

Bernd von Maydell/Rainer Pitschas/Peter Pörtner/
Bernd Schulte (Hrsg.)

Politik und Recht für Menschen mit Behinderungen in Europa und Asien

Unter den Bedingungen des demographischen Wandels –
kulturelle Voraussetzungen und Erklärungshypothesen



Nomos

Gefördert von der Robert-Bosch-Stiftung

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://www.d-nb.de> abrufbar.

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data is available in the Internet at <http://www.d-nb.de>.

ISBN 978-3-8329-4798-9

Redaktion: Sarah Scholl

1. Auflage 2009

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1. Foreword

There are significant differences between Asian countries in terms of culture, economic development, and political systems. Culturally speaking, there exist huge differences among Asian countries, particularly between West Asia, East Asia and South Asia. The economies of the different Asian countries are also at various stages of development. In East Asia, for example, there is an advanced industrialized country like Japan, newly-industrialized countries like Korea and Taiwan, as well as developing countries like China and Vietnam. In terms of political systems, China and Vietnam are no longer the socialist countries they were in the past due to various reforms. China now proclaims itself as having a socialist market economy in which it still retains aspects of a socialist political and economic system. China's socialist market economy differs greatly from the market economy in Japan, Korea and Taiwan.

The huge differences between Asian countries make it a highly difficult task to discuss the foundation of disabled welfare in all of the Asian countries. Therefore, in this paper, the focus is on East Asia, particularly China and Taiwan. It seems undeniable that Taiwan falls within the realm of Chinese culture although the type of political relationship that should exist between Taiwan and China has been a very controversial issue. Among the roughly 23 millions inhabitants in Taiwan, some 97% are descendents of immigrants from China, 2% are indigenous people, and 1% are migratory workers. The languages commonly used in Taiwan are the same as in China, with Mandarin being the most prominent. Most of the people in Taiwan believe in Taoism or Buddhism in the forms originating from China. The Nationalist Party (Kuomintang, hereafter referred to as the KMT), which ruled Taiwan from 1949 to 2000, is the remnant of the same party that previously ruled in China and the KMT regards itself as a defender of Chinese culture. It could thus be said there is much common ground between Taiwan and China, especially in culture. They are also very diverse societies in many ways.

First of all, Taiwan is an immigrant society formed by immigrants from China over 400 years ago who took with them the cultural artifacts of Chinese society. However, the current cultural traits of China differ from traditional Chinese culture as a result of the revolution led by the Chinese Communist party with their Marxist-Leninist and Maoist ideologies.

Secondly, the differences between Taiwan and China have become larger and larger due to the fact that they have had different political systems and rulers. Taiwan was ruled by Japan from 1895 to 1945. Both Taiwan and China were ruled by the KMT after 1945. The Chinese Communist party then took power in China while the KMT continued in power in Taiwan. Political relations have frequently been hostile between China and Taiwan over the intervening years. At the same time, the economic system and economic development in Taiwan and China have followed different paths.

Despite the large differences between Taiwan and China; nevertheless, there is still much common ground that can be found. For one thing, both sides had authori-

tarian regimes ruled by a strongman until the 1970s and 80s. Discernible reforms appeared on both sides after the death of Chiang Kai-shek and Mao Zedong though the focus of reforms for both sides was different. While Taiwan's reforms focused on politics, China's reforms focused mainly on the economy. It should be noted that the level of economic development of both sides has become closer and closer. There has been extensive investment from Taiwan into China and there are increasing amounts of Taiwanese working there. Consequently, the level of interaction between Taiwan and China has dramatically increased and the differences between the both sides have quickly decreased.

Having so much common ground, but also having lots of diversity, Taiwan and China provide an excellent sample for cultural, economic and political research. It would certainly be worthwhile to extend the sample to Hong Kong and Singapore and even to include a comparison of Korea, Japan, and Southeast Asian countries at the same time. However, due to time constraints, this report will focus only on Taiwan and China.

In order to finish this report, I not only referred to the materials used in the conferences held in Speyer and Berlin¹ and the Workshop on Social Security on Social Security in the PRC held by Das Institut für Asienkunde in Hamburg², but I also headed for Beijing to pay a research visit before attending this conference. During my stay in Beijing, I had several meetings with Professor Zheng Gongcheng, Professor Lin Jia, Professor Yang Tuan and Professor Liu Chueixiao from which I benefited greatly. I hereby express my gratitude for their assistance.

2. Comparison of Disabled Welfare Policy in Taiwan and China

Disabled welfare, as defined here, is confined to rehabilitation, education, employment, nursing, living assistance, provision of a non-handicapping environment, and social and cultural participation. These benefits and measures as defined here match the main content of Taiwan's Disabled Welfare Act of 1980 which later was amended as the Physically and Mentally Disabled Protection Act of 1997 and later the Protection of Rights and Interests of the Physically and Mentally Disabled Act of 2007. China enacted The Law on the Protection of Disabled Persons in 1991, which is currently under revision, and which has similar provisions to the Taiwan acts. The measures stipulated in the acts in Taiwan and China are mainly public benefits provided by the government, particularly welfare services like social work, with the

1 *Ming-Cheng Kuo*, „Taiwan“, in: v. Maydell/Pitschas/Schulte (Hrsg.), *Teilhabe behinderter Menschen an der Bürgergesellschaft in Asien und Europa – Eingliederung im Sozial- und Rechtsvergleich*, 2002, 185-191; *ders.*, *Status quo and Perspektiven des Rechts und der Politik für Menschen mit Behinderung: Taiwan*, in: v. Maydell/Pitschas/Schulte (Hrsg.), *Behinderung in Asien und Europa im Politik- und Rechtsvergleich*, 2003, 277-293.

2 *Social Change and Social Security in Taiwan: Lessons for the PRC*, in: Krieg/Schädler (Hrsg.), *Social Security in the People's Republic of China*, 1994, 340-365.

financial resources coming from the general revenue of the state or local government. In addition the acts include the state's administrative intervention measure regarding a system of compulsory employment of handicapped persons by enterprises.

The protection of disabled persons is definitely not restricted only to these welfare measures but should also include public health care, house and food provisions, and a social insurance system, particularly health insurance, pension insurance, occupational accident insurance and even long-term care insurance. Whether such a kind of system is established and whether it operates effectively should be the precondition for any discussion of welfare policy such as welfare services. In other words, the need for welfare services would be alleviated when such a social insurance system provides a protective function. If not, the expectations put on the welfare service are naturally increased. Besides public welfare services, the welfare service system in the private sector and the third sector including enterprises, welfare institutions and volunteer groups and volunteer services etc. is also an essential issue in disabled welfare services, and perhaps is even the area for the greatest potential development in disabled welfare policy, and is thus a worthwhile area to explore.

2.1. The Basic Social Provision for Public Health Care, House and Food etc.

Before China began its economic reform, the communist economic system, as implemented by China's government, made their citizen's life and their work units closely integrated and such units bore the responsibility for providing living resources and risk protection. In addition, people could receive, to a certain extent, medical protection provided by the so-called "barefoot doctors", a medical cooperative system, though the medical resources provided could be very limited.

This economic system in China underwent huge changes after economic reforms. Nowadays, as public enterprises have been marketized, the relationship between workers and the public enterprises they belong to is close to the labor relationship found in industrialized countries. Furthermore, the medical cooperative system with its "barefoot doctors" has also collapsed and been replaced by a medical market economy. To date, the medical system in China has become highly marketized due to the limited development of health insurance.

In Taiwan, the living resources provided by the government has traditionally been relatively limited. Taking medical resources for example, the government set up local public health centers or hospitals, but such public medical institutions were basically public enterprises where the patients have to pay for services except for some public health measures such as preventive injections. Before the implementation of the National Health Insurance in 1995, roughly half of the people in Taiwan were still uncovered by health insurance in which case they needed to pay for any medical services provided.

2.2. Social Insurance

With the establishment of the People's Republic of China in 1949, China implemented a labor insurance system. However, such insurance is better classified as employer's liability rather than social insurance. Namely, it is a kind of enterprise benefit provided by law which obliges every employer to be responsible for taking care of its unit members. In recent years, social insurance schemes have been continuously established following economic reforms, in particular, unemployment insurance and accident insurance. The coverage of the insured persons under such unemployment insurance or accident insurance is still limited and thus it cannot protect all workers but the measures it provides are somewhat similar to social insurance in industrialized countries. However, there is a vast difference in the pension insurance and medical insurance in China compared to industrialized countries.

The pension insurance and medical insurance schemes implemented in China up to the present day are still at an experimental stage and lack clear content. As regards these two kinds of social insurance, such systems are still based on administrative guidelines set out by the central government in Beijing. Only urban workers are obliged to join these insurance schemes while rural areas have the discretion to decide whether to implement them or not. As to the content, besides the basic principles which should be followed, there is still large room for every local government to formulate it. The health insurance not only limits the benefits but establishes individual medical account, which is different from health insurance in industrialized countries.

Its main characteristics consist of:

- very limited benefits with comparatively limited contributions. In rural areas the contribution rate of experimental health insurance costs only 10 RMB every year, plus a subsidy of 10 RMB from the government, which makes for a total of only 20 RMB every year.
- a so-called individual medical account system in addition to an ordinary social insurance system

Similarly, the current old-aged security system in China is called old age insurance, but it is still not pure social insurance as found in most industrialized countries. Such a system remains experimental just like the medical insurance, lacking clear content and having the coverage limited to specific regions or workers e.g. so-called farmer workers and industrial workers from agricultural regions are excluded. The most important thing to note is that such a system is not pure social insurance but a mixture of social insurance and individual accounts. By current regulation, the contribution rate of social insurance is 20% of basic salary while the rate of individual accounts is 8% of basic salary.

In Taiwan, the Labor Insurance implemented in 1950 and enacted in 1958, the Soldier Insurance enacted in 1953, and Government Employees and Educators Insurance enacted in 1958, demonstrates the importance attached by Chiang Kai Shek's regime to social insurance. Such a social insurance system was essentially

similar to social insurance in industrialized countries but the medical benefit did not cover family members and the old-age, disability and survivors' benefits were a lump-sum payment.

There was continuous expansion of the insured persons under the Labor Insurance throughout the 1960s, 70s and 80s. A significant growth of social insurance in Taiwan appeared with the implementation of the National Health Insurance in 1995 and the Unemployment Insurance in 1999. However, the payment of the above-mentioned benefits failed to be changed into pension benefits. On the contrary, the Labor Retirement Benefit system implemented in 2004 set up individual retirement accounts. By law, every employer shall contribute at least 6% of salary monthly for their workers to each account. Such a development has fully demonstrated the skepticism towards social insurance and the preference for individual accounts shown by Taiwan society.

In 2007, the Congress in Taiwan passed the National Pension Act which is a social insurance scheme covering non-workers and non-government employees. Furthermore, the reform of changing the lump-sum payment of old-age, disability and survivor's benefits into regular pension payment under the Labor Insurance has been discussed in the Congress but the reform bill had not been passed at the time this paper was finished.

2.3. Welfare Services and Allowances

Non-insurance disabled welfare is perhaps of much higher importance than that of social insurance in China. We can refer to the report presented by Darimont in the Berlin conference in this respect³. The China Disabled Persons' Federation is basically a kind of public institution for disability protection. This institution has attracted special attention because of its leader, Deng Pufang, who is the son of Deng Xiaoping. The Beijing government has attached importance to various welfare measures for disabled persons by announcing in its 11th five-year plan for the National Economy and Social Development in 2006 of its Implementation Program of Development Guidelines and Corresponding Measures for the Disabled in China. Nevertheless, we can learn from the Communiqué on Major Statistics of the Second China National Sample Survey on Disability (2006-2007) that:

- In 2005, the yearly household income of a family with disabled persons was on average, 4864 RMB in urban areas and 2260 RMB in rural areas. However, 12.95% of yearly household income of family with disabled persons in rural areas was below 683 RMB and 7.96% was between 684 RMB and 944 RMB.
- Among the disabled, the rate of people with medical and assistance needs was 72.78% but in reality only 35.61% received medical service and assistance.

3 *Darimont, Status quo and Perspektiven des Rechts und der Politik für Menschen mit Behinderung: VR China*, in: v. Maydell/Pitschas/Schulte (Hrsg.), *Behinderung in Asien und Europa im Politik- und Rechtsvergleich*, 2003, 255-275.

- Among the disabled persons in urban areas, roughly 13.28% of them enjoyed locally provided minimum living protection, while 0.75% of them received regular or irregular assistance. In the case of rural areas, the percentage of disabled persons who enjoyed locally provided minimum living protection was 5.12% of the total number of disabled persons. 11.68% of these rural disabled received regular or irregular assistance.

In Taiwan, Public Welfare Services and Allowances, the main provision in the Handicapped Welfare Act, is for the most part the core issue that social movements and welfare groups are most concerned about. In this regard, the government always responds to their needs to some extent with a view to stabilizing society and legitimizing its rule. Nowadays various kind of allowances have played quite an important role in providing income replacement due to the fact that only public servants, military servicemen and educators can enjoy pensions and the Labor Insurance program still only provides old-age, disability and survivor benefits in the form of a lump-sum payment. Currently the allowances in Taiwan mainly include an Old-Age Citizens' Allowance of a monthly amount of NT\$ 3,000 under the Provisional Act of the Old-Age Citizens' Welfare Living Allowance, an Old-Age Farmers' Allowance of a monthly amount of NT\$ 6,000 under Article 4 of the Provisional Act of the Old-Age Farmers' Allowance and a monthly amount of NT\$ 3,000 or 6,000 of Living Allowance for Mid or Low-income Senior Citizens under the Senior Citizen Welfare Act and the Regulations on Living Allowance For Mid or Low-income Senior Citizens⁴.

As to the allowance targeted at disabled persons, the decision as to how much to pay out is in the hands of a small number of local governments. The level of benefits under this program is between NT\$ 1,000 and NT\$ 6,000 monthly. In addition, the welfare provision for disabled persons includes schooling, nursing, and economic support programs etc. Notwithstanding, the development of social assistance in Taiwan is still quite underdeveloped. Till now, the beneficiaries of the social assistance system in Taiwan is less than 1% of the population. In other words, it is still the case that the disabled have difficulty in obtaining protection through social assistance in Taiwan.

4 Article 6 of the Regulation states: 1. there should be an allowance of NT\$6,000 dollars if that amount is less than 1.5 times of the average individual monthly living expense and also less than 1.5 times the average individual monthly living cost in Taiwan. 2. an allowance shall be limited to NT\$3,000 dollars if the average individual monthly living expense exceeds 1.5 times but is less than 2.5 times the average individual monthly living expense, and is also less than 1.5 times the average individual monthly living cost in Taiwan.

2.4. Enterprises Welfare

To impose obligations upon enterprises to pay benefits by way of policy or legislation could be said to be a very easy approach. The typical example includes the Labor Insurance implemented in China after 1949, and the Labor Standards Act enacted in 1984 in Taiwan, both of which require employers to take responsibilities to pay retirement benefits and severance pay to their workers. These approaches are rich in patriarchal thought and clearly reject modern social insurance systems. To oblige employers to hire disabled persons and intensify enterprises' social responsibilities is atypical of modern approaches to social insurance. Both Taiwan and China have similar measures in this respect.

2.5. The Third Sector

In Taiwan and China, the welfare institutions for the disabled play an important role. In China, the aforementioned national and local protection institutions of the disabled are of great importance. Such institutions are more a part of the governmental administration than of non-governmental welfare institutions and have a clear bureaucratic character. Comparatively, the non-governmental welfare institutions in China obviously play a very limited role. The development of the private or non-governmental welfare institutions is closely related to the openness of society and political democracy.

The welfare institutions of Taiwan tend to be private and primarily from the third sector. In the past, the welfare institutions from abroad, religious organizations in particular, played an important role. These welfare institutions or organizations achieved their mission at the time. The Bethesda Protectory, a German-established institution in Hualien, Taiwan, can be a significant case. The institution founded in 1955, has now been taken over by Taiwanese and funded by local donations and governmental subsidies. In addition, the Buddhist Compassion Relief Tzu Chi Foundation based in Hualien, Taiwan, a Buddhist charity organization established in 1966, was founded and is run by local Taiwanese. It has more than two hundred branches distributed throughout more than thirty countries and enjoys a prestigious reputation as a welfare organization.

Increasingly, the welfare institutions for the disabled in Taiwan have been conspicuous for their strong growth, including the Eden Social Welfare Foundation and the Parents' Association for Persons with Intellectual Disability. These welfare institutions for the disabled are well-organized and provide an effective service. They are part of the National Association of Disabled Welfare Organizations. A former general secretary Wang of this National Association who was also a legislator from 2005 to 2008, is a key proponent moving forward the process of the revision of the Protection of Rights and Interests of the Physically and Mentally Disabled Act. In recent years, with the increase of the governmental subsidy to the welfare of the

disabled, the funds and the quality of service of such organizations have been greatly improved.

2.6. Preliminary Conclusion

From the comparison between Taiwan and China, it can be concluded that there is no provision of sufficient pension insurance for both sides and both prefer an individual account system when it comes to pension reform.

The labor insurance system in Taiwan has almost 60 years of history but the payment of old-age/disability/survivor benefits still remains a lump-sum payment rather than regular pension payments as in other industrialized countries. Even if in the near future it could be changed into a regular pension payment, the question is why such reform has experienced difficulties for decades and even has resulted in the implementation of an individual account system in Taiwan. In China, where pension systems do exist, the question is why they have chosen to adopt an individual account system even when the development of the pension systems is still very limited.

As far as medical care is concerned, the implementation of the National Health Insurance in Taiwan was definitely a very important and significant breakthrough. The overall implementation of health insurance in Taiwan and South Korea demonstrates the implementation possibility of health insurance in other Asian countries, outside of Japan. Such a form of health insurance, though garnering wide public support, still attracts lots of criticism, mainly from economists who go so far as to propose a individual medical account system instead. In comparison, the implementation of medical insurance in China is very limited and the introduction of individual medical accounts is an example of another system that is obviously different from that of industrialized countries.

As regards social assistance, its development is very limited no matter if you are referring to China or Taiwan. The result is that the disabled can hardly expect to enjoy even basic subsistence protection.

3. *Foundation of Disabled Welfare Policy in China and Taiwan*

3.1. Introduction

Disabled welfare policy includes various welfare measures like education, employment, medical care, pension, long term care, social assistance and so on. However, just as Grasser said: *Wie soll ein Menschen mit Behinderung mit gut \$ 600 im Monat*

durchkommen ?⁵ (How can a disabled person live on US\$ 600 dollar per month?) If a disabled person cannot expect to receive a reasonable amount of pension, perhaps a discussion of other measures makes no sense. Besides a pension, medical care and social assistance for basic living protection are even more important and urgent to the disabled. Similarly, it must be asked how the disabled survive if basic medical care, a disability pension and social assistance become impossibilities?

In the existing literature, there have already been many papers discussing the factors affecting social welfare development in Asian countries. Industrialization and democratization are two of the most crucial of the various factors. In this regard, Kuo's papers including; " *Social Change and Social Security in Taiwan: Lessons for the PRC*"⁶ presented at Hamburg, " *Volkskrankenversicherung in Taiwan*" presented in 1997, " *50 years of Social Insurance in Taiwan*"⁷ presented in 2000 and " *Development and Reform of Social Insurance in Taiwan*"⁸ in 2002, have elaborated on this issue. Recently, a paper " *Comparative Analysis on the History of Medical Insurance in South Korea and Taiwan: Industrialization, Democratization and Social Policy in Latecomer Societies*" presented in China made a similar analysis⁹.

Similarly, Japan's social policy has a very close relationship to its industrialization and democratization. It can thus be concluded that industrialization and democratization are very important factors in constructing a modern social security system. Without these two factors, the initial development of a social security system still occurred in a country like Taiwan in the 1950s ; however, it could hardly be expected to be an overall and complete development, in particular a social security system covering the disabled.

On the other hand, the question arises, why have Asian countries, particularly Taiwan and China, been unable to establish a complete modern social security system following their social development? As mentioned earlier, industrialization and democratization are very important factors. Accordingly, the lack of industrialization and democratization are the main factors making it difficult for a social security system to develop soundly. In addition to these crucial factors, what other things could explain the inadequate development of a modern social security system. Among other things, cultural and international factors are often mentioned as important explanations for this inadequate development. For example, Leisering's paper

5 Graser, Staus quo und Perspektiven des Rechts und der Poloitik für Menschen mit Behinderung: USA, in: v. Maydell/Pitschas/Schulte (Hrsg.), Behinderung in Asien und Europa im Politik- und Rechtsvergleich, 2003, 233-253 (253)

6 In: Krieg/Schädler (Hrsg.), Social Security in the Republic of China, 1994, 340-365

7 Ming-Cheng Kuo, Fifty Years of Social Insurance in Taiwan, in: Boecken/Ruland/Steinmeier (Hrsg.), Sozialpolitik und Sozialrecht in Deutschland und Europa, 2002, 421-433.

8 Ming-Cheng Kuo, Development, Reform and Perspectives on Social Insurance in Taiwan, in: Kuo/Zacher/Chan (eds.), Reform and Perspectives on Social Insurance: Lessons from the East and West, 2002, 121-144.

9 Lianhua Li, in: Social Security Studies, 2/2007, 81-104.

presented in the Berlin conference made a relevant analysis of this¹⁰. However, although Leisering mentioned the influence of Confucianism and international organizations, his paper did not make an in-depth analysis of these factors which left some serious unanswered questions. The next section of this paper will begin with this point. Besides the role of Confucianism and international organizations, the influence of the academic factor will be particularly looked at.

3.2. Cultural foundation

It is highly farfetched or even nonsensical to attribute the inadequate development of a social welfare system, particularly in Asia, to reasons of traditional culture. All Asian countries, including India, Indonesia and Vietnam, have been reported to be traditionally unfriendly and severely discriminatory towards disabled people¹¹.

In regards to China, and even in countries like Taiwan, Korea and Japan which have been under the influence of Confucianism, the Confucianism factor should not be ignored. Related to this, there has been lots in the literature mentioning the importance of family within Confucianism influencing the development of social security¹². However, such a kind of argument doesn't make a lot of sense because the importance of family is absolutely not a strictly Confucian characteristic. It can be found that in Europe, under Christian culture, the importance of family is not second to that in China. The importance of family in China is more attributable to the agricultural economic system, especially the production mode based on the family unit, rather than Confucianism.

Families served the function of protection in agricultural times, as was true in Western countries as well. Therefore, it is not solely a characteristic of Asian countries. To resort to the traditional family unit in Asian industrialized countries or areas does not only hinder the development of social security but also deliberately prevents the development of welfare for the disabled.

With Confucianism, its social ideas should be mentioned first. The most famous Confucian literature is the *Analects of Confucius* which includes the CHAPTER OF GREAT HARMONY (TA TUNG). This states that

“Provision is secured for the aged till death, employment for the able-bodied, and the means of growing up for the young. Helpless widows and widowers, orphans and the lonely, as well as the sick and the disable, are to be well cared for.”

10 *Leisering*, Sozualpolitische und rechtliche Gestaltung der Behindertenpolitik in Asien, in: v. Maydell/Pitschas/Schulte (Hrsg.), *Behinderung in Asien und Europa im Politik- und Rechtsvergleich*, 2003, 425-439.

11 Please refer to the reports by Ninh Do Thi Hai, Kruse/Schmidt, Prasajo and Gnanasekaran, all in the Books “*Teilhabe behinderter Menschen an der Bürgergesellschaft in Asien und Europa*” and “*Behinderung in Asien und Europa im Politik- und Rechtsvergleich*”, both edited by von Maydell, Pitschas and Schulte.

12 *Leisering*, Fn. 10, 429.

Both Taiwan and China have a similar conservative attitude towards a social security system, in particular their passive attitude toward social assistance, which could be derived from the traditional Confucian attitude towards the aged, sick and disabled. It is a very interesting question as to why there exists such a similarity in attitudes between Taiwan and China when the economic and political developments for both sides have been quite divergent. It could be argued that Confucian social thought has had only a very limited influence in practice. However, in reality, Confucianism has had a lot of influence on social security attitudes in both Taiwan and China.

It is quite clear that Taiwan and China provide special protection for public servants, including military servicemen, civil servants and educators. The extent of the protection they enjoy is not only more comprehensive than for other citizens but far exceeds that which is available to public servants in Europe and the U.S.

Such a system is closely connected to the Confucian idea of class where society is divided into a ruling class with knowledge and a ruled class without knowledge. Government officials traditionally enjoyed many privileges. Nowadays, social security has been turned into privileges for government officials. Such a misunderstood and abused social security system is most likely far from what the founders of social security expected it to be.

3.3. The International foundation

As mentioned above, the social policy of the PRC before the 1970s was deeply influenced by communists, that is to say, the **Communist International**.

Similarly, the origin of Taiwan social insurance also has a close relationship with international society and international organizations. In addition to the advocating of scholars who studied in Europe or America, the influence of the implementation of Japan's social insurance system, the influence of America during WWII and the participation by Taiwan in international organizations, the UN and the ILO in particular, all have contributed greatly to the implementation of Taiwan's social insurance system.

The role and influence of international organizations play an essential role. Taiwan was a member of the ILO and the UN from the 1950s into the 1970s when the establishment of social insurance was closely connected to the goals of the ILO and the U.N. Afterwards, Taiwan's social policy was predisposed towards a high level of privatization, characterized by the unique development of compulsory employer's retirement benefits and severance pay in 1984, when Taiwan was withdrawing from international organizations one after another.

Such a development was very different from other countries at that time and concurrently it was hard for Taiwan to seek for international support of this policy. Therefore, the privatization process did not move further until the 1990s. At this period of time there came huge changes.

Under the situation, the pension reform proposal of the World Bank—the replacement of social insurance by individual retirement accounts, facilitated all the anti-welfare proponents in gaining full support and becoming more arrogant. The pension reform proposal of the World Bank is the most important factor in the implementation of individual retirement accounts in Taiwan. The governments in Taiwan, China, and in several other Asian countries as well as countries hostile to social welfare all strongly endorsed the World Bank proposal. Without the World Bank, China and Taiwan would not have necessarily introduced individual retirement accounts.

Presently, even Stiglitz and Modigliani sternly criticize individual retirement accounts. They think that this view of individual accounts is wrong and is based on a series of myths which only serve the interests of asset managers¹³. Such accusations, if confirmed, will prove the World Bank to be a misguided or perhaps even an evil institution which brings disasters, rather than blessings, to human beings. Labor, especially the disabled labor in question, who cannot get social protection and even suffer loss, could possibly file lawsuits and claim damages against the World Bank. The question is whether the World Bank can afford it.

It is regrettable when the World Bank has promoted its policy of individual accounts which has become the accepted system in many countries. In the meantime, what is the ILO doing? The ILO not only is passive, but in fact is doing nothing. The passiveness of the ILO is a major cause of this disaster of the widespread introduction of an individual account system.

3.4. Academic Foundation

The above described privatization has not just impeded development of social security systems but also made it hard to expect much protection for the disabled. Such a development is attributable to domestic cultural factors and political factors, particularly politicians' ignorance of social security under limited democracy. As mentioned earlier, the politicians' can justify their choice of individual retirement accounts as opposed to social insurance by the support given to individual retirement accounts by the World Bank.

Besides the international support for individual retirement accounts, who are the other supporters of individual retirement accounts in the home countries besides the politicians? The answer is academics, particularly economists. Economists in Taiwan, most of them studied in the US, are mostly against a social security system. They favor the market mechanism of privatization, especially individual accounts. This is why the labor insurance of Taiwan up till now has not adopted a pension system and the key reason for why Taiwan practices an obligatory individual ac-

13 *Ming-Cheng Kuo*, Privatization versus the Right to Social Security: The Taiwan Case, in: van Langendonck (ed.), *The Right to Social Security*, 2006, 397-416.

count system. In Taiwan, a lot of economists refer to the economist and political philosopher, Friedrich Hayek, to justify their opposition to social security. However, the economists in Taiwan confuse the situation by seemingly not being aware or letting it be known that Hayek, who strongly defended a free economy and classical liberalism, was not against welfare states as long as the social welfare was not monopolized by the government. In addition, the economists in Taiwan ignore the criticisms of the World Bank's welfare policies by Stiglitz and Modigliani. Thus, we can see that the opposition of the economists is not based on their academic knowledge but on their own personal or political preferences and interest groups. Such economists work for the government for the interest of themselves, specific groups, or for the governing class.

Various academic fields in Taiwan are guilty of opposing or not supporting social welfare systems. The academic fields of political science and public administration have long ignored social welfare. The field of law has been no better. In Taiwan, some Grand justices who have been working as jurists, for example, Yu Shei-ming, have strongly advocated an individual account system in their opinions given on a Constitutional interpretation. Even many scholars and professors of sociology, social work, social policy, and social welfare prefer privatization. Some of them have shown high hopes for welfare states, but they do not necessarily identify with the social insurance systems implemented in industrialized countries such as Germany. Basically, such scholars are mostly educated in the US or the UK. Some of these scholars and professor have gone so far as to indicate that they regard social insurance as a low-level social protection system, a means of social control, and a system which is only limited to the socially advantaged workers¹⁴. They always cite Esping-Anderson and refer to Germany's social welfare as a conservative welfare state, or as second-rate welfare state. What sociologists prefer is definitely not social insurance but a public medical system and more social service of the kind provided by the National Health Service. Furthermore, a lot of sociologists also prefer a private individual account system. For example, Professor Ho-Sheng Chan, the former minister of the Council of Labor Affairs, is an advocate and promoter of individual accounts.

Such a phenomenon of favoring privatization is also seen in China. Li Tieying, the former President of the Chinese Academy of Social Sciences once stated: "As far as I know, European and American states are also reforming their social security systems, mainly to resolve the problem of "welfare illness" formed as a result of excessively good welfare treatment. Singapore, Chile and other countries are applying the model of compulsory savings social security¹⁵."

14 *Li-Yeh Fu*, The Social Control Essence of the social Insurance System in Taiwan (in Chinese), *A Radical Quarterly in Social Studies*, No. 15 (1993), 165-190.

15 *Tieying Li*, Reform of China's Social Security System Faces Arduous Tasks and Long Way to Go – General Preamble to SSSS – Series of Social Securities, in: Dongjin Wang (ed.), *The Reform and Development of Social Security System in China*, 2001, 1-19. (17).

It is quite obvious that in China, particularly in academia, a social security system in which social insurance constitutes a major part is highly questioned. On the contrary, the Chilean model, where you have individual accounts of compulsory savings is highly welcome, and even is regarded as the best solution to solve the welfare state issues. From what we have written, it can now be more easily understood why China would adopt the path of individual accounts. However, through such a selection of individual accounts, how can the disabled expect to obtain effective protection?

Such a loss of confidence in social insurance as seen in welfare states does not come just from academia, in particular economists, and other sources in Taiwan or China. As a matter of fact, even some European sociologists also strongly criticize social insurance. When Leisering cited Esping-Andersen to classify Continental countries like Germany as a Conservative welfare state which particularly attaches importance to security while relatively ignoring freedom and equality¹⁶, this also explains why the social security system in Germany or other Continental countries, particularly social insurance, is considered by some to be an inferior second-rate system. This argument that social insurance is absolutely not the best choice appears to have become dominant among sociologists.

4. Concluding Remarks

From what was mentioned above, we can see that the influence of academic factors is far greater than that of political or cultural factors on disabled welfare policy in China and Taiwan. Academe has played a vital role in both social policy and disabled welfare policy. The behavior of a lot of political figures is a sort of conditioned behavior dominated by academic culture.

We can also see that international factors, most of the time, outweigh domestic factors. The establishment and development of social security can be attributed to international influence and so can its stagnation and obsolescence. As a result, the impact of the international foundation for disabled policy cannot be ignored and obviously has a greater influence than domestic culture.

If academic obstacles and international obstacles cannot be removed, the development of social security is doomed. Without a complete health insurance, how can a disabled person gain sufficient medical care and rehabilitation? This is a key issue in China. If we keep being frenzied with an individual retirement account system, how can the disabled, especially the economic security of disabled labor, be fully protected? The same problem exists in many Asian countries such as Taiwan, China, Hong Kong, and Singapore. Taking into consideration this problem, Japan implemented long term care insurance in 2000, which has been a tremendous exception to welfare policies in other Asian countries. The experience of Japan also explains that

16 Leisering, Fn. 10, 429.

it is not impossible to practice a social security system in Asia which incorporates the key functions of social insurance. The National Health Insurance implemented in Taiwan also demonstrates the possibility of practicing a beneficial form of health insurance in an area dominated by Chinese culture.

If the World Bank, and in addition, Esping-Andersen still play a dominant role in the formation of social welfare policy, a sound social security system in Asia will always be an impossibility. With the influence of the World Bank and Esping-Andersen, a competent disabled welfare policy in Asia will always be difficult to achieve.

To sum up, the underdevelopment of disabled welfare in Asia can be partially attributable to the traditional culture, religion and the political development in the area. However, this underdevelopment is also attributable to international factors, especially the anti-welfare stance of the World Bank and academic factors, especially the anti-welfare viewpoint of many international and domestic economists. What can not be overlooked though is that without the passive reaction of the ILO and the sociologists, the anti-welfare policies that have been put in place in China and Taiwan could definitely not have been implemented.