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**Virtues, education and civil disobedience: an example of Taiwan's Sunflower
student-led movement and its aftermath**

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ABSTRACT

This article aims to justify the moral legitimacy of civil disobedience being a public virtue and further to examine the association of Taiwan's Sunflower student-led movement and its aftermath with the general characteristics of civil disobedience. From a perspective of educating students for critical citizenship and social engagement, several issues regarding the virtue of civil disobedience need discussion: 1. Is this virtue contributive to avoid an extreme between illiberal radicalism and post-truth relativism? 2. What kind of strategies are best-suited to demonstrate this virtue? 3. What structural factors influence this cultivation of the virtue both in and outside of schools?

Introduction

In a changing and challenging society, more and more protests have been taking place around the world. One student-led social movement, dubbed the “Sunflower Movement” (or 318 Student Movement), occurred in Taiwan on March 18, 2014. The protests were demanding transparency in the proposed trade deal, the Cross Strait Services Trade Agreement (CSSTA) between Taiwan and China. The Taipei District Court in 2017 acquitted 22 prominent leaders who had led some 400 college students to occupy the main Legislative assembly hall for 24 days due to the students meant the court legally established criteria for civil disobedience. From ethical and educational concerns, I proposed the main research purposes of this article as follows. First, I would like to justify the moral legitimacy of civil disobedience as a public virtue and further to explore the characteristics and its social contexts of civil disobedience being a public virtue. In response to the aforementioned research purpose, I made an inquiry on the theories of J. Rawls, L. Kohlberg and J. Habermas etc. to support the rationale of my argument. Second, I briefly illustrated the social background of the Taiwan’s Sunflower student-led movement and its aftermath. In the meanwhile, I examined the compliance of the Sunflower student-led movement with the criteria of civil disobedience. Finally, from a perspective of educating students for critical citizenship and social engagement, several issues regarding the virtue of civil disobedience need to be discussed as well as to reveal the educational meanings of the movement.

Civil disobedience as a public virtue

In history, there are a number of examples commonly entitled “civil disobedience”. For example, Thoreau refusing to pay his poll tax to protest the funding of the Mexican American War and slavery; Rosa Parks refusing to sit at the back of the bus; Martin Luther King, Jr. engaging in the “Birmingham Campaign” to protest segregation; and Occupy Wall Street protesters taking over public space to protest economic inequality, etc. Although all the aforementioned examples broke the laws within various contexts, many people have respected for and praised these actions. Therefore, could we recognize civil disobedience as a virtue similar to the virtue of obeying the law? How can we justify the moral legitimacy of civil disobedience as a public virtue? What are the characteristics of civil disobedience in a modern society?

The moral legitimacy of civil disobedience as a public virtue

If civil disobedience could be considered a public virtue, then its meaning and moral legitimacy need to be clarified and justified. Rawls (1971, p.320) defines civil disobedience as a public, nonviolent, conscientious yet political act, which usually targets only substantial and clear violations of justice; its aim is to bring about a change in the law or policies of the government. In addition, Rawls stresses that civil disobedience is different from conscientious refusal; the latter is noncompliance with legal injunction or administrative order, while the former is based on a political principle and appeals to the common shared sense of justice of the majority in a public forum (Rawls, 1971). Moreover, Rawls (1971) indicates that a theory of civil disobedience is to explain its role within a constitutional system and to account for its connection with a democratic polity; therefore, civil disobedience used with due restraint and sound judgment helps to maintain and strengthen just institutions.

Rawls's theory of civil disobedience seems to be disobedience to law; however, Scheuerman (2015) further advocates civil disobedience would have an anti-legal turn, which recognizes that civil disobedience is best understood primarily as a conscientious moral challenge to the law. Actually, earlier in 1970s, L. Kohlberg's post-conventional level of moral-developmental theory, including "Stage 5. Social Contract and Individual Rights" and "Stage 6: Universal Principles", supports the morality of civil disobedience because it is a higher stage than the moral stage of law and order orientation in stage 4 (Kohlberg, 1975). Kohlberg (1981, p.412) clearly emphasizes when laws violate the universal principles of justice, one should act in accordance with the principle:

Regarding what is right, Stage 6 is guided by universal ethical principles. Particular laws or social agreements are usually valid because they rest on such principles. When laws violate these principles, one acts in accordance with the principle. Principles are universal principles of justice: the equality of human rights and respect for the dignity of human beings as individuals. These are not merely values that are recognized, but are also principles used to generate particular decisions.

Moreover, Habermas (1985, p.106) argues that civil disobedience is related to active resistance against the unjust state, so it is a litmus test for the democratic constitutional state to distinguish legitimacy from legality. Every constitutional democracy, which is not a finished project, but rather as a susceptible, precarious undertaking, considers civil disobedience as a normalized and necessary component for a mature political culture (Habermas, 1985, p.99). Habermas (1985, p.103) also argues:

The paradox find its resolution in a political culture that provides its citizens with the sensibility-with the measure of judgment and willingness to take risks-which is necessary in transitional and exceptional situations to recognize the legal offenses against legitimacy and, if need be, to act illegally out of moral insight.

Therefore, civil disobedience, argued by Rawls, Kohlberg and Habermas etc., can be morally justified as a virtue, particularly in the public sphere.

The characteristics and its social contexts of civil disobedience being a public virtue

Civil disobedience being a public virtue should be associated with its social contexts. There are two perspectives on this issue. Rawls (1971) emphasizes civil disobedience is addressed to those majority that holding political power, but also because it is an act guided and justified by political principles of justice, which regulate the constitution and social institutions generally. However, Brownlee (2013) argues that civil disobedience should accommodate vagaries in the practice and justifiability of civil disobedience for different political contexts; for example, civil disobedience in apartheid South Africa may differ from the model that applies to a well-ordered, liberal, just democracy. In sum, the value and meaning of civil disobedience can not be demonstrated without its contextualization.

Moreover, Brownlee (2013) proposes four common features of civil disobedience in the Stanford Encyclopedia of Philosophy mainly according to Rawls's theory: conscientiousness, communication, publicity and non-violence.

1. **Conscientiousness** means that people engaging in civil disobedience are not only motivated by their self-respect and moral consistency but also by the perception of the interests of their society, which include justice, transparency, security, stability, privacy, integrity, and autonomy (Rawls, 1971; Brownlee, 2013).
2. **Communication** means that people civilly disobeying the law typically seek not only to convey their disavowal and condemnation of a certain law or policy, but also to draw public attention to this particular issue and thereby to instigate a change in law or policy (Brownlee, 2013).
3. **Publicity** means that civil disobedience not only is addressed to public principles but also is done in public. It is engaged in openly with fair notice and never covert or secretive (Rawls, 1971). However, certain unannounced or initially covert disobedience may be regarded as “open” when followed soon after by an acknowledgment of the act and the reasons for acting (Brownlee, 2013).
4. **Non-violence** means to diminish the negative effects of breaching the law because to engage in violent acts likely to injure and to hurt is incompatible with civil disobedience as a mode of address (Rawls, 1971). However, there are several problems in this concept: it is hard to specify an appropriate notion of violence; non-violent acts or legal acts sometimes cause more harm to others than do violent acts; and limited violence might heighten the communicative quality of the act by drawing greater attention to the public. Therefore, the conception sometimes allows that civil disobedience can be violent, partially covert, and revolutionary (Brownlee, 2013).

The Sunflower student-led movement and civil disobedience

The social context of the Sunflower movement and its profile

Taiwan (official name is Republic of China, ROC) is a post-colonized and multicultural country. From the 16th century to the 1940s, Taiwan was subject to the influence of a series of Portuguese, Spanish, Dutch and English powers, Han culture during the Qing Dynasty (1644-1911), and Japanese colonization (1895-1945). From the three decades following 1949, which saw the Nationalist (KMT) government’s move from China to Taiwan, the leaders gradually erased the colonial influence of Japanese culture and revived Chinese cultural heritage and language, in particular Confucianism (Kung, 2000). In 1987, the formal abolition of Martial Law, Taiwan has been profoundly affected by the concepts of modernization and democracy imported from the USA and Europe. Over the course of history, Taiwan has witnessed great conflicts between East and West, the traditional and the modern, and among the country's many sub-cultures (Mainlanders, Taiwanese, Hakka, Aborigines, and New Immigrants) (Kung, 2000). Therefore, a number of new social movements, e.g., minority rights, gender equality, environmental justice, labor rights, and land justice, have been undergoing. In addition, there was a milestone in history in the presidential election sparking the first-time “party alternation” in 2000 for the opposition political party, Democratic Progressive Party (DPP), to end a 50-year single party governance by the Chinese Nationalist Party, Kuomintang (KMT) in Taiwan. The KMT, led by Chiang Kai-shek and his successors, moved from mainland China in the late of 1940s, and enacted authoritarian rule for more than several decades. The DPP served as the ruling party for 8 years but lost their political power in the 2008 presidential election. The KMT

regained political power and oriented to build close connections with the Peoples' Republic of China (PRC).

On March 18, 2014, college students and social activists took over Taiwan's legislative building protesting that the Legislative Yuan had not examined the Cross-Strait Services Trade Agreement (CSSTA) between Taiwan and China as carefully as promised. The protests, dubbed the "Sunflower Movement", mobilized 500,000 protesters continuing for over 20 days and forced the KMT government to agree to a new law allowing public oversight of negotiations with Beijing. Throughout the three-week siege, the protesters inside of the hall demonstrated an impressive command of logistics to maintain safety and order. They released press regularly and updated the group's Facebook and Twitter accounts as well as sparking discussion on PTT (the largest terminal-based bulletin board system (BBS) based in Taiwan) (Chao, 2014). They also created their song entitled, "Island's Sunrise". In addition, thousands of protesters and supporters stood on boulevards surrounding the legislative building to support this protest and held numerous outside symposiums topics, such as "civil disobedience" and the CSSTA. Moreover, more than a quarter of a million people including international supporters witnessed the Sunflowers' three-week occupation whether by TV, new social media or by a personally visiting the action (Smith, 2014).

Broadly speaking, this was not only a student movement, but also social education for modern civil society to inspire Taiwanese people. Consequently, senior-high school students led another social movement against the Ministry of Education's controversial adjustments to high-school curriculum guidelines (i.e., History, Civics and Society) from May to August, 2015. The January 2016 presidential and legislative elections represented a further shift from major focus of national identity and cross-strait relations to domestic economic, political reform and social issues because of the emergence of new political forces and younger generations' engagement (Brown, 2016).

The Sunflower movement fitting in with the features of civil disobedience

In March 31, 2017 twenty-two leaders of the Sunflower Movement, who were originally charged with obstruction of official business and inciting others to commit a crime, were acquitted of charges related to their 2014 occupation of the main Legislative Hall, while charges against 126 protesters were dropped last year (Slobe, 2017). The head of the Taipei District Court explained that the main principle of this not guilty determination was based on the concept of "civil disobedience", which was first cited in Taiwan. He said that the court had scrutinized the "civil disobedience" argument proposed by the defense and that this case was consistent with the relevant concepts are legitimate reasons for the accused not found guilty (Wu, 2017). He ruled that "civil disobedience" includes seven main points (Wu, 2017):

1. The object of protest is a material offense or unjustified act in relation to the government or public affairs;
2. Subject to the purpose of public interest or public affairs;
3. The relationship between the protest and the object of protest can be acknowledged;
4. Shall be open and non-violent;
5. There must be a principle of appropriateness, that is, the means of protest shall be conducive to the achievement of the purpose of appeal;

6. There must be a principle of necessity, that is, no other legal or effective means of substitution can be used;
7. To be in line with the principle of narrow proportionality, that is, the harm caused by the protesting action shall be less than the interest brought by the purpose of the appeal and confined to the minimum possible limit as well.

From the previous discussion on background, profile and verdict, the Sunflower movement exactly adheres to the features of civil disobedience, including conscientiousness, communication, publicity and non-violence within a constitutional system. Point 1 of the verdict indicates the element of “public”; point 2 demonstrates the element of “conscientiousness”; point 3 demonstrates the element of “communication”; the point 4 reveals the element of “non-violence”; points 5, 6 and 7 emphasize that civil disobedience should be within a constitutional system with principles of appropriateness, necessity and narrow proportionality.

Educational implications of the movement and its aftermath

The Sunflower Movement may have seemed like an “anti-China” movement, but it is also an issue of marginalized classes and younger generations because of the impact of globalization during the past 20 years in Taiwan, which has resulted in low average salary and a wide gap between the rich and the poor (Tao, 2015). We may expect that more and more people engaging in social movement and practicing the public virtue of civil disobedience. Therefore, from a perspective of educating students for critical citizenship and social engagement, several issues regarding the virtue of civil disobedience are essential and need to be concerned with: 1. Is this virtue contributive to avoid an extreme between illiberal radicalism and post-truth relativism? 2. What kind of strategies are best-suited to demonstrate this virtue? 3. What structural factors both inside and outside of schools influence the cultivation of the virtue of civil disobedience?

Is the virtue of civil disobedience contributive to avoid an extreme between illiberal radicalism and post-truth relativism?

Core virtues, for example, loyalty to country and filial piety etc., infused into civic and moral/character education had a long history for several decades in Taiwan because of the Chinese Confucian tradition and the authoritarian legalism. While the modernization and democracy in Taiwanese society since the end of 1980s, so called “value neutral” to prevent from political indoctrination seems to have become a mainstream for education, merely focusing on knowledge rather than virtues. A big issue is how to avoid an extreme between illiberal radicalism and post-truth relativism. Hinman (2008, pp.25-30) argues that ethical absolutists maintain there is an absolute single standard, which is usually from the authoritarian regimes or religions, in terms of assessments that can be made; ethical relativists think the judgment should be based on each personal context or culture, therefore, there is no overarching standard in terms of which conflicting cultures can be judged. Hinman (2008, pp.29-30) proposes ethical pluralism as a middle ground neither absolutism nor relativism, which stresses the principles of understanding, tolerance, standing up against evil and fallibility. Consequently, the virtue of civil disobedience is contributive to avoid ethical absolutism or ethical relativism because the features of civil disobedience fit in with the principles of ethical pluralism.

The educational implication from the above discussion is that civic and moral/character education should encompass completed dimensions of knowledge, values and skills/actions as well as connect theory and practice to cultivate active and engaged citizens. Over the past 10 years, Taiwan's governmental and non-political/governmental organizations have promoted numerous "civic engagement" activities. In 2007 the Taiwan Ministry of Education (TMOE) proclaimed the "service-learning programs for higher education" and then has broadened to secondary education level in order to educate students possessing prosocial attitude, moral characters, civic participation skills, open-mindedness, and ability to serve others. Additionally, more and more NPOs and NPOs in Taiwan have been devoted to civic engagement for young generations, e.g., Civic and Law-related Education Foundation (CLEF) has initiated the "Project Citizen" adopted and translated from the Center for Civic Education, USA beginning in 2007. Therefore, civic and moral/character education should involve the virtue of civil disobedience to reach a more just-and-caring country.

What kind of strategies are best-suited to demonstrate the virtue of civil disobedience?

Taiwanese moral and character education had been a means of spreading political ideology (Three Principles of the People) and cultural orthodoxy (Confucianism) for several decades during the period of authoritarianism. Since then, some scholars have studied abroad and introduced western theories (particularly British and American moral education theories) into Taiwanese academia and its educational system, including theories of language analysis and meta-ethics on moral and character education, cognitive-developmental moral theory, values clarification method, modern virtue ethics, and new character education. Presently educators are faced with numerous approaches to moral and character education, with alternative philosophical, psychological, sociological and cross-disciplinary theories from traditional to modern and post-modern.

It is a challenge to be concerned with what kind of strategies are best-suited to demonstrate the virtue of civil disobedience. Lee & Thoma (2018) describe and test a multi-faceted measure of moral thinking and communication (MTC) functioning based on L. Kohlberg's theory, Neo-Kohlbergian theory, J. Habermas's and K.-O. Apel's discourse ethics and L. Hinman's ethical pluralism as a means to improve moral teaching and learning. The MTC model is an interaction of four independent competencies: moral awareness, moral judgment, moral discourse and moral decision-making, which is not only a measure but also a teaching strategy to improve moral thinking and communication functioning (Lee & Thoma, 2018). Therefore, the MTC model is one of the best-suited strategies to demonstrate the virtue of civil disobedience; that is, to improve moral awareness competency on certain controversial issues, moral judgment competency on distinguishing illegality, legality or legitimacy, moral discourse competency on multiple-arguments and moral decision-making on social engagement.

What structural factors both inside and outside of schools influence the cultivation of the virtue of civil disobedience?

The cultivation of the virtue of civil disobedience has a close connection with the structural factors both inside and outside of schools. Since moral curriculum is not a stand-alone subject any longer, the TMOE released a "Moral and Character Education Improvement Program" (MCEIP) in late 2004 followed by three periods of five-year projects up to now. "A character-

based school culture”, the MCEIP indicates, is an integrated concept to balance Eastern and Western, traditional and modern cultures and to avert a crisis of cultural connection and social identity. School culture is an important contextual variable influencing school effectiveness and students’ adjustment to school (Higgins-D’Alessandro and Sath, 1998; Schoen and Teddlie, 2008). It is clearly desirable values to have schools that are moral communities with a just, caring and developmental-disciplined school culture, all of which are interrelated, improve individuals’ moral development and the school moral atmosphere (Lee, 2009). This is exactly the best school atmosphere for cultivating a virtue of civil disobedience.

Moreover, the main purposes of civic and moral/character education should stress critical thinking and multiple identities rather than being a route for brainwashing or indoctrination. Since there are more and more controversial and social issues happening in a complicated and globalized world, i.e., life ethics, gender equality, family ethics, basic human rights, ethnic equality, minority caring, professional ethics, technological ethics and environmental ethics. In addition, in a rapidly changing and digital age leads to a pattern of horizontal connection, open information, and decentralized collaboration. How to resolve the paradox of local, national and international communities as well as the conflict between economic development and social justice and sustainability are unavoidable topics for Taiwanese, especially because Taiwan has a complicated relation with China. As a result, although there are continuing and conflicting issues within Taiwan’s civic and moral/character education, it is valuable for educators and learners to create fluid and context-dependent identities to become both national and global citizens. The macro-structural culture of deliberative democracy and civic engagement will benefit the cultivation of a virtue of civil disobedience.

Conclusions

The results of this paper both in theory and in practice on civil disobedience and Taiwan’s Sunflower Movement presented a number of implications for modern civic and moral/character education. Finally, I provide several recommendations on educating younger generations for critical citizenship and social engagement both of Taiwan and other countries as well. They are: 1. Educational policies and resources--educational goals for critical citizenship education should be based on democratic, scientific and professional principles rather than power or ideology; Effectively integrate resources of governmental and NPOs/NGOs and develop full-functions of family, school and society as well. 2. Curriculum reform—maintain a balance on civic knowledge, civic virtues and civic engagement; Keep a balance on formal, informal and hidden curriculum; Balance curriculum design, implementation and evaluation; Balance various spheres including self, family, community, nation, world and ecology. 3. School leadership and teacher education--Stress pre-service teacher education; Stress in-service teacher education; Stress pre-and-in-service school leadership; Adults need to be the role models of critical citizenship education. 4. Transformation of school and social culture--To build a school culture based on critical citizenship education, which emphasizes critical thinking and caring for social issues, positive dialogue and communication between administrators, teachers and students, active participation in school and community make a difference and change the world.

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