

# BEYOND THE STATE: LEGITIMATIZING GENDER EQUITY IN EDUCATION IN TAIWAN

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## ABSTRACT

*Purpose and methodology – Focusing on the policy contexts of gender education in Taiwan, this chapter uses data from interviews with elite policymakers and policy documents to examine how feminist activists sought to legitimize gender equity in education in the wake of the comprehensive social and educational reforms of the 1990s and early years of this decade.*

*Findings – The embedding of gender in education did not follow a smooth path in terms of policy formulation. Feminist activists drove the process of reform by retaining control over the naming of the legislation, and its wording, thus preserving the language and imperatives of gender equity.*

*Social implications – In this chapter, I examine the formation of the Gender Equity Education Law, detailing the struggles, contentions, and negotiations that underlay the eventual approval of gender reform in education.*

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Originality/value of chapter – *The chapter contributes significantly by identifying the necessity to recognize the nature of the state and its relations with society in order to research gender in education in Taiwan.*

**Keywords:** Gender equity; education; legislation; women’s movements; Taiwan

Recognition of the nature of the state and its relations with society is essential to understanding the process of reform in gender in education in Taiwan. In the 1990s, the process was facilitated by the work of a number of nonaligned nongovernmental organizations (NGOs), including those using gender experts. The quest for gender equity in education in Taiwan was accomplished by the efforts of women’s associations and educators working with the legislative process, and, as finally enacted, the legislation is very broad covering not only both sexes but also sexual minorities, and including provisions regarding discrimination, harassment, and violence at all levels as well as the content of educational materials.

Traditionally, normal universities, that is, teacher’s colleges, managed the educational system in Taiwan. The educational establishment neglected gender as an academic field up to the 1998 appearance of a special number concerning “Gender Equality and Education” in the *Bulletin of Educational Research*. Angry about the university’s indifference to gender issues, the feminist student society of the National Taiwan Normal University (NTNU) asked university authorities to set up a program for gender education in 1999. In their study of discursive conflicts around gender, Hsieh and Yang (1999) argued that gender-blind educational discourses mainly come from normal universities or teacher’s colleges, the mainstream educational system. The way that the educational system is structured makes it likely that the normal universities would remain indifferent to the challenges posed by the movements for educational reform and the women’s movement.

Many feminists understood education as an essential bridgehead in beginning to work their desired changes on society at large. The interests of women activists in education date back to 1982 with the official establishment of the Awakening Foundation. Chien-Ling Su (former Chairwoman of Awakening Foundation and Taiwan Equity Education Association) argued in her interview with me (May 4, 2005) that it appeared natural to her for women activists to turn to education as a long-term strategy for alleviating gender inequity. She further claimed that similar personal biographies underlay much activist work in this area.

The person in charge of the Awakening Foundation's educational programs had previously been a schoolteacher, and had kept up with developments in her field. In 1988, this body issued a report on textbooks in a variety of primary and secondary school subjects, including Chinese, Social Studies, Civil Education, Home Economics, and History. They found pervasive gender discrimination and stereotypes in the textbooks, which systematically underrepresented women (Hsieh, 2004; Su, 1999, 2004). A much-mentioned example is a sentence used to teach primary children how to read Chinese: *Father gets up early to read newspapers and Mother gets up early to do the house-keeping*. Under pressure from women's rights activists, this sentence was amended in 1989 to *Father gets up early to read newspapers and Mother gets up early to exercise*. The Foundation proceeded to raise public concern on this topic through a public hearing asking the pointed question: Is this the way we grew up? However, as outsiders to the educational field at the time, the identification of problems in the Awakening Foundation could only serve as a reminder of future needs; feminist action on education could not be developed immediately. It was not until the advent of comprehensive educational reform in the mid-1990s that feminists saw the chance to put their demands to educational decision makers. At this point, women activists took advantage of shifts in state-society relations to instill an awareness of gender issues in schooling (Lee, 2011).

Like the American women's movement between 1975 and 1985 (Connell, 1990), feminist activists in Taiwan adopted legislation as their main strategy for carrying through reform (Fan, 2003). While many American feminists were inspired by a liberal feminist philosophy that envisaged the accession of women generally to positions of economic opportunity and political power (Connell, 1990), Taiwanese feminists chose a legislative route on the basis of their background and experience. This choice tended to commit them to the formation of alliances with political elites, rather than to the education or mobilization of an affiliated mass movement.

In one respect at least, the strategy of Taiwanese activists was highly successful, since from the 1980s women's groups have had a hand in at least eight pieces of legislation, four of which they conceived and nursed through the legislative process themselves. Prior to 1993, the Awakening Foundation had a strong leadership role in the women's movement. In addition to the publication of books, magazines, and newsletters, and the running of activities promoting women's consciousness, the Foundation organized other women's groups, human rights groups, and religious groups pressuring the government to implement reform (Liang & Ku, 1995; Wang, 1999). For example, the Eugenic Protection Law, Gender Equality

in Workplace Law, and the Family Section in Civil Law were initiated by the Awakening Foundation. Revisions to the law addressing discrimination against women and girls have all been passed in the Legislative Yuan, as set out in the following Table 1.

*The magazine Awakening* first appeared in 1982 when the state–society relations in terms of the women’s movement in Taiwan entered the period of social autonomy growth (Lee, 2011). In order to promote women’s rights and self-awareness, a group of Taiwanese women actively working toward gender equality published the *Awakening* magazine. During martial law period, the publication of magazines or books frequently operated as means for spreading voices of dissent. Developed by Yuan-Jhen Lee and the like-minded women, the first number of the *Awakening* has been considered the most significant event in the development of the Taiwanese contemporary women’s movement. In addition to magazines, the group of women began to organize a variety of events in order to bring the significance of women’s issues to the public attention. Once the martial law lifted in 1987, the group members established the Awakening Foundation in order to further mobilize women and offer social resources to the community. Gradually, *Awakening* influenced many of the feminist activists of the new generation – a large number of the chairs or presidents of women’s organizations either once worked for the magazine or contributed in some way (Fan, 2003; Wang, 1999).

The social-political transitions in relation to gender policy played a significant role as powerful contextual power in making changes. The lifting of Taiwan’s martial law in 1987 is undoubtedly one of the most significant factors that facilitated the development of gender education. It is also important to note that granting that the overwhelming impetus for change derived from local Taiwanese influences, international elements such as that reflected in the biographical backgrounds of both feminist and education reform activists and in the goals of their arguments for reforms should not be underestimated (Lee, 2011).

In their research on the development of gender equality in Australia, Taylor, Rizvi, Lingard, and Henry (1997) suggest that many of the most significant changes in educational policy resulted from the political work of organized social movements, especially the women’s movement in calling for gender reform. In a comparable way, organized feminism spearheaded change in Taiwan, as women-led nonprofit organizations (NPOs) played a crucial role in persuading policymakers to enact changes pertaining to gender (Hsieh & Lee, 2008; Lee, 2011). It is important to note that, while women’s right activists in the West linked education to a range of economic

**Table 1.** 1980s and 1990s Legislation Promoted by Women Activists.

Legislation	Time	Leading Organization	Content
Eugenic Protection Law	1984	Awakening Foundation	Legal abortion under certain conditions
The Prevention Act for Child and Teenager Sex Trafficking ( <i>new</i> )	1985–1995	The Garden of Hope Foundation; Taipei Association for the Promotion of Women's Rights	Prevention of teenage prostitution; rehabilitation for teen prostitutes
Children Welfare Law		The Garden of Hope Foundation; Taipei Association for the Promotion of Women's Rights	Prevention of teenage prostitution; rehabilitation for teen prostitutes
Teenager Welfare Law		The Garden of Hope Foundation; Taipei Association for the Promotion of Women's Rights	Prevention of teenage prostitution; rehabilitation for teen prostitutes
Gender Equality in Employment Bill ( <i>new</i> )	1987–2001	Awakening Foundation	Prevention and remediation of gender discrimination in workplaces; parental leave; guidelines for sexual harassment in workplaces
The Family Section in Civil Law	1991–2002	Warm Life Foundation; Awakening Foundation	Gender equality in divorce, marriage, and the family, including allocation of property, taking husbands' surname, residence, etc.
The Prevention of Sexual Assault Law ( <i>new</i> )	1993–1997	Modern Women's Foundation	Prevention of sexual violence; aid for victims of rape and sex crimes
The Prevention of Domestic Violence Law ( <i>new</i> )	1996–1998	Modern Women's Foundation	Government intervention into domestic violence; protection for victims of domestic violence

Source: Adapted from Fan (2003, p. 157).

factors (Arnot, David & Weiner, 1999; Blackmore, 1999; Gaskell & Taylor, 2003; Joyce, 1987; Marshall, 2000), from the outset Taiwanese activists associated education with a cultural frame of reference. In the West, women teachers typically formed part of women's or working-class social movements agitating for improved terms and conditions of employment, for example, for wage equality (Arnot, David, & Weiner, 1999; Blackmore, 1999; Gaskell & Taylor, 2003; Joyce, 1987; Marshall, 2000); their Taiwanese counterparts, meanwhile, were typically spectators of, rather than participants in, the women's movement. One possible factor behind low rates of involvement of women teachers in organized feminism in Taiwan was that teachers' salaries depended on teachers' education and years of service; thus the question of gender equity was moot.

Gender reforms in education in Taiwan entailed the participation of educational reformers in broad terms, as well as the activists from women's movement and professors from academic women's or gender studies (Hsieh & Lee, 2008). Gender issues were introduced to education reform in 1996, officially included in the curriculum in 1998 (taking effect in 2001) and regulated under the Gender Equity Education Law of 2004. In effect, Taiwan represents a signal example of broad institutional change with respect to gender education in matters both of legislation and policy. The most important achievement of the period of campaigning for gender education to date is the legislation of gender equity in education. With and beyond the state, feminist activists drove the process of reform by retaining control over the naming of the legislation, and its wording, thus preserving the language and imperatives of gender equity. In what follows, I describe the research methods used in examining the formation of the Gender Equity Education Law and detail the struggles, contentions, and negotiations that underlay the eventual approval of gender reform in education.

## RESEARCH METHODS

In order to explain the context in which contemporary gender policy in education was formed, it is useful to "research up" (Walford, 1994), seeking to understand the influence of the powerful on the formulation of gender educational policy. In my research, the semistructured interview functioned as the main method for data collection, while documentary sources and observation worked as supportive ones. Three principle groups of people were involved in drawing up state policy on gender education: members of the Commission for Gender Equity in Education in the central

government, central officials, and NGO workers. I eliminated overlaps among these groups during my initial enquiries. Su, for example, has been very active in the women's movement and a long-standing board member of the Awakening Foundation. She has also been instrumental in the embedding of gender in educational reform and in the enactment of the Gender Equity in Education Law. Every policymaker was asked for other names of people deemed by that person to have played a significant role in policy-making. Two people were mentioned at least three times as potential subjects for interview.

The Commission of Gender Equity Education, established in 1997 under the aegis of the Ministry of Education (MOE), has been tasked with promoting gender equality in education (Ministry of Education, 1997a, 1997b). Members are drawn from a range of professions, including the present Minister of Education, high-ranking civil servants, and experts spanning feminist activists and school heads. The Commission has between 21 and 25 members, some of whom have remained in place throughout the three stages of policy evolution. Two members have been called to the Commission every year between 1997–2004, giving them an influential role in framing the policies embodied in Educational Reform, Curricular Reform and the Law, respectively. I identified members sitting on the Commission for at least four years as representative of this stage of decision making; of this group, three had participated at no other level of reform than the Commission, but still had information because of their influence on gender education reform through this forum (see Table 2).

In addition, three officials directly in charge of gender education affairs within central government were included on the basis of their knowledge of the compromises involved in policy-making. These figures had been responsible for organizing expert meetings, public hearings, in-service training for educators, and so on. They offered a very different perspective as observers and conveners of this level of policy-making. It is noteworthy that two of these officials did not hold permanent posts in government; possibly this freed them to speak more openly than other respondents about the behind-scenes bartering in setting policy. In terms of women-led NGOs and activist groups, three organizations participated in gender education policy-making, namely, the Awakening Foundation, the Taiwan Gender Equity Education Association, and the Homemakers' Union and Foundation. The Taiwan Gender Equity Education Association, in particular, established by a cadre of the Awakening Foundation in 2002, is the only organization thus far that has concerned itself with gender equity in education as well as with a focus on gender awareness and consciousness in

**Table 2.** Description of Policymakers.

Participant	Gender	Position	Activists/None	Note
<i>I. Period of Educational Reform</i>				
1. Li-Lue Chou	F	Retired headteacher	Activist	Committee member (6) <sup>a</sup>
2. Chien-Ling Su	F	Associate professor	Activist	Committee member (5) <sup>a</sup> and Chairwoman of Taiwan Equity Education Association
3. Hsieng-Cheng Tseng	M	Executive secretary of Committee for Educational Reform	Activist	
<i>II. Period of Curriculum Reform</i>				
4. Chuang	F	Professor	No	Led drafting competence indicators of gender issue; Committee member (4) <sup>a</sup>
5. Yi-Sian	M	Dean	No	
6. Chong-Ren	M	Professor	No	
7. Yu-Sin	F	Dean	Activist	
<i>III. Period of Gender Equity Education Law</i>				
8. Tsun-Yin Luo	F	Director/Professor	Activist	Committee member (6) <sup>a</sup>
9. Hsiao-Chin Hsieh	F	Professor	Activist	
10. Hwei-Hsin Chen	F	Professor	Activist	Committee member (2) <sup>a</sup>
11. Shao-Ping	M	Associate professor	No	Former senior officer in charge of gender education
<i>IV. Other Committee Members</i>				
12. Danty	M	Professor	No	Committee member (4) <sup>a</sup>
13. Yi-Wun	F	Director	No	Committee member (4) <sup>a</sup>
14. Jing-Mei	F	Headteacher	No	Committee member (4) <sup>a</sup>
15. Siao-Fang	F	Professor	No	Committee member (2) <sup>a</sup> SNOWBALL
16. Jing-Si	M	Professor	No	Committee member (3) <sup>a</sup> SNOWBALL
<i>V. NGO</i>				
17. Sih-Jia	F	Deputy chairwoman	Activist	Taiwan Equity Education Association
18. Wan-Ting	F	Former board member	No	Homemaker's Union and Foundation
<i>VI. Bureaucrats in Central Government</i>				
19. Shih-Hong	M	Interviewed together	No	Gender Equity Education Law



**Table 2.** (Continued)

Participant	Gender	Position	Activists/None	Note
20. Yu-Wun	F		No	Gender Equity Education Law
21. Yi-An	F		No	Education Reform

<sup>a</sup>The number in the round brackets represents the gross number of times participants had sat on the Commission.

teacher education. It played an important role in lobbying for the passage of the Gender Equity Education Law.

Since some previously selected interviewees had a long history of involvement with the Awakening Foundation, I designed interview questions that focused on the role of the organization in shaping policy. Two other key persons were chosen on account of their involvement in the course of law enactment and curricular reform, respectively. It is very important to note that many policymakers were feminist activists and university professors. Some policymakers with an activist background drew my attention during the interviews to the relatively traditional nature of gender education in Taiwan and suggested that I interview educationalists who were also involved in policy-making on gender education. In this way, two educational professors associated with policy-making in the Commission became part to this study through snowball sampling. Table 2 below provides details of their affiliations. I supplied some pseudonyms for interviewees for confidentiality although the majority of interviewees at the level of policy-making did not mind being identified.

Observation was not possible at the policy-making level, however, first because gender educational reforms had already substantially been affected when I conducted this research, and second because most relevant meetings were held in closed sessions. As an alternative, I observed teachers' in-service training in gender education in sessions which policymakers normally took roles as speakers.

### **THE DEATH OF A "ROSY LAD": FROM "BOTH SEXES" TO "GENDER"**

The social, economic, and political transformations of the 1980s saw the rise of a "new" state both supposedly and in reality more responsive to the

needs of NPOs, legislators, local representatives, parents, opposition politicians, and private companies. Gender reforms in Taiwan were catalyzed by a series of social events bringing together supporters in a mood of anger, protest, or mourning specifically in response to particular events (Lee, 2011). As an example, the death of a “rosy lad” further moved the development of legitimatizing gender equity in Taiwan. The idea of the rosy lad comes from the film “Ma Vie En Rose” (My Life in Pink), which describes the hardships faced by a feminine or girl-identified boy in a sexist/homophobic society. Yung-Zhi Yeh, a Year 9 junior high school student, went to a school lavatory before class ended on April 20, 2000, but never reemerged. Yung-Zhi was found lying in a pool of blood that resulted from a blow to his left temple. Initially, a prosecutor in charge of the Yeh case attempted to tie the matter up simply with a statement regarding insecure school facilities (Bih, 2001). The Equality Commission for Both Sexes Education asked for further investigation. The four members in charge of this case were Huei-Jung Chi, Li-Rong Wang, Chien-Ling Su, and Heng-Da Bih. Chi was CEO of the Garden of Hope Foundation, working on sexual abuse and domestic violence. Professor Wang works on child sexual abuse and harassment in the Department of Social Work, National Taiwan University. Su has been a women activist for more than 20 years agitating for women’s rights and education, and currently CEO for the Taiwan Gender Equity Education Association (TGEEA). Professor Bih, the only man in this team, specializes in masculinity, space, and gender studies. Bih described how Yeh was discriminated against in the school based on his perceived femininity:

... (his) tender voice, his thin, “orchid” fingers while talking, his hobbies of sewing and cooking, his tendency to hang out with fellow girl students ... all caused him to be the object of gender discrimination and violent treatment from his fellow boy students. For instance, some boys bullied him in the toilet, which made him afraid to go into the school lavatories with other pupils. This is why he went to the lavatory a few minutes prior to the dismissal of class. (Bih, 2001, pp. 125–126)

Six months later, the team completed its investigation and recommended that the Ministry initiate a new campus movement catering for sexual/gender minorities. Significantly, the Yung-Zhi Yeh event opens a new page moving from “both sexes” to “gender” in gender reform history in Taiwan (Bih, 2001). The English word “gender” was initially translated into Chinese as “both sexes” (兩性) (literally counterposing symbols for women and men), with the translation emphasizing the unequal distribution of opportunities between men and women and the patriarchal structure of society. In other

words, the dominant Chinese-language conception of gender in the 1990s drew attention, even if only implicitly, to social inequality between the sexes. Policy documents before the event use the terms interchangeably, to the exclusion of any consideration of sexual/gender minorities. After the striking social event, The Equity Commission for Both Sexes Education renamed itself the Commission on Gender Equity Education on December 16, 2000, in accordance with the conclusions of its board meeting. A Chinese term denoting gender for the first time appeared in an official document. Likewise, following the passage of the 2004 Gender Equity Education Law, the curricular theme dealing with education for both sexes for grades 1–9 was officially renamed on March 31, 2005, “Gender Equity in Education” (by administration order no. 0940039183). Thus, the practical meaning of “gender” has become increasingly broad – it is now related to questions of equality between persons and society irrespective of markers of gender/sexuality. Ironically, this is a result of a series of social events that were largely beyond any educational or policy process. In memory of Yung-Zhi Yeh, Taiwan Gender Equity Association compiled a book titled *Embracing the Rosy Lad* (2006) fully recording the inception of gender education in Taiwan.

## OPPORTUNITY STRUCTURES FOR LEGISLATION

Social events, political contexts, as well as social transitions pave the way for gender policy developments in Taiwan. Taiwanese women activists chose the legislative route (Lee, 2011). The strategies that feminist activists used to achieve their aims involved an initial presentation of nonthreatening goals, followed up by an insistence on narrower and more exacting points of policy. This strategy was informed by an awareness of the structural constraints within which they were operating, including the reluctance of government officials to make common cause with interest groups, and their uneven spread of support among the wider population. In pursuing a “top–down” strategy, activists “borrowed” state power in order to “defeat” state policy. For instance, groups promoting women’s rights in the 1980s strategically deployed the term “women’s growth” rather than “consciousness.” Similarly, in their successful attempt to get provisions for abortion on demand on the books, the Awakening Foundation promoted the 1984 Eugenic Protection Law in the language of the ruling party, advising the desirability of controlling the growth of the population (Liang & Ku, 1995).

Similarly, the “top–down” strategy of legislation was seen as a potential remedy for gender inequality in education. Despite understanding that

legislation could not guarantee implementation, women activists in Taiwan saw in the statute book “an opportunity for change” (Professor Hsiao-Chin Hsieh, one of three major drafters for Gender Equity Education Law, August 27, 2005, interviewed) or a “channel for the promotion of gender equality ideas” (Professor Hwei-Hsin Chen, one of three major drafters for Gender Equity Education Law, May 26, 2005, interviewed). The framing of the law sought to enunciate important gender principles rather than necessarily to put them into practice ([Legislative Yuan Public Report, 2004](#)).

In addition, legislation as such was lacking for the comprehensive promotion of gender education ([Chen, 2001a](#)). The only legislative source of gender equity at that time was the Eighth Act of the 1997 Prevention Law for Sexual Assault and Crime, which was enacted specifically to prohibit sexual assault. It also offered a legislative source for gender education, insofar as “gender education may be narrowed down to the prevention of sexual harassment/assault” ([Su, 2001, p. 16](#)). This law has been mainly administered by the Ministry of Interior; on the educational side, gender education is promoted only through administrative orders issued by the Ministry of Education to schools and local governments, for example, *Outlines for the Implementation of Equality Education for Both Sexes at All Levels of Schools, Project for the Implementation of Equality Education for Both Sexes*. The scope was highly circumscribed and its effect weak – certainly, it was not enough for teachers seeking to prohibit gender-based violence on the edict alone. The situation called for a clearer statement of principles governing the implementation of gender education.

The whole rallying effort and political negotiations before the passage of the Gender Equity Education Law, which went through the Legislative Yuan ([Yang, 2004](#)), set a precedent by only taking three months (March to June 2004). By comparison, it took eleven years for the passing of Gender Equality in the Workplace Law (March 1990 to December 2001), two years for the Prevention Act for Child and Teenager Sex Trafficking (October 1993 to July 1995), two and half years for the Prevention of Sexual Assault Law (March 1994 to December 1996), and less than two years for the Prevention of Domestic Violence Law (July 1996 to May 1998; see [Yang, 2004](#)). Three distinct factors contributed to the measure’s rapid acceptance: the changing structure of the state, the imminence of the presidential election, and a perception of the typical quality of gender education in schools.

To begin with, this social and political ambience enabled the academic community, together with feminist NGOs, to gain a foothold in the Commission of Equality for Both Sexes in Education, alongside this body’s more conventional staffing. In this sense, although the Gender Equity Education

Law was state-initiated in appearance, it was essentially steered by women activists (Yang, 2004). The position of feminist activists, with one foot in the state apparatus and the other in civil society, was extremely useful in the context of a concerted campaign of drafting, modifying, and campaigning for legislation. Initially, a feminist scholar was invited to draft the law, with three other like-minded scholars being recruited for comment. Second, the presidential election in 2004 was highly competitive between two main parties, the Democratic Progressive Party and Kuomintang. The ruling party was keen to let this law pass in the Legislative Yuan as a so-called beef (achievement). As such, it presented a good window of opportunity for feminists. Last, powerful interests typically perceive gender education as nonthreatening during rounds of initial resources allocation, similarly to the designation of gender as an issue in the earlier phases of educational or curriculum reform.

Professor Hwei-Hsin Chen was first invited due to her law legal background as well as her status as a woman activist. Professor Chien-Ling Su, Professor Hsiao-Chin Hsieh, and a lawyer, Mei-Jhen Shen, agreed to join the team soon after. After a dozen meetings of professionals and scholars, the draft for *Equality in Education Law for Both Sexes* was finalized in 2001. It is important to note that the draft was renamed *Draft for a Gender Equity Education Law* on December 28, 2001. The implications of “gender,” nevertheless, had been used exhaustively before. In the *Final Report of a Plan for the Equality in Education Law for Both Sexes* completed in February 2001, Hwei-Hsin Chen explained why they did not change the terminology “both sexes” to “gender”: “... in our 35th meeting, this was much debated. Many scholars asked to rename the text as Gender Equity Education Act, but we concluded that we had used ‘both sexes’ temporarily as the name of the research plan we were funded to carry out by the MOE.” “We also made suggestions in the final part of the report suggesting that the Ministry might consider renaming the term to ‘gender’ for the foreseeable future as we had found that the term ‘equality for both sexes’ was not able to accommodate the growing concern for gender equality nationwide” (Chen, 2001b, pp. 16–17).

Teachers of high schools and primary schools and teachers’ associations in Kaoshiung (the south of Taiwan), Tai-Chung (the middle), Hsin-Chu (the north), and Hua-Lien (the east) were initially involved at a small scale. With only a few teachers involved at this stage, the initial team suggested consultations with a selection of local officials and frontline teachers, contributing to follow-up revisions designed to make the legislation more concrete and feasible (Chen, 2001b).

## CONTENTIONS AND STRATEGIES IN POLICY-MAKING

Despite its rapidity, the passage of this bill was by no means untroubled, seeing sharp engagements with both the Education Ministry's Commission of Law Regulation and representatives in the Executive Yuan. The Commission for Law Regulation, housed as an official institution in central government, assesses the legality and adequacy of legislation; it is staffed by lawyers drawn from outside the ranks of government. Legislative procedures require the examination of any new bill by Ministry Commissions, before such measures are passed in Ministry-level meetings and forwarded to the Legislative Yuan. Proposals are then made by the Educational Commission and passed after three readings in chamber. The Commission of Law Regulation of the MOE took issue with the bill's chapter of "Prevention of Sexual Harassment and Assault" (Tsun-Yin Luo interview, March 9, 2005), while the Executive Yuan expressed a form of passive resistance toward the law as a whole (Shih-hong and Yu-Wun interview, June 27, 2005). As Luo recalled, "except for a few woman lawyers, most of the Commission members of Law Regulation were not very much aware of gender issues." Besides running into the sand with the Commission of Law Regulation, Shih-Hong and Yu-Wun, two central officials in charge of gender education, also had to overcome the inertia of mid-level officials. They recalled:

... the middle-level supervisors did not care about it ... they kept their distance from it and would constantly advise us: 'don't run too quickly. If I were you, I would only do what they asked for' ... what I felt most exhausted by was that I didn't get support from my own supervisors from the same unit; rather, it was those Gender Commission Members who encouraged us most of the time. (Shih-Hong & Yu-Wun, central officials in the MOE, June 27, 2005)

A key figure exercised a crucial influence in settling these matters. All interviewees at this period pointed to the part played by Shiun-Liu Fan, a deputy educational minister who was closely associated with women's groups. For Tsun-Yin Luo, "the passage of the law would have been impossible without Fan."

Initially, they didn't want us to sit in on their review. We made this request since it would at least give us the opportunity to explain our thinking. Only when Fan spoke up for us were we given this opportunity ... they thought that this chapter was not meant to have been included. I explained to them that why sexual harassment, sexual assault and gender equity education were closely related to each other ... apart from that, school authorities would not be able to deal with harassment unless we framed our regulations

well. They were convinced in the end. (Tsun-Yin Luo, woman university director, March 9, 2005)

A similar scenario played itself out with the Executive Yuan. Since the members of the Law Regulation Board were of the view that there was no such thing as gender inequality in Taiwanese society, they saw no need to enact the law. The Draft for Gender Equity Education Law was directly sent back without comment to the MOE after the Commission's first review. The Commission was only induced to take the proposal seriously after Fan "gave them a special notice" (Shih-Hong and Yu-Wun interview). This special reminder from the powerful office-holders indicates the top priority and the state policy preferences that officials were obliged to follow. Another pressure, meanwhile, was the political willingness of elected officials in the Executive Yuan to speed up the processing of this legislation. With the presidential election looming, under dual pressure from the executive and legislative branches of the Yuan, the Gender Equity Education Law was passed on June 4, 2004. The Regulations on the Prevention of Sexual Assault or Sexual Harassment on Campus and the Enforcement Rules for Gender Equity Education Law were passed in the MOE subsequently on March 30, 2005, and June 13, 2005, respectively.

## **TWO PRINCIPLES IN REFERENCE TO AMERICA**

The Gender Equity Education Law sought to channel two major principles into legislation: the prohibition of discrimination and the encouragement of equity and multiculturalism. Hsieh (2001), also one of three major drafters of this legislation, argued that the Gender Equity Education Law in Taiwan was inspired significantly by Title IX of the Education Amendments of 1972 and the Women's Educational Equity Act (1974) of the United States. Scholars were familiar with and often referred to American legislation "We didn't choose the States on purpose," Hsiao-Chin Hsieh explained in interview. Title IX prohibits sex discrimination toward students in a number of areas: admissions, recruitment, wages, scholarships, housing facilities, access to courses, financial assistance, and athletics and athletics funding; Title IX also prohibits discrimination toward school personnel such as teachers, administrators, and counselors (Stromquist, 1997, p. 42). The Women's Educational Equity Act (WEEA) aims to promote equity for girls and women, including those who suffer multiple discrimination based on gender and on race, ethnicity, national origin, disability, or age, and to

provide funds to help education agencies and institutions to meet the requirements of Title IX.

The local experience of Taiwan was considered to the extent that the chapter on the prevention on sexual harassment in Taiwan and assault dominated the legislation as a whole. In comparison, the Chapter on Learning Environment and Resources comprises five articles (Article 12–16), and the Chapter on Curriculum, Teaching Materials, and Instruction only three (Article 17–19). The Prevention Chapter itself takes up eight articles. Tsun-Yin Luo, in charge of the Prevention Chapter, defended this emphasis in saying that “gender equity in education in Taiwan came about through events having to do with assault and sexual harassment, which is a historical fact” (interviewed March 9, 2005).

The goal of the Gender Equity Education Law, especially in its first chapter, is a full-fledged wish to inaugurate a state feminism. In a detailed way, all eight articles of the Law (especially, Article 4–11) require educational institutions at all levels to establish a Gender Equity Education Committee. As Article 9 states:

The gender equity education committee of the school shall consist of five to twenty-one members, who shall serve specific terms. The school principal or president shall be chair of the committee, and at least one half of the committee members shall be women. Representatives of faculty, staff, parents, students, and experts with an appropriate awareness of gender equity, together with scholars from fields related to gender equity education, may be invited to be committee members. (Gender Equity Education Law, Article 9, passed on June 4, 2004)

## CONCLUSION

The state is itself empirically as well as theoretically complicated (Connell, 1990). For Connell, the state is patriarchal historically. According to Kenway (1990), these state actions are by definition multiple and irrational; and insofar as they represent the concatenation of different forces and pressures, they are best studied historically as well as theoretically. If we turn now to education, it is important to note that education is often seen as a depoliticized field, even though the state maintains control over financial resources and curricula. Stromquist (1997) suggested that feminists should regard schools as partaking in state functions, rather than forming part of civil society, in that education tends to reproduce organized power relations. Political educationalists as well as feminist sociologists saw education offering substantial symbolic returns to the state, not least in its legitimation



of authority through an appeal to concepts such as legality, rationality, and democracy, while Western theories understand education as, in part, falling under a state purview involved in the social structuring of gender relations (Arnot, 2000; Connell, 1990).

This chapter has investigated the emergence of the Gender Equity Law in Taiwan through tracking the vicissitudes of the policy-making process. Education is caught up in the force field of culture, politics, and the economy. The state is forced to respond to both the logic of globalization that, typically, has the effect of deregulating, decentralizing, and marketizing educational provision as well as the global trend of gender equality. The processes and social fields in which the state acts will necessarily be varied as well as interwoven. As we have seen, the embedding of gender in education did not follow a smooth path in terms of policy formulation. Feminist activists took the lead in the economic and political transformations of this period entering into a new state in education, involving themselves in the Gender Equity Education Law. The inclusion of gender in state educational programs certainly owes much to the campaigning of feminists, who were initially positioned outside both educational and para-state establishments. The conventional state, however, is always ready to assert its preeminence in education, and on the other, many tensions and contradictions remain in the directives concerning gender that activists have secured. In recounting their negotiations with the state, such activists describe how they deployed particular strategies in order to win their arguments. The implication is that women activists' victories may be overturned by the recontextualizing of gender policies by education practitioners.

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