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Learning a Lesson from Taiwan? A Comparison of Changes and Continuity of Labour Policies in Taiwan and China

LEE Chun-Yi

Abstract: This paper argues that the comparison of labour policies in Taiwan and China has an important bearing on the interaction between state and society. The fact that labour policies have changed over time illustrates a process of bargaining between the state and society. The core question of this paper is whether the development of labour policies in Taiwan can provide China a good example to learn from. In order to answer this question more systematically, the first part of this paper provides theoretical reviews of the state–society relationship, while the second part aims to verify whether those labour-favouring policies in Taiwan have changed under a different party’s governance. The third part of the paper further investigates labour policy in China; this section mainly focuses on the historical background to the new labour contract law. Based on the preceding two sections’ literature review of the changing path of labour policies, the fourth section scrutinises fundamental issues reflected in the development of Taiwan’s labour policies, then compares how those issues are reflected in the case of China. The conclusion of this paper is that although Taiwan, like China, formerly had a one-party system, the changes in Taiwan’s labour policies are not completely comparable to China, though both societies had some similarities.

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Keywords: Taiwan, China, labour policies, state and society

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Introduction

Since 2000, Taiwan has twice experienced party alternation in presidential elections – in 2000 and in 2008. This topical issue addresses the question of what changed after these party alternations. In order to answer this question, this paper focuses on labour issues. The reason for taking this perspective is that, since the 1970s, the labour movement had campaigned alongside campaigns for political democracy, civil liberties and self-determination of the Taiwanese people (Chu 1996: 498). With the establishment of the Democratic Progressive Party (DPP) in 1986 and the party's first victory in a presidential election in 2000, one could assume that labour interests would be taken into consideration by the governing party in Taiwan. However, many scholarly works have indicated that this might not necessarily be the case. Therefore the first question posed by this paper is whether the ability to choose between alternative parties improve the ability of Taiwanese workers to defend their rights and benefits. The struggle that Taiwanese labour has been through, to some extent, is the situation currently faced by Chinese workers; a second goal of this paper is to compare Taiwan and China in respect of their labour movements.

The contribution of this paper is twofold. Firstly, I track the changes in labour policies in Taiwan over the two alternations in party control. Secondly, and more importantly, I compare the trajectory of Taiwan's labour movement with that of China. Taiwan started its democratic consolidation with the lifting of martial law in 1987, since which time a labour movement embedded in a broader-scope social movement has developed. In China, although there have been frequent and massive labour strikes since 2008, it is still questionable whether those sporadic but frequent actions could be seen as an organised movement, and whether they represent a broader social movement. From Taiwan's experience, this paper aims to make some suggestions about the current labour struggle in China.

The structure of this paper is as follows: the first part provides theoretical reviews of the state–society relationship; the second part aims to verify whether labour policies in Taiwan have changed under the different parties' governments. The third part of this paper aims to further investigate labour policy in China: this section mainly focuses on the promulgation of the new labour contract law, and the government's suppression of independent labour organisations.

Based on the preceding two sections' review of the changing paths of labour policies, the fourth section scrutinises fundamental issues reflected in the development of Taiwan's labour movement, then compares how those issues are reflected in the case of China. The fifth part concludes that although Taiwan and China share a certain degree of similarity in terms of their state-controlled trade unions, the experience of the labour movement in Taiwan might not be comparable to that in China.

Dynamics of the State–Society Relationship

Starting from Fascist Italy's economic framework known as the "corporate economy" (Spirito and Volpicelli were the leading theorists of the "corporate economy"; see Gramsci 1971: 257), Philippe Schmitter (1974) revived this notion as "corporatism" after the Second World War. Schmitter detached corporatism from fascism and generalises corporatism as a "system of interest representation". To be sure, corporatism refers to both democratic and undemocratic systems. As Unger and Chan defined it,

a polity can contain corporatist elements and at the same time be a dictatorial Communist Party regime or an authoritarian Third World government, or a liberal parliamentary state (Unger and Chan 1995: 31).

In democratic countries, such as Australia, Britain or Japan, the leaders of national associations are beholden to their membership, not the state. There is an institutional bargaining status among different associations that allows different group interests to be negotiated. Therefore, the state may not necessarily be involved: this is also defined as societal corporatism. However, for most post-communist or authoritarian states, corporatism refers to more top-down control by the state, in accordance with Schmitter's definition of state corporatism:

State Corporatism tends to be associated with political systems in which subunits are tightly subordinated to central bureaucratic power; elections are non-existent or plebiscitary; party systems are dominated or monopolized by a weak single party, executive authorities are ideologically exclusive and more narrowly recruited and are such that political subcultures based on class, ethnicity, language, or regionalism are repressed (Schmitter 1974: 105).

More importantly, as Spirito and Volpicelli pointed out, a significant characteristic of state corporatism is order and harmony (Gramsci 1971: 257). It is no surprise, therefore, that the Chinese government placed so much emphasis on the “harmonious society” during Hu’s era (Zheng and Tok 2007). If I would interpret this from the perspective of a corporatist framework, the undertone of “harmonious society” actually refers to a more forceful control of social organisations, for the purpose of strengthening social order and harmony.

Scholars tend to classify the interaction of state and society in both Taiwan and China under the paradigm of state corporatism. This is because Taiwan was under the Kuomintang’s (KMT, Guomintang) tight control for over five decades (from 1949 to 2000), while in China the Chinese Communist Party (CCP) is still the only party, and the division between party and state is often unclear there. However, a theoretical question raised in this paper is, now that party control has alternated twice in Taiwan, can state corporatism still be used to describe state–society interaction? In the case of China, the CCP is the only party, and usually represents the state, while the All-China Federation of Trade Unions (ACFTU) is the only legally recognised trade union in China. Can we argue that China fits all the parameters of state corporatism on this basis?

Empirically, Taiwan has experienced an authoritarian period under the KMT’s control, and yet the Taiwan Confederation of Trade Unions (TCTU), which was established in 2000 as the voice of Taiwan’s labour force, though small, has at least started to take part in negotiations with policy makers. What can China learn from the Taiwanese example? Taiwan’s democratic transition resulted from the cumulative effect of long-term efforts by social movements, including labour strikes, to bring down the KMT’s authoritarian control. The Taiwanese labour movement had a similar experience of being controlled by one trade union, the Chinese Federation of Labour (CFL), which did not represent workers’ rights or their will, as is currently the case with the ACFTU in China. Therefore, the two power alternations in Taiwan have not only had a great impact on Taiwan’s society, but have also had implications for China.

Taiwan's Experience: Breaking away from State Corporatism

There has been considerable discussion about the nature of the relationship between Taiwan's labour movement and democratisation. One could argue that many events have marked Taiwan's democratisation, such as the first presidential election or the first party alternation in 2000. I argue that the lifting of martial law in 1987 is the first milestone of Taiwan's political opening and the starting point of democratisation. Chu (1996: 497) pointed out that workers in Taiwan have only played a marginal role in pushing democratic transition. Following the same thread, Huang (2002: 307) clearly argued that democratisation brought about the labour movement, not the other way around. Both authors refer to the fact that Taiwanese workers maintained a low profile in urging the government to lift martial law. In the years that followed, however, successive industrial actions forced the Taiwanese state and employers to pay more attention to workers' rights (Chu 1996: 498; Huang 2002: 307). Many scholars who work on labour movements in Taiwan argue that the state–society relationship in Taiwan fits into the state corporatism paradigm (Unger and Chan 1995; Chu 1996; Ho 2006; Wang 2010). The main reason for this argument is that Taiwan was under the KMT's authoritarian control, as the main characteristic of state corporatism is the top-down relationship. In this relationship, the state plays a dominant role in interacting with social groups. How does the state dominate these interactions? According to Schmitter, corporatist states act more cautiously and “understandingly” towards the interests of producers and owners (Schmitter 1979: 38). In other words, corporatist states' reactions to different interest groups' demands are different. To elite groups, corporatist states are more willing to accommodate their requests in order to incorporate them into the state system; to labour or peasant groups (powerless groups), corporatist states might apply ruthless suppression. Therefore, power asymmetry is reflected in the actions of corporatist states. In order to understand how the state controls (or incorporates) labour groups, we look at state control both in Taiwan and in China during the authoritarian period.

In Taiwan, state corporatism was characterised by two layers of control. The first layer was at the workplace level, where individual labour unions were closely monitored by the KMT, while the officials

of those individual labour unions were all loyal KMT members, to ensure that the management of union affairs followed the KMT's instructions. The second layer is at the national level, where the CFL was the only legitimate trade union of Taiwan. It is clear that during the authoritarian period, this two-layer control by the party was intended to ensure two separate but interrelated goals: political stability and economic development (Chen, Ko, and Lawler 2003: 317).

Huang (2002: 312) agrees that labour representation was monopolised in Taiwan, and the union structure had a corporatist outlook, which means the KMT seemed to control all the individual unions. However, Huang argued that the state-sponsored union in Taiwan did not have the ability to articulate working-class interests or the means to discipline its member unions. More importantly, as Huang argued, wages and employment conditions are not regulated by any corporatist arrangement. However, Huang also agreed that, in state corporatist environments, institutions are not created asymmetrically; that is, the state has a fairly prescriptive top-down design for institutions, so both employers' and workers' organisations are influenced by the corporatist structure, and class conflict under state corporatism is stalemated (Huang 1997: 27). It is difficult, then, to observe any possible expression by the workers of either their rights or their interests to the ruling class, under state corporatism. If we go back to Schmitter's original argument, we see that unions under state corporatism are bound to be tightly controlled by the state, and therefore unable or unwilling to represent workers' rights, because the officials of the unions were bureaucrats after all. Therefore, I argue that under the KMT's authoritarian control, state corporatism is perhaps not absolutely accurate, but is the most suitable model to describe the state's control over labour organisations at the theoretical level. I now take an empirical look at how the party-state in Taiwan controlled labour unions.

The KMT controlled the unions by atomising them, restricting the size of unions for easier control. According to Cooney (1996: 17–18), although the labour union law (LUL) allowed workers to form a union, the restriction of union size to a minimum of 30 employees, combined with the number of tasks that a union was required to perform, impaired the unions' proper function. Ho also indicated that Taiwan's industrial unions were fragmented because of the LUL's requirement that industrial unions be based on the workplace. With

the exception of state-owned enterprises, a joint union was not permitted to be established even under the same owner (Ho 2006: 113). Therefore, workers' collective bargaining power within a small union is very limited. Chen et al. emphasised that the political-ideological control of the KMT was through fragmented unions (Chen, Ko, and Lawler 2003: 319). The party actively established its own political organisations at the factory level, not only to incorporate workers, but also to monitor workers in order to counter or prevent communist ideology. Apart from small-sized unions, employee-based organisations were divided into two categories: occupational unions and industry unions. The logic of this distinction is that industry unions covered more than one occupation (Cooney 1996: 17–18). Both kinds of unions belonged to regional union branches, and those regional unions were under the CFL. If we based Taiwanese workers' ability to fight for their class interest on the rate of union membership, it would be quite misleading. According to Huang and many others who have researched Taiwan's trade union movement (Chu 1996: 499; Huang 2002: 313; Chen, Ko, and Lawler 2003: 320; Ho, 2006: 112), the reason that Taiwan has a consistently higher union membership rate than other countries is that the Taiwanese government has, since the early 1980s, been in the process of licensing newly established occupational unions. This policy allows easy access to government-subsided labour health insurance. Many people, in order to claim health insurance at a certain age, joined occupational unions, regardless of whether they were employed.

Apart from gaining easy control of atomised unions, the KMT also encouraged the establishment of state-sponsored unions, in order to gain international support. Frenkel, Hong, and Lee (1993: 163) pointed out that, after being forced to give up its seat in the United Nations (UN) in 1971, the Taiwanese government was concerned about being isolated by the international community. Therefore, trade unions were a means by which the government could maintain informal diplomatic relationships with other countries. However, all these state-supported small unions are unable to represent workers' rights, as the occupational union is a tool that workers use to claim health insurance, and the industrial union is again a tool used by the party to control workers. Workers cannot depend on any of these tools to defend their interests, so the emergence of independent unions was unavoidable. According to Chu, although information about

autonomous unions was difficult to obtain before 1990, more than 100 independent unions had already been established in 1988 (Chu 1996: 500). Different forms of independent trade unions organised by brotherhood or kinship also emerged before 1990. Ho (2006: 114) indicates that in north Taiwan, some autonomous union leaders founded an informal Brotherhood Union (兄弟工會, *xiongdi gonghui*) in 1987. A year later, a similar organisation called the Association of Union Cadres (工聯會, *gonglianhui*) was established in the south of Taiwan. Ironically, although the KMT government wished to use the unions to link up with the outside world, a National Federation of Independent Trade Unions (自主工聯, *zizhu gonglian*) was denied legal status, despite being accepted as a member of the World Confederation of Labour (Ho 2006). This indicates that although the KMT intended to use the union for the benefit of its external relationships, the merit of an independent union's being acknowledged by an international organisation counted for much less or even worked against the fact that it was outside the party. An independent union was more worrying to the KMT than an internationally acknowledged union during the authoritarian period. While both the Brotherhood Union and the Association of Union Cadres were autonomous, the reason that the KMT permitted them to be established was, as Cooney (1996: 8) explained, to use the union to achieve the KMT's political, economic and diplomatic goals. Therefore, although those unions appeared autonomous, they were actually controlled or monopolised in a rather indirect way by the hegemonic power of the state (the KMT).

Autonomous labour unions emerged at around the same time as the DPP. The establishment of the DPP in 1986 could be seen as the opening of the social movement era. As Wang (2010: 62) indicated, prior to the DPP's establishment, workers kept a low profile in order to avoid police harassment or job insecurity. Therefore, the DPP represented the workers not only as an anti-KMT party, but as a hope for their voice to be heard. Ho clearly explained that there were two main reasons for the Taiwanese workers and the DPP to form an alliance. The first and most important reason was that workers disliked the KMT because of its pro-business style and authoritarian control of the unions. The second reason is more strategic, based on the benefit to the DPP: the DPP saw the mass working class as potential voters and it was crucial for the DPP to gain the workers' sup-

port (Ho 2006: 116). Of course, there could be a third, more ideological reason: because many DPP founders were opposed to social injustice, they aligned themselves with Taiwan's labour movement in order to fight the monolithic party-state system under the KMT's control. As Wang (2010: 62) pointed out, within the DPP, the radical New Tide faction (新潮流, *Xinchaoliu*) was the main force seeking to coordinate a more progressive social movement. The labour movement stood out among all other social sectors and the combination of all the above reasons led to a close rapport developing between the DPP and Taiwanese workers.

In 1984, one of the best-known autonomous labour unions, known as the Taiwan Labour Legal Support Association (台灣勞工法律支援會, *Taiwan Laogong Falü Zhiyuan Hui*) was renamed the Taiwan Labour Front (TLF, 台灣勞工陣線, *Taiwan Laogong Zhenxian*); in 1992, it worked closely with the DPP. The previous face of the TLF, the Taiwan Labour Legal Support Association, was organised by a group of lawyers who provided workers with free legal advice and also took on workers' lawsuits (Cooney 1996: 23). Gradually, the TLF stopped limited itself to providing legal consultancy for workers and aligned with the DPP; along with other labour activists, the TLF drafted various bills in relation to labour rights that were submitted to the Legislative Yuan by DPP lawmakers (Wang 2010: 62). Based on the efforts of various autonomous industrial unions, the TCTU (a nationwide industrial union separate from the CFL) was established in 2000. The establishment of the TCTU was an obvious violation of the then LUL, which only allowed one union federation at national level. However, the first victory of the DPP in the presidential election in 2000 secured the legal status of the TCTU; this was because President Chen Shui-bian (Chen Shuibian) had promised during his campaign to acknowledge the TCTU's legal status (Huang 2002: 317).

One might assume that the establishment of the TCTU could also be seen as the endpoint of Taiwan's state-corporatism period. However, does the establishment of the TCTU indicate that Taiwanese workers have more say in terms of engaging with the policy making process? In other words, do workers' unions now have a stronger voice in Taiwanese society?

The picture seems not to be too rosy for Taiwanese workers. Ho (2006: 123–125) argued that with the end of the state-corporatist model in Taiwan, Taiwanese workers did not gain much from the

establishment of the TCTU. The main reason for this is that the TCTU's strategic alignment with a political party resulted in an expensive trade-off: although Taiwanese workers managed to have a worker-based national representative union, the TCTU lost support from grass-roots workers in the long term. The TCTU actively submitted many policy proposals that later became official policies; however, workers did not see these political achievements as working to their benefit. Furthermore, when the DPP was in power in 2000, few former activists from labour organisations became governmental officials. While one might expect they could exert their influence from within, their attitudes towards labour unions and actions might also change because of their new positions within the ruling government (Chang and Chang 2010: 69). Even the unionised workers considered that their leaders became more detached from the grass-roots as they focused on their personal political careers. Apart from losing grass-roots support, the TCTU also faced tough competition from the CFL. Wang (2010: 69) indicated that on various topics, the national labour leaders of the CFL and TCTU blamed each other for selling out the workers. The fight became meaningless to workers because, apart from blaming each other, neither the CFL or the TCTU provided a better solution for workers' needs. Furthermore, due to the conflict between the DPP and KMT in the Legislative Yuan, and the antagonism between Executive and Legislative Yuans, many labour bills were delayed. As a result, few labour laws were passed or amended in the DPP years (Wang 2010: 71).

After eight years of DPP government, the KMT regained control of the presidential office in Taiwan in 2008. The 2008 financial crisis severely dented Taiwan's export sector, and consequently heavily affected Taiwan's labour market. While one might assume that the KMT would take a pro-business attitude to deal with the deteriorating labour market, the party actually proved to be more pragmatic. As Wang (2010: 77) observed, after the KMT regained power, Taiwan's labour legislation experienced significant progress. For instance, the Collective Bargaining Agreement Act, considered the foundation of collective labour rights, was amended in January 2008. Thereafter, several laws were amended in order to protect employees' job security, which was especially meaningful to workers during an economic downturn. Although there certainly are gaps between legislation and implementation, the passing of those labour bills indicates that the

KMT does value workers' rights and interests, particularly during a difficult time of economic crisis. In Chang and Chang's (2010: 78) survey of public attitudes towards union power, they concluded that some voters supported the labour movement when the DPP was campaigning for the presidential election as a way of resisting the KMT's one-party system. It was not clear, and perhaps could not be distinguished clearly, whether the voters' support for the DPP arose from support for the labour movement or for the rebellion against the KMT regime. Based on the above debate, it is also unclear whether the DPP party officials wholeheartedly supported labour movements or used labour issues to gain votes.

It could be argued that, after 2000, when the DPP won the first presidential election and with the establishment of the TCTU, the era of state corporatism came to an end in Taiwan. However, the question is whether the two-party system benefits labour rights. The DPP has been regarded as a friend of the labour movement since its early period, but when it gained control of the presidential office in Taipei, apart from acknowledging the legal status of the TCTU, many labour law proposals were delayed at the Legislative Yuan because of partisan warfare with the KMT. The KMT, on the other hand, is traditionally regarded as pro-business. In order to secure the votes of workers after losing the presidential office in 2000, the KMT turned out to be quite effective in terms of passing collective labour bills after it returned to power in 2008. It is not that the KMT had better policies than the DPP, but the political reality is that when the workers' voice became votes for the political parties, as Wang has argued, the party's commitments to labour reforms were more opportunistic than sincere (Wang 2010: 80). It certainly can be seen that workers are in a position of constantly bargaining with the political parties in Taiwan.

China's Experience: Still the Century of Corporatism?

When the People's Republic of China (PRC) was created in 1949, it declared itself to be a country that would fight for workers' rights and equality, and Chinese industrial workers were by and large a relatively privileged group within Maoist state socialism: they are a class who enjoy a stable, secure income, socially provided housing, medical care

and education, guaranteed lifelong employment, social and political prestige. Nevertheless, the economic structure has changed dramatically since 1978, when China decided to rely on foreign direct investment (FDI) as its main source of economic development.

Some recent literature has dealt with workers' protests at different moments of PRC history (Walder 1991; Perry and Li 1997; Sheehan 1998). Some more specific literature has emphasised that the 1989 Tiananmen Square movement was actually significant to the Chinese labour movement because a totally independent labour union, the Beijing Workers' Autonomous Federation (工自聯, *gongzilian*), was established in May 1989. Although the *gongzilian* had a short life, lasting only until June 1989, its remaining members still protest and campaign for Chinese labour rights all over the world (Walder and Gong 1993). The emergence and suppression of the *gongzilian* has raised a question that has attracted scholars who are interested in Chinese labour studies: Are there any trade unions that represent Chinese labour?

The ACFTU was inaugurated in 1953 and is the largest federation of trade unions in China, but it is a semi-official organisation and has been accused of being affiliated to the CCP. Many studies have shown the impotence of the ACFTU in representing Chinese workers. However, many researchers also argue that the ACFTU is incorporated into the party/state system by design: it is a "corporative trade unionism" (Walder 1991; Chan 1993; Perry 1995; Gong 2002; Howell 2003). Researchers on Chinese trade unions have classified the ACFTU as an example of state-society corporatism, which means in the relationship between the ACFTU and the state, the latter plays an overwhelmingly dominant role (White, Howell, and Yuan 1996: 28). Nevertheless, if we go back to the main definition of corporatism in our previous section, we see that corporatism, according to Schmitter, should be a "system of interest representation" (Schmitter 1974). More importantly, corporatists have argued that the issue is more about the trade-off between the state and civic organisations. In this context, first of all, the ACFTU is by no means a pure "civic organisation"; it is a semi-official organisation. Secondly, there is no "trade-off" between the ACFTU and the state, it only serves as a one-way "transmission belt". Supposedly, the ACFTU should speak for the state to mobilise workers for more production, while at the same time gathering workers' views to report back to the state. How-

ever, the latter function is rather superficial (Chan 1993: 36–37). As Howell has indicated, the problem for the ACFTU is twofold. First, it is not clear whom the ACFTU should represent, the workers or the party. Second, it is not clear how the ACFTU should represent such a differentiated and diffuse workforce as that in China (Howell 2003: 103–122). Not only did the semi-official structure of the ACFTU weaken its voice in front of the state; the 1989 Tiananmen crackdown further undermined its potential for acting as an independent trade union. Chan (2007: 288) indicated that the consequence of the 1989 Tiananmen massacre was that the state tightened its control on any organised union, including the ACFTU, thereby undercutting the union's traditional base in the state enterprises. Chan argued that the national political leadership increasingly accepted privatisation; examples include the SOE reform in the mid-1990s, flexibility of labour and integration with the global market, and the pursuit of economic development rather than equality. The ACFTU, under strong pressure from the government, gradually accepted this reality, while lower-level trade union cadres had no concept of activist trade unionism. Consequently, ACFTU officials focused on securing their own survival instead of protecting workers' interests.

Since the ACFTU cannot totally represent the interests of Chinese labours, while a totally independent labour organisation *gongzilan* was destroyed in the 1989 Tiananmen Square movement, some studies have attempted to analyse why Chinese workers did not organise a collective movement in order to improve their status. Various explanations of observed patterns of sporadic contention have been analysed recently by China scholars. These explanations include grievances, mobilising structures, claims, tactics, and targets of protest (Lee 2000, 2002; Hurst and O'Brien 2002; Blecher 2002; Cai 2002; Hurst 2004). From this rich literature, it can be suggested that regardless of which of the many forms through which the Chinese workers express their discontent, in terms of an organised workers' union, the Party still retains tight control.

The difficulty of establishing an alternative workers' union lies in the government's control of social organisations, and non-governmental organisations (NGOs) in general. For most NGOs, the greatest hurdle is registering with the government. For a long time, the Chinese government has applied a dual-qualification system to manage these organisations. Specifically, they cannot register with the

Ministry of Civil Affairs directly; they have to find a suitable “business supervision unit” within the government (業務主管單位, *ye wu zhu guan danwei*), and only after they are associated with some sponsoring units are they allowed to register with the Ministry of Civil Affairs. Many NGOs cannot find a suitable bureau to become associated with, which means they cannot register with the government. This double-filter has impeded the development of NGOs in China and forced them to become underground organisations: they do not have legal status but they still function, while the government turns a blind eye. Most labour NGOs belong to this category.

According to Lee and Shen, there are around 30 labour NGOs in the major cities in China (Lee and Shen 2011: 174). The main focus of labour NGOs is on helping workers with legal information and providing workers with cultural entertainment. Since most of them cannot register with the government using their true identities, they must use other titles to register their organisations; otherwise, they simply do not try to become registered and just remain on the government’s “blacklist”. “Workers need us”, according to a founder of a labour organisation in Shenzhen (Anonymous 1 2013). Another founder of a labour organisation said:

We went to hospitals to visit injured workers and provide workers some places to go after their working time; for instance, providing them with computers to get online or broadcasting some movies. We were not doing anything illegal (Anonymous 2 2012).

It seems that governments have listened to the needs of society. With effect from 1 January 2012, the Guangzhou municipal government repealed one major administrative hurdle for eight types of social organisations seeking to secure official registration for their operation. Known as “de-regulation of social organisations”, this was extended to Guangdong province from 1 July 2012. It means labour NGOs can directly register with the Ministry of Civil Affairs without looking for sponsorship by a “business supervision bureau”. While this has undoubtedly facilitated government supervision of NGOs, most labour NGOs also wish to “come out from the underground”. However, while society is relieved that the government has adopted a more open attitude towards NGOs, there are some signs that the government is failing to meet the expectations of society.

Starting in February 2012, some labour NGOs already began to feel under pressure from the government. Their landlords cut off

electricity and water supplies to their rented offices; as a result, some labour NGOs became “homeless” (Zhang 2012). The situation grew even more serious in July and August 2012, when at least seven organisations had been forced to shut down. It is not the first time that government has set out to intimidate labour NGOs in China; as Mr. Zhang said, his institute has had to move many times in the past five years (Anonymous 2 2012).

The labour NGOs in China not only need to face the government’s tight control, they also face various other challenging issues, such as a lack of solidarity among labour NGOs and a lack of financial support. Despite all these issues, I argue that the major problem for Chinese labour NGOs is the lack of workers’ support. Labour NGOs are at the service of workers, so when those organisations are closed down by the government, why do we not hear about workers taking collective action to express their discontent? The main explanation is that those labour NGOs have faced a dilemma whereby “We can provide workers legal consultancy, but we ourselves are also very cautious – if we are all arrested, who can help workers?” (Anonymous 3 2014). As far as standing up for the workers is concerned, although the number of strikes has soared recently, especially after the promulgation of the new labour contract law in 2008 (Wang et al. 2009), there is no direct proof that the labour NGOs are organising strikes: most wild-cat strikes in China are organised spontaneously by workers (Chan 2010). As for its dealings with the government, Becker and Elfstrom’s report indicated that labour NGOs and university academics did indeed have considerable input into pushing for the new labour contract law to be implemented in 2008 (Becker and Elfstrom 2010: 4).

The new labour contract law that was implemented in January 2008 has influenced production costs and protected the interests of labour to some extent (Karindi 2008: 3). Nevertheless, this is not the first time that the Chinese government has promulgated a specific law to deal with labour issues. In the mid-1980s, the Chinese government first implemented the labour contract system, which was intended to transform most state workers into contract workers in order to increase labour productivity and flexibility of the urban economy (White 1987: 367). It can be argued that through promulgating a legal system, the Chinese government showed that it was making an effort to solve the labour problem. As Wang et al. argued, the central gov-

ernment's concern with increasing social inequality was the main driver of policy innovation (Wang et al. 2009: 489). During the promulgation process, the government was very open to public opinion. In 2006 and 2007, the government posted the text of the new contract law on a government website to gather public responses. Indeed, the response from society was substantial, and the government even amended the new contract law three times based on public responses (Wang et al. 2009: 490). Nevertheless, the bottom line is that the new labour contract law was designed by the government with the purpose of preventing industrial conflicts; in other words, to maintain stability and order, which, as I mentioned previously, is the main characteristic of state corporatism. The law itself has proved to be protective of workers' rights: for instance, it requires employers to sign written contracts with workers within a month of their employment; it grants workers who work for ten consecutive years in the same company/factory the right to be hired as a permanent worker; it encourages collective bargaining by empowering trade unions; it regulates dismissal of workers to some extent (Wang et al. 2009). Despite the implementation loopholes and the discontent on the part of employers, the law is beneficial to workers. However, it can also be seen from Becker and Elfstrom's survey that the more serious problem with the new labour contract law is not the content of legal regulation, but the process of signing a contract (Becker and Elfstrom 2010: 8). It is not unusual for workers to sign a contract that is blank or written in a language they do not speak, or for managers to incorrectly calculate the workers' social insurance required by regulations under the labour contract law. The large-scale Yu-Yuen strike of April 2014, which involved more than 40,000 workers, revealed the workers' anger with the managers' deliberate miscalculation of their social insurance (Lee 2014).

In the case of China, I argue that although there have been some reforms of the ACFTU in various local branches, the ACFTU is still generally aligned with the government, which makes it an example of state corporatism. The emerging number of grassroots NGOs and the labour contract law of 2008 originally provided hope that there might be some opposition force to state corporatism. Nevertheless, it has to be clearly understood that the new contract law, as well as the previous contract law, are tools of the government intended to stabilise the increasing social disorder arising from labour disputes. The

reason we are rightly mistrustful of the Chinese government's intentions is that, judging by the recent and continuous suppression of labour NGOs, the government shows no sign of loosening its social control. From the suppression of independent labour organisations and promulgation of the new labour contract law, it can be suggested that the Chinese government has been using a carrot-and-stick strategy to deal with its labour issues. On the one hand, it promulgates a more protective policy towards workers in order to demonstrate the government's good intentions of improving workers' conditions; on the other hand, it continues to tightly control any social organisations in relation to labour issues, just in case there is any dissent against the government.

Can Taiwan's Experience Provide some Lessons for China?

Schmitter (1979: 41) noted that countries are locked into state corporatism in the earlier stage of development, when the following conditions are more likely to be found: an asymmetric dependence between social groups and the state, unauthentic and fragmented representation of social groups, weak associational loyalties, suppressed or manipulated conflict, little mutual respect among groups, no effective means of appealing to wider publics, and pervasive state bureaucratic control. Under these conditions, it is difficult for a country to move naturally towards societal corporatism.

Based on this argument, I challenge Chen et al.'s (2003: 318) suggestion that since the lifting of martial law in the mid-1980s, the industrial relation system in Taiwan has been transformed and the Taiwanese system moved toward societal corporatism. I argue that the lifting of martial law can be viewed as an end of state corporatism in Taiwan, but from the labour movement's perspective, the industrial relationship in Taiwan has not moved totally toward societal corporatism. As I indicated in Section 2 of this paper, workers' voices do not seem to have been heard much in the promulgation of labour policies after 2000, even after the establishment of the independent TCTU. The interests of Taiwanese labour seem to be the subject of a tug-of-war between the two political parties in Taiwan. The importance of establishing an independent trade union is considerable, but somehow it lost its meaning, insofar that the TCTU, due to its

strategic concerns, had to align itself with a political party after it was established, thereby trading away its grass-roots support. TCTU became another CFL, a labour organisation supporting a more governmental mentality. In this process, what lesson can Taiwan share with China?

It is understood that the labour movement in Taiwan flourished after the lifting of martial law; therefore, Taiwan's case probably cannot be the best illustration of a total regime change being brought about by a labour movement. As Ho (2010: 6) indicated, in benefiting from the fruits of economic modernisation the new members of the middle class played an important role in the new social movements. Medical doctors, journalists, college professors and lawyers were all instrumental in establishing pioneer social movement organisations. As mentioned above, the Taiwan labour legal support association was organised by a group of lawyers to fight labour-related lawsuits. This constitutes an autonomous civil society in Taiwan. It is because of this group of people pushing for change in society that the labour movement of Taiwan is embedded within this larger social movement background.

The absence of backing from a group of people seeking to change society, or at least of a sufficiently powerful group, may be one of the factors that limit China's struggling labour movement. Apart from the one-party system, I suggest that one reason that this pro-social-reform group is not strong enough in China is that different social groups have different degrees of common interest with the state. It is difficult for social groups to work together if their interests are deeply rooted in the state. I can use academia as an example, given that this is supposed to be the group that will exercise independent thinking, despite the state's control. However, after the CCP came so close to losing control in 1989, it tightened its grip in every sense, especially on the intelligentsia. Intellectuals could enjoy limited freedom as long as they adhered to the concept of political correctness, which was defined by Deng Xiaoping's "four cardinal principles" of Marxism-Leninism, socialism, leadership of the party, and democratic leadership of the people (Guo 2003: 13, citing Chang 1988: 45–50). It can be argued that, since the 1989 Tiananmen Square movement, Chinese intellectuals have been gagged by these four cardinal principles. Beja summed up their behaviour and public activity as follows:

Scholars and Professors would be allowed to raise their academic level, to take part in symposiums and conferences abroad, to do research in a foreign university. But they would do so on the condition that they not try to revive the organisations that they had created in the eighties, whose goal was to push for the transformation of the regime, and, obviously, that they not try to link with the disgruntled portions of the population to help them translate their discontent into political demands (Beja 2006: 62).

It can be argued that in academia, after the 1989 movement, the mainstream of revolutionary scholarship was crushed; however, the battle has not been completely lost. As Zheng and Tok observed, there is a group of scholars who care more about social inequality, income redistribution, sustainable development and education reform than economic development. This group of scholars have been labelled as the New Left (Zheng and Tok 2007: 11). It is debatable how much power this group of scholars has to initiate change. They have to compete with other camps of intellectuals who fully support economic development and the party's leading principles. More importantly, no matter which camp the intellectuals belong to, it is more acceptable to seek "reform within the structure" (體制內改革, *tizhi nei gaige*), even within the New Left.

Another example is private entrepreneurs, who are no longer in a position to oppose the state. Ideologically, the CCP is opposed to capitalists. Pragmatically, however, since the 1978 opening of the economy, Deng Xiaoping decided to put an end to class struggle and mass movements, but to find a solution for mass poverty. Accordingly, Deng redirected the country's energy into pursuing economic development and promoting private entrepreneurship (Guo 2003: 10). The party-state provides various opportunities for private entrepreneurs to be embedded in the state (Chen and Dickson 2010: 38–39). Along with the economic reform in 1979, the Chinese state also underwent a process of decentralisation, both devolution of power and fiscal decentralisation (Lee 2011: 22). The purpose of fiscal decentralisation was to boost local innovation and spontaneity (Hsu 2004); in other words, to open the gate for local officials to attract foreign investment or foster domestic entrepreneurs as much as possible, as long as it was in the service of fruitful economic development. However, the de facto fiscal decentralisation that also consolidated China's economic trajectory has not only been designed by the central government but also by local officials. More importantly, many local

officials under this practice have acted more like entrepreneurs than like organs of the state (Oi 1995). It can be suggested that the distinction between the state and entrepreneurs has become more and more blurred during this process.

I can see that it is difficult, if not impossible, for these two groups (academics and entrepreneurs) to call for any change of the state, mainly because their interests are closely linked with the state. As argued above, the other two minority groups – peasants and workers – were, in the Maoist era in China, the “masters” of society. However, when China entered the era of Deng’s economic reforms, the status of workers and peasants in society also changed. Peasants and workers are no longer the “masters” of the state any longer, as they were deprived of their privileges during the process of the market-oriented economic reform. As Tilly pointed out, while rich and powerful groups are constantly mobilising to take advantage of new opportunities to maximise their interests, the poor can rarely afford to do so because the group with fewer resources has little opportunity to do anything other than cope with their daily life (Tilly 1978: 75). I have already discussed the workers’ group in this paper; scholarship about the peasants’ group has revealed that peasants’ strikes actually indicate they are “unusually attentive to signals from the state” (O’Brien 2002: 154). Peasants’ strikes are usually aimed against local officials, as local officials are the front-liners who impose taxation, or work closely with property developers. O’Brien and Lee (2006: 4) classified strikes in the Chinese countryside as “rightful resistance”. No matter how many strikes or visits to the central government in Beijing (上訪, *shangfang*) are launched by those “unruly people” (刁民, *diaomin*) or “nail-like individuals” (釘子戶, *dingzihu*), this is still a matter of “critique within the hegemony” (O’Brien and Lee 2006: 5). Certainly, the purpose of rightful resistance is to call for a change in unreasonable policies. However, O’Brien and Lee (2006: 128) also cautiously point out that “rightful resistance” possesses the elements of accommodation and resistance. Rightful resisters demand reform, but reforms within the existing structure of the state. In other words, although the peasants might make more noise than the intelligentsia and entrepreneurs in the society, their demands do not aim to reform the state, but to call the state’s attention to their grievance. It is not very different in nature from the “New Left” intellectuals: peasants also seek “reform within the structure” (體制內改革, *tizhi nei gaige*).

Academia, private entrepreneurs, peasants and workers do not represent all the social classes in China; however, they are the main components of its society. Power asymmetry is mentioned in our previous analysis in relation to the corporatist state's reaction to different social groups, and it can also be seen in the Chinese government's reaction to these four representative social groups. As one labour organisation's leader in Guangzhou said:

We have to work with the government, because only by working with them we might have some space to survive. We can then see into the ways to enlarge this space, see how we can benefit workers more (Anonymous 4 2013).

His point is about the typical characteristic of “trading-off” between the social group and the state. However, an unanswered question remains: under the model of state corporatism, the great asymmetry of power between the state and social groups, how can the labour movement best use the “trading-off” space with the government to benefit workers' rights?

Conclusion

Do Taiwanese workers have more resources than their Chinese counterparts in interacting with the state? After almost three decades of struggle with the state since the lifting of martial law, we can say that at least workers in Taiwan have their precious vote, to choose between political parties. The power alternation in Taiwan certainly benefits Taiwanese labour, at least at the legislative level. However, by tracking Taiwan's labour movements before and during the party alternation, in comparison to Chinese labour's struggles, we can reach two main conclusions.

Firstly, although the TCTU has been criticised for lacking grassroots support in the long term, the fact that labourers represent votes to the political parties means that both political parties in Taiwan have made efforts to win over workers' support. A game of political tug-of-war is currently underway between the KMT and the DPP over passing labour-related bills in the Legislative Yuan, and it is questionable how sincerely either political party wishes to be at the service of workers. However, the fact that more labour-related bills were passed under the KMT government after 2008 indicated that workers' voices can be heard, at least at the legislative level.

Secondly, it is important to note that the workers' movement in Taiwan did not trigger democratisation; it was the other way around. It can be inferred from this fact that the labour movement in Taiwan flourished in a more open society. Therefore, one has to be cautious about comparing the Taiwanese labour movement's experience with that of the Chinese, in that China is still under a one-party system. Despite the rapidly increasing number of strikes, especially since the implementation of the 2008 new labour contract law, it would be overly optimistic to assume that those industrial actions will bring about regime change. The point of comparison focuses more on whether Taiwan's labour movement, which was embedded in a broader social movement, can offer a mirror to China's current social struggle. I argue that labour is not a single actor in society. In Taiwan, from the end of the 1980s, a section of the middle class formed a rather dynamic civil society, to promote different voices from the government. This is the backbone of the labour movement in Taiwan. In China, on the other hand, although we have seen some independent labour organisations, and also some New Left intellectuals in academia, the entrepreneur and peasant groups in China are rather weak and lack the willingness to call for any reform of society. While these four social groups cannot represent the whole society, they are the main social groups in most societies. In general, the social groups in China have not been able to initiate rather organised movement at this stage, mainly because they all have different but deep-rooted common interests with the state. This is why it is difficult for different voices from the state to be heard in China, as the government has been using carrot-and-stick strategies in different forms and at different levels.

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Contents

Continuity and Change in Policies in Taiwan

Introduction

- Ming-Yeh T. RAWNSLEY
The Impacts of Changing Ruling Parties in the Twenty-First Century 3

Research Articles

- Dafydd FELL and Charles CHEN
Lessons of Defeat and Success: Taiwan’s 2012 Elections in Comparative Perspective 13
- **LEE Chun-Yi**
Learning a Lesson from Taiwan? A Comparison of Changes and Continuity of Labour Policies in Taiwan and China 45
- Isabelle CHENG and Dafydd FELL
The Change of Ruling Parties and Taiwan’s Claim to Multiculturalism before and after 2008 71
- Ming-Yeh T. RAWNSLEY and Chien-san FENG
Anti-Media-Monopoly Policies and Further Democratisation in Taiwan 105
- Simona GRANO
Change and Continuities: Taiwan’s Post-2008 Environmental Policies 129

Analysis

- Gary D. RAWNSLEY
Taiwan’s Soft Power and Public Diplomacy 161

Research Article

- Marius KORSNES
Fragmentation, Centralisation and Policy Learning: An
Example from China's Wind Industry 175

Contributors 207