

論文摘要

本文旨在探討各政黨在修憲過程中的協商策略運用，是以，本文乃以修憲過程為主軸，擇定第三屆國民大會第四、五、六修憲為主要研究標的，再從政黨協商之角度切入，研究我國各政黨於修憲協商策略之運用情形。為理解各政黨的策略運用，本文以協商者是否僅關切自身利益、關切對手利益二變數，檢證政黨所採之策略究為競爭策略、合作策略、讓步策略、規避策略抑或妥協策略。此外，本文透過修憲過程之發現，試圖分析出影響各政黨修憲協商策略之因素、各政黨修憲協商之性格以及政黨修憲協商對我國憲政發展之影響。

本文章節安排為：第一章為緒論，在緒論中主要是說明本文的研究動機與目的、範圍與限制、途徑與方法，其次是探討相關文獻，最後是提出本文的研究架構及流程；第二章是探討協商理論，第三、四、五章分別探討第四、五、六次修憲的政黨協商背景、過程及策略運用；第六章為結論，在結論中提出本文的研究發現及建議。

透過對這三次修憲的政黨協商研究，本文發現，首先，由於受限於政黨實力，為完成修憲就必須與他黨合作，且在經歷過三次修憲後，協商已成為政黨之間溝通的重要管道；第二，朝野政黨為修憲而合作，就必須注意彼此的長期關係，並顧及他黨的立場及利益，且這三次修憲都是多議題的協商，使參與協商的政黨均能獲利，因而各政黨在策略的運上可說是整合型策略；然而，朝野政黨雖採取合作策略，但在協商中各黨為極大化自身利益，仍是採取競爭性戰術；第三，基於政黨利益及國代個人利益的協商結果，國代為了個人利益，甚至違反政黨協商共識；第四，強化輿論的監督是為防制政黨協商私利化的重要機制。

Abstract of Thesis

This thesis intends to discuss as its main subject each political party's negotiation strategy used in the process of revising the Constitution. The research focuses on the fourth, fifth and sixth amendments to the Constitution discussed in the third session of the National Assembly. The perspective on analyzing each political party's negotiation strategy helps in the study of the strategies which each political party uses for revising the Constitution. To better understand each political party's strategy, this thesis uses two factors of the negotiator's self benefit and the opposition's benefit to study the political parties' strategies of competition, collaboration, concession, circumvention and compromise. In addition to reviewing the process of revising the Constitution, the thesis also intends to analyze the factors which affect the political parties' negotiation strategies, different aspects of the political parties' negotiation, and the impact of political negotiation on the development of the Constitution.

The first chapter of this thesis is the introduction which specifies the research motivation, purpose, scope, limitation and theory. Following that, the introduction will do a literature review and discuss the outline and procedure of the thesis. In the second chapter, negotiation theory will be examined. The third, fourth and fifth chapters will explore the background, processes and strategies of political parties used in the process of revising the Constitution. Finally, the sixth chapter will draw conclusions, bringing up ideas and suggestions.

By studying the negotiation between political parties in the three amendments to the Constitution, the thesis finds the following phenomena. First, in order to achieve an amendment to the Constitution, political parties have to cooperate with each other due to their individual limitation of political power. After the three amendments to the Constitution, negotiation becomes an important communication channel among political parties. Secondly, for amending the Constitution, the ruling party and the opposition party must maintain a long-term relationship and consider each other's position and benefit. The three amendments to the Constitution are multi-issue negotiations which enable a benefit to each involved political party. The strategy which political parties use is called an integrated strategy. Although the ruling party and the opposition party use the same collaborative strategy, they still use the competition strategy to maximize their own benefits. Thirdly, delegates violate the agreement which political parties reach in the political negotiation, in order to protect the political parties' benefits and their private profit. Finally, the public opinion is an important way to supervise political parties to avoid private profitization in the process of political negotiation.