

Corporatist Control and  
Labor Movement in Taiwan

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Prepared for presentation at the Conference on  
"North-East Asia in the World Perspective"  
The 11th KNU International Seminar

25-27 May, 1989, Taegu, Korea

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The relation between rapid industrialization and socio-economic transformation <sup>and</sup> ~~are~~ drawn an increasing volume of attention in recent years, especially in the context of newly industrializing countries in Latin American and East Asia. Much attention has been given to the roles of development strategies and market mechanisms, however, few systematic case studies are available on the role of labor regime, especially the pattern of labor mobilization and demobilization, in influencing the socio-political process of industrialization.

With this consideration, the purpose of this paper is to identify and examine one of the underlying factors which have made Taiwan so successful in her industrialization process since 1950s. The paper is divided into two sections. The first section is to examine some distinctive features of industrial relation during the martial law period by focusing on ~~analyzing~~ the corporatist system both at state and enterprise levels. In the second section, explanations and characteristics of recent labor movement will be discussed.

#### Industrial relations under the martial law , 1947-1987

Since the KMT (Kuomintang) regime retreated from mainland China to Twiwan, the government has been remarkably successful in pursuing two objectives : the rapid growth of economy and the high level of political stability. One of the most important explanations to these achievements can attribute to the comprehensive and effective implementation of corporatist labor control system, which helps to demobilize labor movement and to minimize class-conscious conflict.

Corporatism is a term that is commonly used to describe a system in which the state plays a major role in structuring, supporting, and regulating interesting groups with the object of controlling their internal affairs and relation among them (Schmitter, 1971; Molloy, 1977). Corporatist controls are aimed primarily at lower-class organization. With respect to labor organizations, the state specifies organizational structure, requires registration, accords recognition, extends financial support, channels internal activities, controls leadership activities, intervenes directly in labor-employer conflict, etc. These common features could be easily observed in the ways that KMT's regulation on the industrial workers in Taiwan.

The features of corporatism defined above could also be observed at the enterprise level. Enterprise corporatism provides a functional alternative for the state corporatism for employers in the production process. While its main objective is to increase profits by maintaining workers cooperation, it also helps to stabilize social order by establishing labor passive role. Thus, an examination of enterprise corporatism is of necessity to understand the working condition of labor in Taiwan.

The effectiveness of state and enterprise corporatism to control and dismantle labor movement depends primarily on two variables : the will and capacity of the state and employer to utilize the control apparatus and the socioeconomic environments which could be exploited by the state and employer in the

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enforcement of corporatist labor control.

This section deals with the industrial relations during the martial law-implemented period. It first discusses the consolidation of the state corporatist labor control system which influenced the state-labor relations since the late 1940s. Then I will examine the operation of enterprise corporation which compounds the state corporatism in shaping the labor-employer relation at the enterprise level.

#### State-Labor relationship

Before the outset of active industrialization, all institutional and legal instruments which could be used to control and demobilize labor movement were all enacted. Several historical events took place which were of major significance in shaping the subsequent development of the corporatist labor control system and the state-labor relation in Taiwan. The first was the failed experience of KMT's confrontation with the communist in the mainland China. The fact that early labor movements were organized by communist led the Nationist government to enact a number of labor-demobilized laws to eliminate workplaces as rallying point for supporting oppositional mobilization. (Yu, 1977; Cheng, 1988) Chief among these legislations are the Union Act (passed in 1929), the Factory Act (passed in 1929), the Labor Conflict Management Act (passed in 1930), the Collective Bargaining Act (passed in 1930), the Factory Inspection Act (passed in 1931) and the Minimum Wage Act (passed in 1936). Although these laws kept in paper in the mainland, they provided a very comprehensive legal bases for

the formation of labor regime in Taiwan (Chen, 1979).


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✓ 2. The second event was the uprising occurred in February-28, 1947, which was voluntary actions of the Taiwanese to resist the corruption of the KMT government and the misuse of police power. This uprising has lasted only for several months and was violently suppressed. Immediately after the uprising, the Martial Law was promulgated in 1949 and has been enforced for almost forth years until it was lifted in 1987. Under the martial law, KMT government has been unrestrained in the application of control. The suppression of civil liberties, freedom of press and political opposition certainly become complementary if not necessary instruments for full implementation of the state control system.

3. Another factor is also very important to the formation of labor regime in Taiwan. The opening of Korean War in 1950 led Taiwan's incorporation into the U. S. security orbit as bulwarks against communist threat, which made Taiwan deeply connected to, and supported by, U.S. interests. The United States bolstered the police and military power of the KMT regime and helped its consolidation of authoritarian rule. The worry of the threat of communist invasion and social disturbance in society provide the KMT managers a powerful ideological weapon to use against any mobilization of the oppositional forces, including independent union organization, not approved by the government. (Koo, 1987; Seldon 1983).

4. Since 1950s, the goal to promote a capitalist development has formed a consensus among the ruling KMT. This trend has become more clearly when the government initiated the export-

oriented strategy of industrialization in the early 1960s. In order to achieve this goal, a package of policies to provide a propitious socio-political-economic environments for local and foreign investments have been instituted. Among them, to establish weak but cooperative union organizations was seen as a necessary condition.

5. The KMT regime's highly autonomous position vis-a-vis the civil society has also been a very important condition for the corporatist labor control system. The most impressive feature of the KMT regime is its complexity and all-inclusiveness. (Gold, 1986). There are few areas of social life that are not brought into the political system. A myriad of local level organizations and special interest groups are aggregated into a sprawling state apparatus. The control mechanisms of the KMT regime are not confined to repression or cooptation by the central state apparatus. Rather, in addition to the actions of the central state apparatus, there also exists a host of mechanisms of control and cooptation in a wide variety of institutional spheres which serve to prevent conflict getting out of hand. Only when these mechanisms fail to operate effectively need the control of state apparatus intervene.



Two principles have fundamentally guided the policy of the KMT regime respect to worker's organization. One is to make strong union organizations of the industrial workers impossible. Second is to incorporate them into a support and a part of the state system. Certain distinctive features of the current state corporatist labor control system are discussed as follows. (Hsu,

1987)

The right to establish an union is guaranteed by both the Constitution and the Labor Union Law, first passed in 1929 and last revised in 1975. The Interior Ministry, which is responsible for labor affairs, also constantly urges the establishment of worker organization, in practice, however, the law regulations have not been compulsively enforced. This is one of the reasons that accounted for the low rate of unionization. Table 1 shows that the unionization trend in the period, 1965-1985. By 1985, there are more than 6 million workers employed in manufacturing, mining, transport and other sectors, but only 2,260 unions, which accounted for about 1.7 million members, have been organized.

(Table 1 about here)

The labor organization in Taiwan consists of three tiers at local, provincial and national level. The union structure is instituted based on two important principles : exclusive representation and size limitation. (Hsu, 1987) The first principle regulated that only one union is officially recognized for each enterprise, one union for each trade in specific area; and one federation of union for each govern<sup>ment</sup>-specified jurisdiction. The basic unit of union organization is the enterprise level union. In some cases, a local branch union can be formed by scattered workers in one trade. All are in turn combined into a unified county or city union organization, and then a provincial and finally national level-the Chinese Federation of Labor. Within the formal union structure, all linkages occurs vertically through the defederation. No direct

horizontal links across enterprises, trades, and areas are allowed.

The three-tiered nature of the official corporatist union system, when combined with a single unit, enterprise union, results in a structure which lacks the capacity to produce an united labor response to unfavorable government policy. Furthermore, exclusive representation has also meant that oppositional competition between rival unions does not exist in Taiwan.

The Labor Union Law requires an union has to be formed in firm of 30 or more employees. Although this principle of size limitation seems sound based on the consideration of preventing excessive fractionization of union organization, it, however, deprives the worker rights to be an union member guaranteed by the Constitution and excludes a extremely large proportion of workers who are employed in the firm with less than 30 employees, which accounted for about 85% of firms in Taiwan's industrial sector. (Chang, 1986; Chang 1987)

The potential strength of Taiwanese labor force was further weakened by KMT active intervention in the working of union organization. A myriad of local and enterprise level party organizations have been established in supervising the union activities. The formation of an union organization has to be approved by the local labor department of the government and by the local KMT committee, which has the right to make final decision. Given this legal monopoly that recognized labor organizations and the generally hostile attitude of the

government to unofficial labor organization, it is virtually impossible for a labor union to be organized independently and gain the recognition from the KMT government. In this legislative context, it is not surprisingly to find that most of the development of unionism in Taiwan has been the consequence of top-down formation of unions through legislative acts and by the active promotion of the government.

The most important form of organizational control results from the fact that the KMT is responsible for the appointment and selection of union officers. A carefully controlled system of cooptation is designed to reward "cooperative" union leaders selectively. The KMT party organization not only effectively controls the access to the union posts, they can also easily send their nominated labor candidates to the seats in the legislature and national assembly through the sector constituency seats in the national election. Since the KMT see the labor organization as a part of the state system, passive individuals who support the government labor policy are most likely to be appointed and selected as union officers. With these mechanisms of control and intervention, the KMT could easily channel union activities into non-militant endeavors.

The addition to control and intervention strategies, the KMT government has also adopted a series of positive measures to cooptate the role of labor unions. Chief among them are labor housing project, labor insurance and medical care system, and drafting labor legislation to promote improvements in working conditions and welfare provisions. Losing main functions to the administrative agencies of the government, union organizations

become instruments of social and political mobilization for defending the government policies. As a result, the legitimacy of union leadership as the representative of the working class is dubious, and interest in unions among workers tend to be low.

#### Labor-employer relation

Although the KMT regime has enacted more than one hundred labor laws to regulate the labor-employer relations, however, these laws are oriented toward establishing a docile and disciplined working class, rather than imposing extensive regulations on production apparatus. For the past 30 years, to establish conditions for capitalist development has been put as national first priority and the government have gained its notoriety for siding with capital interests in the making of industrial policies. One indication of these policies is the intra-elite conflict in the government. The Interior Ministry, which is responsible for the labor affairs has traditionally been on the losing end of arguments over labor and social welfare questions with the Economic Ministry, which gains a far powerful bureaucratic support in its efforts to promote local and foreign business interests. Under these conditions, the balance of power between capital and labor is clearly on employer side. The employers have much autonomy and flexibility to establish authoritarian order within the enterprise. They can organize factory work and utilize industrial labor according to the interests of capital and face little interference from organized workers.

Several features of state corporatist labor control system

can be easily observed at enterprise level. Enterprise Corporatism compounds with state corporation functioned to bolster the autonomy of the employer. (Hsu, 1988)

The basic organizational unit of Taiwan's decentralized union structure is the industrial union that establishes at enterprise level. However, most employers in Taiwan tend to see independent unionization as an illegitimate act that challenges the management authority rather than a legitimate right guaranteed by the Labor Union Law. Although the labor department of the government encourages and urges the formation of union organization in the firm, the Labor Union Law provides no protection for the independent union organizers. In the process of unionization, employers often take measures to prevent the formation of an union that the management can not effectively controlled. 1) The most common measure is the prompt formation of an union controlled by the employer before the presence of an independent union. In such case, the "opposition" union should automatically disorganized, since the law regulates that only one union for each firm. If the independent union is inevitable and has been formed, employer can use any excuse to discharge the active union organizer or to transfer the organizer to a job which is always worse than the original one. 2) Furthermore, the employer often intervene actively in union election process in order to establish an union board dominated by the management representative. 3) Finally, the employer can regulate the union activities by donating a compensatory source to the union revenue which comes primarily from membership dues (these are set by law

at a maximum 2 per cent of earnings).

Due to employer's hostile attitude toward labor organization, the rate of unionization at enterprise level is quite low in spite of large proportion of workers has absorbed in the manufacturing sector. Sources indicate the unionization rate at firm level in Taipei city was 20 percent in 1985, while Kaohsiung, the largest industrial city in Taiwan only has 19 percent.

Enterprise unions are entitled to enter into collective agreements with management covering conditions of labor other than wages. In 1985, however, only about 2,500 written agreements were in effect, many of them with large foreign firms.

In most Taiwan establishments, no operational grievance proceduse exists through which worker complaint can be recognized and solved. For the most part, workers have been reluctant to present complaint partly because of their culturally socialized reticence, partly because of a belief that the union is pro-management or its support is useless. If conditions are intolerable, a worker may prefer to leave the firm rather than individually raise an issue.

In cases of more serious disputes with collective actions, they can be taken to local government arbitration boards for final adjudication according to the stipulations of the measures for Handling of Labor Disputes promulgated in 1947. No lockout, strike, or work slowdown are allowed before and during the period of arbitration. The decision of the arbitration board is final, and any one or party which infringes upon the decision will be punished. In some cases, the government tries to reach a

compromise by persuading employer to meet workers halfway which securing a promise from workers that similar incidents would never be happened again (Djan, 1976).

Table 2 shows the cases of labor dispute that submitted to compulsory arbitration in the period between 1965 and 1985. It clearly indicates that incidence has been increasing for the past three years. The majority of the disputes concerned the discharge of workers and wages. (Lin, 1987)

*During the martial law implemented period, 1949-87*  
*Labor Movement in the 1980s*

The coexistence of authoritarian government and a highly developed corporatist control system was primarily responsible for the low level of labor mobilization in the post-1949 Taiwan. Under the corporatist system, labor leadership, labor organizations, and rank-and-file workers were highly susceptible to state and management control. Labor leaders were intimidated and coaxed into conformity and passivity through control and cooptation. Labor organizations were structured in a manner which facilitated control, they were weakened by organizational resources and by direct and indirect KMT and management intervention. There is evidence that labor leaders were dissatisfied with the government labor legislation, the lack of an effective right to strike, and the weak labor organizations. However, with the full control system in operation, it was very difficult for labor leaders to use the labor organization as a vehicle of protest. The likelihood that collective conflict would be initiated directly by rank-and-file workers was also very low. The level of collective consciousness among workers

*both at the S:  
and enterprise*

*unionization rate  
in Taipei is 20%  
force of the Kaohsiung city*

was very low, and it is likely that many workers believe they are ~~benefiting from the economic prosperity~~. Furthermore, the costs of protest behaviors were very high because of the legal prohibitions and the lack of legal protection of such behaviors.

In spite of the success of the corporatist labor control system during the martial law implemented period, several factors have appeared since 1985, which led to the rising of labor movement and make a great impacts on the relationships between labor and state and employer.

First, the successful labor-intensive development strategy have transformed earlier labor abundance into labor shortages. Upward wage pressure and tight laobr market have become serious concerns for government and management. X Several measures have been taken to solve these problems. For the past few years, the governement has sought to meet these problems through efforts to induce greater investment in higher technology, high-skill manufacturing in such fields as advanced electronics and information industries in order to maintain internationally competitive labor costs. However, such an economic restructuring has not been very successfully implemented because of the "traditional" industrial structure was overwhelmingly occupied by a tremendous proportion by small-and-medium-sized firms. The government also made efforts to encourage investment in other developing countries with cheaper labor. These efforts have gained some enthusiastic reactions from local capital but with limited success due to the government policies and international factors. The local factories take some

conventional and some new measures to solve the problem of labor scarcity. Conventionally, they make arrangement with selected middle-high schools, under the understanding of local educational authorities, by graduating students earlier in order to increase the work force. New strategy has been adopted by an increasing number of factories by importing cheaper foreign labor from countries such as Philipines, Thailand, Indonesia, and even mainland China. ↘ Growing labor shortage has increased the bargaining power of work force, and this would weaken one of the most important rank-and-file controls-insecurity over employment.

The second condition is the emergence of the second generation of working class (Hsiao, 1987). This new proletariat are no longer of recent rural origin and with conservative and passive values. They have had longer urban-industrial life experience and with higher educational backgrounds (see Table 3). With these backgrounds, they are more conscious of their legitimate rights and tend to be active in employing collective actions to protest the unfair practices in the workplace and the government policies.

A third condition which produces increasing of labor movements is the liberalization in political system. Among them, the lifting of martial law has been the most significant one. Although it is impossible to expect the ~~bureaucratic~~ authoritarian control in the areas of social life would <sup>Comp</sup> abolish, however, the regulations on civil liberties, press, demonstrations, assembly, and opposition forces have gradually liberalized. ~~Indications of this liberalization are the~~ bourgeoning of popular movements and the formation of the

oppositional parties. The rise of various social movements in the 1980s in Taiwan characterized the decade as a resurgent society as compared to the silent one as before. These movements are ranged from consumerist movement, environment protection movement, anti-nuclear movement to women's movements, student's movement, and community movements (Hsu, forthcoming). Scholars call the burgeoning of popular movements as "the crisis of the public authority", because of the people's dissatisfactions and frustrations resulted from the KMT's authoritarian rule and economic developmentalism.

The formation of opposition parties expanded greatly the space for political and social movements and collective actions. The establishment of the Democratic Progressive Party played a powerful role in demythifying the KMT regime's authority. It received a warm welcome by votes in several elections (the DDP gained averagely about 25% of the total). From 1987 on the DDP elected members became the main force competing with the KMT in National representative bodies as well as in the provincial assembly. Another new opposition force contributed to the rising of popular movements and labor movement was the establishment of the Labor Party, which was organized by anti-KMT leaders and socialist intellectuals, in November, 1987. Modeled on Western European democratic socialist parties, it is the first party in Taiwan run internally on principles of direct democracy. It regards itself as a branch of the international labor movement and advocates welfare statism, environmentalism, feminism, minority rights and industrial democracy. Its political

strategy is aiming at developing strength among labor unions.

The fifth factor was the making and implementation of the Labor Standards Law. This law was aimed at providing minimum standards of labor conditions as well as protect worker's rights and interests. However, it took ten years of gestation. In 1974, the Ministry of Interior, which was then in charge of labor affairs, was assigned to draft the act. Duing to the opposition of the economic b̄reaucracy, which was worried about the impact of this law on investment climate, the draft did not get sent to the legislative body until 1982. The discussion of the Labor Stardards Law in the Legislative yuan entailed the rivalry between state units and social forces. The officials from the Ministry of Interior, the legislators elected by the labor unions, and some scholars advocated the protection of worker's rights and interests. The officials from economic bureaucracy, the legislators representing the capital, and scholars of economics tried to lower those standards. Many local capitalists appealed to the authorities concerned and to the mass media to slow the process of lawmaking. After a few revisions and several delays, the law was eventually promulgated on August 1, 1984. (Cheng, 1985) The process of the lawmaking greatly aroused the worker's conciouness about their rights and interests. Although the Labor Standards Law has already existed for more than four years, many employers and business leaders still take hostile attitudes towards this reform programs on labor effairs. For example, many companies continue to resist granting the strengthened pension and severence benefits promised by the Labor Standards Law. They have successfully weakened

major provisions by arguing that it was a major factor in the economic downturn Taiwan has suffered in 1985. They have also made efforts to gain influence in the labor authority to take actions to maintain their interests. If the business circle continue to keep this hostile attitude toward labor affairs, more conflicts between labor and employer will certainly to come in the near future.

One final factor contributed to the result in changing industrial relations in Taiwan are external pressures from the American business community and Labor Confederation, the AFL-CIO. They called on Taiwan to take steps to afford internationally recognized worker's right in order to keep Taiwan's most favorable status. The main areas of concern for the US on labor issues include limitations on the right to strike; the general lack of collective bargaining by Taiwan's union organizations and lack of internal democracy in the unions. In the case of huge trade gap between Taiwan and the United States continuously in Taiwan's favor (the gap had ballooned to US\$ 13.6 Billion in 1986), these pressures will continue until the workers' rights have been effectively improved (Goldstein, 1987).

After the promulgation of the Labor Standard Law in 1984, labor disputes by means of demonstrations, strikes and other collective actions have rapidly emerged. Furthermore, not only the incidence of labor strife increased, but the militancy of the conflicts has increased as well.

Three common aspects are adequate to characterize the recent labor demonstrations. First, labor's demands were far-ranging,

calling not only for wage increases but also for union autonomy, fair labor practices, reform of current labor laws, and liberalization of management's authoritarian style. While the demonstrations initially began in the large industries, they increasingly spread to smaller companies, implying that the problems were not simply bread and butter issues, but went to the heart of the corporatist regime and authoritarian paternalism which has characterized Taiwan's industrial relations over the past decades.

Second, union democracy become an over-whelmingly dominant issue in the recent strife. In most cases, the more independent union members challenged the representativeness and legitimacy of the union leaders, by accusing the latter being controlled by the company, and "outer force" from the KMT. This basic "democracy" problem was a result of long-term interference of the management and the KMT in the union activities, by using union simply as an instrument for facilitating industrial peace and political stability rather than as an autonomous representative organization of the working class.

The third common trait of the recent labor disputes was the sequence of illegal strikes following by effective negotiation and bargaining sessions between labor and management. In most countries, strikes result from a failure to reach agreement through negotiation, but in Taiwan the process in reversed, so that labor disputes start with illegal strikes and are ~~followed~~<sup>owed</sup> by negotiations and bargaining. This had come about partly because current labor laws make legal strikes almost impossible and partly because free collective bargaining has not been the

norm in Taiwan. During the past decades, labor disputes have generally been ended by government's and the KMT's direct intervention, which has deprived workers and management of experience in carrying out effective negotiations. In other cases, the employer simply does not accept a status as equal partner with labor in collective bargaining. They prefer to solve disputes promptly by firing and discharging the key instigators rather than sit side by side ~~by side~~ with their employees in the bargaining table.

#### Concluding Remarks

For over thirty years, the authoritarian KMT regime had basically acted as a hegemonic role in regulating Taiwan's political, economic and social development. It has been characterized by a political system with strong policy formulation and implementation leadership at the apex, technocratic insulation and autonomy in policy execution, and a highly centralized bureaucratic and military command system that reach to the most remote regions. It established corporatist organization to mobilize the support of social groups and/or prevent the articulation of unacceptable demands which may undermine the authority and legitimacy of the government.

Despite its still dominant role, the KMT face an increasingly influential pressures on the political process by the actions of diverse social groups and oppositional forces. The government's recognition of the inevitability of some such more open political process, and their attempts to implement political reforms, are indications that the liberalizing or

pluralistic forces that forced changes in the authoritarian political more are unlikely to be reversed.

The recent labor unrest and political campaigns demonstrated the strength of the long suppressed labor movement. In the past, the KMT and the capitalists could neglect the working class demands for their legitimate rights and interests by means of corporatist control. But when workers become more vocal and are at their disposal more powerful institutional means to make pressures, a modern and democratic framework should be adopted and replaced the former corporatist system, which was established simply for the interests of the ruling class.

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