Multiculturalism and Indigenism: Minority Rights in Canada and Taiwan

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Abstract: Multiculturalism has been celebrated in both Canada and Taiwan as a way of resolving ethnic differences within complex societies. It has also been challenged in both places, primarily by groups with stronger nation-building aspirations. Multiculturalism is clearly one form of governance among others, with different implications for disparate groups in society. In Canada, indigenous leaders are often dissatisfied with policies of multiculturalism which reduce their communities to ethnic groups like all others rather than as First Nations with historical rights to territory. In Taiwan, indigenous people also feel threatened by policies of multicultural difference which threaten an alternative goal of "ethnic harmony" and contradict previous emphases on Republican nation-building. The alternative of indigenism, however, is only weakly rooted in their communities. This paper examines policies of multiculturalism and indigenism within the different historical and social contexts of Canada and Taiwan. What do these different forms of governance mean for indigenous peoples? How are they tied to larger political agendas? How do indigenous people in the two societies understand these policies and alter them to fit their own needs?

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Multiculturalism has been celebrated in both Canada and Taiwan as a way of resolving ethnic differences within complex societies. It has also been challenged in both places, primarily by groups with stronger nation-building aspirations including Québec and First Nations in Canada or Chinese nationalists in Taiwan. Multiculturalism is one form of governance among others, with different implications for disparate groups in society. In Canada, indigenous leaders are often dissatisfied with a policy of multiculturalism which reduces their communities to ethnic groups like all others rather than as First Nations with historical rights to territory. In Taiwan, indigenous people also feel threatened by an ideology of multicultural difference which threatens an alternative goal of "ethnic harmony" and contradicts previous goals of Republican nation-building. Yet alternatives of indigenism, promoted by some indigenous leaders and intellectuals, are only weakly rooted in their communities in spite of the fact that they promise much fuller human rights and indigenous sovereignty.

This paper, based on three years of field research in Taiwan as well as a review of the secondary literature from Taiwan and Canada, examines the sometimes conflicting policies of multiculturalism and indigenism within the different historical and social contexts of Canada and Taiwan.[1] The comparison is intended to demonstrate how institutions of multiculturalism and indigenism are refractions of global processes projected through the prisms of different historical and social contexts. It should also have theoretical implications for the anthropological understanding of multiculturalism and indigenism, policies that shape our own lives

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[1] The author has conducted field research in three periods during 2004-07 in Taroko villages in Xiulin and Wanrong Townships of Hualian and in a Seediq village in Ren'ai Township of Nantou, spending approximately 6 months in each of three villages.

as well as those of those with whom we conduct research. What do these different forms of governance mean for indigenous peoples? How are they tied to larger political agendas? How do indigenous people in the two societies understand these policies and alter them to fit their own needs? In order to address these questions, it is important to understand the history of the global and national understandings of human rights and governance.

The Post-war System of Human Rights and Governance

Much of the intellectual framework through which we now view human rights and governance emerged through new international institutions created after the Second World War. Especially after the atrocities committed against the Jews and other minorities in Germany, the victorious Allies perceived the necessity to create international norms of human rights as part of the new United Nations (UN) system. These would eventually include practices of multiculturalism and indigenism. It is important to remember that the evolving framework of customary international law is not a discourse created in one part of the world and imposed elsewhere; rather it is an ambitious attempt to create a dialogue including all of humanity. The Republic of China, although it now has effective administration only on Taiwan, was a founding member of the UN and has contributed to this process. Since 1972, the ROC has largely been replaced by the People's Republic of China in the international arena.

The first wave of human rights had little to say about collective rights at all, let alone multiculturalism or indigenism. The 1948 Universal Declaration of Human Rights concerns principally individual rights and says nothing about multiculturalism or the collective rights of indigenous peoples.[2] Article 27 (1) of that Declaration affirms merely that "everyone has the right freely to participate in the cultural life of

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[2] The Declaration is available in Chinese at http://www.unhchr.ch/udhr/lang/chn.htm.

the community, to enjoy the arts and to share in scientific advancement and its benefits" (United Nations 1948). Article 15 of the 1966 International Covenant on Economic, Social and Cultural Rights expands on this only slightly, adding that states are responsible for the full realization of this right through steps for the "conservation, development and the diffusion of science and culture" (United Nations 1966). Both of these seem to have a very narrow concept of culture, referring largely to the arts. In the same year, however, collective cultural rights were explicitly affirmed in the UNESCO Principles on International Cultural Co-operation of which Article 1 states:

> 1. Each culture has a dignity and value which must be respected and preserved.
> 2. Every people has the right and the duty to develop its culture.
> 3. In their rich variety and diversity, and in the reciprocal influences they exert on one another, all cultures form part of the common heritage belonging to all mankind.

These principles have been elaborated in other international instruments including the 1982 Mexico City Declaration on Cultural Policies, the 1993 Vienna Declaration, and the 2001 Universal Declaration on Cultural Diversity. Article 2 of the Mexico City Declaration boldly declares, "The assertion of cultural identity…contributes to the liberation of peoples. Conversely, any form of domination constitutes a denial or an impairment of that identity" (UNESCO 1982).

As for indigenism, the first international legal instrument to specifically address the rights of indigenous and tribal peoples was the 1957 International Labour Organisation (ILO) *Convention No. 107 Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries* (ILO 1957). Governments at the time thought that the best way to advance the health and well-being of indigenous people was through integration and assimilation into mainstream societies. ILO 107 was signed by only 28 countries. It was not ratified by

Canada. Chiang Kai-shek's Republic of China, however, did sign ILO 107 in 1962 when they were still China's representative in the UN and other international organizations (Iwan 2005: 33). They did this partly with the intent to demonstrate to the world that they treated their tribal populations better than the PRC, which had put down an uprising in Tibet in 1959.

ILO 107 was replaced in 1989 with ILO169 *Convention concerning Indigenous and Tribal Peoples in Independent Countries* (ILO 1989). This declaration, as well as the 2007 UN Declaration on the Rights of Indigenous Peoples (United Nations 2007),[3] more strongly affirms collective indigenous rights, including land rights and the right to domestic sovereignty. ILO 169 was signed neither by the ROC (which had lost its seat in the UN) nor by Canada; and Canada voted against the UN Declaration. These two documents have, however, become a part of evolving international customary law and have influenced indigenist policies in the two countries, most visibly in Taiwan through the *Basic Law on Indigenous Peoples* passed by the ROC Legislative Yuan in 2005. They have been less influential in Canada, which already has a well-developed constitutional framework for treaty-based indigenous rights.

Of course, none of these documents were created in a political vacuum, nor were their concepts merely transferred into new contexts like water being poured into so many new receptacles. Instead, these advances in human rights were made amidst a wider context of decolonization and global civil rights movements inspired by the Afro-American experience in the United States. In democratic countries such as Canada, demands for human rights often sprang from social movements, but were adopted by politicians eager to please certain constituencies (and thwart others) in a parliamentary context. Progress in human rights was never unidirectional, as there

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[3] The Declaration is available in Chinese at
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_zh.pdf.

were also opposing forces in every country. Some of those opposing forces were
entrenched interest groups trying to protect their own positions against change. Other
opposing forces were simply moderate voices of those who feared creating new
policies risked doing more harm than good. It is important to note, however, that
progress in human rights emerges necessarily from political struggle. Without struggle
and contradiction, there would be no change at all.

Multiculturalism in Canada[4]

The 1960s, as the civil rights movement changed the political landscape in the
United States, were also challenging to Canada. This was a period of rising Québec
nationalism, including the birth of the Rassemblement pour l'Indépendance Nationale
in 1960, the revolutionary Front de liberation du Québec (FLQ) in 1963, and (as we
see below) the Native American movement. Lester B. Pearson, minority Liberal prime
minister from 1963-68, needed to develop new strategies to deal with these challenges.
In 1963, his Royal Commission on Bilingualism and Biculturalism thus introduced
the concept of Canada as an "equal partnership" between French and English
Canadians and committed his government to create national symbols such as a
national flag (Mackey 2002: 55).[5] Other established "ethnic groups" such as
Ukrainian-Canadians protested their exclusion from this process, leading to the
adoption of multiculturalism.

In the beginning, multiculturalism emerged as a potent tool to weaken Québec
claims to special status. On October 8, 1971, just one year after Liberal Prime
Minister Pierre Elliot Trudeau had employed the military in Montréal and Ottawa to

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[4] This paper deals with multicultural policy in Canada, rather than the well-known Canadian political
philosophy of multiculturalism as developed notably by Charles Taylor and William Kymlicka.
[5] The familiar maple leaf flag, showing flora from Eastern Canada with its large French-speaking
population, came into use in 1965.

quell the October Crisis,[6] "Multiculturalism within a Bilingual Framework" was adopted as official policy. The policy, the first official multicultural policy in the world, asserted that "there is no official culture, nor does any ethnic group take precedence over any other" (Multiculturalism and Citizenship Canada 1985: 15, cited in Mackey 2002: 64). A federal Ministry of Multiculturalism was founded with the mandate to fund programs for developing and maintaining cultural and linguistic identity among immigrant and other ethnic groups. This policy was subsequently denounced by some as an attempt to undercut Québec's demands by recognizing other cultural groups and thus transforming French-Canadians into just one cultural group among many (Mackey 2002: 64). Trudeau himself stated clearly that the goals were to promote cultural interchange "in the interest of national unity" and to assist immigrants "become full participants in Canadian society" (Mackey 2002: 66).

A decade later, multiculturalism became part of Canada's constitutional framework. In 1982, the Charter of Rights and Freedoms, as Schedule B of the repatriated constitution, guaranteed that it "shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians" (Government of Canada 1982). In 1988, under the Progressive-Conservative leadership of Brian Mulroney Parliament passed the Canadian Multiculturalism Act. Through this act, the Canadian government declared it their policy to, among other goals, "recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity" (Government of Canada 1988). It committed the federal government to promote cultural and linguistic multiculturalism as "an invaluable resource in the shaping of Canada's future" that would "preserve and enhance the use of languages other than English and French,

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[6] After years of bombing, FLQ militants kidnapped British Trade Commissioner James Cross and executed Québec Labour Minister Pierre Laporte. Trudeau responded by invoking the War Measures Act.

while strengthening the status and use of the official languages of Canada"
(Government of Canada 1988).

Multiculturalist policies have largely been accepted by Canadians, become a source of national pride, and "replace(d) Britain as a central symbol of Canada" (Mackey 2002: 65) . Some critics, however, argued that multiculturalism limits provincial powers by allying the federal government with various rights claimants and interest groups. Liberal political philosopher Charles Blattberg argued that Trudeau's "individualist multiculturalism" embodied in the Charter is centrifugal and creates ethnic divisions.[7] He called instead for a "patriotic multiculturalism" that recognizes difference but seeks conversation leading to a common national good (Blattberg 2003). Anthropologist Eva Mackay argues that Trudeau's multicultural policies form part of a nation-building endeavor to manage difference, but in a way by which "the power to define, limit, and tolerate difference still lies in the hands of the dominant group" (Mackey 2002: 70).

To this day, Québec – which did not sign the 1982 Constitution – still prefers a policy of "interculturalism" rather than "multiculturalism." In multicultural polities, individuals have primary affiliation with their own cultural/linguistic group, but remain loyal to a presumably culturally neutral state. In intercultural polities, individuals also have primary affiliation with their own cultural/linguistic group, but they are expected to remain loyal to a linguistic-specific public sphere and the state. In multiculturalism, the culture of the state is rendered invisible; in interculturalism, it is visible and valorized. In both cases, minorities have only specific cultural and linguistic rights, but do not have legal or political rights.

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[7] "The charter can be said to fragment and divide us in two ways. One is pluralist multicultural: in affirming the rights of women and minorities such as the aboriginals, the disabled, and ethnic groups, it encourages division, rather than integration, between these communities" (Blattberg 2003: 88).

As early as 1975, the Québec National Assembly, while rejecting "multiculturalism," recognized minority rights in the quasi-constitutional Québec Charter of Human Rights and Freedoms: "Persons belonging to ethnic minorities have a right to maintain and develop their own cultural interests with the other members of their group." In order to enforce cultural and other rights, it established the *Commission des droits de la personne et des droits de la jeunesse* and the Québec Human Rights Tribunal.

The goals of multiculturalism are generally not accepted in Québec, as reflected in the 2008 Consultation Commission on Accommodation Practices Related to Cultural Differences.[8] This commission, led by Gérard Bouchard and Charles Taylor, described Québec society as a "moral contract" with French as the common language of public life and cultural diversity "in a spirit of interaction rather than a spirit of division" (Bouchard and Taylor 2008: 38). Bouchard and Taylor made a distinction between Canadian multiculturalism and Québecois interculturalism, arguing that Canada can afford multiculturalism because it has no linguistic insecurity, has no minority insecurity, has no majority ethnic group, and has less concern for preserving a founding cultural tradition (Bouchard and Taylor 2008: 39). They thus called for the Québec government to make an official or legal definition of interculturalism as a specifically Québecois alternative to Canadian multiculturalism.

Multiculturalism in Canada also sits uneasily with the political claims of First Nations peoples. In fact, the different interests of multiculturalism and indigenism were recognized by Parliament, as the Multiculturalism Act explicitly excludes band councils as well as the territorial governments of Yukon, Nunavut and the NW Territories from the list of "federal institutions" that would be obliged to promote

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[8] For further information, see http://www.accommodements.qc.ca/index-en.html (last accessed October 23, 2008).

multiculturalism (Government of Canada 1988). Many First Nations activists and politicians reject multiculturalism as a threat to their claims to nationhood. As warrior scholar-activist Taiaiake Alfred argued, multiculturalism "is in reality nothing more than a surface celebration of folkloric traditions from various immigrant cultures combined with the promotion of deeper assimilation to monocultural societal norms" (Alfred 2005: 248). Alfred calls instead for a nation-to-nation relation between "a culturally and linguistically diverse settler society and indigenous peoples who will continue to exist as linguistically and culturally distinct communities" (Alfred 2005: 248). This view, which political philosopher Alan Cairns calls parallelism (Cairns 2000: 91), is consistent with the wampum belt theory of sovereignty seeing settler society and First Nations as separate but equal sovereignties (see below).

From this overview of Canadian multiculturalism, we can see that multiculturalism is not an abstract universal ideal, but rather a *policy choice* made by politicians in specific historical conditions as parts of very real political struggles. Inevitably, multicultural policies attempt to reorder social power in ways that benefit the dominant group. Most importantly, however, multiculturalism contradicts with other nation-building projects, in this case those of Québec and First Nations. These groups thus contest multiculturalism, Québec by asserting an alternative of interculturalism based on French language and First Nations by claiming inherent rights to land. In spite of the obvious differences, there are also some relevant similarities between Canada and Taiwan.

Multiculturalism in Taiwan

The most obvious difference between Canada and Taiwan is that Canada is a country of immigrants from diverse places, with only 34% of the population outside of Québec being of British origin (Bouchard and Taylor 2008: 39); whereas Taiwan's

immigrants come largely from different areas of China over different periods of time. Only since the 1990s have foreign workers come to Taiwan, but with no rights to establish permanent residence and thus little possibility of claiming specific multicultural or intercultural rights. In Taiwan, multiculturalism is thus usually understood as the celebration of cultural and linguistic specificities of the island's Hoklo, Hakka, Mainlander, and Indigenous populations who compose respectively 72%, 13%, 13%, and 2% of Taiwan's population (Corcuff 2002: 163). This conflation of "culture" and "ethnicity," as well as the inclusion of different cultural groups under the ethnic labels of "Mainlander" and "Indigenous" arose from Taiwan's historical context, but never led to a comprehensive policy of multiculturalism.

After 1945, when Japan lost World War II and ROC institutions began to be transferred to Taiwan, the new governing authorities were faced initially with the difficulty of Mandarin-speaking officials administering a state populated by people who spoke Japanese and Hoklo, Hokkien, or one of diverse Austronesian languages. In 1947, the political differences between these groups contributed to island-wide disturbances that were violently put down by the ROC military. In subsequent decades, the state defined identity in Taiwan on official documents in terms of "provincial origin" (*shengji*, 省籍), this being the origin of contrasting identities as "Mainlander" (*waishengren*, 外省人) versus "Native Taiwanese" (*benshengren*, 本省人) (Corcuff 2002, Gates 1981), even as both were embedded in an overarching and contested ideology of Chinese-ness. Entire generations of Taiwanese remember being punished as schoolchildren for speaking their own languages rather than Mandarin Chinese at school. Ethnic boundaries were further reinforced by such practices as preferential hiring of Mainlanders in certain occupations and segregated housing in *juancun* (眷村) (Gates 1981). These practices established the Mainlanders and Native Taiwanese as

ethnic categories, in the anthropological sense delineated by Fredrik Barth who argued that ethnic groups are not objective entities, but rather subjective groups formed through boundaries they create with others in specific historical circumstances (Barth, 1969).

As for those people who would become Taiwan's indigenous peoples, the Austronesian peoples of Taiwan, whose tribal affiliations were documented by anthropologists in the Japanese period, were living on reserve lands (*banjin shoyôchi,* 蕃人所要地) created by the Japanese on American models (Fujii 1997: 151). After 1945, they were classified by the new state into the categories of "plains mountain compatriots" (*pingdi shanbao*, 平地山胞) and "mountain mountain compatriots" (*shandi shanbao*, 山地山胞) (Allio 1998: 54). Ideological claims were made that all of these people ultimately came from China, distinguished only in terms of earlier and later arrivals. The indigenous peoples were said to also have come ultimately from China, albeit in distant times obscured from memory or archaeological evidence. All residents of Taiwan were thus, like their Chinese compatriots and even non-Han minorities in mainland areas, "descendents of the Yellow Emperor" (*huangdi zisun*, 黃帝子孫) (Liu 1999: 610). It should be noted that the first historical usage of this term to refer to all Chinese people, including ethnic minorities, was in a 1908 speech at the *Tongmen hui* in Shaanxi (Liu 1999: 608). Rather than reflecting objective archaeological knowledge, this claim is thus part of the nationalist ideology brought to Taiwan by the ROC in 1945. Official policy was thus based on monoculturalism and Chinese nationalism during forty years of martial law.

Taiwan, however, could not avoid the global trends of human rights, decolonization, and assertion of cultural and ethnic identities. In the 1970s, as the US civil rights movement was celebrating its victories and as Canada was solidifying

Trudeau's liberal version of multiculturalism, Taiwan's *dangwai* (黨外) movement was pressing for political change in Taiwan. At a historical rally in Kaohsiung to mark International Human Rights Day on December 10, 1979, Harvard-educated lawyer Annette Lu made what is perhaps Taiwan's first call for multiculturalism, saying:

> It doesn't matter whether you speak Chekiangese or Cantonese, or for that matter Uigur – in as much as we are all in the same boat, we should learn to love each other. Our bonds should be of the heart. Should we not take each other's hand and struggle together for the future of Taiwan? (International Committee for Human Rights in Taiwan 1981: 45)

She was basically calling out for a multicultural Taiwan organized around a civic Taiwanese state. As crowds shouted out slogans such as "Long live the Taiwanese!" and sang a Taiwanese translation of "We Shall Overcome," they were surrounded and attacked with tear gas by military and riot police. The leaders of that rally later formed the Democratic Progressive Party (DPP).

In 1989, the newly established Democratic Progressive Party (DPP) employed the anthropological concept of the ethnic group (*zuqun*, 族群) to describe Taiwanese society as composed of the Hoklo, Hokkien, Mainlanders and Aborigines, "Taiwan's Four Great Ethnic Groups" (*Taiwan si da zuqun*, 臺灣四大族群). This usage of ethnicity emphasized cultural differences between groups, but also their common historical experience of being on Taiwan rather than in China (Rudolph 2004: 98). This form of multiculturalism was quickly adopted by nativist factions in the KMT, especially President Lee Teng-hui. As he once declared, "To realize the potential of Great Taiwan, it is crucial that all people of different historical backgrounds come together, forming a new common background distinct from that of the continent" (Lee 1999: 63). The goal was thus to foster broader identity with Taiwan rather than with China.

This emerging Taiwanese nationalism was fiercely contested by Chinese

Nationalists in the KMT, leading eventually to the departure of Lee and his supporters to leave and form the Taiwan Solidarity Union. In the 2004 and 2008 presidential campaigns, KMT and Peoples First Party (PFP) candidates emphasized instead "ethnic harmony," accusing the DPP of manipulating ethnic difference for political gain. These appeals were widely accepted by indigenous and Mainlanders voters who feared the specter of "Hoklo chauvinism."

Unlike Canada, the ROC on Taiwan never established a Ministry of Multiculturalism. Instead, cultural and linguistic affairs were subsumed under the mandate of the Executive Yuan Council for Cultural Affairs (CCA) beginning in 1982. Beginning in 1993 under the guidance of Lee Teng-hui, the CCA began supporting local "integrated community development" projects emphasizing Taiwan's multicultural nature (Lu 2002). For the most part, however, its mandate was been limited to crafts and the performing arts. The Council of Indigenous Peoples was created in 1996 and the Council of Hakka Affairs (CHA) in 2001. Unlike the CIP, whose mandate also includes legal and political roles (see below), the CHA is primarily concerned with culture and language. The establishment of these organizations inaugurated limited practice of multiculturalism in Taiwan.

As for the legal framework of multiculturalism, "cultural pluralism" is mentioned in the additional articles of the ROC constitution, albeit only in reference to indigenous languages: "The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures" (Additional Articles of the Constitution of the ROC).[9] The term "cultural pluralism" (duoyuan wenhua, 多元文化) is found in 11 other laws through a keyword search on the

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[9] "國家肯定多元文化，並積極維護發展原住民族語言及文化"
(http://law.moj.gov.tw/Scripts/Query4A.asp?FullDoc=all&Fcode=A0000002, last accessed October 26, 2008).

Ministry of Justice web site. These laws include the 2000 *Law to Protect Linguistic Equality in Mass Transportation Broadcasting* (大眾運輸工具播音語言平等保障法), the 2004 *Basic Law on Information Media* (通訊傳播基本法), the 2005 *Cultural Property Protection Law* (文化資產保存法), one law on child welfare, three education laws and regulations, one regulation establishing an Executive Yuan Culture Prize, two further regulations on information media, and a regulation on foreign spouses (see appendix 1).

In 2003, the ROC Office of the President proposed a Human Rights Bill, of which Article 49 promised to protect cultural, religious, and linguistic pluralism. Like the Constitution, it made special reference to aboriginal culture (ROC Office of the President 2003).[10] Although this proposed bill had a much narrower scope and narrower definition of culture than Canada's *Multiculturalism Act*, it is the strongest attempt in Taiwanese history to legislate multiculturalism as official policy. Its failure to pass the Legislative Yuan has set back multicultural and human rights legislation in Taiwan, yet few Taiwanese are even aware that such a bill had been debated. In the absence of a strong policy of multiculturalism with concrete impact on the lives of Taiwan's citizens, and in the absence of substantive public debate on the issue such as we recently saw in the Bouchard-Taylor commission in Québec, it is not surprising that many Taiwanese view "cultural pluralism" as a divisive electoral slogan devoid of meaning. In four years of field research with indigenous communities in Hualien and Nantou, I found that "multiculturalism" is usually perceived as a smokescreen to justify Hoklo dominance, even as community leaders compete for CCA and other

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[10] "第四十九條 文化、宗教與語言多元性: 國家應保障文化、宗教與語言之多元性。人民有學習、保存、發揚及傳播其母語、宗教、文化之權利。國家應尊重及保護原住民族及其他少數族群之文化資產,並協助其傳承語言及文化。國家對城鄉都市的更新發展,應兼顧傳統文化保存及各階層人民公平參與及分享的權益。國家應鼓勵及推動文化、宗教與語言之國際交流與合作。"(http://www.president.gov.tw/2_special/right/draft1.html, last accessed October 30, 2008).

sources of funding. Only indigenous activists and some church leaders understand the benefit of multiculturalism in promoting indigenous human rights.

On the other hand, current multiculturalist policies and the proposed Human Rights Bill all limit multiculturalism to narrow cultural and linguistic rights. This fact suggests that for indigenous peoples the failure to pass the Human Rights Bill in 2003 or 2004 may have been a blessing in disguise. It would have been more like Japan's 1997 Ainu Cultural Act, which subordinated indigenous rights to multiculturalism rather than recognizing more meaningful political and legal rights (Siddle 2002). The passage of the Human Rights Bill would have even provided arguments in 2005 that a specific indigenous law was not needed. These contrasting legal histories in Japan and Taiwan demonstrate why a clear distinction needs to be drawn between multiculturalism and indigenism if indigenous rights are to be advanced. In the next section, we will see that indigenism actually has longer roots than multiculturalism in both Canada and Taiwan.

Indigenism in Canada

In North America, the founding document of indigenous rights was the *Royal Proclamation of 1763*. This proclamation, promulgated after the defeat of the French to the English, designated land west of the Appalachian Mountains as Indian Territory. It recognized that relations with Indians are nation-to-nation relations and must be regulated by treaty. It stipulated that European colonists could not settle in those areas nor acquire land in the absence of negotiation with the Crown (Cai 2008: 35-39). Although this document permanently established the concept of Indigenous treaty rights in North America, the motivation of the British was not entirely benign. By limiting westward migration, in fact, the British hoped that Protestant English immigrants would instead push northward into Québec and outnumber the recently

conquered French. They thus used the Royal Proclamation to play different

populations off one another, recognizing Indigenous land rights in order to control and

assimilate the French (Mackey 2002: 27).[11]

Until Confederation in 1867, Britain acquired further land for Canada through

the Peace and Friendship Treaties (1725-1779) in the Maritimes, the Upper Canada

Treaties (1781-1836) and Robinson Treaties (1850-1862) in what is now Ontario, and

the Douglas Treaties (1850-1854) establishing footholds in British Columbia (Natural

Resources Canada 2004). Following the establishment of the Dominion of Canada

through Confederation in 1867, the *Indian Act* regulated relations between indigenous

peoples and the state. In the following decades, the "Numbered Treaties" were signed,

"legalizing" the acquisition of Canadian territory westward to the Rocky Mountains

and placing entire communities under the tutelage of the Indian Act.[12] This period

from 1867 to about 1960 has been called the "assimilation era" of Canadian Indian

policy (Hedican 2008: 12). Indigenous peoples were restricted to small reserves and

"treaty status" given only to individuals on reserves. These reserves were classified as

"bands," required to elect chiefs, and became the only legal indigenous entities that

could negotiate with the federal or provincial governments. This form of forced

settlement broke down relations between nomadic groups that formerly had stronger

practices of contact and marital exchange. Many traditional practices, such as the

making of totem poles and potlatches were forbidden. It was assumed that these

measures were temporary as indigenous peoples would assimilate, take up agriculture,

convert to Christianity, and join "mainstream" society. In latter years, assimilation

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[11] When the desired number of immigrants did not in fact arrive in the north, Britain then passed the Québec Act of 1774 recognizing the position of the Roman Catholic Church and the French language in Québec. They hoped to thus secure the loyalty of Québec in case of trouble (Mackey 2002: 27). That trouble arrived two years later when, with the assistance of France, the lower 13 colonies established the United States of America.
[12] Some areas, including most of British Columbia and Québec did not yet sign treaties, yet this did not prevent non-indigenous settlers from developing on unceded territories.

was forced upon indigenous peoples as children were removed from their families and placed in residential schools (Hedican 2008: 12-13, Mackey 2002: 35-36). Indigenous communities, however, remained resilient.

The Trudeau era was a turning point in relations between Canada and indigenous peoples.[13] Inspired by the US civil rights movement, indigenous peoples across North America demanded an improvement in human rights, as exemplified in the rise of the American Indian Movement (AIM) and the Red Power movement. In 1969, as Minister of Indian Affairs and Northern Development, Jean Chrétien, proposed in a White Paper to eliminate the Indian Act, disband the Ministry of Indian Affairs and Northern Development, dissolve the reserves, and place indigenous people under the same legal framework as all Canadian citizens (Ministry of Indian Affairs and Northern Development 1969).

The indigenous movement responded in protest. Harold Cardinal, of the Indian Association of Alberta, drafted *Citizens Plus*, also known as the "Red Paper," with the support of the National Indian Brotherhood. They argued that the policy proposed in Chrétien's White Paper would lead to a situation "our people would be left with no land and consequently the future generations would be condemned to the despair and ugly spectre of urban poverty in ghettos" (Cardinal 1970, cited in Cairns 2000: 67-68). They asked that the Indian Act be changed, rather than repealed; and that the Ministry of Indian Affairs be made more accountable to indigenous peoples. They also demanded explicit recognition of indigenous rights in the Constitution (Hedican 2008: 13). In a rather moderate tone, they demanded rights as both indigenous peoples and as Canadian citizens (Cairns 2000: 68). The White Paper was officially shelved, but two years later Trudeau announced his multiculturalism policy. To some, this

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[13] At the time, there were some 265,000 "status Indians" in Canada.

appeared as if the government was using "multiculturalism" with the goal of silently

advancing the premises of the White Paper. At any rate, Trudeau introduced a new

multiculturalism policy based on "equality" (one of the themes of that White Paper).

This strategy made indigenous "special rights" seem unreasonable.

The writers of the Red Paper, to a certain extent, saw their demands fulfilled in

the 1982 Constitution. Article 25 institutionalized indigenous demands that their

rights should be based on the 1763 *Royal Proclamation*:

> The guarantee in this Charter of certain rights and freedoms shall not be
> construed so as to abrogate or derogate from any aboriginal, treaty or other
> rights or freedoms that pertain to the aboriginal peoples of Canada including (a)
> any rights or freedoms that have been recognized by the Royal Proclamation of
> October 7, 1763; and (b) any rights or freedoms that now exist by way of land
> claims agreements or may be so acquired.

In Part II, article 35 further states that, "The existing aboriginal and treaty rights of the

aboriginal peoples of Canada are hereby recognized and affirmed" (Government of

Canada 1982).[14] In this year, the National Indian Brotherhood was also transformed

into the Assembly of First Nations (AFN), governed directly by 573 Indian chiefs

across Canada (Hedican 2008: 13). Subsequently, the AFN emerged as the main

negotiating body for relations between Canada and indigenous peoples. In 1992, they

contributed to the text of the Charlottetown Accord that may have provided for

historic reconciliation. That new constitution, however, failed to pass public

referendum (AFN n.d.).

During this time, indigenous communities began winning important court cases

such as *Delgamuukw v. British Columbia* in 1997 (Cai 2008: 42-44). "Modern

treaties" were signed between Canada and indigenous peoples as well as between

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[14] The full text states: "(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada
are hereby recognized and affirmed. (2) In this Act, "aboriginal peoples of Canada" includes the Indian,
Inuit and Métis peoples of Canada. (3) For greater certainty, in subsection (1) "treaty rights" includes
rights that now exist by way of land claims agreements or may be so acquired. (4) Notwithstanding any
other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed
equally to male and female persons."

Québec and indigenous peoples. The Cree of Eeyou Istchee, who in 2003 constituted approximately 14,000 people on some 350,000 km² in northern Québec,[15] was the first. In the past, they were dispersed nomadic groups of egalitarian communities who moved frequently in search of wildlife, but eventually settled around trading posts of the Hudson's Bay Company (HBC) in eight "administrative bands" created by the 1876 Indian Act (Salisbury 1986: 8-9). Early anthropological studies focused on the conflicts between these communities and the difficulties of dispersed hunting communities in establishing higher order political organizations (Chance 1968). In the 1970s, the Cree took on Québec in court, emerged as international leaders in indigenous rights, and made what anthropologist Richard Salisbury described as "an evolution from a village-band society to a regional society" and the creation of a Cree homeland (Salisbury 1986: 12).

Eeyou Istchee was not included in early treaties between the Crown and indigenous nations of Canada. The HBC, which conducted fur trade in the territory, "ceded" northern Québec to Canada in 1871. The Québec Boundary Extension Acts of 1898 and 1912 transferred the lands to Québec jurisdiction with the proviso that Québec must negotiate treaties settling indigenous land claims on that territory, just as Canada had long done (Salisbury 1986: 54). Until 1971, however, the Cree had been largely left alone by Québec, receiving some services from Ottawa but generally left to continue their hunting and trapping lifestyle.

In 1971, without consulting the Cree, Québec Premier Robert Bourassa announced the James Bay Hydro Project which would flood major Cree hunting territories. The Cree, who had never ceded an inch of their territory nor negotiated a treaty with Québec, perceived this as an invasion of their lands and took action. They

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[15] The total land area of Taiwan, for comparison, is only about 32,260 km².

withdrew from the Indians of Québec Association, which had previously represented their interests in Québec, and formed the Grand Council of the Crees of Québec (GCC) in August 1974. After intense negotiation and constant referral of each clause back to villages for discussion and approval by the Cree, the *James Bay and Northern Québec Agreement* (JBNQA) was signed on November 11, 1975.

This agreement, to which the Inuit were also signatories, is known as the first "modern" treaty concerning relations between indigenous nations and the State.[16] This treaty included financial compensation for flooded territory, recognition of Cree and Inuit collective land rights on 1.3% of the territory, exclusive subsistence rights on 15%, and priority for indigenous subsistence on the remaining lands (Mulrennen and Scott 2001: 80-81). The GCC became the political body of the Cree with an Embassy in Ottawa,[17] and the Cree Regional Authority (CRA) established to deliver services. Each band would govern its reserve land as "municipal corporations." Provisions were made for autonomous boards in health and education, albeit under the jurisdiction of Québec ministries and partially funded from Ottawa (Salisbury 1986: 57). Cree hunting rights were recognized and an Income Security Program (ISP) for Hunters and Trappers was established (Salisbury 1986: 57).

On this basis, as well as through the successful use of cross-border protests and cooperation with American environmentalists and politicians, the Cree were able to successfully negotiate with Québec about the Great Whale River Project. In 1995, at the same time as Québec, they held their own referendum clearly showing a preference to remain in Canada. These actions gave political clout to the Cree, as both Canada and Québec hoped to gain and keep their support (Morantz 2002: 256). In 2002, Cree hunting and resource management rights were strengthened with the

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[16] This entire process, which included long legal battles and social impact studies by anthropologists at McGill University, is chronicled by Salisbury (1986: 53-60).

[17] Interested readers are encouraged to consult the website of the GCC at: http://www.gcc.ca/.

signing of the nation-to-nation *Agreement Concerning a New Relationship between Le Gouvernement du Québec and the Crees of Québec*. In 2008, after a Cree referendum, Canada and the Cree also signed the *Agreement Concerning a New Relationship Between the Government of Canada and the Cree of Eeyou Istchee*. Through these political processes, the Cree were able to assert the power of the Grand Council and overcome the obstacles of a legal system in which small and isolated bands were considered to be the basis of self-government (Cheng 2008: 101-102).

Although indigenous peoples in Canada have the *Royal Proclamation* to refer to, they were only able to assert their rights after the formation of social movements in the 1960s. Aboriginal people have been trained as lawyers, developed the field of aboriginal law in several Canadian universities, and learned to negotiate with Canada's legal system on its own terms. There are simultaneously strong social movements, including alliances with non-indigenous people, and the warrior path of Wasáse (Alfred 2005) that bases political action on traditional values. Some streams of the social movements are examples of what Cairns calls "parallelism"; they emphasize aboriginal otherness and view their relations with the Crown as *only* that between nations (Cairns 2000: 93). Others, like the authors of the Red Paper, recognize the historical interconnectedness between settlers and aboriginal people, asking for rights *both* as First nations *and* as Canadian citizens. There is certainly much to be learned from their experience, if only as stimulus for discussion in Taiwan.

Indigenism in Taiwan

Although the indigenous peoples of Taiwan never had the equivalent of the *Royal Proclamation*, the idea that Taiwan's Austronesian peoples are like the native peoples of the Americas with Native Title and other inherent rights has a relatively

long genealogy in Taiwan. The roots go back to the period of Japanese administration (1895-1945), when Taiwan's mountainous tribes were incorporated into a modern nation-state for the first time. Shortly after the Japanese arrived on Taiwan, J.W. Davidson, American consul to the island, observed the problems Japan faced with the indigenous peoples there and provided them with materials on U.S. Indian policy (Fujii 1997: 151). After violently crushing many communities, including the use of aerial bombardments and mustard gas on indigenous people equipped with bows and arrows, the Japanese enforced a policy of settled villages and created reserve lands (*banjin shoyôchi*, 蕃人所要地) for indigenous bands (Simon 2006, Yan and Yang 2004 : 232-233). US-inspired aboriginal policy thus became the material base for the continued existence of indigenous Austronesian societies.

After the ROC took administration of Taiwan at the conclusion of WWII, they continued a policy of different property rights regimes for Taiwanese of Han Chinese descent and the "mountain compatriots." In 1966, they reorganized the reserves, now called *shandi baoliudi* (山地保留地), by registering land in the names of individuals rather than as land held collectively by bands. Indigenous individuals were permitted to sell or rent their property to other indigenous people, but not to non-indigenous people (Fujii 2001: 220-221). According to Fujii Shizue, this policy was effectively a policy of assimilation (Fujii 2001: 215). The end of collective ownership certainly further eroded the band organization that had already been weakened by forced resettlement by the Japanese. In addition to allowing outsiders to gain band property, new land policies also provided further justification to the nationalization of forest lands, hunting territories, and riverbeds that traditionally belonged to indigenous bands but were not under cultivation.

Although "democratic" local elections gave Taiwan the appearance of

conforming to the ILO Convention 107, which the ROC signed in 1962 (Iwan 2005: 33), these new institutions of power further disintegrated the bands. Members of different bands and even different tribes were forced to compete for political positions at the levels of the county, "mountain" townships, and villages. This new system caused inter-party and intra-party conflicts, and a decline in the traditional status of elders (Pu 2007: 369). The township offices subsequently evolved into political arenas within which new indigenous elites could compete for resources. These, however, lacked the political legitimacy that the bands once had. They thus lacked the social basis that had facilitated autonomous political action by such groups as the Cree in Canada.

Unlike Canada, Taiwan's indigenous rights movement began in urban areas. The Taiwanese movement began in the 1980s with the establishment of the *Mountain Greenery* (*Gaoshan Qing*, 高山青) newspaper in 1983 and the foundation of the Alliance of Taiwan Aborigines (ATA) in 1984 (Allio 1998: 57). The new main demands of the social movement were "return our lands" (還我土地), asking for restoration of traditional territory and resolution of land conflicts as well as "name rectification" (正名). As for the latter goal, activists managed to get the word "indigenous peoples" (yuanzhuminzu, 原住民族) into the tenth additional article of the ROC Constitution in 1994 and 1997 (Simon 2007). In 1996, the Indigenous Peoples Council (IPC) was founded, giving indigenous peoples a stronger political voice at the Executive Yuan. In 1999, presidential candidate Chen Shui-bian borrowed global terminology by promising at Orchid Island to create "new partnership" with Taiwan's indigenous peoples.

Throughout these years, indigenous peoples were incorporated into ROC law, recognizing that they should have a legal framework different from that of other

citizens. In fact, a keyword search for yuanzhumin on the Ministry of Justice web site turned up 184 laws and regulations with articles referring specifically to indigenous peoples. Three entire laws were specifically addressed to indigenous peoples. The Indigenous Peoples Education Law (原住民族教育法), first promulgated in 1998 and most recently revised in 2004, was designed to implement the 10th additional article of the Constitution. In January 2001, the Indigenous Identity Law (原住民身分法) regulated who could gain indigenous status for household registration purposes, recognizing the children of indigenous parents of either gender. In September 2001, the Indigenous Peoples Employment Protection Law (原住民族工作權保障法) regulated a number of employment issues for indigenous people.

The next problem was how to revise existing laws that may conflict with other indigenous rights, such as the National Park Law that conflicts with indigenous rights to hunt. The most concrete legal action in that direction was the February 2005 Basic Law on Indigenous Peoples (原住民族基本法) stipulating that all relevant laws and regulations must be revised in accordance with principles of indigenous rights within three years. Indigenous issues thus became a field of political conflict, with both the KMT-controlled Legislative Yuan and the DPP-controlled Executive Yuan accusing the other side of impeding progress. Some laws were indeed revised, as in July 2007, when Article 21-1 was added to the Wildlife Protection Law (原住民族基本法), giving indigenous people the right to apply for permission to hunt for "cultural" and "ceremonial" purposes. By 2008, however, some key relevant laws or regulations had not been revised. These include the 1972 National Park Law (國家公園法), forbidding hunting in national parks, and the 1930 Mining Law (礦業法), most recently revised in 2003, which still says nothing about indigenous rights.

As indigenous rights slowly became incorporated into the ROC's legal framework, there arose the question of which groups should have legal status. Unlike Canada, bands in Taiwan rarely have band councils and, even when some were formed at the request of the IPC, they still had no legal status. In a centralized regime where no municipality has the right to make by-laws, relevant laws and regulations are made at the central level and implemented through township offices. Nonetheless, each legally recognized tribe had a representative at the IPC, tribes had been the entities that signed the 1999 New Partnership Agreement with Chen Shui-bian, and the Basic Law led activists to believe that tribes would soon establish autonomous regions with legal powers. The problem arose that two tribes in the New Partnership Agreement were not yet recognized by the state. These were the Taroko and Seediq tribes, both of whom encompassed overlapping territory and population in what was previously considered Atayal. They both lobbied for name rectification in the 2000s. Unlike the Cree, which formed the Grand Council of the Cree from previously disparate bands, national sentiment between bands did not evolve slowly as the result of protest against a common enemy. Instead, both Taroko and Seediq identity were mobilized by local elites reacting to incentives emanating from the national capital.

Ethnographic research in Hualien and Nantou demonstrated that the name rectification campaigns were contested in both places; and actually seemed to delegitimize substantial grassroots discussion of indigenous rights. In 2004, the Taroko were recognized by the Executive Yuan as independent from the Atayal tribe. Immediately, the Seediq claimed the right to declare independence from the Taroko. They were finally recognized as an independent tribe in 2008, leading both sides to compete in Hualien to convince individuals to register with Taroko vs. Seediq identity with the Household Registration Bureau.

In both cases, name rectification became associated with local politicians and their electoral strategies. In Hualien, Taroko name rectification was strongly supported by township magistrate Huang Hui-bao; but made possible in the end due to the intervention of DPP Executive Yuan President You Xi-kun who hoped to mobilize Taroko voters in the 2004 elections (Simon 2008). Not surprisingly, many villagers perceived the Taroko movement as a form of political manipulation and opposed it. The same was true in the case of the Seediq name rectification. In Nantou, some schools even refused to teach Seediq native language materials because they perceived the promotion of native language to be related to electoral strategies in the township by-election of 2007. Understandable cynicism about the political instrumentalization of indigeneity has slowed the formation of support for indigenism and even led German sinologist Michael Rudolph to conclude about native language instruction that "such intercession of behalf of the mentally colonized would just mean a new form of hegemony" (Rudolph 2006: 85).

With weak support for indigenism, KMT candidate Ma Ying-jeou was able to get more than 85% of the vote in "mountain" townships in spite of the fact that his published aboriginal policy was basically a return to assimilationism and promised only limited autonomy based on trials "where conditions are ripe" (Ma 2008). The perceived legitimacy of indigenism, although strong enough internationally to pass a *Declaration on the Rights of Indigenous Peoples* at the UN, has clearly been weakened in Taiwanese indigenous villages by the way it has been manipulated by political actors at all levels from the township to the presidency. Indigenous villagers say they have heard promises based on indigenism for two decades, but have seen little progress on the material issues that concern them such as employment, agricultural prices, or the right to hunt. They often refer to would-be indigenous

leaders as *lohei*, or thieves, suggesting that they were manipulating new indigenous processes for personal gain rather than for the benefit of the community. As one woman in a Seediq village in Nantou said, "Why should I support them so that only those people can get power and money? My life won't change either way." The claims of indigenism, like those of multiculturalism, thus also fall on deaf ears.

Conclusion

This review of multiculturalism and indigenism in Canada and Taiwan demonstrates that neither are the natural result of cultural diversity or the presence of indigenous peoples on a given territory. In both cases, they are the results of *policy choices*, made by political leaders and – to the extent that democracy works – influenced by other rights-bearing political actors and social movements. Canada has institutionalized both multiculturalism and indigenism at the constitutional level and enforced both multicultural and indigenist rights through the judicial system and land claims systems. In Taiwan, the DPP administration made many promises, but has not successfully carried them out (Kao 2008).

In both cases, policy is the result of political struggle and compromise, in Canada among the First Nations, the French, the English, and immigrant groups; in Taiwan among indigenous peoples and diverse waves of migrants from China. In neither case, is ethnic identity based on permanent essential characteristics. In the words of Toronto anthropologist Tania Li, ethnic identity is instead a, ""positioning which draws upon historically sedimented practices, landscapes and repertoires of meaning, and emerges through particular patterns of engagement and struggle" (Li 2000: 151). Franco-Ontarians thus use French identity to demand multicultural rights, whereas some in Québec prefer nationhood to multiculturalism. Taiwan has also developed social movements that position themselves in terms of ethnic or indigenous identity.

Due to Taiwan's long history of martial law, however, the social movements have a much shorter institutional history, a narrower support base and less social legitimacy than those in Canada.

Taiwan, moreover, has not yet been able to draft and implement substantive multiculturalist or indigenist policies that can meaningfully protect minority rights. In Taiwan, both of these policy choices have rarely been discussed or implemented as being based on inherent values of human rights. During the presidencies of Lee Teng-hui and Chen Shui-bian, multiculturalism and indigenism were instrumentalized instead to promote a Taiwanese identity separate from China. They imagined a multicultural civic nationalism in which people of different origins could have equal rights and all identify with Taiwan. They imagined that the presence of ancient Austronesian indigenous peoples on the island legitimized creation of a non-Chinese nation-state. Without a doubt, these discourses contributed to the possibility of a Taiwanese nation as an "imagined community" (Anderson 1983).

Yet Taiwan also has a contesting *Chinese* national identity due to its nearly 400-year history of migration from China, the postwar arrival of the ROC on Taiwan, forty years of ideological mobilization against Communism as "Free China," and now a greater Chinese imagined community that may be able to transcend political differences. Some Chinese nationalists perceive Chineseness as a higher value than local demands for multicultural rights and indigenous rights; and are even hostile to those projects to the extent that they are instrumentalized by the opposition. They cannot accept the possibility that Taiwan might declare independence, as this would foreclose the possibility of uniting into a new Great China. They are also highly sensitive to the possible ideological manipulation of indigenism. This is why the PRC insists not only that Taiwan is part of China; but that Taiwan has no indigenous

peoples. To them, they are merely China's 55th ethnic minority known as Taiwan High Mountain Tribes (*Taiwan gaoshanzu*, 臺灣高山族). Chinese nationalists in Taiwan, of course, cannot deny the existence of indigenous peoples as they face six indigenous members of the Legislative Yuan, and a population of nearly 500,000 people with a land base covering half of Taiwan. Historically sedimented practices of recognizing their existence and special status cannot simply be wished away.

Recognizing that indigenism in Taiwan is tied to agendas far beyond indigenous communities and the concerns of indigenous rights, I have long advised indigenous leaders in private to maintain their political autonomy in regard to political parties with their radically divergent visions for the future of Taiwan. It seems to me that indigenous linguistic, cultural, legal and political rights can all be pursued without linking these rights to the nationalist goals of any group of Chinese migrants; just as the Cree and other First Nations have emphasized their own rights rather than embracing Québec or pan-Canadian nationalism. If Taiwan's indigenous peoples can set up the institutional framework of multiculturalism or indigenism now, it will be the basis for multiculturalism and indigenous rights regardless whether the future is an independent Taiwan, a special zone of "one country, two systems," or even a resurrected and united Republic of China. If the demands of KMT indigenous legislators and voters are heeded, it is logical that this goal can be quickly achieved with a KMT president and majority in the Legislative Yuan. Logically, indigenous rights could be delinked from Taiwanese nationalism and implemented in a situation without party-based deadlock. It is still too early to judge what the Ma administration will propose, and to date they seem more interested in cross-straits relations than in governing diversity in Taiwan. As for indigenous rights, little will happen unless indigenous people position themselves for both engagement and struggle.

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Appendix 1: Laws on Cultural Pluralism in the ROC

共 12 個法規符合條件，本頁顯示
第 1 筆至第 20 筆

[1] [中華民國憲法增修條文](#)

[1] [兒童及少年福利法](#)

[1] [國民中小學校長主任教師甄選儲訓遷調及介聘辦法](#)

[2] [原住民族教育法](#)

[1] [性別平等教育法施行細則](#)

[1] [文化資產保存法](#)

[1] [行政院文化獎設置辦法](#)

[1] [國家通訊傳播委員會處務規程](#)

[1] [大眾運輸工具播音語言平等保障法](#)

[1] [國家通訊傳播委員會組織法](#)

[3] [通訊傳播基本法](#)

[2] [外籍配偶照顧輔導基金收支保管及運用辦法](#)

[http://law.moj.gov.tw/Scripts/SimpleQ1.asp?K1=%A6h%A4%B8%A4%E5%A4%C6
&K2=&K3=&K4=&Fusekey=%B1%60%A5%CE%BBy%B7J&rb=la](http://law.moj.gov.tw/Scripts/SimpleQ1.asp?K1=%A6h%A4%B8%A4%E5%A4%C6&K2=&K3=&K4=&Fusekey=%B1%60%A5%CE%BBy%B7J&rb=la)