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To cite this article: Shih-Jiunn Shi (2021): The changing credibility of institutions: how household registration systems (*hukou*) in Mainland China and Taiwan define immigrants' social benefits, Journal of Chinese Governance, DOI: [10.1080/23812346.2021.1896206](https://doi.org/10.1080/23812346.2021.1896206)

To link to this article: <https://doi.org/10.1080/23812346.2021.1896206>



Published online: 17 Mar 2021.



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RESEARCH ARTICLE



The changing credibility of institutions: how household registration systems (*hukou*) in Mainland China and Taiwan define immigrants' social benefits

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ABSTRACT

The *hukou* is one of the enduring institutions that defines social citizenship of residents/immigrants in mainland China. Whilst much discussion has focused on the Chinese case, relatively little attention has been paid to the system in Taiwan, to say nothing of a comparison between the two. This article seeks to enrich the discussion of the two *hukou* systems in terms of their functions in determining the access of cross-strait immigrants to social benefits in the respective host countries. Drawing on the 'credibility thesis', the analytical locus is placed on the continuity and change of institutional functions underlying the apparent persistence of institutional forms. When granting/withholding immigrants access to local social benefits, *hukou* systems fulfil several functions: firstly, a symbolic dimension, in which immigrants from both sides are (artificially) regarded as citizens of a divided nation rather than two separate countries; secondly, a substantial dimension that defines the scope and extent of social benefit entitlements granted to the immigrants in question; and finally, a management dimension that allows room for considerable administrative discretion in terms of adaptation to various circumstances arising from the unsettled state of cross-strait relations. Often times, realisation of these various functions is compounded by conflicts in identity politics, with repercussions for the generosity/rigidity of social inclusion for cross-strait immigrants. Evidence underpinning the theoretical elaboration stems from the analysis of legal documents regulating the social rights of immigrants in mainland China and Taiwan, supplemented by historical traces of the politics of cross-strait migration. The final findings should shed light on the facilitative/restrictive mechanisms of the *hukou* regulations in mainland China and Taiwan, highlighting the puzzling phenomenon that both *hukou* systems are gaining increasing significance in steering the cross-strait migration at a time when their functions in regulating domestic migration are changing, if not waning.

ARTICLE HISTORY

Received 4 March 2020

Accepted 23 February 2021

KEYWORDS

Credibility thesis; cross-strait migration; Hukou systems; Mainland China; Taiwan

1. Introduction

Mainland Chinese social policy features the urban-rural divide that has persisted during the socialist era and beyond. Over several decades since the foundation of the People's Republic, welfare systems have split into two worlds: Whereas rural residents gained access to agricultural land in collective production teams, their urban counterparts were entitled to guaranteed employment by state-owned enterprises, coupled with comprehensive social security benefits. One salient mechanism was the restriction of citizen mobility, mainly achieved by the household registration system (*hukou*).¹ With the rising flow of domestic migrants, especially rural to urban migration in recent decades, public demand for *hukou* reform has increased and has met with affirmative government action aiming to reduce the institutional hurdles that had barred rural migrant workers from access to urban social benefits.² Reform momentum reached its climax in 2014, when the State Council announced the 'Opinion on Further Deepening the *hukou* Reform' that loosened the barrier of household registration in small- and middle-sized cities but retained strict criteria for *hukou* entry to large metropolises such as Beijing and Shanghai. The last few years have witnessed efforts to offer urban public services to the floating population, though a certain degree of differential treatment according to various resident status will persist in the near future.

Whilst much discussion laments the discrimination caused by the rigid *hukou* system in China, relatively little attention has focused on its role in regulating migration from abroad. A major reason is the relative insignificance of this issue given the rarity of naturalisation. However, the picture changes if one shifts the focus to the huge flow of travellers across the Taiwan Strait, including both temporary and permanent residents. In 2019 alone, for example, the number of travellers between Taiwan and mainland China reached 9.05 million.³ In the same year, an estimated 345,000 spouses from mainland China were living in Taiwan.⁴ Amidst the conflicting sovereignty claims between the two sides, regulating cross-strait migration flows has emerged as a highly sensitive and contentious political issue. An even more delicate issue is the granting of citizenship rights. To evade the dubious question of who belongs to which side of the Taiwan Strait, the *hukou* systems in both mainland China and Taiwan have taken on increased importance, replacing nationality laws as the statutory regulation of cross-strait migration—with significant implications for the *hukou* systems themselves and the immigrants' social rights on both sides.

A comparative study of the two *hukou* systems in this regard can thus fill a research gap of how the forms and functions of the two institutions have evolved to accommodate changing circumstances over time. It further broadens our knowledge horizon of the *hukou* with respect to its multifarious roles beyond that of the domestic residence regulation. Drawing on the 'credibility thesis', which emphasizes the endogenous development of institutional functions as perceived by social and political actors and recognized as credible social order,⁵ the analytical locus of this article is placed on the continuity and change of institutional functions underlying the apparent persistence of institutional forms. I argue that the transformations of the *hukou* systems in both mainland China and Taiwan are at best conceived as the processes of changing credibility stemming from the functional requisite to acclimatise the emerging trend of cross-strait migration, though compounded by the domestic politics of inclusion/

exclusion engrained in the cross-Strait struggles for overlapping sovereignty. In defining immigrants' status and social benefits, the credibility of both *hukou* systems is subject to a continuous contested collective interpretation and contentious negotiation of the political stakeholders and social actors with respect to issues of national identity and sense of belonging. This implies the inherent susceptibility of the *hukou* systems to cross-strait identity politics.

The following analysis draws on official documents, mainly legal texts from 1949 to the present. In the case of mainland China, party documents also matter given their weight in the Chinese party-state political system. Various sources of secondary materials (research reports and media news, etc.) also serve to verify the information collected from the legal documents. Research results are presented in the following institutional analysis of mainland China's and Taiwan's *hukou* change. The following section begins by reviewing the theoretical linkage of institutional change and social policy development in the welfare state literature, and directs the discussion to accommodate the Chinese case in accordance with its historical and institutional idiosyncrasies. [Section 3](#) compares the functional decline and renewal of the household registration systems (*hukou*) in both the mainland China and Taiwan. The final section summarizes the main findings and discusses implications for understanding institutional change of the *hukou* systems in contemporary China.

2. Evolution of institutional forms and functions

The rubric 'institutionalism' covers a wide array of scholarship with a shared intellectual agenda but diverse disciplinary approaches. Several efforts have come to identify the overlapping concerns amongst the different approaches.⁶ One is institutional continuity and change. Scholars who emphasize the individual's rational choice attach great importance to the institutional functions in channelling human actions and interactions that ultimately reach a stable stage. Institutional equilibrium characterizes the 'normality' that should hold constant despite intermittent disruptions of instability whereby the agencies re-negotiate the institutional terms and conditions for social action. Meanwhile, those who stress the significance of institutional structures employ the term 'path dependency' to denote institutional stability or incremental change over time since any radical attempt to dismantle the existing institutions would encounter stakeholder resistance, thereby circumscribing the extent of institutional change.⁷ For a while, the predominant views suggested a static understanding of the institutional evolution that accentuates continuity rather than change. Indicative of this phenomenon in the welfare state literature is the 'welfare regime' argument proposed by Esping-Andersen⁸, by which the mature welfare states have persisted over the course of time despite recurrent reform attempts. Policy feedback denotes the perseverance of the given institutional path as the existing welfare provision tends to generate its support base.

However, the decades since the 1990s have witnessed substantial social policy reforms amongst the advanced political economies that prompted the welfare state scholarship to re-visit the very nature of institutional evolution. Key insights from the renewed efforts pertain to the 'hidden change' of welfare state reforms: Gradual

changes can still take place underneath the seemingly constant resilience, accumulating sufficient momentum to alter the institutional core over time. Mechanisms for the change lie in the strategic flexibility of the involved actors to reframe the institutional contexts conducive to cumulative reform dynamics, e.g. by means of discursive construction of the 'crisis imperative' to justify the necessity of radical reforms, or with subtle changes to achieve policy drift.⁹ These circumstances bring to the fore the manifold, and at times subtle, dynamics that render incremental institutional change visible.¹⁰ Recent welfare state transformations highlight the vicissitudes of institutional change originating from the adaptability of the existing institutions to the variegated circumstances, to the extent that institutional functionality may be detached from its formality. In other words, welfare state institutions may well stick to their forms whilst the functions they fulfil are likely to stay in flux as a result of the endogenous evolution.

An interesting parallel discussion of this theme beyond the welfare state literature is found in the debates over land property rights in mainland China. The credibility thesis posits the endogenous and spontaneously ordered development of institutions in the service of certain functions.¹¹ Departing from the question of why apparently 'inefficient' institutions exist, the credibility thesis distances itself from the neo-liberal notion of rational design by actors and calls for more attention to be paid to the institutional essence in terms of the functions performed as a common arrangement. Institutional credibility is essentially *cognitive* as it originates from the collective perception that deems the given institutions and their functions as reasonable arrangements. Furthermore, the credibility thesis conceptualizes institutional functions as a fluid process in which the actors continuously re-interpret or even contest the existing rules with new ones, depending on the resource disposition and power relations amongst the actors. As long as these functions carry forward (i.e. are shared by the social actors), institutions find their *raison d'être* regardless of the forms in which they appear. In this sense, institutional evolution is neither deterministic nor normative but rather autonomous and congenital.

The form/function distinction makes important contributions to clarifying the confusion about continuity and change in welfare state institutions. In the language of the credibility thesis, the preoccupation with continuity appears to emphasize the forms whilst overlooking the functions justifying the existence of the given institutions in society. The notion of path dependency can be misleading when the institutions in question stay constant on the surface (form) but drift astray in substance (function) or the other way around.¹² Meanwhile, given the premise that institutional functions pre-empt over forms, it follows that institutions may be situated in a continuous state of change since the functions and their associated credibility (i.e. collectively perceived validity) are subject to the interpretative construction of the social actors within specific spatial and temporal configurations. The same is true for the prepossession with institutional convergence or divergence, as institutions may resemble each other in manifestation but differ in functional essence.¹³ The search for signs of institutional isomorphism or transformation could run into difficulty in identification efforts. From the functionalist perspective of credibility, this distinction is perhaps of little heuristic

help because when institutions emerge and endure, their evolutionary processes must be underpinned by substantial rationales.

The lens of institutional functionality provides an alternative perspective to look into the essential institutional structures and their existential 'rationality' as perceived and expected by the social actors. This further settles, or at least provides a work-around for, disputes regarding institutional continuity and change. If institutions continue to operate, regardless of form, they should perform certain functions that are collectively perceived and recognized. And if the continued existence of institutions hinges on their credibility in governing the orientation of social actions, it is always subject to collective (re-)interpretation or even contestation by societal members in response to the changing environment over time and space. What matters in the institutional analysis is to explore the functional aspects beneath the institutional forms, embedded in specific temporal and spatial contexts.

The regulation of migration is a case in point: Cross-border movement has become a widespread phenomenon that poses challenges to the welfare state. The arrival and settlement of newcomers inevitably forces the receiving places to modulate their steering mechanism with respect to granting/withholding citizenship. Categorisation of immigrants is highly contentious in politics as it pertains to the essential questions of who gets what rights.¹⁴ Even within a country, migration (e.g. rural-to-urban) is no less controversial, as often reflected in the discriminatory treatment of rural migrants in developing countries. Slums are a prominent manifestation of this discrimination, generally deemed an illness of urbanisation. And yet, numerous studies point out that this informal form of housing actually serves several functions including shelter, utilities, and social networking.¹⁵ This supports the insight of the credibility thesis that existing institutions, despite their possibly informal appearances, often entail an intrinsic rationality that may not conform to the formal design of the state but rather concur with changing circumstances on the ground. In short, institutional forms and functions may co-evolve but follow entirely diverse logics, subject to the spatial and temporal conditions in which institutional changes take place.

This is best exemplified by the development of the *hukou* systems in mainland China and Taiwan: Both started as means of regulating domestic residence and migration, but lost (or loosened) this function over time due to socio-economic change. In the course of growing interaction between Taiwan and mainland China beginning in the early 1990s, both *hukou* systems assumed new functions (and new credibility) in regulating cross-Straits migration issues. Due to the sensitive relations between Taiwan and mainland China, *hukou* systems served to uphold the symbolic link that immigrants from both sides should be recognized as citizens of a divided nation rather than of two separate countries. Underneath this symbol lay the substantial dimension about how social benefit entitlements should be granted to the immigrants in concern. Consequently, *hukou* as a regulatory institution has appeared resilient over time but its internal functions have actually evolved.

This article offers an historical analysis of institutions with identical origins evolving alongside separate paths. It provides insight into the changing institutional credibility underneath the apparent endurance of institutional forms over time through comparing the household registration systems of mainland China and Taiwan, two institutions

that have trodden separate trails for decades before breaking novel ground to respond to new circumstances resulting from emerging cross-Strait migration amidst the cautious political rapprochement. Immigration across the Taiwan Strait poses new challenges to local *hukou* systems in terms of what citizenship status and associated social rights should be granted to these newcomers. The adaptation processes are often contested, subject to the identity politics of Chinese/Taiwanese nationhood, particularly in democratised Taiwan. The result is the changing credibility of *hukous* in mainland China and Taiwan in terms of new institutional functions fulfilling different, if not conflicting, ends—despite their seemingly unaltered forms of residence regulation.

3. The *hukous* and their distinct paths

Household registration systems in mainland China and Taiwan have common origins in the Republican era whose institutional essence further traces back to as far as the Song dynasty (960–1176 A.D.). In imperial China, a neighbourhood registration system named *baojia* was installed originally as a rough measurement of the rural workforce that could be engaged as soldiers in case of war.¹⁶ The Kuomintang (KMT, nationalist) government of the Republican era introduced the ‘*Hukou Law*’ in 1931 (revised in 1946) as a modern household registration system. However, amidst the civil war against the communist rebels, the KMT government refined the *baojia* system to strengthen its social control. The *hukou* system thus became an institution charged with population control and counter-espionage.

The emphasis on government control persisted in the *hukou* systems of both mainland China and Taiwan after the end of the civil war in 1949. Despite their different ideologies, both the KMT and Communist regimes inherited from the ‘*Hukou Law*’ of 1931 (1946) the very same essence of *hukou* systems out of the need to exert control over societies ravaged by the civil war. Having retreated to Taiwan following the loss of the civil war, in 1949, the KMT implemented an initial household survey on that island as the basis of household registration stipulated in the revised ‘*Hukou Law*’ of 1946. This further tightened its grip over civil society during the 1960s by placing *hukou* regulation under the jurisdiction of police agencies. Meanwhile, with the founding of the People’s Republic of China (PRC), the Chinese Communist Party laid out temporary regulations for specific population groups in 1950 to persecute ‘counterrevolutionaries’, alongside the introduction of an urban *hukou* administration to restore social order and revitalize economic activity. During the first Five-Year-Plan (1953–1957), both urban and rural areas saw the formation of initial household registration ordinances. The quest for a smooth transition to socialism led the central government to devise a *hukou* system that could control the society and its population subgroups.

3.1. The mainland hukou system before and after the 'reform and opening' period

Hukou took centre stage as a basic socio-political and demographic institution in the PRC, developing far beyond a mere household registration system. In the early 1950s, the nation-wide *hukou* system was established to monitor urban population movement and residence. With large flows of rural surplus labour moving to the cities, however, the state began to reverse this trend and established a draconian *hukou* system in 1958. Personal data such as place of birth and class background became the key criteria for one's social status and resource access.¹⁷ Whereas rural registration granted access to agricultural land organized by collective production teams, urban registration guaranteed employment in state-owned enterprises with comprehensive social security. By restricting mobility between urban and rural regions, the *hukou* established a rigid social order that lasted well into the period of economic reform at the end of the 1970s. The *hukou* system created a *de facto* division of Chinese society into two separate worlds of social citizenship, an employment-based comprehensive social insurance system for urban residents and a community-based residual social assistance system for the rural population. As such, its main function consisted of maintaining the divide between access to the urban and rural social welfare systems.

Interestingly, *hukou* underwent gradual institutional changes after the government launched the 'Reform and Opening' policies that led to uneven development.¹⁸ The World Bank¹⁹ reported that the income of rural households accounted for only 40 per cent of their urban fellows in 1995, down from 59 percent in 1983. This growing regional development imbalance triggered a large wave of rural migration to wealthy coast cities, challenging the institutional structures and premises of providing different levels of service and support according to residence and employment status. Migrant workers had no resident status in their urban workplaces, and were in fact excluded from any local social security systems, leaving them particularly vulnerable to the typical risks of modern life. Their children also had no access to local health care and education.²⁰ This widespread discrimination against migrants resulted from the decentralized territorial principle (*shudi guanli*) in mainland China that stipulated the financial responsibilities of the respective local governments for the residents registered within their jurisdictions, thus cities found themselves incurring 'unnecessary' costs to provide public services for their informal populations.

Reports of the miseries faced by migrant workers due to *hukou* restrictions aroused public outrage, pushing the central and local governments to loosen *hukou* restrictions beginning in the late 1990s. This was a tipping point for endogenous change of *hukou* functions.²¹ A series of policy reforms allowed rural migrants to work and reside in cities with a separate 'temporary resident status' but continue to exclude them from local public services. Only those with (high) qualifications specified determined by individual cities could obtain permanent resident status. Population and financial pressures on cities promoted the development of policies to lower hurdles for migration but retained certain limits for residence.²² Decades of *hukou* reforms culminated in the 'Opinions on Further Promoting *Hukou* Reform' issued by the State Council in 2014, primarily aiming to encourage the settlement of rural migrants in middle- and small-sized towns whilst continuing to exclude them from major cities. Policymakers

envisaged an 'equalisation' of public services granted to all citizens including migrant workers. Urban-rural harmonisation in social security also played an important role in providing social protection to rural households as well as rural migrants to cities.²³ Despite this progress, *hukou* in mainland China retains its functions to differentiate resident status and maintain political, economic and social control.

But recent studies/reports reveal some developments far beyond the sheer discrimination of outsiders.²⁴ Property right recognition is a case in point: As real estate markets boomed with the growing economy, rural land has been gaining in market value that appeared lucrative to its *hukou* holders. Forgoing their rural resident status in exchange for the urban counterpart may not necessarily appeal to the peasants at all, especially to those with their rural land in the suburb of metropolises.²⁵ Here *hukou* registration becomes a vital document for them to demonstrate, claim, and protect their rights to properties. In a sense, peasants' reluctance to shear off their rural *hukou* has also relieved the receiving city governments of having to tackle the 'ills of urbanisation' such as the concentration of slums.²⁶ Rural land provides migrant workers with the last resort should they fail to survive the urban life. All these developments point to the endogenous evolution of *hukou* in accommodation with the changing social circumstances in mainland China.

3.2. The Taiwan *hukou* system before and after democratisation

Following China's ceding Taiwan to Japan in 1895, the Japanese colonial administration continued the traditional *baojia* system under the supervision of the police to thwart anti-Japanese insurgency. The first population survey was conducted in 1905 to collect demographic data as the basis for further household registration.²⁷ The *hukou* system during the colonial era also maintained discriminatory treatment towards the local Taiwanese, whose citizenship rights were inferior to those of Japanese colonialists. Following Japan's surrender in 1945, the Republic of China reclaimed Taiwan, and the following year the KMT government introduced a revision of the 1931 'Hukou Law'. Following its defeat in the civil war and retreat to Taiwan, the authoritarian KMT regime enforced a *hukou* system that combined police functions with civil affairs to ensure draconian control of Taiwanese society.²⁸ A crucial criterion dividing the resident status was the 'province category' (*shengji*), which differentiated between two ethnic groups: 'Mainlanders' (*waishengren*) referred to those immigrants moving with the émigré KMT regime from mainland China to Taiwan in the late 1940s; and 'Local Taiwanese' (*benshengren*) stood for the residents whose ancestors had migrated to Taiwan long before 1949.²⁹ This artificial categorisation marked a pronounced political cleavage in Taiwanese identity politics.³⁰ Owing to its distrust of the local Taiwanese people, the authoritarian KMT regime granted the mainlander population considerable political and economic advantages.

Beginning in the late 1980s, a series of democratic reforms altered Taiwan's political landscape and triggered endogenous changes to the functions and nature of the *hukou* system. The status differentiation in terms of birthplace and the associated political control had lost administrative functionality and appeal. Instead, *hukou* regained its original sense of household registration in civil affairs without a specific link to the

function of police supervision. The corresponding administration reform took place in that *hukou* jurisdiction now rested with the Ministry of Interior. These transformations went in tandem with changes in the formal institutional structure, i.e. the 1992 revision of the 'Hukou Law' replaced the 'Province of Birth' with 'Place of Birth', meaning that all citizens were now considered local Taiwanese with equal political, economic and social rights. The notion of household as a registration unit has given way to the idea of individuality that relied more on individual IDs than on the associated households.³¹ At this stage, the separation of nationality and household registration has become a common practice in Taiwan.

However, as *hukou* lost its initial purpose of population control in the transition to democracy, it still retained its function of regulating access to political rights and various social security benefits. The individual's residence status was coupled with the issuance of ID cards and, with it entitlement to social welfare. One's possession of a Taiwanese passport (i.e. nationality) alone did not qualify one for political participation (i.e. voting rights and eligibility for public office) or social rights (i.e. public benefits) unless she/he was a registered resident for a certain duration. Interestingly, this institutional distinction between nationality and resident status provided an avenue for later policies to deal with the emerging cross-strait migration after the 1990s.

3.3. The curious link between *hukou* systems in Cross-Strait relations

For several decades following 1949, the *hukou* systems in mainland China and Taiwan have led separate institutional lives. This situation gradually changed with the development of closer cross-strait relations that led to increased inter-territorial movement by citizens of both sides, lending new functional significance to both *hukou* systems. Starting in the early 1990s, the Taiwanese government eased travel restrictions on its citizens to visit relatives in mainland China, and promulgated the 'Regulations Governing the Relations between the Peoples of the Taiwan Area and the mainland China Area' (*Liang'an renmin guanxi tiaoli*). In its essence, this law was conceived as a framework under the 'One China' doctrine of the Constitution of Republic of China (ROC) formulated in 1946 that could not foresee the later territorial separation. In defining cross-Strait relations, therefore, Taiwan's statutory regulations recognize the status quo of a divided nation and identify the people of the People's Republic as 'Mainland region residents' (*dalü diqu renmin*) as opposed to the 'Taiwan region residents' (*taiwan diqu renmin*). Mainland China has adopted a similar approach towards the Taiwanese in response to cross-Strait migration, distinguishing the two groups simply as 'Mainland residents' and 'Taiwan residents'. Pertinent jurisdictions in mainland China and Taiwan are referred to as domestic rather than foreign affairs, with the responsible authorities set up as the 'Taiwan Affairs Office of the State Council' in mainland China and the 'Mainland Affairs Council of the Executive Yuan' in Taiwan.

This strategic ambiguity allows both sides to enter a tacit agreement on cross-Strait issues despite the overlapping, and often conflicting, sovereignty. In response to the rising wave of cross-Strait migration, *hukou* system regulation is subject to changes in cross-Strait relations in terms of status definitions and rights entitlement of the migrants. and have regained three critical functions: firstly, a symbolic dimension, in

which immigrants from both sides are (artificially) regarded as citizens of a divided nation rather than two separate states; secondly, a substantial dimension that defines the scope and extent of social benefit entitlements granted to the immigrants in concern; and finally, a management dimension that allows room for considerable administrative discretion in adapting to various circumstances arising from the unsettled cross-Strait relations.

3.3.1. *How mainland China grants social rights to taiwanese migrants/residents*

The Beijing government views Taiwan as a renegade province and engages an inclusive approach seeking to court identity attachment of the Taiwanese to the 'fatherland'. Immigration from Taiwan, whether temporary or permanent, is deemed a domestic affair whose jurisdiction falls with the public security administration (and not foreign affairs). To accommodate the growing variety of migration purposes arising from growing cross-Strait interaction, major regulations emanate from administrative rulings rather than statutory ordinances. Often times, China's central government remits policy documents with official opinions or notes outlining basic principles, followed by discretionary implementation by local governments according to their situations. Flexibility allows room for local variation circumscribed by central guidelines.

Despite its notorious reputation for producing domestic urban-rural inequality, *hukou* had significant importance in the first cross-Strait encounters. In the 1990s there was a growing trend of Taiwanese visitors to Mainland, most of whom fled China with the KMT army in 1949 and were now returning to visit their hometowns. In 1992, China's State Council issued a decree allowing Taiwanese residents to live in the Mainland upon official approval by the responsible Public Security Departments. This regulation was extended in 2000 to include Taiwanese applicants who had Mainland relatives, invested in business there, registered a marriage with a Mainland spouse, or possessed specific skills needed by Chinese companies or institutions.³² Once approved, these Taiwanese applicants acquired an urban *hukou* and gained access to the relevant local social benefits.³³ *Hukou* mattered in cross-strait marriage when the couple decided to live in Mainland as well. According to the provisional directive issued by the Ministry of Civil Affairs in 1998—later replaced by the revision of 'Marriage Registration Regulation' in 2003—marriages must be registered under the local spouse's *hukou* jurisdiction.³⁴

As part of the Chinese government's efforts to attract Taiwanese to work/reside in China, it devised a specific personal document, the 'Pass for Taiwanese Residents Travelling to the Mainland' (*taiwan jumin wanglai dalu tongxingzheng*) to facilitate incoming migration. This identification document was much more than mere travel permit, as it entitled the holder to engage in nearly all activities necessary to live in mainland China, including opening bank accounts, applying for driver licenses, and the like. In 1994, Beijing also provided means by which Taiwanese could secure legal employment in the mainland, as promulgated in the 'Regulation on Employment of Taiwanese, Hong Kong and Macau Residents in the Mainland', with further loosening of restrictions in 2005. Access to labour markets also implied the opportunities for Taiwanese residents to join urban social insurance programmes and acquire social

Table 1. Employment of foreigners and Taiwanese residents in Mainland China.

	Foreigners	Taiwanese residents
Job choices	<ol style="list-style-type: none"> Limited to the items listed in the 'Catalogue for Foreigners' Employment in China' Limited to those jobs with previous experiences and relevant expertise 	<ol style="list-style-type: none"> No limit No requirement for employment with previous job experiences
Work permit to be applied by the employers	<ol style="list-style-type: none"> Yes Self-employment is excluded 	<ol style="list-style-type: none"> Yes Self-employment is allowed
Chinese employees have priority in job vacancy consideration	Yes	No
Labour contract duration	5 years with further extension	No limit
Employment permit duration	5 years with further extension	No limit

Sources: Compiled by author.

security entitlements. Table 1 illustrates the favourable treatment of Taiwanese residents in mainland labour markets.

The employment regulatory differences between Taiwanese residents and foreigners in the mainland demonstrate considerable relative advantage to the former. The current regulations view Taiwanese residents as almost identical with their mainland counterparts in job markets, except for being required to apply for work permits from the responsible municipal bureaus of labour and social security. A valid employment certificate (*jiuyezheng*) confers Taiwanese residents freedom to engage in paid employment as well as employment-related social insurance.³⁵ This is especially appealing to Taiwanese students who choose to study at Chinese universities, with the prospect of staying on after graduation to seek employment. According to the Chinese Ministry of Education, there were over 12,000 Taiwanese higher education students in 2019, most planning to seek future employment opportunities in mainland.³⁶ Unlike foreign students from other countries, Taiwanese students are considered to be locals in terms of eligibility for state subsidies, reduced tuition fees, and inclusion in local health insurance programmes.

Given the prioritisation granted to the Taiwanese in case of temporary/permanent residence in China, lack of official *hukou* status creates certain regulatory gaps in the social security domains. Since entitlements to urban social insurance are typically premised on employment, non-working Taiwanese residing in the mainland on a 'Taiwan Compatriots Travel Certificate' can experience difficulties. In recent years, the mainland Chinese authorities have taken steps to address this issue. For example, in September 2018, an interim measure allowed Hong Kong, Macau and Taiwan residents to apply for a residence ID in China. This renewable five-year certificate allows its bearer to participate in the urban social insurance programs, and provides access to the local public services such as compulsory education and public employment.³⁷ In 2019, the central government further announced that these benefits would be extended to Taiwanese residents working and residing in mainland China.

Note that, despite the continued efforts of the Chinese government to improve the benefits/advantages enjoyed by Taiwanese people working/living in the mainland, the majority of such individuals have chosen to continue to participate in Taiwan's National Health Insurance scheme, not least because the latter offers much more

comprehensive healthcare benefits with higher quality than the mainland Chinese counterpart. They also largely continue to pay into the Taiwanese public pension system rather than join the mainland counterpart.³⁸ In other words, the link between *hukou* and social security has created a unique situation for many Taiwanese people residing temporarily in the mainland, where they take advantage of the favourable treatment offered by the mainland whilst retaining their *hukous* in Taiwan to maintain benefits from Taiwanese social support systems, actively leveraging the institutional ambiguity regarding citizenship and resident status on both sides of the Taiwan Strait.

3.3.2. *How Taiwan grants social rights to mainland Chinese migrants/residents*

In contrast to the mainland's inclusive approach, the Taiwanese government adopts an elusive stance towards mainland Chinese migrants with far more restrictions. One of the major reasons lies in the identity struggles over Taiwan's relations with mainland China, which became highly contentious through the democratisation of the 1980s and 1990s - and is exacerbated by the current geopolitical tensions between China and the United States. The emerging Taiwanese identity fundamentally contradicts the Beijing's nationalist insistence that Taiwan and the mainland belong to 'one China'.³⁹ Regulation of social rights for the mainland migrants is complicated by the dilemma between the legal requirement to grant citizenship rights to these migrants (e.g. mainland spouses in cross-Strait marriages) on the one hand; and the hesitance to accept them as fellow citizens out of the concerns about political impact they may have (e.g. engendering support for unification with mainland China) on the other. This is also reflected in public opinion on issues related to the citizenship rights of immigrants, especially those from mainland China. Amongst Taiwanese population, people with a strong preference for Taiwanese autonomy or independence tend to be less accepting of mainland immigrants and spouses.⁴⁰

This intrinsic tension continues amidst mainland China's geopolitical rise, giving it enormous clout over cross-Strait relations in recent decades. Mainland China continues to explicitly threaten military invasion should Taiwan formally declare independence, forcing Taiwan to pursue political autonomy through strategic ambiguity to avoid triggering mainland China's belligerence. Taiwan's need to strike a delicate balance with mainland China gives new importance to the institution of the *hukou* in Taiwan, primarily in terms of its function to regulate the social rights of mainland migrants. Following the 'One China' principle implicit in the ROC Constitution, the 'Regulations Governing the Relations between the Peoples of the Taiwan Area and the Mainland China Area' views Chinese migrants as 'mainland residents' rather than 'foreigners', specifying three kinds of temporary or permanent residence: for business, for family reunion, and for other specific purposes. This is a critical symbol showing mainland China that Taiwan is steering a course in line with the 'One China' doctrine despite its ambiguity in content. Although all three categories are subject to more stringent restrictions than those for other foreigners, their link to the acquisition of *hukou* status is essential for these migrants' access to social benefits.⁴¹ The *hukou* system, which saw its functions declining after democratisation, has once more endogenously surged to significance as a mechanism for control and redistribution in cross-strait migration issues.

In addition, the existing regulations allow ample room for administrative discretion in processing the applications of mainland migrants for residence in Taiwan.⁴² Due to the strict barriers to mainland migrants seeking employment in Taiwan, family reunion—not least through marriage—has been the most common purpose of migration to Taiwan to date. Quite different from the procedure for foreign spouses to acquire ROC citizenship, in which the applicants are eligible to apply for naturalisation after the required period of stay (4 years), mainland spouses are referred to as ‘mainland area residents’ who are required to live in Taiwan for at least 4 years after marriage without recourse to public funds, with another 2 years of stay to qualify for the transfer of their *hukou* status to ‘Taiwan area resident’. Immediate family members of the mainland spouses are allowed to move to Taiwan only upon official approval. The government further set an annual quota of 15,000 for family reunification approvals, a limitation not applicable to migrants from other parts of the world. In all such cases, to obtain Taiwanese *hukou* migrants must first renounce their mainland *hukou* status, but are not required to give up their PRC passports, thus maintaining ambiguity related to issues of nationality. Table 2 compares the differential treatments of the Taiwanese government towards foreigners and mainland migrants.

The regulation of mainland migrants by *hukou* creates an unusual situation analogous to that happening in mainland China, namely the identification of cross-Straits migrants in terms of their *hukou* status instead of their nationality. Although this practice preserves the symbolic aspiration for national unity, it inevitably leads to some anomalies in practice. This is evident in the case of mainland spouses who enjoy, at first glance, privileged treatment *de jure* (deemed as citizens of a single and yet divided nation) but have to sustain discrimination *de facto*. In addition to the longer approval times to receive Taiwan *hukou*, mainland spouses face restrictions on employment in certain sectors such as the civil service, though similar measures exist in mainland China towards Taiwanese residents as well.

Engaging the *hukou* system in cross-Straits migration reinforces the unequal access of mainland migrants to social rights in Taiwan. One prominent group consists of mainland students studying in Taiwan. In 2011, the KMT-led Taiwan government sought rapprochement with Beijing and introduced a policy to promote cross-Straits interaction to allowing mainland students in Taiwan to enter the local job market. However, domestic politics in Taiwan has complicated its implementation. Scaremongering by the opposition Democratic Progressive Party depicted this policy as a potential threat to the domestic job market, placing the KMT under pressure to set limits on benefits available to mainland students, such as restricting their ability to work legally during study and after graduation. Unlike other foreign students studying in Taiwan, mainland students are explicitly excluded from coverage under the National Health Insurance scheme and are instead required to purchase private insurance. The problem lies precisely in the administrative discretion over the nature of their studies: The current administrative measures define these students as engaged in ‘short-term stay’ (*tingliu*) rather than ‘temporary residence’ (*juliu*), with the latter being the eligibility criterion for joining the National Health Insurance.⁴³ Several attempts to revamp this policy deficit have failed thus far due to opposition in the legislature.

Table 2. Comparison of statutory treatments towards Mainland Chinese migrants and foreigners in Taiwan.

Status Category or Purposes of Stay/Residence	Mainland residents				Foreigners		
	Residence granted	Duration	Permanent residence granted	Permanent residence quota	Residence granted	Duration	Permanent residence granted
Marriage	V	One year for the first time, and 2.5 further years after the second-time application	Permanent residence granted after 4 years of stay with the families in Taiwan	15000	V	One year for the first time, and 3 further years after the second-time application	Eligible for application of Permanent residence after 5 years of stay.
Family union of immediate members	V	3 years	V	Yes	V	3 years	V
Employment or business activities	X	3 years	X	–	V	3 years	V
Investment	X	–	X	–	V	3 years	No
Study	X	–	X	–	V	3 years	X

Sources: Compiled by author.

Regulatory inconsistencies in the statutory treatment of mainland migrants moving to Taiwan demonstrates the difficulty of reaching compromise, i.e. the necessity to present the symbolic linkage of nationhood with mainland China without bearing the risk of receiving a large flow of mainland migrants which may overstrain the capacities of local labour markets and welfare systems. Almost all policies related to this specific immigrant group reflect the government's reluctance to allow mainland migrants to stay indefinitely. The requirement of getting local *hukou* status to obtain social rights provides a convenient avenue by which the government can erect barriers to complicate the lives of mainland migrants. Consequently, the tight linkage between the acquisition of local *hukou* status and access to job opportunities/social benefits has effectively created a second class of citizenship specifically for mainland migrants.

4. Conclusion: Changing institutional credibility of *hukous* in Cross-Strait relations

Hukou is an enduring institution that defines the social citizenship of residents in Chinese societies. *Hukous* in mainland China and Taiwan shared the same origin but followed different institutional evolutionary paths after 1949, with further differentiation in institutional functionality after mainland China and Taiwan undertook their respective economic and political reforms from the late 1970s and 1990s. Over time, the *hukou* functions of internal population control and police power have weakened (though to a much lesser extent in mainland China) in favour of civil affairs administration. Further changes followed growing cross-Strait migration since the 1990s, putting both *hukou* systems in a unique position to regulate the citizenship rights of the new migrants. Both *hukou* systems play a significant role in steering cross-Strait migration at a time when their functions in regulating domestic migration are changing, if not waning. Once deemed merely as the sluice valve of population movement confined within the respective boundaries of the two Chinese states, both *hukou* systems have now adopted new roles over cross-Strait migration in their respective jurisdictions.

This historical sketch of the evolution of the two *hukou* systems demonstrates their changing functions underlying the apparent stable institutional forms, providing a useful illustration of the 'credibility thesis'.⁴⁴ Indeed, both *hukou* systems remain the formal official institutions regulating citizens' domestic movement and residence, but have taken on new functions for channelling cross-Strait migration flows. Institutional change and functional evolution of the *hukou* take place within changing circumstances under which social actors and political agents have responded by endowing the household registration system with new functions. Institutional credibility of both *hukou* systems has been renewed and reinvented as both mainland China and Taiwan carefully craft an artificial thread linking the imaginary nationhood of 'One China' despite the controversies over its substance. For mainland China, treating Taiwanese migrants as domestic residents within the scope of *hukou* is an assertive expression of the aspiration for national unity. Taiwan is perhaps uncertain about this point but continues to pay lip service by equally treating mainland migrants as domestic residents in line with the *hukou* to appease Beijing's scepticism about Taiwan's statehood

intentions. In the end, both *hukou* systems have gained in credibility but for very different reasons. Just as their new functions arise from the need to administer the cross-Strait movement of persons, so their functional substance reflects the subtle contestation of identity politics between the two political entities.

However, the functional attachment of the *hukou* to the highly sensitive political quarrel of nationhood between mainland China and Taiwan inevitably leads to volatility in terms of the legal status and social benefits granted to the cross-Strait immigrants. To maintain the common symbolic vocabularies of the *hukou* systems, governments on both sides of the Taiwan Strait retain much administrative discretion over the range of social citizenship accorded to cross-Strait migrants. Regulatory flexibility provides a means to ensure institutional adaptability to changes in cross-Strait migration issues arising from the turbulence of cross-Strait political relations. However, leeway for administrative arbitration also exposes the *hukou* to contentious domestic politics, especially in Taiwan where struggles over national identities dominate political ideology and public discourse. This results in persistent inconsistencies in statutory provisions with regard to the resident status and social rights of mainland migrants moving to or residing in Taiwan for different purposes. The apparent privileged treatment of mainland migrants as domestic residents does not automatically translate into their equal rights with their Taiwanese peers. Quite the contrary, the tight link between the *hukou* status of the mainland migrants and their social rights has led to numerous loopholes that leave them vulnerable to fluctuations in cross-Strait relations.

Changing institutional credibility of both *hukou* systems is related to the shifting collective perception of, and policy response to, population movement and residence administration. The emergence of cross-Strait migration has fundamentally altered the reference parameters of both *hukou* systems from the sheer regulation of domestic residents to the tricky management of in-betweeners who are neither 'pure' migrants nor 'genuine' citizens. Arrival of these new population groups thus revitalized the institutional credibility of both *hukou* systems whilst simultaneously triggering political contestations that constrained the systems' capacities to accommodate cross-Strait migrants. The ostensible categorisation of these newcomers as domestic residents cannot entirely mitigate the inherent tensions arising from local politics, such as the differential treatment of mainland migrants in Taiwan due to the covert antipathy of public sentiment towards closer ties with mainland China. Even the comparatively generous treatment of Taiwanese migrants in mainland China gives little reason for the Taiwanese government to make equivalent concessions. Recent geopolitical tensions between China and the United States further complicate cross-Strait relations. The politics of cross-Strait migration regulation is bound to have a long-lasting impact on the credibility of *hukou* in both mainland China and Taiwan.

Notes

1. Cheng and Selden, "The Origins and Social Consequences," 644–668.
2. Chan and Buckingham, "Is China Abolishing," 582–606; Wang, "Conflict, Resistance," 80–100.
3. Information given by the Taiwan Affairs Office of State Council, accessed 02/August/2020 at: http://www.gwytb.gov.cn/wyly/201901/t20190116_12132596.htm.

4. National Immigration Agency statistics, accessed 03/August/2020. <https://www.immigration.gov.tw/5382/5385/7344/7350/8883/>.
5. Ho, "In Defense of Endogenous," 1087–1118; Ho, "The 'Credibility Thesis,'" 13–27.
6. DiMaggio and Powell, "Introduction," 1–38; Hall and Taylor, "Political Science," 936–957; Immergut, "The Theoretical Core," 5–34.
7. Pierson, *Dismantling the Welfare State*; Pierson, "The New Politics," 143–179.
8. Esping-Andersen. *The Three Worlds*.
9. Hacker, "Privatizing Risk," 243–260; Kuipers, *The Crisis Imperative*.
10. Streeck and Thelen, *Beyond Continuity*; Mahoney and Thelen, *Explaining Institutional Change*.
11. See note 5 above; Ho, *Unmaking China's Development*; cf. Grabel, "The Political Economy," 1–19.
12. See note 10 above.
13. Beckert, "Institutional Isomorphism Revisited," 150–166.
14. cf. Banting and Kymlicka, *Multiculturalism*; Crepaz, *Trust beyond Borders*.
15. Zhang, "The Credibility of Slums," 876–890; Sun and Ho, "A model for inclusive"; Oranje, van Huyssteen, and Maritz, "Rapid Urbanisation".
16. Ten households comprise one 'jia' whilst ten 'jias' further comprise one 'bao', each unit with a head in charge of supervising the households within his area of responsibility. Tu, *Bianhu Qimin*.
17. See note 1 above; Wang, *Organizing through Division*.
18. Lu, *Beyond Hukou*.
19. World Bank, *Sharing Rising Incomes*, 16.
20. Wang, *Organizing through Division*; Wang, "Conflict, Resistance," 80–100.
21. cf. Chen, "Institutional Credibility"; Sun and Ho, "A model for inclusive".
22. Chan and Buckingham, "Is China Abolishing," 582–606; Lin and Wu, *Report on the Administration*; Lin and Tseng, "The Politics of Hukou," 63–96.
23. Shi, "Towards Inclusive Social Citizenship," 789–810.
24. I am grateful for the reminder of one referee about this point.
25. Deng, Y, "Chongqing Land ticket: Liquidizing the 'dead assets' of farmers". *China Financial and Economic News*, February/21/2012.
26. Du, "Rethinking the Hukou System," 91–93; Bie, "Research on the Household," 10–15; Zhang, "The Credibility of Slums," 876–890; Liu and Zhang, "Cities without Slums".
27. Hung, "The Pao-Chia System," 437–471; Tsai, "Notes on Hoko Secretaryship," 5–24.
28. Wang, "From Chinese Original Domicile," 59–117.
29. Between 1945–1960, the number of 'Mainlanders' immigrating to Taiwan was estimated at ca. 1.2 million. See Yeh, "The Number, Origin," 15–17.
30. Wang, "Political Transformation," 71–116; Chang, "Towards an Understanding," 93–150.
31. Lin and Tseng, "The Politics of Hukou," 63–96.
32. *Regulation on Chinese Citizens' Travel to/from Taiwan*. Information accessed September 18, 2016. http://www.gwytb.gov.cn/wl/zcfg_43785/l_43904/201312/t20131230_5451174.htm.
33. Annulation of the Taiwanese citizenship is unnecessary since the Beijing authority refuses to recognize any official documents of the Republic of China.
34. Information available at: http://www.gov.cn/banshi/2005-08/21/content_25042.htm; accessed September 23, 2016.
35. To be sure, glass ceiling remains for Taiwanese residents, for instance, in the employment restriction in civil service and those professional occupations in which skill certificates are required. In the last few years, however, the Mainland Chinese government has begun improving this policy by allowing Taiwanese to acquire certificates for occupations such as lawyers and architects.
36. <http://www.chinatimes.com/newspapers/20160501000619-260301>; accessed September 23, 2016.
37. Information available at <https://www.bbc.com/zhongwen/trad/chinese-news-45571941>; August 2, 2020.

38. Tseng and Wu, "Reconfiguring Citizenship and Nationality," 265–282.
39. Wang, "Ethnic Politics," 81–107.
40. Chen and Yu, "Public Attitudes," 95–148.
41. Chao, "Household Registration," 43–90.
42. Previous studies have shown that the wide administrative discretion granted to the government agencies such as the Migration Bureau of the Ministry of Interior have given rise to abuses of power amongst officials processing the applications. Unfair treatment of mainland migrants was often blended with stereotype discrimination (Chao, "Household Registration," 43–90; Tseng, "Who Can Be Us," 73–107).
43. Sun, "Judiciary Exploration," 245–312; MOHW, *Second-Generation National Health Insurance*.
44. Ho, "In Defense of Endogenous," 1087–1118; Ho, *Unmaking China's Development*.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This work was supported by Ministry of Science and Technology, Taiwan [MOST 108-2410-H-002-205-MY2].

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