicka, *Contemporary Political Philosophy* (Oxford: Oxford University Press, 2002), viii-xii. 當代整個政治哲學要處理的基本上就是每個個體在社會當中的位置的合理性，因此，所有可接受的理論的根本價值都建基在平等（equality），而平等這一價值就在表述某一種合理的個體觀。

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Unencumbered – On Razian Personal Autonomy

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Abstract In *The Morality of Freedom*, Joseph Raz argues that personal autonomy is a particular western conception of well being, and he further points out that personal autonomy has only instrumental value, which means that it does not contain any intrinsic value. His articulation of personal autonomy, nevertheless, cannot be well justified, and it also lacks sufficient normative foundation. If Raz attempts to revise his articulation in response to these criticisms, he must affirm the universality and intrinsic elements of personal autonomy.

從美國地緣政治的視角 看波多黎各的「地位模糊」問題

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撮要 兩百年前，美國海軍學院教授馬漢指出，控制加勒比海上的兩個島嶼是美國國家安全和利益的重要保證，並親自指揮海軍實現了這一戰略構想。¹ 作為其中一個島嶼，波多黎各由此開始了作為美國殖民地的歷史，並始終處於一種「地位模糊」的狀態（Unsettled Status）。² 直到今日。因此，本文將論述這一問題的緣起、選項和持續至今的原因，並借此反思香港。順序上，本文將首先依據官方法律意義上的分期來簡單梳理波多黎各問題的歷史脈絡，並介紹這一問題的三個可能選項和相關政治脈絡，包括波多黎各的主要政黨、政治立場和歷次相關公投。之後，本文將借由地緣政治的視角重點分析這種「地位模糊」狀態持續至今的原因，並用本案例中所獲得的洞見和經驗來反思香港本身「一國兩制」的現狀。

一、問題緣起

1. 西班牙殖民統治時期：1493年–1898年

1493年哥倫布在開闢新航線的過程中發現了這個島嶼，由此開啟了西班牙在當地的殖民統治。³ 由於其地處西班牙殖民帝國貿易路線的關鍵節點，具有維護其貿易安全的重要戰略價值，因而西班牙給予了這個本身經濟產出有限的小島予大量財政補貼，並採用專制的方法來管理這個軍事要塞，排除當地居民的政治參與。然而隨著西班牙帝國的衰弱，以及自由、民主思想從歐洲傳播到新大陸，當地人民的自治運動在19世紀興起，並迫使統治者接連使用妥協和壓迫的方法進行應對。1897年，承接其國內的政治改革，西班牙向其殖民地頒佈「自治憲章」（Autonomic Charter），波多黎各由此獲得了高度的自治權。⁴

1. Ramón Grosfoguel, *Colonial subjects: Puerto Ricans in a Global Perspective* (Berkeley: University of California Press, 2004).

2. 因為在後文我們將會看到，無論是通過憲法之前還是之後，波多黎各的主權始終都在美國，但其在國家意義上又並非美國的一部分，所以實際上始終處於一種「地位模糊」的狀態。在本文中，這一狀態涵蓋了制憲前的殖民地（Colony）狀態和制憲後的自由邦聯（Commonwealth）狀態。

3. Angel Collado-Schwarz, *Decolonization models for America's Last Colony* (New York: Syracuse University Press, 2012).

4. 同上。

2. 美國殖民統治時期：1898 年–1948 年

然而 1898 年，美國通過美西戰爭佔領波多黎各，實行軍事管治，打消了其原有的自治可能，並開啟了美國殖民當地的歷史。1900 年，美國國會通過富勒克法案（Foraker Act）在當地設立了一個附屬於美國的文官政府，總督和行政會議成員皆有美國總統任命。1901 年為解決殖民地事實和聯邦憲法不相容的問題，美國高院裁定波多黎各為一個特殊地區（foreign in a domestic sense; belonged to but not an integral part of the U.S.），由美國國會全權管理。⁵ 1917 年，美國通過瓊斯法案（Jones Act）給予波多黎各人民美國公民權和更多自治權力。

3. 波多黎各邦聯狀態時期：1949 年至今

1947 年修正版的瓊斯法案進一步增加當地自治權力，賦予了當地民眾普選總督的權利。1951 年美國更是賦予當地制憲的權利，並認可其於 1952 年通過了波多黎各聯邦憲法。

從以上對於波多黎各歷史脈絡的回顧來看，由於美國的「仁慈」，波多黎各似乎最終獲得了自治，擺脫了殖民統治，開啟了歷史的新一頁。然而事實並非如此，波多黎各問題其實一直存續至今，並面臨多個問題選項。以下兩部分，我們首先將介紹這些選項，之後將重點分析波多黎各所處的「地位模糊」狀態，並拆解美國「仁慈」背後的政治考量。

二、問題選項

從二十世紀初當地最大政治力量聯合黨（Unionist Party）對波多黎各地問題於不同時期持不同觀點，到 1948 後演變成三個主要政黨各持一個立場，長期以來對於解決波多黎各的「地位模糊」問題主要包括了「自由邦聯」（Commonwealth）、「建州」（Statehood）和「獨立」（Independence）這三個選項。⁶ 此部分將介紹這三個選擇方案和其代表政黨，及與此相關的四次公投。⁷

5. 同上。

6. 需要說明的是，這個選項其實在不同時期會有不同的具體內容。在制憲之前，其主要表達波多黎各希望擺脫殖民狀態，但又想保留和美國的部分關係以獲得利益的訴求。而在制憲之後，則既有維持現在自由邦聯狀態的含義，又有進一步改善這種關係的含義，因為後者認為現有的狀態本質上也是一種殖民關係，因而要求更多的自治權。

7. 參見表格 1 主要政黨、表格 2 歷次公投及表格 4 歷次總督選舉；這三種力量其實也是總督選舉中的三個主要政治勢力。

1. 主要選項與政治力量

三個方案的提出者：1948 前的聯合黨

1904 年為了實現波多黎各的自治 (self-governing)，聯合黨成立提出了三個方案：即建州、獨立或者自主，並傾向建州。至 1920 年代，由於不滿美國的的一些統治政策，如語言和文化政策，聯合黨內部發生分裂，並轉而支持自由邦聯。⁸ 而到了 1932 年，其更是更名為自由黨 (Liberal Party) 轉為支持獨立。三十年內，這個波多黎各最大黨經歷多次立場轉變，而波多黎各在 1952 年成為自由邦聯後的三種主要勢力都和其有或多或少的關聯，如其在 30 年代分裂出支持自由邦聯的民眾民主黨。

自由邦聯：民眾民主黨 (Popular Democratic Party)

1937 年成立的以社會經濟問題為主軸的民眾民主黨在經過大量民間調查之後認為占波多黎各 70% 人口的低層農民沒有強烈的意願獨立，且現階段獨立意味極端經濟痛苦，而成為美國一州則等同文化自殺，所以主張通過設計一個新的關係模式既可以結束美國的殖民統治來讓波多黎各獲得自治，同時又繼續保持與美國的經濟、軍事關係以暫時擱置波多黎各定位問題，並待到當地經濟發達既有能力符合建州要求交美國聯邦稅，又承擔得起獨立所帶來的經濟損失之後再做決定。⁹ 顯然，這樣一種主張獲得了廣泛的民意支援，使得該黨在 1940 大選時成為當地議會第一大黨，其黨魁也於 1948 年贏得 61.2% 的選票成為首任民選總督，並佔據 1951 年民選制憲議會 3/4 的席位，因而在 1952 年實現了該黨的自由邦聯主張。¹⁰

建州：新進步黨 (New Progressive Party)

由於早期美國化運動 (Americanization Campaign) 在波多黎各所遭遇的抵制，建州在制憲初期並沒有很大的影響力。¹¹ 但因為自由邦聯本身就是一個臨時性安排，且在本質上沒有改變波多黎各為美國殖民的狀態，而隨著當地經濟的轉型與發展，新進步黨為首的建州勢力不斷增強，並於 1968 年打破民眾民主黨的壟斷贏得了總督大選。¹² 他們把建州視為「加強主權」的手段，相信波多黎各人

8. Nancy Morris, *Puerto Rico: Culture Politics and Identity* (Westport, CT.: Praeger, 1995).

9. Morris, *Puerto Rico*;

嚴震生，〈波多黎各的定位問題與公民投票經驗〉，《問題與研究》，37，(1998年)：17-45。

10. 同上。

11. 美國化運動包括推行英語教學等行動，見 Morris, *Puerto Rico*。

12. Morris, *Puerto Rico*;

嚴震生，〈波多黎各〉。

民可以獲得聯邦制下一個州一樣管理自己事務政治、經濟、文化事務的權力，並以平等的地位參與到美國國內政治中去，以打破現階段主權在美國國會的事實。

獨立：波多黎各獨立黨（Puerto Rican Independence Party）

1946年，走議會路線的波多黎各獨立黨成立，其認為美國殖民管治不重視波多黎各人民利益，對當地文化和經濟有負面影響，因而主張通過獨立獲得自主發展經濟、實現社會公平正義的條件，並消除各方面對美國的依賴。¹³ 獨立勢力還認為，制憲後的自由邦聯只是一種被偽裝的殖民主義，並增加對美國的依賴，最終只會導致建州的主張成為主流，而種族歧視和潛在的對其國內的政治衝擊使得美國不可能接納波多黎各。¹⁴

2. 歷次公投

波多黎各分別在1967、1993、1998、2012就解決現狀舉行公投，但事先都沒有得到美國國會授權，因而不具法律約束力。

1967年的公投，有65.8%投票率，自由邦聯以60.5%支持勝出，成為美國州分有近四成支持。舉行是次公投前，支持建州的領袖要求先釐清自由邦聯的定義才進行公投，但波多黎各當局的不理會態度讓獨立黨與部分建州勢力杯葛是此公投，令自由邦聯以較大比數勝出。¹⁵ 1993年的公投有73.5%投票率，48.6%支持自由邦聯，46.3%支持成州，4.4%支持獨立。由於當時選民較為關心波多黎各的西班牙語言能否保持、奧運能否有自己的隊伍等世俗議題，對美國國會管轄權上的法律問題則興趣不大，加上他們擔心成州後聯邦稅的負擔，因此維持自由邦聯主張仍然獲勝。¹⁶ 1998年的公投，為了區分自由邦聯的雙重內涵，民眾民主黨提出加設以上皆非的選項，並獲最多支持，反映了民眾對自由邦聯現的不滿。或許處於相似的目的，2012年公投採取了兩階段投票的模式。第一輪投票決定是否維持現狀，如其獲半數否決維持現狀，則開啟第二輪三選一的投票，且所有選民都有權利參與兩輪投票。¹⁷ 結果在第一輪投票中，反對維持現狀佔多數，而第二輪投票中六成人支持建州。

從公投的結果看，支持波多黎各成為美國州分的比例不斷上升

13. 嚴震生，〈波多黎各〉。

14. 同上。

15. 同上。

16. 同上。

17. 參見表格2 歷次公投。

趨勢，到現在成為瞭解決波多黎各問題的主流選項，而獨立的選項至從 1967 年第一次公投就已經成為最末的選擇，從總督選舉的情況看其一直呈下滑的狀態，並已被邊緣化。¹⁸ 但由於公投一直不為美國國會所授權，即是如今有六成民眾選擇建州也無法律效力，使得波多黎各地位的模糊狀態保持至今。

三、問題分析

1. 分析框架：美國的國家利益

通過前兩部分的敘述，我們現在對於波多黎各問題的歷史與政治脈絡有了一個大致的圖景。以下，我們將從地緣政治的角度出發，通過審視美國對波多黎各外交政策背後的國家利益 (State Interest) 考慮，指出維持上述波多黎各的「地位模糊」狀態是實現其國家利益的前提條件，進而分析各個時期相應的政策工具是如何達致這種目標，並使得波多黎各陷入既無獨立意願又無建州條件的兩難境地。¹⁹

美國在波多黎各的國家利益主要包括軍事價值 (Military Interest)、經濟利益 (Economic Interest)、象徵意義 (Symbolic Interest) 這三個方面。²⁰ 但是這三種利益 (Interest) 常常並非是和諧一致的，在不同的歷史背景下因應美國自身的需要將會有不同的側重，存在著先後優先的順序，進而塑造了美國對波所採取的具體政策，並影響兩者之間動態的雙邊關係。一般而言，軍事價值始終都是一個重要的考量因素，因為美國佔領波多黎各的初衷其實就是為了保證美國本土和相關重要航道的安全；而象徵意義主要是在冷戰時期，波多黎各作為美國向第三世界國家宣揚資本主義（自由民主及市場經濟）優越性的展示案例 (showcase)，以對抗蘇聯社會主義模式（民主集中及計畫經濟）；至於經濟利益又可以分為兩個方面：一方面是其在地的經濟價值，即作為美國企業商品銷售的市場和原材料 / 製成品的產地；另一方面則需要反向計算，即波多黎各對美國的財政負擔。但是作為一個僅有幾百萬人口的小島，經其濟價值甚為有限，而為了維持模糊的狀態進而實現前兩種利益，美國一方面需要像當年的西班牙一樣給予這塊地區以必要的經濟援助，有時還要犧牲美國企業的利益，因此經濟考量常常被置於另外兩個考量之後。

由於軍事價值的一直存在決定了美國絕不可能放手任由波多黎

18. 參見表格 4 歷次總督選舉。

19. 其實在很多情況下，此前提條件完全可以視作是國家利益的一部分。

20. Grosfoguel, *Colonial Subjects*.

各獨立，而早期美國化運動的失敗也大大降低了美國接納這樣一個異質社會的意願，加之如果讓其擁有州權將削弱美國聯邦政府對其管理的權力，因此維持這種模糊狀態成為美國實現其自身利益的最佳選項。²¹ 為了達致這樣的目標選項並貫徹上述戰略考慮，美國採取了各種各樣的政策工具，主要可以分為政治和經濟兩個方面；而根據國家利益在不同歷史背景下的側重點不同，我們大致劃分出以下三個時間段，並將依次進行分析。²²

2. 前冷戰時期：1898–1945

從 1898 年被美國佔領到二戰結束，波多黎各對其而言最重要的利益便是軍事價值。在地理上，由於美國南部腹地直接暴露在寬廣的墨西哥灣洋面上，直接進行本土防衛成本巨大，加上東西兩岸海域為中美洲所阻，也不利於海軍來往巡航聯防。而反望波多黎各，其位處加勒比海東北部，西接墨西哥灣向大西洋的東部出口，南望中美洲的巴拿馬運河，既是控制出入墨西哥灣關鍵航道、維護溝通中美洲左右兩側海域的巴拿馬運河的重要據點，又是入主加勒比海地區的絕佳橋頭堡。²³ 因而，保持對當地的有效控制對於美國維護本土安全和戰略擴張至關重要。而為了實現這種軍事價值，美國甚至願意讓渡大量經濟利益乃至政治權利。

經濟手段

當佔領波多黎各後，美國首先運用分化瓦解的策略在當地尋找政治盟友，以維護剛剛在當地建立起來的統治秩序。其一方面容許其他地方的咖啡豆進入波多黎各市場，衝擊當地的咖啡業，以削弱與前西班牙殖民政府有千絲萬縷關係因而現在作為反美重要力量的咖啡豆莊園主；另一方面則給予當地早先在西班牙殖民地時代受到打壓的糖農很多援助，包括讓這些糖農出產的產品能夠進入美國本土的市場，並鼓勵美國的製糖企業到此進行直接投資，以扶植當地的糖產業。²⁴ 另外，美國亦致力將波多黎各當地的經濟結構，由依賴西班牙逐漸轉為依賴美國，為其佔領、管治波多黎各增添論述上的合理性。而當三十年代經濟大蕭條嚴重衝擊美國本土時，美國仍在波多黎各大力推

21. 例如當地以西班牙語為主要語言，及獨特的當地文化等。

22. 參見表格 3 美國在波多黎各的國家利益。

23. 反之，若果中美洲的島嶼和航道被其他敵對國家控制，這些島嶼和航道將會成為敵對國家攻擊美國的橋頭堡。在二戰時期，納粹德軍的潛艇就曾在加勒比海攻擊美軍的艦艇，納粹德軍佔領法國、荷蘭等國也可能利用這些國家在加勒比海地區的殖民地作橋頭堡來攻擊美國本土，見 Grosfoguel, *Colonial Subjects*。

24. Grosfoguel, *Colonial Subjects*.

行工業化，援助當地經濟發展，以維持波多黎各的穩定和其在當地殖民統治的合法性。

政治手段

為了達至同樣目的，美國還在政治權利上向波多黎各民間讓步。比如，其在當地引入會損害美國在波企業利益的勞工權利，以「統戰」當地工人階級；1917年瓊斯法案 (Jones Act) 更給予所有波多黎各人(除不願意者) 以美國公民權，享受除了在在美投票權以外的所有公民福利，而其當地的選舉民主成分與自治權力亦一直在增加，雖然仍是十分有限度，如美國總統可以否決當地通過的議案，以防當地挑戰聯邦政府在當地的戰略考慮，損壞美國利益。²⁵

然而，美國在波政策並非完全順利。比如美國要求當地學校升美國國旗，學生唱美國國歌，並要求當地公共教育中以英語作為教學語言，以將波多黎各在文化上更徹底的美國化，但卻引起了當地的大量反彈，特別是針對語言政策，發生過多次教師和學生的示威。²⁶ 因為波多黎各其實並非一個雙語社會，英語化政策其實並不實際，反而為當地獨立勢力製造「收割」當地民怨增強自身力量的機會。但總體上看，由於和美國聯繫所帶來的種種好處和美國本身強大軍事力量的現實，大部分波多黎各人並沒有很強的動機去改變美國在波殖民管治的現狀，爭取自治、人權也大都是在此框架之內。

3. 冷戰時期：1945–1991

二戰結束之後，波多黎各的角色對美國依然重要。除了其固有的軍事價值外，在冷戰美蘇爭霸的背景下，地處兩大陣營交界處的波多黎各擁有特殊的象徵意義，因而成為美國向新生民族國家展示其制度優越性的重要舞臺，以便爭取他們加入本方陣營共同對抗共產主義。²⁷ 但與此同時，二戰後廣大殖民地獨立建國趨勢所帶來的國際解殖壓力和前一時期美國化運動部分失敗所引發的國內以民主自治、文化保護為主要訴求的獨立壓力都威脅著既有殖民狀態的維持。因此在這一時期，美國主動向波多黎各妥協，推行了一系列以利好當地為主的措施，以便消除這種潛在的威脅，並力圖打造一個看起來經濟發達、政治民主的波多黎各社會。

25. Grosfoguel, *Colonial Subject*:
Morris, *Puerto Rico*.

26. Morris, *Puerto Rico*.

27. 波多黎各在地理上鄰近屬於社會主義陣營的古巴。

政治手段：憲政民主

1947年，美國修訂了瓊斯法案 (Jones Act)，賦予波多黎各人民普選總督的權利，並於1948年舉行了第一次總督選舉。1950年，美國國會通過了賦予波多黎各制定憲法權力的《公共法第六百號》(Public Law 600)，並經由當地公投通過。而後從1951年9月至1952年3月，波多黎各人民依據既定程式普選產生制憲議會，由其代表草擬出波多黎各憲法並交付公投通過，之後送交美國國會進行修訂。美國國會最後提出三項修訂：一，增加「憲法將來所有修訂需與美國憲法一致及適用於美國與波多黎各的法例」一項；二，澄清人權法案中一部份的用字；三，取消人權法例中第二十條(獲得教育與工作的權利)。這些修訂並最終為制憲議會所接受，而整部憲法也因此生效。

儘管整個制憲在程式上體現了「政府是在人民同意下而設立的原則」，我們不難發現最終生效的權力其實還是掌握在美國國會的手裏。²⁸而在內容上，憲法雖然在一定程度保障了當地的自治權，但卻沒有改變主權在美國的事實，比如波多黎各的法律要從屬於美國憲法及指定的法律；當地需遵守除了聯邦稅法以外的聯邦立法；雙邊關係的改變都要獲得美國的同意；波多黎各雖有美國公民權，但無總統大選的投票權，而其在美國國會的代表也同樣沒有投票的權利。²⁹在經濟制度上，其從屬於美國的貨幣體系、共同市場和關稅區，空有政治自治而無經濟主權，因而無法制定符合本地情況的長遠經濟規劃以擺脫對美國的依賴。³⁰因此，其只是在形式上美化了既有的「殖民狀態」，並賦予一個叫做「自由邦聯」的新名稱，但在本質上仍然是美國的殖民地。然而，這些政治制度上的改革卻讓美國有效回應了當地的民主訴求，削弱了獨立勢力的能量，並以此為由將波多黎各從聯合國殖民地名單上剔除出去，維護了國際聲譽。³¹

政治手段：文化政策

由於早期推行同化政策的失敗，並由此引發當地社會激烈的反彈，美國在這一階段策略性地採取了更為寬鬆的文化政策。比如在1949年，美國允許當地改回採用西班牙語作為公立學校的教學語言，後來波多黎各的立法機關更將西班牙語定為唯一官方語言。³²此外，

28. 嚴震生，〈波多黎各〉，頁29。

29. 美國通過給予波多黎各在兩黨初選中的投票權來製造一種參與感以籠絡當地民意，其他詳見Morris, *Puerto Rico*, 49-50 及嚴震生，〈波多黎各〉。

30. Morris, *Puerto Rico*, 49-50;

31. 嚴震生，〈波多黎各〉。

32. Morris, *Puerto Rico*.

美國政府也允許其使用早前為獨立運動標誌的波多黎各旗、歌曲作為合法的官方象徵，並鼓勵當地文化的發展。³³

這些措施更進一步消解了獨立勢力產生的土壤，並有助於讓波多黎各人民產生解殖的幻覺並認可現有的秩序，因為獨立派昔日所打著「美國人或波多黎各人」（“Yankee or Puerto Ricans”）的旗號已不符合現實。³⁴ 此外，值得注意的一點是，放任當地文化發展及西班牙語的使用，也使得後來波多黎各建州的可行性大為下降，因為後來美國國會曾經提出「使用英語」（English Only）作為加入聯邦的門檻。³⁵

政治手段：高壓政策

除了以上懷柔政策，美國亦專門針對當地獨立勢力採用高壓政策。1948 年被通過的限言法（Gag Law）規定不論是書面上還是言語上，任何人提倡以暴力對抗波多黎各政府就將被定為重罪。這條法律一直生效至 1957 年，不單摧毀了走暴力路線的獨立勢力，亦大大減低了獨立派系中走議會路線的選舉力量。³⁶ 除此之外，聯邦調查局亦幹預電台，電台播放過多支持獨立的節目便會被取消牌照。因而，我們可以看到，在總督大選中，獨立派的支持度由 1952 年的 19% 下降到 1992 年的 4%，呈被邊緣化的趨勢。³⁷ 而波多黎各也由制憲初期的三黨制，逐漸變成自由邦聯 - 建州的兩黨制。

經濟手段

在經濟方面，美國給予了波多黎各從資金技術支持、聯邦財政補貼、稅收優惠政策到社會保障福利等一些列的政策利好，製造當地經濟繁榮、居民充分就業、生活水準不斷提高的盛世景象，一方面向全世界展示其資本主義發展模式的先進性，另一方面也由此換得當地民意的支持，鞏固美國對波的殖民統治。

經濟手段：40 年代末到 70 年代初

為幫助波多黎各發展，美國在當地執行了通過吸引外資建設基礎設施實現工業化的政策，並利用當地廉價的勞動力發展出口加工工業，以帶動經濟發展。此外，聯邦政府還為波多黎各提供了龐大的經濟資助。比如，美國從本土調配了數以十億巨額援助到波多黎各，用在房屋、

33. Arlene Davila, *Sponsored Identities: Cultural Politics in Puerto Rico* (Philadelphia: Temple University Press, 1997).

34. Grosfoguel, *Colonial Subjects*.

35. 同上。

36. Morris, *Puerto Rico*, 52.

37. 參見表格 4 歷次總督選舉。

醫療、教育等方面，以改善人民的福利，彷彿美國的一個州，但同時又擁有不用繳交任何聯邦稅項的優越待遇。³⁸ 為了舒緩當地勞動力過剩的高失業率問題，美國政府動用宣傳機器在當地推行了一項移民到美國工作的計劃，還特意在波多黎各的勞工局下成立了移民部(Migration Office) 專責處理，還並配給往返美波的機票廉宜。而這些措施其實是為了配合 1950 年美國國務院推行的四點計劃(Point Four Program)，把波多黎各作為一個「成功故事」兜售給前來學習的第三世界國家精英，讓他們認可美國所推行的發展模式和背後的意識形態，以爭取他們的支持，並在冷戰中取得優勢。³⁹

經濟手段：70 年代初到冷戰結束前

由於 1970 年代的石油危機和當地最低工資制度的實施等不利因素，波多黎各的競爭力下降，許多勞工密集工業為減低成本，紛紛將工廠轉移到附近的相對落後的國家，如海地等，令當地的經濟發展停滯，失業率上升。因此，美國再次釋放政策利好，協助波多黎各進行由勞動密集型向資本密集工業的經濟轉型。

1976 年，美國通過《936 法例》，規定在波多黎各子的公司將利潤匯回其在美國的母公司可免交聯邦稅款，而許多企業能透過「會計遊戲」(Accounting game) 將公司盈利從美國轉移到波多黎各，由此刺激許多資本密集型的企業聚集於此，從制藥業、電子工程產業、高新技術產業到金融業等，因而啟動了當地的新一輪工業化。⁴⁰

然而高科技產業所提供的就業職位並不如勞工密集工業，故此一些服務行業也被推動發展，以吸納更多的勞動力。此外，美國還在波多黎各推行了食物券的措施，以減低因失業問題而引起的社會不穩定。在 1980 年代，食物券的使用已覆蓋全波多黎各約六成的家庭。而聯邦政府對波多黎各人民的援助由 1973 年的超過 5 億大幅上升 8 倍至 1989 年的 40 億，佔個人總收入由 10% 上升至 21%。⁴¹ 也由於美國在波多黎各推行了許多社會福利的措施，故在社會服務和公共行政的職位大增，例如公共行政佔全部職位元的百分比從 1970 年的 15% 上升到 1988 年的 25%，使得部份失業的工人能重新就業。

4. 後冷戰時期：1991 至今

冷戰結束後美國成為世界上唯一的超級大國，以往的共產主義和

38. Grosfoguel, *Conlonial Subjects*.

39. 同上。

40. 同上。

41. 同上。

資本主義在意識形態和軍事上的對抗已基本減退，因此波多黎各原先的軍事價值有所下降，而象徵意義更是蕩然無存，所以經濟利益的優先性開始凸顯。但正如上文所述，在冷戰時期美國向波多黎各轉移了大量的經濟好處，這其實對聯邦政府而言是一個沉重的經濟負擔。所以在後冷戰的格局下，當美國自身遭遇經濟危機和龐大的公共赤字時，美國對自身經濟狀況的考慮就優先於地緣政治的考量，美國就要盡可能降低其在波多黎各的財政投入，考慮其本土企業的利益。

經濟手段

因此在這一階段，美國削減了先前 936 法案賦予波多黎各的稅收減免政策、凍結聯邦對波多黎各的財政轉移支付、降低波多黎各勞工權利標準、廢除對保護波多黎各環境而設立的环境保護條例等，以減少其在波多黎各的開支，並降低跨國資本生成和累積的成本。⁴²

政治手段

由於這種經濟政策上的劇烈轉變需要一個合理的說法，美國通過世界銀行和國際貨幣基金組織有意識地將新自由主義的觀念引入波多黎各，使得以上種種減少開支、削減福利、降低薪酬的措施都被披上了自由市場、經濟效率的合理化外衣。⁴³

而也在此時期內，美國不少政治精英都對波多黎各在自由邦聯狀態下追求更多的自治表示出同情，以籠絡民意來維持其模糊的地位；同時美國國會對於波多黎各要求加入聯邦設置「使用英語」(English Only)。⁴⁴ 這樣一個幾乎不可能達到的門檻要求，以防其成功建州進而理所當然地要求聯邦給予補助。

四、問題借鑒：反思香港

透過美國一波多黎各的案例，我們可以看到無論是公民權利、勞工權益、民主憲政這些偏理念屬性的公共財 (Public Good) 還是財政援助、稅收政策、社會福利、食物補貼這些偏工具屬性的公共財，其實都可以是一種利益交換的籌碼和相互妥協的產物，以服務於地緣政治背景下的的國家利益。以此回望中共執政以來的中港關係，我們似乎也可以隱約看到中方對港施政方針背後的政治、經濟利益考量，並因應動態的地緣政治環境而變化調整，以下將稍作分析。

42. 同上。

43. 同上。

44. 同上。

從一九四九年建國到七十年代改革開放前，中方採取「長期打算，充分利用」的政策，暫時不收復香港，而是以領土主權為杠杠獲得其他更為重要的利益。因為在此一階段，新中國先是作為共產主義陣營的一分子而遭資本主義陣營禁運和封鎖，面臨物資短暫；到了六十年代更是經歷中蘇交惡，失去大量經濟、技術援助。因此，在經濟上，作為英國管治之下且鄰近南中國的香港就成為了其突破資本主義陣營經濟封鎖、聯通世界貿易市場最為方便的管道和介面，幫助其獲得稀缺物資、出口物品換匯、引進關鍵技術，扮演著一個關鍵「中間人」的角色；同時在政治上，由於港英默許中共在港的活動，可以方便其開展僑務工作，並借由英國在港利益分化英美同盟，使其間接牽制美國的行動。⁴⁵

而隨著 20 世紀 70 年代中國接連的外交突破和 1979 年開始改革開放，大陸和外界的政治經濟聯繫不斷增加，繼續在香港保持英治的價值逐漸下降，而收回香港這塊在清末因政府羸弱被迫割讓的殖民地無疑對內具有很強的政治價值，可以被論述為中華民族的偉大復興，進而增強中共執政的合法性，在國際法上也有冠冕堂皇的主權與領土完整作為理據。⁴⁶ 而在另一方面，由於香港本身就遠離英國本土軍事價值有限，加上香港迴歸其實在某種程度上方便了和其有聯繫的英國進一步打開內地潛在而龐大的市場，只要中方不破壞英方在港的原有經濟利益，其對英方也是有利無害。因此，雙方藉由「一國兩制」的制度安排在 1984 年成功達成協議實現了中方的政治價值，同時中方承諾「五十年不變」、「港人治港」以關切英方利益並安撫港人。

然而回歸之後，由於中央種種或明或暗的干涉，特別是在政治和法律方面。香港常常感到「一國兩制」名存實亡，「港人治港」只是空頭支票，雙邊關係時常緊張，甚至近來有惡化的趨勢。但承接以上思路，這種干涉似乎是無可避免的，因為其符合迴歸之後中方的國家利益。雖然 97 之後由於兩地之間明顯的差異香港實行「一國兩制」，但卻沒有隔絕深圳河兩岸的互動，特別是隨著 2006 年「自由行」放開以來這種雙邊交流更是呈不斷上升趨勢。而由此帶來的便是相互的影響，特別是雙邊在政治制度和觀念上的對立將對內地民間造成思想上的衝擊，進而嚴重影響其管治的合法性。因此，中方只能主動去控制這個被稱作西方「顛覆中國」基地的異己力量，以防其威脅到政權的穩定。

45. Norman Miners, *The Government and Politics of Hong Kong*.

強世功，《中國香港：政治與文化的視野》（香港：牛津大學出版社，2008）。

46. 例如北京取代台北作為中華民國（Republic of China）在聯合國的代表，中日建交，和中美建交等事件。

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七、表格

表格一：主要政黨⁴⁷

Position	Party	Time
Self-government	Unionist Party (Political Majority)	1904
	Statehood(1900s)→Autonomy(1922) →Liberal Party(Independence)(1932) ²	
Statehood	Puerto Rican Republican Party ³	1899
Independence by force ⁴	Nationalist Party ⁵	1922
After 1948		
Commonwealth	Popular Democratic Party(PPD)	1938
	Liberal Party→PPD(Independence)(1938)→Commonwealth(1948)	
Statehood	Statehood coalition/ New Progressive Party(PNP)	
Independence by election	Puerto Rican Independence Party ⁸ (PIP)	1946

47. Morris, *Puerto Rico*,
嚴震生,〈波多黎各〉。

表格二：歷次公投

		Commonwealth				
Time	Option	(Status quo or Revision)	Statehood	Independence	Legitimate	
1967.7.23		60.5%	38.9%	0.6%	Not	
1993.11.14		48.4%	46.2%	4.4%	Not	
Time	Option	Commonwealth	None	Statehood	Independence	Legitimate
1998.12.13		0.1%	50.2%	46.2%	2.5%	Not
2012.11.6						
	Stage 1	Yes: 46%		No: 54%		Not
	(status quo?)					
	Stage 2	33.33% (Revision)	61.13%	5.54%		
	Three options					

表格三：美國在波多黎各的國家利益

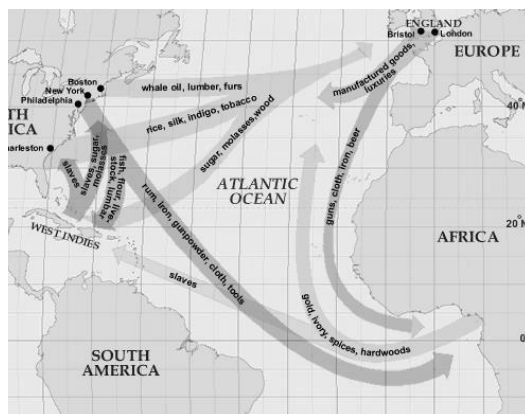
時段	國家利益 (前提條件：模糊狀態)
前冷戰時期：1898-1945	1. 軍事價值 (核心利益) 2. 經濟利益
冷戰時期：1945-1991	1. 象徵意義 (核心利益) 2. 軍事價值
後冷戰時期：1991 至今	1. 經濟利益 (核心利益) 2. 軍事價值

表格四：歷次總督選舉

Year	Commonwealth	Statehood	Independence
	PPD	S.C./PNP	PIP
1948	61.2%	/	/
1952	64.9%	12.9%	19.0%
1956	62.5%	25.1%	12.4%
1960	58.2%	32.1%	3.1%
1964	59.2%	34.7%	2.8%
1968	40.7%	43.1%	3.5%
1972	50.7%	43.4%	5.4%
1976	45.3%	48.8%	6.4%
1980	47.1%	47.2%	5.4%
1984	47.8%	44.6%	3.6%
1988	48.8%	45.8%	5.4%
1992	45.9%	49.9%	4.0%
1996	44.5%	51.1%	3.8%
2000	48.9%	45.9%	5.2%
2004	48.4%	48.2%	2.7%
2008	41.29%	52.77%	/
2012	47.79%	47.09%	/

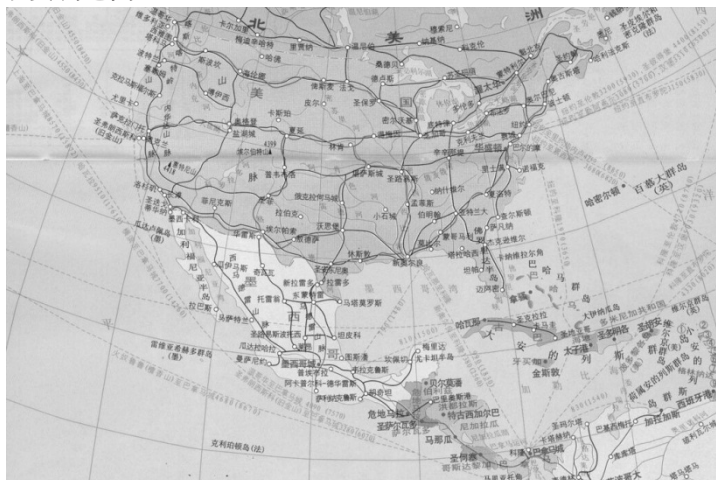
八、圖片

1. 西班牙貿易路線



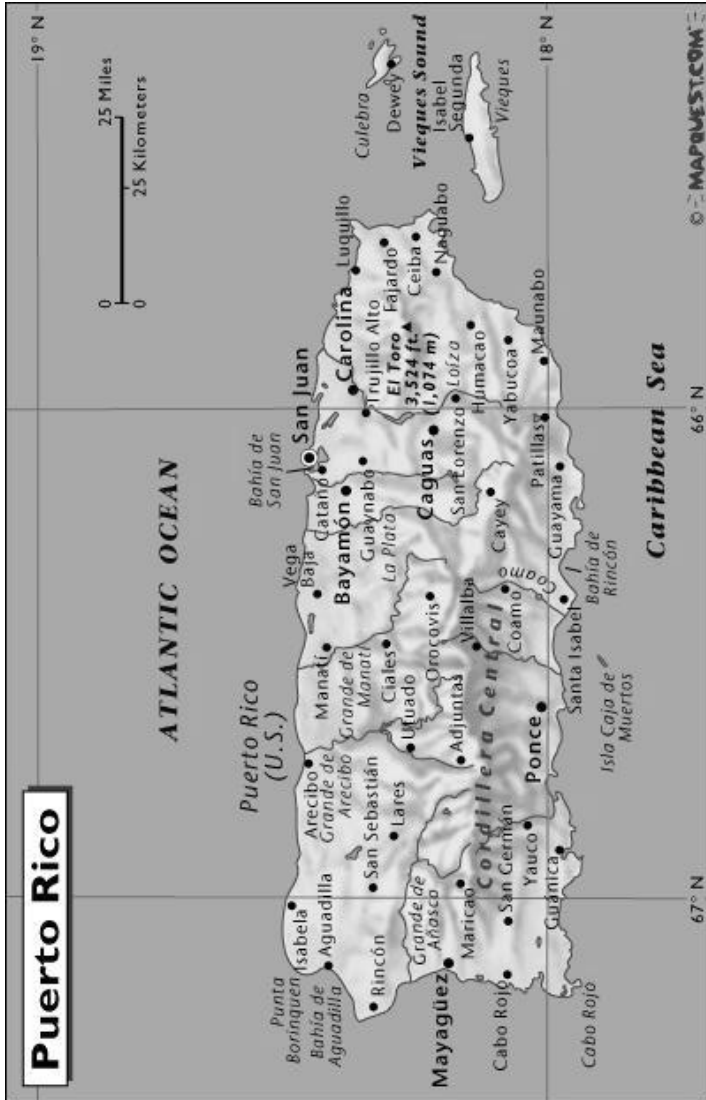
圖片來源：<http://msamhist72011-12.wikispaces.micds.org/Spanish+7G3>

2. 北美洲地圖



圖片來源：http://class.wtojob.com/zhuanti/qianzheng/country_92.shtm

3. 波多黎各地圖



圖片來源：<http://www.onegreen.net/maps/m/na.htm>

Book Review
— Chinese Cyber Nationalism:
The Role of the Chinese Government

Vincent Tsang Chun-Fai
The Chinese University of Hong Kong

Chinese Cyber Nationalism --- Evolution, Characteristics, and Implications. By Xu Wu. Lanham, Maryland: Lexington Books, 2007. (ISBN 978-0-739-11818-4).

Nationalism is a complex idea. It involves historical issues, social cohesion, cultural identity, political autonomy, racial and ethnic relations. In history, extreme nationalism had brought local and regional disputes, and even total wars. There is increasing concern on Chinese cyber nationalism which is a rising trend over the past decades (from mid-1990s to present). Increasing studies have been focused on this topic. However, as Dr. Wu mentions in his book, many of them have oversimplified or misinterpreted the idea of cyber nationalism.

Wu was a news editor in the Xinhua News Agency and a founding member of the Xinhua Daily Telegraph before pursuing further studies in the US. This book is his dissertation in the University of Florida. Wu has attempted to deal with three key questions. First, what is the evolutionary path of Chinese cyber nationalism? Then, what are the origins of this online movement? Lastly, what are its characteristics and implications?

First of all, Wu gives a comprehensive analysis on the evolution of Chinese cyber nationalism. The very early cyber nationalism was restricted in ivory tower in mid-1990s, among the educated Chinese scholars and overseas students. The next stage roughly began after a series of anti-Chinese riots in Indonesia. The US bombing of Chinese embassy in Belgrade which led to Sino-US cyber warfare marked the beginning of the third period. The next was a stage of transition and diversification. After the end of the cyber war, online nationalism started caring more issues such as the Taiwan problem, intellectual property right disputes, trade deficit, currency rates problems and so on. The last and probably the most eye-catching period is the direct confrontation with Japan from cyber

sphere to real world in 2000s. With the rapid growing numbers of Internet users and raising media accessibility in China, it is understandable that the size and scale of this online movement is enlarging with time goes by.

Besides, many people may believe that cyber nationalists are controlled by the government to promote and portray official ideas. Nonetheless, Wu tells us that such preconception is misunderstood or even manipulated by Western media. Through one-on-one in-depth interviews and lots of first-hand information, the author proves that most Chinese online chat rooms and nationalistic movements are not sponsored by the government. Moreover, Chinese cyber nationalism is not merely traditionalism or the extension of the past centuries' nationalistic activities onto the internet. It is rather a complicated concept related also to the ideas of "Chineseness", "public sphere" (by Jurgen Habermas) and "cyber space". Step-by-step, Wu gives a well-organized and reader-friendly picture of analysis on this new concept.

When discussing the characteristics of Chinese cyber nationalism, many may simply label Chinese nationalists as semi-official, irrational, emotional, and patriotic leftists. Unexpectedly, the elements of grassroots, autonomy, democracy, majority decision and critical thinking are embedded in this group of people. Over-simplification and subjective perception may hinder our understanding of the authentic features of the netizens (a portmanteau of the English words Internet and citizen).

Furthermore, Chinese cyber nationalism is reactive. It is mostly stimulated by sensitive issues or provocative foreign actions such as US-China spy plane collision in 2001 and visiting of the Yasukuni shrine by Japanese officials respectively. In cyber politics, "Civilian Diplomacy" means netizens of Country A uses different method and actions to force Country B to change policy toward Country A. This concept matches with Wu's view about Chinese cyber nationalism. Chinese great reactions against the Japanese government in the Diaoyu/Senkaku Island issues and the whitewashing of war crimes are clear examples. Therefore, external triggering factors on Chinese civilians should be spotlighted.

Chinese Internet users are also putting pressure on government's foreign policy. What catches the attention of the Chinese leadership is not just the radical action of netizens, but also the shift of fury from foreign provocative actions to domestic issues. Thus, in his last part of

reflection, Wu records an interview with two anonymous high ranking officials, a senior leader of State Council's News Office and a director of China's Foreign Culture Exchange Institute respectively. They expressed concerns over the online debates and advocated the careful management of public opinion. Neither suppression nor ignorance is the correct way to deal with the people. The Central and local governments have to listen and more importantly, response to people's concern actively.

In short, Wu's book gives a very detailed and comprehensive analysis on Chinese Cyber Nationalism. He agrees that the government also controls, intervenes and creates favorable discourses on the Net. Nevertheless, with the advancement in computer technology, it is impossible to block people from expressing freely. Internet users will play a more crucial role in future Chinese politics. The government must not turn a blind eye and a deaf ear to them. The only way is to listen, study and take concrete actions to response to the people.

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3. All submitted paper should be typed with font size 12 and double-spaced. It should contain no less than 3500 and no more than 15000 words. Manuscripts that are not within the range will be subjected to special editorial review regarding whether the length of the articles is justified.
4. Any submission should contain the following: (1) an entirely anonymous copy of the submitted article without any author-identifying information, (2) an abstract of the paper with 150 words or less, and (3) a cover page containing the name, institution and method of communication of the author.
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7. Contributor will receive the result of review via e-mail. Our committee remains the right to make amendments to words and the format of submitted articles.

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1. 《政學》為香港中文大學政治及行政學發行之學術性刊物，旨於提供學術平台讓各有興趣政治及社會科學的本科生及研究生交流意見及分享論文。歡迎年中任何時間賜稿，內文請以三千五百字以上、一萬五千字為限，及依一般學術論文格式書寫（字體大小12點，兩倍行高）。
2. 本刊只接受原創論文，不接受任何已出版或翻譯論文，請勿一稿兩投。
3. 投稿時，請準備：1) 沒有作者身份的論文一份、2) 一百字左右的論文摘要一份、3) 作者資料表（包括姓名、學校及聯絡方法）一份。
4. 稿件可以利用電郵投遞，請使用 Word 格式把三份文件分別提交，把稿件電郵至 gpa.student.press@gmail.com。
5. 本稿均由編輯委員會經本刊審稿程序，送請相關學者匿名審批，作者請自留原稿，本刊恕不退件。
6. 審查結果將以電郵通知作者。
7. 本刊保留來稿文字刪改權，並對刊印格式做修改。
8. 中文稿件格式
請用新式標點。引號用「」、『』，書名用《》，單篇文章用〈〉。注釋請用註腳並列於每頁正文之下，英文文獻格式參考 *The Chicago Manual of Style*，中文文獻格式如下：

1. 中文專著內之篇章

5. 陳健民，〈利益團體與公民社會〉，載鄭宇碩、羅金義編：《政治學新探：中華經驗與西方學理》（香港：中文大學出版社，2009），148。 註腳

陳健民，〈利益團體與公民社會〉，載鄭宇碩、羅金義編：《政治學新探：中華經驗與西方學理》，144-161。香港：中文大學出版社，2009。 參考文獻

2. 中文專著

3. 趙鼎新，〈國家·社會關係與八九北京學運〉（香港：中文大學出版社，2007），57。 註腳

趙鼎新，〈國家·社會關係與八九北京學運〉。香港：中文大學出版社，2007。 參考文獻

3. 論文

8. 馮鍵恒，〈分析香港文化保育政策：一個政策網絡角度〉，《政學》2（2009年9月）：65。 註腳

馮鍵恒，〈分析香港文化保育政策：一個政策網絡角度〉，《政學》2（2009年9月）：57-70。 參考文獻