BETWEEN INCLUSIVE DISCOURSE AND NORMATIVE INSTITUTIONS: A QUEER ANALYSIS OF TAIWAN'S GENDER EQUITY EDUCATION ACT

by

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B.A, Soochow University, 2014

MSc, Fu-Jen Catholic University, 2020

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF

THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

THE FACULTY OF GRADUATE AND POSTDOCTORAL STUDIES

(Social Studies Education)

THE UNIVERSITY OF BRITISH COLUMBIA

(Vancouver)

August, 2025

The following individuals certify that they have read, and recommend to the Faculty of Graduate and Postdoctoral Studies for acceptance, the thesis entitled:

BETWEEN INCLUSIVE DISCOURSE AND NORMATIVE INSTITUTIONS: A QUEER ANALYSIS OF TAIWAN'S GENDER EQUITY EDUCATION ACT

submitted by Hsuan-Yu Tsao in partial fulfilment of the requirements for

the degree of Master of Arts

in Social Studies Education

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Abstract

The establishment of the Gender Equity Education Act (GEEA) in Taiwan introduced a gender and sexuality framework influenced by Western discourse, particularly from North America. It aims to prevent and address gender-related incidents, primarily focusing on respecting diverse sexualities, eliminating sexual discrimination, preventing sexual violence, and promoting gender equity for individuals working or studying on campus. However, its effectiveness appears to primarily benefit heterosexual and cisgender individuals, while continuing to marginalize *tongzhi* (LGBTQ+) communities. This study employs a queer theory lens to conduct a critical content analysis of the GEEA to examine whether it is an effective gender and sexuality act for Taiwanese *tongzhi* students. The findings reveal three primary observations: (1) despite the GEEA introducing diverse gender-related language, significant gaps still remain between language reform and institutional practice; (2) the framework of the GEEA reflects a top-down approach rooted in heteronormative and cisnormative assumptions; and (3) the passive rights discourse in the GEEA offers minimal support to *tongzhi* students, making it difficult to achieve genuine substantive gender equality. These findings reveal a subtle yet significant gap between the GEEA and *tongzhi* cultural realities. This study recommends that policymakers enhance transparency in gender-related legislation and ensure representation of students with diverse gender and sexual identities at all school levels in decision-making committees. Furthermore, it calls for more critical, sociologically informed qualitative research in education, as current research often describes structural phenomena without actively challenging normative frameworks. Finally, the legal framework should adopt and promote more active and supportive institutional language to better address the needs of *tongzhi* individuals.

Lay Summary

The Gender Equity Education Act (GEEA) in Taiwan was established to prevent and address gender-based incidents in schools by promoting respect for diverse sexualities, eliminating discrimination, preventing sexual violence, and fostering gender equity on campus. However, more than twenty years after its enactment, many *tongzhi* (LGBTQ+) individuals continue to encounter subtle discrimination and challenges within school settings. Drawing on a queer theory framework, this study critically examines whether the GEEA effectively serves Taiwanese tongzhi students. The findings indicate that although the GEEA introduced diverse gender-related terminologies from the West, it remains largely grounded in heterosexual and cisnormative perspectives, frequently overlooking or excluding *tongzhi* students' experiences and needs.

Preface

This thesis is an original, independent, and unpublished work by the author, Hsuan-Yu Tsao. I used ChatGPT, Claude, and Grammarly for checking grammar after producing the original written content. The research was conducted under the supervision of Dr. Harper Keenan and supervisory committee member Dr. Lindsay Gibson. I continually revised and improved the thesis based on their feedback and guidance, addressed its weaknesses and completed the final version with their review and approval.

Table of Contents

List of Figures

List of Abbreviations

CCA: Critical Content Analysis

ERGEEA: Enforcement Rules of Gender Equity Education Act

GEEA: Gender Equity Education Act

GEEC: Gender Equity Education Committee

Glossary

This section defines several terms in both English and Mandarin, as certain expressions are specific to Sinophone Asia and gender studies, as follows:

Cisgender: Designating a person whose sense of personal identity and gender corresponds to his or her sex at birth (Oxford English Dictionary, 2025).

Critical Content Analysis: A form of content analysis that employs a critical perspective.

Gender: The socially constructed roles, behaviors, expressions, and identities of individuals who identify as male, female, or non-binary.

Gender Equity Education Act: An education act in Taiwan enacted to promote substantive gender equality, eliminate gender discrimination, uphold human dignity, and improve as well as establish educational resources and environments that support gender equality.

Han Culture: Refers to the cultural traditions of Han ethnicity and Sinophone communities, historically influenced by Confucianism. It emphasizes filial piety, collective values, familial relationships, reputation, and a reserved sense of harmony.

Heterosexual: Sexually or romantically attracted to, or engaging in sexual activity with, people of the opposite sex (Oxford English Dictionary, 2025). In this research, it dominantly refers to the attraction between males and females.

Liǎngxìng (两性): The term for "two sexes" in Mandarin, primarily referring to male and female.

Queer theory: A theoretical framework that transcends the binary opposition between heterosexuality and homosexuality, examines how sex and gender are socially constructed, and rethinks individual identity as intertwined, open, hybrid, and fluid (Jagose, 1996; Kong, 2020).

Rights Discourse: A form of discourse that advocates for equality at both macro and micro levels through institutional reforms and legal protections.

Sex: Typically associated with physiological and physical characteristics, particularly those related to reproductive functions.

Sexuality: This is a concept rooted in Western epistemologies and encompasses three meanings: (1) biology, (2) the capacity for sexual feelings, and (3) one's sexual identity (Oxford English Dictionary, 2025). In other words, it spans both biological and socio-cultural dimensions, including gender- and sexuality-related concepts, symbols, and terms. These concepts are reinforced and shaped through language and social interaction, thereby fostering the formation of gender and its associated norms (Kiesling, 2024).

Sinophone Asia: The term was introduced by some Asian scholars conducting research in East Asia, with the aim of de-sinicization. It refers to regions or countries where Chinese (or Mandarin) is an official language, but it is not limited to China.

Substantive Gender Equality: Actively recognizing and addressing how gender is constructed through individuals' interactions with each other, society, and historical contexts, rather than treating it solely as a physiological fact (British Columbia's Office of the Human Rights Commissioner, 2025; Fredman, 2016).

Subjectivity: An individual's perspectives and beliefs are shaped through interactions with others, leading to the development of reflective self-awareness. In the context of gender and sexuality in this study, subjectivity refers to how individuals recognize, express, and construct their identities.

Tongzhi (同志): A culturally adapted and localized Mandarin term that refers to LGBTQ+ communities. Unlike English, it does not have a precise definition tied to a specific gender

identity. Instead, it functions as an umbrella term that encompasses all non-heterosexual individuals, including both cisgender and transgender people.

West: In this study, it primarily refers to the Anglophone world, especially the United States, where contemporary gender and sexuality concepts in queer studies originated.

Xiànshēn (現身): A term similar to "coming out" in English, whose literal translation in Mandarin means "to appear." It refers to a strategy used by tongzhi individuals, allowing them to avoid physically appearing or explicitly associating themselves with the tongzhi label, thereby enabling a more fluid expression of their sexual desire and self-identity (Chao, 2000).

Xìngbié (性別): A Mandarin term that refers to both psychological "gender" and physiological "sex." In earlier periods, it conveyed the idea of only "two sexes" to the general public. However, after the introduction of Western concepts of gender and sexuality in Taiwan, it opened the door for broader interpretations. For individuals with queer awareness or gender knowledge, the term came to encompass all genders, rather than being limited to male and female.

Acknowledgements

First, my deepest gratitude goes to my supervisor, Dr. Harper Keenan, who is not only a knowledgeable scholar but also someone who always maintains a genuine and humble heart toward students. His warm attitude, thoughtful feedback, and excellent time management have made him an incredible academic mentor and role model in my life.

I would also like to extend my heartfelt thanks to my supervisory committee member, Dr. Lindsay Gibson. He has put tremendous effort into helping me revise and reshape my thesis again and again, each time making it stronger than before. Without his clear guidance, patience, challenging questions, and great sense of humor, I could not have completed my thesis as efficiently or in such a good mood.

Lastly, so many thanks to my peers, friends, and teachers from EDCP, EDST, and ECE in the Faculty of Education. Their encouragement, support, and the many deep and genuine conversations we shared have reminded me to be not only wiser but also braver in my journey.

Dedication

I dedicate this thesis to myself.

Speaking out for a belief or standing up for someone is never easy, but I aspire to be the person who can truly hear, see, and understand those invisible voices. I am on the journey, and I will keep moving forward.

Chapter 1: Introduction

1.1 Statement of the Problem

Gender- and sexuality-related issues such as inequality, violence, and harassment continue to exist in educational systems around the world. In response to these challenges, many countries have implemented educational policies and reforms to ensure that students' gender and sexual rights are protected in schools. In 2004, the Taiwanese government enacted the Gender Equity Education Act (GEEA) to address gender- and sexuality-related incidents on campus and to challenge the social discrimination rooted in heteronormative and cisnormative perspectives toward gender and sexual minorities. The GEEA was the first legislation in East Asia to incorporate terminology like *gender identity*, *sexual orientation*, and *gender expression* into national education policy (Basic Act for Gender Equal Society, 1999; Framework Act on Gender Equality, 2014; Gender Equality and Women's Development in China, 2015). This reflected Taiwan's active engagement with democratic nations in Europe and North America and its comparatively progressive stance on gender equality. The GEEA also replaced the binary terms "male" and "female" with the more inclusive term "gender" and initiated a series of curriculum reforms. In contrast to other East Asian societies such as Japan,[1] Korea,[2] and China,[3] where gender and sexuality continue to be framed in binary terms within gender equity (education) acts/policies, the language of Taiwan's GEEA marks a significant departure by embracing more inclusive and diverse conceptual frameworks. The design of the regulation demonstrates Taiwan's emphasis on and commitment to gender equality at the institutional level. As a result,

[1] *Basic Act for Gender Equal Society* (1999) in Japan was enacted earlier than Taiwan's GEEA. However, it is based on a binary framework rather than being inclusive of all genders.
[2] *Framework Act on Gender Equality* (Framework Act on Gender Equality, 2014)
[3] *Gender Equality and Women's Development in China* (Gender Equality and Women's Development in China, 2015)

some educational policy studies have lauded the GEEA as a progressive document on gender and sexuality in East Asia (Chiao & Chang, 2023; H.-C. Hsieh & Lee, 2014; Liao, 2019; Stromquist, 2007).

Specifically, the GEEA aims to "promote substantive gender equality, eliminate gender discrimination, uphold human dignity, and improve and establish the education resources and environment for gender equality" (Gender Equity Education Act, 2024). The Act applies to all public and private schools, from kindergarten through university, and covers all members of the campus community. It requires each school to establish a gender equity education committee tasked with addressing gender-related issues, developing gender equity curricula, investigating available resources, and implementing related initiatives. Since its initial enactment in 2005, the GEEA has undergone six revisions in response to shifting social dynamics, politics, and evolving understandings of gender.

The implementation of the GEEA has not been as effective as policymakers anticipated. According to the *2020 School Climate Survey on LGBTQ+ Students in Taiwan* (Taiwan Tongzhi Hotline Association, 2021), which surveyed 1,226 students between the ages of 13 and 21 who identified as *tongzhi* (LGBTQ+), nearly 40% of respondents were unaware of the existence of anti-bullying and anti-harassment policies based on sexual orientation, gender identity, or gender expression. Even among schools that had such policies, 44.5% had general anti-bullying policies that excluded references to sexual orientation or related categories, and 10.8% of schools had a comprehensive and inclusive policy in place. These statistics highlight the gap between the existence of policies and their visibility and accessibility, raising questions about the GEEA's effectiveness in creating a substantive, comprehensive, and safe learning environment.

In this context, nearly 25% of *tongzhi* youth reported experiencing discriminatory policies on campus. These include being prohibited from wearing uniforms or clothing that align with their gender identity, being denied access to restrooms or changing rooms that correspond with their gender identity, and being punished for displaying intimate behavior in public that non-tongzhi students engaging in similar behaviors were not penalized for. Some students were even prohibited from expressing *tongzhi* -related issues in class, extracurricular activities, or any public settings on campus. Approximately 38% of students who had experienced such discrimination reported finding it hard to form a positive connection with the school. Furthermore, 68.5% of students reported hearing homophobic remarks from teachers or school staff, and 40.6% said that teachers did not intervene when homophobic discourse occurred among students. Although Chapter 3 of the GEEA addresses gender equity education curricula, teaching materials, and instructional methods, 30.9% of students reported that they had never received instruction on *tongzhi*-related topics in class, such as the lives, history, or issues of *tongzhi* people. Moreover, over 26.9% of students stated that they had been taught negative messages about *tongzhi* people. In sex education classes, 45% of students said they received information about diverse gender identities, and 34.9% reported that the content excluded any "positive" representations of *tongzhi*-related topics.

The researchers who designed the survey summarized *tongzhi* students' school experiences as follows: (1) *tongzhi* students do not feel safe in their school environments; (2) biased language is prevalent, not only from students but also teachers and other school staff members; (3) *tongzhi* students are commonly harassed but do not dare to report or ask for help; and (4) among *tongzhi* students, transgender students tend to report more negative school experiences than cisgender *tongzhi* students. In the policy section of the survey findings, the

researchers highlighted four major issues: (1) positive *tongzhi*-related topics are not included in school curricula; (2) schools' anti-bullying and support policies do not include *tongzhi* issues; (3) there is a serious lack of supportive student clubs; and (4) teachers and school staff provide insufficient supports (Taiwan Tongzhi Hotline Association, 2021).

Although the GEEA acknowledges and protects diverse sexualities and gender identities, and emphasizes goals such as "promoting substantive gender equality" and "eliminating gender discrimination," the survey results reveal that the issues faced by *tongzhi* students on campus remain severe. As the first educational act in East Asia to incorporate the concept of gender diversity, it is undeniable that the GEEA was groundbreaking. However, the praise the GEEA often receives for supporting diversity and inclusivity masks the internal limitations and contradictions that undermine its capacity to genuinely support gender and sexual minorities. While the challenges of implementing gender equity education policies involve a range of structural and cultural factors, there remains a significant disconnect between the legislative intentions of the GEEA, school-level policy planning, and the lived experiences of its intended beneficiaries. In a country that claims to promote substantive gender equality through legislation and education, is the GEEA truly an effective gender and sexuality policy for *tongzhi* students?

To better understand the limitations of the GEEA, it is necessary to examine both its historical development and its impact at the personal level. In the next two sections, I elaborate on the historical background of the GEEA and share a personal narrative of how the GEEA failed to support me as a student and as a teacher. These narratives and personal experiences are not simply isolated or exceptional cases within the broader context of gender equity education in Taiwan, but rather symptoms of deeper, structural problems within the GEEA that this study focuses on.

1.2 GEEA: Historical Background and Societal Challenges

The GEEA is the first law designed to address Taiwan's unique social context regarding gender issues in education; however, its gender and sexuality frameworks were heavily influenced by and adapted from Western contexts. According to Hsieh (2001), one of the principal drafters of the GEEA, its development was influenced by the second and third waves of feminism and drew references from gender equity legislation in the United Kingdom, Australia, and North America. It was especially shaped by two American acts prohibiting gender-based discrimination and exclusion: *Title IX of the Education Amendments of 1972* and the *Women's Educational Equity Act of 1973*. Additionally, in the 1990s, several severe incidents of gender-based violence and murder prompted feminists and women's NGOs to organize significant social movements. These groups pressured the government to address the challenges and inequalities faced by women in society, which ultimately resulted in the passage of several gender-related laws[4] and policies to protect women's rights, as well as the establishment of the Two Sexes Equity Education Committee in 1997 (Han, 2021; S. Lee, 2011).

However, an incident in 2000 marked a key turning point in Taiwan's shift from two-sex education (based on the male-female binary) to gender equity education (which transcends the binary framework). A Grade 9 boy—Yeh, was bullied by his classmates due to his feminine gender expression, which caused him to avoid using the restroom during recess. On April 20, he left class 20 minutes early to go to the restroom before recess and was later found dead on the washroom floor. According to the medical investigation, the student had a pre-existing medical condition that caused him to lose consciousness while using the washroom and hit his head on

[4] 1998, *Domestic Violence Prevention Act*; 2002, *Act of Gender Equality in Employment*; 2004 *Gender Equity Education Act*; 2005, *Sexual Harassment Prevention Act*; 2019, *Act for Implementation of J.Y. Interpretation No. 748*

the floor, which resulted in a brain injury that caused his death. The media at the time described Yeh's identity as "homosexual," or "*tongzhi*" without recognizing that sexual orientation and gender expression are distinct concepts (Wang, 2018). In other words, mainstream discourse conflated "sexual orientation," "gender expression," and "gender identity" as if they were the same. One member of the Two Sexes Equity Education Committee remarked in an interview:

> Yeh's case helped Taiwanese society understand that gender expression is an important aspect of what we call "gender" (though here, perhaps "sexuality" would be a more appropriate term). In fact, bullying does not occur only because someone has a different sexual orientation from heterosexual people; it also targets those with non-normative gender expressions or temperaments. Yeh's case not only highlighted that the binary concept of two sexes was insufficient to reflect gender diversity and difference, but also played a key role in advancing gender issues within the education field. This is why the Ministry of Education went on to promote gender-friendly campuses and revised the draft of the Two Sexes Equity Education Act into the Gender Equity Education Act. (Wang, 2018)

Over the course of 35 public meetings in 2000, intellectuals, professionals in gender studies, feminist groups, and participants reviewed the draft and offered feedback and suggested revisions (Wang, 2018). They argued that the draft of the Two Sexes Equity Education Act should not focus solely on males and females, but should also recognize and protect *tongzhi* issues. They proposed that the name of the Act be changed to the Gender Equity Education to reflect the inclusion of gender diversity. In response, the Two Sexes Equity Education Committee changed its name to the Gender Equity Education Committee (GEEC), and in the same year, drafted the GEEA. The finalized draft was submitted to the Legislature and enacted in 2005. This marked the first time the term "gender" appeared in an official document in Taiwan, prompting a discursive shift among educators, feminist groups, and civil society organizations to reconsider how gender and sexuality are embedded in everyday life, including in recruitment standards, experiences of violence, human rights, and the need to recognize identities beyond binary norms (C.-L. Yang, 2020). It reflected a broader conceptual shift from a binary view of

sex to a more inclusive understanding of gender. Additionally, following Yeh's incident, the GEEC decided to incorporate *tongzhi* education into the GEEA to integrate knowledge about gender and sexual minorities into mainstream education and enable students to learn about these communities through formal instruction. As stated in Article 13 of the Enforcement Rules for the GEEA: "The curriculum related to gender equity education referred to the second paragraph of Article 17 of the Act shall cover courses on affective education, sex education, and *tongzhi* education in order to enhance students' gender equity consciousness" (Enforcement Rules for the Gender Equity Education Act, 2005).

The inclusion of *tongzhi* education in the GEEA represented an ambitious attempt by policymakers to bring about change through education. However, the Act was drafted and revised without consulting the local *tongzhi* community or considering their specific needs. In 2004, a member of the GEEC proposed including gay and lesbian representatives in the legislative process. The proposal was rejected due to concerns that the prevailing social climate made it extremely difficult for *tongzhi* individuals to come out publicly, let alone be counted or represented on the committee (Y.-C. Hsieh, 2010). As a result, "*tongzhi*" exists as a gender-related label within the GEEA, but this community's lived experiences are not substantive reflected or incorporated into the policy framework.

In 2011, gender-friendly groups began drafting the Marriage Equality Act, and both supportive and anti-LGBTQ+ discourses entered the public sphere, which created an intense value conflict in various fields, including school campuses. For example, some *tongzhi*-friendly teachers collaborated with the Taiwan *Tongzhi* Hotline Association[5] to hold speeches on

[5] The largest and oldest LGBTQ+ organization in Taiwan, dedicated to achieving equality and providing resources for the LGBTQ+ community by creating public dialogue and promoting gender-inclusive sexuality education.

campuses, which provided an opportunity for gender minorities who had suffered discrimination due to their gender identity and sexual orientation to share their personal narratives. In contrast, conservative groups used financial support from churches to produce teaching materials, provide volunteer training, and distribute free promotional content aimed at spreading their views and opposing gender diversity education on campuses. They also turned to legal strategies, such as attempting to revise sex and gender-related terminology in laws to align with their beliefs.

The situation worsened during the 2018 marriage equality referendum, when two-thirds of the public opposed incorporating "*tongzhi* education" into compulsory education. As a result, the term *tongzhi* was removed from the GEEA, which had been included since 2005. It was replaced with a more generalized phrase—"respect […] different genders, gender expressions, gender identities, and sexual orientations" (Enforcement Rules for the Gender Equity Education Act, 2024). The unfortunate result of this change was that *tongzhi*-friendly teachers lost the legal protection that supported the inclusion of *tongzhi*-related topics in education. Those who continued to teach about these issues risked attacks from opposing parents and other conservative forces, which further reinforced the marginalization of *tongzhi* students and left little room for young people to imagine or explore diverse and flexible forms of gender and sexuality (Chiao & Chang, 2023; Pan & Hwang, 2016).

Over the past 20 years, the legislation and implementation of GEEA has faced significant opposition from high-level officials and resistance within government institutions. Many officials and administrators lacked awareness of gender issues and often dismissed the existence of gender inequities (H.-C. Hsieh & Lee, 2008). Furthermore, patriarchal values and hierarchies rooted in Confucian thought have continued to hinder progress. Individuals with less experience, lower status, or no power are expected to provide subordinate support to those with more

experience or higher status. This creates an environment in which those who hold greater power or have strong allies, such as politicians or conservative supporters, can override the professional judgment of trained personnel and instead promote the reinforcement of patriarchy rather than its deconstruction (Liao, 2019).

As someone who has been away from campus life in Taiwan for nearly two years, I find it relatively easy to describe the background, functions, and shortcomings of the GEEA. However, when I reexamine my past experiences as a queer subject within the educational system, both as a student and later as a teacher, I am not surprised by the dilemmas *tongzhi* students continue to face in school settings. In my experience, the GEEA was essentially an invisible law for most people on campus. In theory, schools are expected to comply with the law by implementing gender-related policies. The GEEA is intended to be a proactive piece of legislation that promotes gender equity and fosters an inclusive environment for gender diversity. Yet in practice, that vision often fails to materialize. In the following section, I share a personal narrative that reflects on the gap between vision and reality. Of course, my experience cannot represent all Taiwanese *tongzhi* students or teachers. However, by sharing my personal story and positionality as a researcher, I hope to offer a glimpse into how the educational environment envisioned by the GEEA often fails to address the lived realities of *tongzhi* individuals.

1.3 My Story and Researcher Positionality

My queerness is not only about my sexuality but also about how I perceive the world and understand myself. During kindergarten, I resisted wearing skirts and absolutely hated pink things. I disliked anything that tried to force me into a female identity. As a six-year-old kid, I could not clearly tell whether I disliked these things because I wanted to be a boy, because of aesthetic preferences (I thought girls' clothes were all ugly), or simply because I wanted to reclaim some

autonomy from my mother, who controlled every aspect of my life. The only thing that I did know was that whenever I was placed into a rigid gender category, it always made me feel awkward and uncomfortable. Rather than identifying with the binary of male/female, masculine/feminine, or heterosexual/homosexual, I have always been more drawn to neutral terms, symbols, and colours. This non-binary stance has helped me become more aware of and accepting of different perspectives, including how people express themselves and who they want to be. I naively assumed that others shared the same reflective capacity or held similarly open-minded views. I did not expect this belief to fall apart during my middle and high school years.

When the GEEA was enacted, I was 12 years old. It was a time dominated by heteronormative scripts in mainstream media that portrayed gender non-conforming characters as either a clown or a tragedy. At the time, *tongzhi*-themed media like the American comedy *The Hot Chick*, the tragic romance *Brokeback Mountain*, the Japanese TV series *Last Friends*, and the Taiwanese film *Spider Lilies* surrounded my childhood and adolescence with comedic and tragic portrayals. In contrast, heterosexual life was depicted as so normal and unquestioned that anyone who identified themselves outside of heterosexuality or the gender binary often came to believe that the problem lay with themselves. I felt compelled to carefully hide my true self, because I knew the real "me" was not allowed to be seen or acknowledged. Meanwhile, the adults around me cared only about academic performance; emotional needs, friendships, and self-esteem were treated as unimportant. As a result, some of my peers and I felt helpless and frustrated, and we became increasingly self-doubting. No one taught us how to deal with these experiences, and we did not know how or whom to ask for help.

I understand that any act, policy, or idea requires time and sustained effort to take root in practice. Therefore, I do not blame the absence or lack of gender and sexuality awareness during

my adolescence on the adults around me. Still, my adolescent experiences were one of the main reasons I wanted to become a teacher. To me, being an adult means having agency; the ability to decide how I want to present myself, to care for students proactively, and to create space for them to speak for themselves. Although I did not fit the conventional image of what a "female teacher" is expected to look like, my professional teaching experience and strong classroom management skills made me a reliable educator in the eyes of those around me.

However, even as a teacher, I experienced bias against gender nonconformity from the school administration. In my first year of teaching, I was the homeroom teacher for a graduating class. Unlike other female teachers, I did not wear a skirt on the day the graduation photo was taken. The female principal pulled me aside and accused me of dressing inappropriately and unprofessionally. Her angry tone, contorted expression, and threats made me feel ashamed. It was the first time I had been directly attacked because of my appearance. I was overwhelmed and promised her I would wear a skirt for the commencement ceremony. Ironically, male teachers showed up to the same ceremony in oversized jeans, colorful sports shirts, and sneakers, yet she said nothing to them. No warnings or criticism. I was furious, but I still did not have the courage to speak up or defend myself. That was one year before the 2018 marriage-equality referendum. I was 24 years old, and it had been 12 years since the GEEA was enacted.

The gender equity movement in Taiwan was strongly influenced by North American gender and sexuality frameworks, which contributed to a more open social discussion on gender and sexuality. The GEEA emerged as a product of this progressive process, aiming to promote understanding and respect for gender equity and diversity through both legislation and education. However, these broader societal changes often seem to exist in a parallel universe within the education system at all levels. Educational laws and policies often fail to function as intended, or

perhaps they function exactly as intended, just not in ways that truly serve those who need them most.

During my school years, I was fortunate enough to avoid sexual harassment or assault, which are categorized as severe gender-related incidents that the GEEA primarily seeks to prevent and address. Although the GEEA mainly targets explicit gender-based issues, it overlooks more subtle forms of exclusion and discrimination. In previous sections I discussed several reasons why many gender-related concerns remain unaddressed. These include the hierarchical structure of school administration, opposition from conservative forces, the lack of supportive systems or policies in schools, and subtle violations that occur in legal gray areas. Consequently, the needs of gender minorities on campus are often overlooked, and some individuals who claim to "respect differences" continue to cause harm through their actions. For instance, the female headmaster who accused me of dressing inappropriately and unprofessionally exhibited biased language and attitudes that violated Article 12 of the GEEA which states, "Schools shall provide a gender-fair learning environment, and respect and give due consideration to students, faculty, and staff with different genders, gender expression/temperaments, gender identities, and sexual orientations" (Gender Equity Education Act, 2024). Her speech and attitude also contravened the definition of sexual harassment in Article 3-ii-1 of the GEEA: "Engaging in unwelcome sex- or gender-related speech or behavior, whether explicit or implied, which adversely affects the other party's personal dignity " (2024).

However, the GEEA defines a campus gender incident as only including the student as the harmed party. This means that teachers who experience attacks or discrimination based on their gender or sexual identity are not protected. As a result, *tongzhi* educators find themselves caught in an institutional gap. They are covered by the Gender Equality in Employment Act

(2023), however, that law does not explicitly address gender or sexual identity like the GEEA. Moreover, the term "respect" raises critical questions: what defines an action as respectful or disrespectful, and what definition of respect is used? These questions illustrate the ambiguity of the concept "respect," particularly for individuals who are oppressed or marginalized. My experience being discriminated against as a teacher seems to fall into a gray area that is not addressed a specific article in the GEEA. If an adult like me felt powerless to respond to such an experience, how might youth, or those without any knowledge of gender issues or legal rights respond to a similar or more severe incident at school? This problem highlights a significant gap in understanding and interpretation of gender and sexuality between gender policy based on Western frameworks and public viewpoints influenced by binary gender norms (H.-C. Hsieh & Lee, 2008). Students are neither sufficiently taught about these issues nor clearly informed about how they could respond.

As someone who identifies as a queer educator, I feel capable and responsible to critically examine the uncomfortable gaps between policy and practice. My research is driven by the belief that education should be a space for challenging dominant narratives and creating new possibilities for social justice. My work intends to make marginalized voices from gender and sexual minorities be heard and understood in the broader conversation about education and social change. I hope this research can provide a transparent space to critically reflect on existing educational policies and offer grounded insights for more inclusive and responsive policy-making that includes all people, not just those who are heterosexual or cisgender.

1.4 Study Purpose and Research Questions

Based on the discussion above, the purpose of this research is to critically analyze the gender and sexuality discourses, structures, and frameworks included in the GEEA to determine

whether the GEEA effectively serves students of all genders, as its stated goals claim. Thus, my research question is as follows: Is the GEEA an effective gender and sexuality policy for *tongzhi* students?

I argue that although the GEEA incorporates gender diversity concepts originating from Western contexts (particularly Europe and North America) and is often regarded as a progressive and inclusive piece of legislation, it fails to adequately address the more subtle and nuanced forms of gender and sexual oppression in Taiwanese schools, and does not fully support *tongzhi* students in navigating the real-life challenges they encounter on campus. I am particularly interested in whether the discourse and frameworks in the GEEA truly align with its stated objective of "promoting substantive gender equality and eliminating gender discrimination." What understandings and ideologies of gender and sexuality are reflected in the language adopted by the GEEA? Are there any contradictory discourses in the GEEA that might constrain its potential to advance gender equity? This issue is significant because the GEEA not only plays a central role in guiding the implementation of gender equity education on campus, but also shapes how educators, students, legal guardians, and even the public interpret, understand, and reflect on the concepts of gender and sexuality.

1.5 Significance of the Study

This study makes three significant contributions. Firstly, it is significant for both societal and policy-making contexts. The rights and lived experiences of *tongzhi* youth are often marginalized or omitted from mainstream campus policy discourses. By critically analyzing the discursive structures embedded in the GEEA, this research can expose the gap between the legal text and its real-world implementation, thereby broadening policymakers' understanding of

gender and sexuality issues beyond heterosexual and cisgender frameworks, and providing a critical foundation for future legislative revisions and policy reforms.

Secondly, in terms of methodology, this thesis introduces Critical Content Analysis (CCA) as a framework for conducting critical readings and interpreting policy discourse. This approach not only expands the methodological repertoire for research on gender and education policy, but also provides valuable guidance for future scholars seeking to apply critical perspectives and qualitative methodologies.

Lastly, this research uncovers how gender and sexuality discourses and ideologies are constructed within the GEEA. It highlights the tensions and contradictions between the legal text and contemporary gender theories, such as queer theory and the concept of gender diversity. By identifying the absence of theoretical grounding in gender within educational legislation, this analysis deepens understanding of how gender discourse is constructed and reproduced through legal institutions, thereby, further discussing how to bridge the gap between institutional policy and critical gender theories.

1.6 Structure of the Thesis

This thesis is organized into five chapters: Introduction, Literature Review, Methodology and Methods, Findings and Discussion, and Conclusion. In Chapter 1 I outlined the research problem, the historical background and ongoing challenges related to the GEEA, my positionality statement and personal experiences, as well as my research purposes, questions, and the significance of this research. In Chapter 2 I review scholarly literature about gender and sexuality frameworks across different cultures. I explore key gender theories from the West, how the general Taiwanese population's perspectives are shaped by Han cultural traditions, and the formation of Taiwanese *tongzhi* culture. I also synthesize and conceptualize these theories in an

analytical framework that I utilize in later chapters. In Chapter 3 I outline the research methodology and analytical approach, introduce the rationale for adopting a queer theory lens and critical content analysis method, discuss the GEEA, and describe the research design and how the data analysis was conducted and aligned with the research objectives. In Chapter 4 I present the findings that resulted from my critical examination of the GEEA using a queer theory lens, and the degree to which the GEEA is inclusive of *tongzhi* perspectives. I discuss each theme in relation to key content derived from the GEEA and provide a synthesized interpretation. In Chapter 5 I summarize my main findings and offer suggestions for future research and development.

Chapter 2: Literature Review

In this chapter, I review the existing scholarly literature on gender and sexuality in the West, Sinophone Asia, and Taiwan to construct a theoretical framework grounded in both Western and Taiwanese contexts that highlights how linguistic and cultural transitions have shaped divergent understandings and interpretations of gender and sexuality in these regions.

Because "gender and sexuality" serve as the central analytical concepts of this study, it is important to note that the term "sexuality" originates from the West and is difficult to translate precisely into Mandarin. This linguistic and conceptual gap complicates cross-cultural interpretations. Therefore, the first section adopts a comparative perspective, examining how gender and sexuality are conceptualized differently in Western and Eastern contexts. Notably, several scholars of East Asian gender studies argue that Asian understandings of sexuality tend to emphasize psychological and emotional dimensions rather than physical ones. Furthermore, due to the complexities of regional geopolitics, which are shaped by histories of colonization among Asian countries and by the West, queer theory originating in the United States has become one of the foundational decolonial, post-colonial, and critical frameworks for gender studies in East Asia.

For this reason, I introduce the concept of Queer Asia in the second section and explore how it was introduced in Taiwan, particularly its embodiment in identity politics and cultural selfhood. The third section discusses how mainstream Taiwanese understandings of gender and sexuality have been shaped, disciplined, or neglected under Han cultural influences. In the fourth section, the focus shifts to the perspectives of Taiwanese *tongzhi* students, offering an elaboration of how their gendered and sexual subjectivities are shaped, resisted, and transformed

within heterosexual school settings. The last section summarizes key points and highlights the specific notions of gender and sexuality that serve as the analytical lens for this research.

2.1 Sexuality and Gender in the West and East: A Comparative Perspective

Sexuality is a concept rooted in Western epistemologies. It encompasses both biological and socio-cultural dimensions, including gender- and sexual-related concepts, symbols, and terms. These concepts are reinforced and shaped through language and social interaction, thereby fostering the formation of gender and its associated norms (Kiesling, 2024). For example, in *The History of Sexuality*, Foucault (2012) argues that *sexuality* is not a fixed or universal phenomenon, but a historical construct shaped by discourse and power. According to Foucault, Western sexuality evolved as an extension of the pathological process derived from Christian confessional rites, where individuals confessed their sins, thoughts, and desires to establish "truth." In contrast, Eastern ars erotica[6] did not emphasize verbalizing or expressing one's sexual identity in the same way. Instead, "truth" came from the pursuit of happiness, understood as something cultivated through personal experiences and practices. These historical constructions form the foundation for how contemporary gender identities are categorized, regulated, and politicized. Within this discursive framework, sex and gender are not a natural given, but rather a product of linguistic and social interactions. The same applies to the concept of homosexuality.

This historical context, shaped by language, has evolved alongside the regulation of sexual behavior and the development of terminology used to describe sex and gender identities. In the 1960s and 1970s, the term "homosexual" was gradually replaced by "gay" and "lesbian." Later, "queer" emerged as a term used to describe non-normative sexual minorities in both

[6] Latin term meaning "erotic art." Foucault uses this term to describe the traditions in Eastern cultures of treating sex as an art to be cultivated

popular culture and academic discourse (Beasley, 2012). This transformation in terminology reflected a shift in how sex, gender, identity, and desires were conceptualized within changing social dynamics (Weeks, 2011). The transformation of linguistic and social concepts provided a critical foundation for Judith Butler's (1999) theory of performativity, which has become influential in gender studies. In *Gender Trouble*, they extend Foucault's perspective by arguing that the heterosexual system compulsively categorizes human desire into distinct sexual orientations and genders. It then constitutes gender identity through the repeated performance of behaviors that align with heterosexual social norms. In other words, culturally intelligible subjects are understood as discourses constrained by rules, becoming specific gendered identities that respond to various societal expectations and understandings of gender. This is the result of *performative* gender expression. The pursuit of gender coherence is a regulatory practice aimed at preventing the intersection and re-signification of different sexualities, thereby avoiding the emergence of subversive possibilities (Butler, 1999). Butler's theory offers a powerful critique of Western heterosexual structures. However, as noted earlier, the concept of sexuality originates within Western epistemologies. As such, directly translating "sexuality" into Mandarin poses significant challenges due to the differing cultural and linguistic frameworks between the West and Sinophone Asia.

In fact, since Mandarin lacks an intersectional term that fully encompasses both sex and gender, scholars have often adopted strategic translations to address this conceptual gap. For instance, Huang (2011) strategically translated sexuality as *xìngxīnlǐ* (性心理), which literally means "the orientation or experience of psychological sex." This translation aligns more closely with the cultural nuances in Sinophone contexts, where discussions of sexuality are more closely associated with sentiment, desire, and psychological experience, rather than strictly biological

meanings. Such a strategic translation is not simply a matter of changing vocabulary. It also reflects a cultural shift in how sexuality is understood. In Western contexts, sexuality is often treated as a clearly defined identity that can be categorized, diagnosed, and regulated through institutional discourse. In contrast, the notion of *xìngxīnlǐ* emphasizes the fluidity of sexual experience and its embeddedness in culture and emotion. Through this flexible translation across cultural frameworks, one can observe how sex, gender, and sexuality are conceptualized, named, and at times remain unspoken or undefined.

This also resonates with the high cultural tolerance and acceptance of "unspoken" in East Asian cultures. For example, Han culture has traditionally been more tolerant of homosexual individuals than Western culture because of the importance of the cultural value of harmony. This tolerance can also be explained through the concept of "reticence," a recurring theme in traditional Chinese literature. Reticence refers to the indirect expression of subjective intent or emotions through poetic idioms, which fosters an unspoken social consensus (Huang, 2011). Grounded in Confucian values and philosophical perspectives, reticent expression evolved as a means of self-discipline and self-preservation aimed at maintaining social order. Whether emotions, behaviors, or language were normative or non-normative, reticence guided individuals to adopt forms of expression that aligned with the prevailing social atmosphere (Huang, 2011).

For this reason, early Sinophone literature and films often featured homosexual themes without employing medical or scientific terminology for homosexuality. Instead, they depicted these themes through actions (e.g., "he does"), emotions (e.g., "he enjoys"), or describing a character's appearance and surroundings, rather than explicitly stating one's identity (Lim, 2010). Consequently, homosexuality in the Eastern context was neither categorized nor explicitly named and thus was neither specifically permitted nor forbidden. It was not until Western

medical terms were introduced and translated into Mandarin, such as *Tóngxìngliàn* (同性戀, homosexual individuals, commonly used to describe gay and lesbian people in the West) and *Yìxìnglìan* (異性戀, heterosexual individuals), that these gender concepts began to be widely recognized and established as stable identities (Lim, 2010).

Despite differing understandings of sexuality in Eastern and Western contexts, throughout much of the 20th century, fields such as biology, medicine, and psychology sought to explain human phenomena through an essentialist lens. These disciplines often relied on binary notions of health and illness to name, categorize, and use sexuality as evidence for medical, legal, and governmental systems to control, reward, discipline, and punish individuals (Dowsett, 2017). For instance, psychoanalysis regarded homosexuality as a mental illness that required regulation and restraint. This perspective was introduced to East Asia during the global AIDS crisis of the 1980s, which led to the gradual construction of a pathological framework for homosexuality within governance discourses (Damm, 2016).

However, this period also marked the beginning of a gradual cultural reconstruction, reinterpretation, and political appropriation of the term *tongzhi*. Under the influence of communism and Marxism in China, *tóngxìngliàn* incorporated the Soviet Communist term *comrade*, which was translated as *tongzhi*. During Hong Kong and Taipei film festivals, the term "queer" was further appropriated as *Xing tongzhi* (新同志, new homosexual) (Lim, 2010). This adaptation popularized *tongzhi* in public discourse, permeated Sinophone communities and gradually replaced the term *tongxinglian*. Compared to medical or scientific terminology, *tongzhi* evokes a more positive cultural image, and tends to transcend the biomedical frameworks of gender and sexuality. This appropriation underscores the politics of translation in the transnational flow of gender and sexuality concepts. Subsequently, the term *tongzhi* was

introduced to Taiwan and has since served as an umbrella term to describe LGBTQ+ individuals. Generally, gay men and lesbians are grouped together under the broader category of "homosexuality," and *tongzhi* is more commonly associated with homosexuals than with other identities (Lim, 2010). In contrast, transgender and queer individuals are often categorized together, as they exist outside the dominant homosexual framework and tend to have greater agency in challenging gender norms.

Chao (2000) noted that when *queer* was introduced to Taiwan from the West, its translation and appropriation did not spark discussions on queer/queerness or critiques of homonormativity. The translation of "queer" was shaped by the translator's unique political interpretations and understandings. For example, two terms derived from "queer"—"*Guaitai*" and "*Ku'er*"—illustrate different translational approaches. "*Guaitai*" closely resembles the English meanings of "weirdo" or "freak", while "*Ku'er*" is a transliteration of "queer," embodying traits of coolness, playfulness, rebellion, and youthfulness (Lim, 2010). However, these two terms are primarily used by cultural elites and middle- to upper-class individuals who are familiar with queer studies or related artistic fields, and ultimately, they remain categorized in a broader framework of *tongzhi* (Lim, 2010). Therefore, *tóngxìngliàn, tongzhi, guaitai*, and *ku'er* appeared in chronological order, but they did not replace each other, and their meanings and the aspects they emphasize are slightly different. The tension between queer, lesbian, and gay in English is not equivalent to the relationship between *ku'er* and *tongzhi* in the Taiwanese context. In this sense, Western notions of sexuality, such as same-sex attraction and queerness, have been reinterpreted within Eastern cultures (Liu, 2021). Through translation and appropriation of Western sexuality terms, *tongzhi* has also emerged as a localized cultural

identity, facilitating the integration of sexual and gender issues into society in a more understated and socially acceptable manner (Lim, 2010).

Meanwhile, in mid-1980s to the 1990s, influenced by the second and third waves of feminism, diverse gender-related workshops, art forms, and activist groups emerged across college campuses. Sexuality and homosexuality in Sinophone Asia were more frequently explored through the arts and humanities, particularly represented in Taiwan and Hong Kong's literature and film (Huang, 2011). These texts primarily depict the lives of homosexual characters, focusing on their everyday struggles, desires, and the social biases they face. For instance, *Crystal Boys* (Pai, 1983) documents the experiences of a gay community in Taipei, portraying how they navigate marginalization and longing. *Dance of a Maiden* (Tsao, 1991) explores the complex and intimate relationship between two girls as they transition from adolescence to adulthood. Other works such as *Huang ren shou ji* (Zhu, 1994), *Notes of a Crocodile* (Qiu, 1994), and *The Membranes* (Chi, 1996) are also representative of *tongzhi* literature at the time.

These literary works and films not only depicted the imagination and lived experiences of *tongzhi* communities, but also contributed to their rapid development in both online and offline context, and fueled the emergence of democratic and gender-based social movements during this transformative period (Kong, 2019). Therefore, it is essential to examine Western gender categories and the discourses surrounding them while considering Taiwan's local history, cultural beliefs, and the discursive frameworks shaping its current context (Dowsett, 2017). This is particularly important because the terms and discourse in contemporary gender-related acts and policies in Taiwan reflect and influence the public's and policymakers' understanding, interpretation, and perceptions of gender within the framework of socialized sexuality that is

influenced by both western perspectives. As Liou (2014) noted, “Taiwan’s queer discourse used American and European cultural hegemony to pry open the closet in Taiwan’s public culture” (p. 274).

The linguistic appropriation and cultural practices discussed above demonstrate that the understanding of gender and sexuality in Sinophone Asia is not simply a matter of adopting Western discourses. Rather, these concepts are actively reinterpreted and reconstructed within local contexts. This process is also reflected in academic scholarship, particularly in how queer theory has been appropriated and critically examined. In the following section, I further explore how queer theory has been introduced to and localized within Sinophone Asia.

2.2 Queer Theory in Sinophone Asia

Rooted in philosophical and literary critique, queer theory originated in the United States during the 1990s, and is employed as a specific academic term that refers to the postmodern turn in sexuality studies. It critiques essentialist categories such as universal, homogeneous, and fixed identities, gender and sexuality, and regards identity as thoroughly socially constructed, internally unstable, and incoherent (Beasley, 2012). Jagose (1996) argues that Foucault reconceptualized sexual identity, denaturalized dominant understandings, and laid the groundwork for sexuality studies to develop along queer theoretical lines. Building on this foundation, theorists such as Butler (1990) and Sedgwick (1990) further examined how gender discourses are embedded within societal structures and how they perpetuate the marginalization of certain identities and narratives. At the same time, queer theory also constructs a self that transcends the binary opposition between heterosexuality and homosexuality, focuses on how sex/gender terms are socially constructed, and rethinks individual identity as intertwined, open, hybrid, and fluid (Jagose, 1996; Kong, 2020). Notably, queer theory shares common ground

with gender studies, ethnic studies, and postcolonial studies in its postmodern emphasis on deconstructing binary oppositions, such as East/West and Global North/South (Beasley, 2012). However, East Asia, which Asian scholars refer to as Sinophone Asia, is a complex region marked by controversy, geopolitics, and imperialism, making it an imbalanced and globalized area that is not entirely suited for U.S. queer theory (Liu, 2021).

After the introduction of queer theory to Asia, different Asian scholars conducted localized analyses and decolonial actions. For example, the book *AsiaPacifiQueer*[7] examines queer research trends across various Asian countries and critically engages in discussions about the challenges and implications of translating English-language queer theories into local contexts (Martin et al., 2010). Chen (2010) pointed out that many Asian intellectuals maintain direct and varied connections with Europe and North America, while connections between Asian countries themselves are relatively limited. He proposed the concept of "Asia as method," which seeks to deconstruct the dualistic division between East and West, re-examine Asia's agency and subjectivity, and emphasize the need to find methods for cooperation through differences. This approach aims to address the relationships between oppressed individuals, the nation, and civil society, rather than rely solely on political parties as the primary unifying force. Additionally, he argued that intellectuals working within civic institutions should consciously utilize available resources and networks, fostering more dynamic and fluid analyses. This is important because civil community can both integrate into governing structures and serve as an ally to oppressed and marginalized groups. Theoretical and political analyses allow people to identify how social

[7] *AsiaPacifiQueer: Rethinking Genders and Sexualities,* written by Martin et al. in 2010, compiles articles from different Asian countries. It explores diverse concepts from queer theory, including masculinity, queer identity, gender norms, and the translation and appropriation of language.

tensions and contradictions arise. Particularly in Taiwan, gender-related issues, debates, and legislation are closely tied to governing political parties and public opinion.

Following the framework of "Asia as method," Chiang & Wong (2017) and Luther & Loh (2019) discussed "Queer Asia" and "Queer transition" as critical approaches to reconfiguring how queer understanding and knowledge are established in both Asia and the Sinophone context. Po-Han Lee (2019) seeks to develop the political value of rainbow coalitions through the concept of assemblage, while in his other piece in 2019, he borrowed Deleuze's notion of the "Body without Organs" to attempt to decolonize queer theory in post-colonial Asia. Brainer (2017) focused on transgender individuals' roles in family rituals and intergenerational care work, examining how "gender" functions as a shifting, relational category. Brainer's findings highlight the dynamics of relational politics and further emphasize that in traditional Han families, fulfilling functional roles often takes precedence over matters of sexuality, whether in terms of gender identity or sexual orientation, regardless of whether individuals identify as heterosexual or homosexual. Kao (2024) conducted 22 months of field research, including in-depth interviews and purposive sampling, to investigate the globalization of homonormativity theory and its disruption between queer theory and embodied experiences in Asia. Kong (2020) combined sociology and queer theory in his research to develop transitional queer sociology, which emphasized the importance of material, structural, and textual analysis in conceptualizing the *tongzhi* identity in Hong Kong, Taiwan, and Mainland China. He observed that Taiwan's queer identity formation, compared to that of China and Hong Kong, aligns more closely with political sexual citizenship due to the *tongzhi* movement's strong connections with academia, media literacy, and its unique political relationship with both China and the United States. That is to say, gender and *tongzhi* issues in Taiwan have no longer been solely about self-identity or

subculture but have become deeply intertwined with political dynamics and the social climate. (Cheng et al., 2016; Jung, 2024; P.-H. Lee, 2017; Liu, 2021). Lim (2016) argued that queer theory in Taiwan emerged not from identity politics movements surrounding the AIDS crisis, as it did in parts of the United States, but rather as a symbolic and institutional discourse shaped by academic practices and cultural production. In this context, queer theory has granted legitimacy to specific forms of intellectual inquiry and has provided academic capital for queer scholars and activists in Taiwan to engage in gender- and sexuality-related debates and social movements.

Despite the efforts of several scholars to adopt queer theory as a means of decolonial practice and to localize its appropriation in Sinophone Asia, there remains a noticeable gap and tension between academic discourse and its acceptance within the social mainstream. In Taiwan, academic exploration of gender and sexuality issues does not always successfully translate into ideas that are easily understood or acknowledged by the broader society. This disconnect can be attributed to the enduring influence of Confucian cultural heritage, resistance from conservative groups, and the intervention of global Christian ideologies.

Building on the discussion above, the next section focuses on how gender and sexuality issues are understood and interpreted by the general public in contemporary Taiwan, exploring how these perspectives and beliefs have been shaped, disciplined, or overlooked within specific historical and political contexts.

2.3 Public Perceptions of Gender and Sexuality in Contemporary Taiwan

After being defeated in World War II, the Japanese government's colonial rule in Taiwan ended. Subsequently, the island came under the control of the Nationalist Party (Kuomintang or KMT), which retreated to Taiwan in 1949 after it was defeated by the Communist Party of China in the Chinese Civil War. Upon their arrival, the KMT not only took control of the island but

also established an authoritarian regime, fostered a strong anti-communist political climate, and imposed martial law for 38 years (Chiang & Wang, 2017; Wu, 2016). Under this authoritarian regime, public discussions about dissent, identity, and autonomy were heavily censored or suppressed. As discussed previously, Sinophone Asia was traditionally more tolerant of homosexuality compared to the West before medical terminologies, homophobia, and gender politics were imported. As a result, "homosexuality" was never classified as a criminal offense in Taiwan, Unlike other East Asian political regimes. Instead, the focus was often on the "illegal behaviors" associated with homosexual people. For instance, before the 1990s Taiwanese gay men were frequently linked to activities such as prostitution, harassment, and assemblies during the martial law period, which were commonly labeled as threats to public order (Kong, 2019). These associations often resulted in arrests for violating "virtuous customs." While the concept of homosexuality itself was not considered a major issue, it became problematic when intertwined with external social factors such as reputation, morality, societal expectations, political dynamics, or actions perceived as challenging authoritarian regimes (Huang, 2011).

Discourses on gender and sexuality did not come to the fore until martial law was lifted in 1987. However, even during the democratic era from 1987 to the present, such discussions were neither as visible nor as intuitively framed as in many Western contexts. In Han Taiwanese culture, which tends not to emphasize rigid identity categories and the pursuit of absolute truths, disclosing or articulating one's identity is often seen as unnecessary. As a result, sexuality and gender have rarely been central to public discourse. Instead, they have often emerged as secondary or marginal concerns within broader debates about politics, education, and the family. Indeed, the tendency to avoid direct engagement with sexuality is shaped not only by cultural norms, but also by the challenges of language translation and differing conceptual frameworks.

Over the past 30 years, much of the Taiwanese public has considered sex and gender to be the same. One reason is that when the English term "gender" was introduced into the Sinophone context, it was translated into Mandarin as either *xìngbié* (性别) or *liǎngxìng* (两性). While *xìngbié* (性别) more closely reflects the meaning of "gender," *liǎngxìng* (两性) literally means "both sexes," implying that gender consists only of male and female categories (Shen, 2021). Once *liǎngxìng* (两性) is internalized as the default understanding of sex and gender, people tend to assume that gender performance should align with an individual's physiological sex. As a result, the binary framework is not seen as something that needs to be questioned. Instead, other concerns are often prioritized over what is perceived as the "common sense" binary of male and female. This suggests that, regardless of gender or sexuality, many Taiwanese people are influenced by binary frameworks, which contributes to the relatively low frequency of explicit discussions on gender and sexuality in public discourse, where these topics remain unfamiliar or marginal. Additionally, despite the diversity and cultural negotiations within the *tongzhi* community, mainstream Taiwanese society often interprets it through a heterosexual lens, reducing *tongzhi* identities from complex expressions of gender to more easily understood notions of sexual behavior (Lu & Hu, 2021). In other words, within the framework of dominant gender norms, gender performances and identities are expected to align with one's sexual orientation. As a result, non-normative gender expression is often simply interpreted by the public as being driven by non-normative sexuality. Under this logic, homosexuality remains the most widely recognized and understood form of non-normative sexuality among the general public in Taiwan (Lu & Hu, 2021).

Moreover, family structure and Confucian cultural values have also played a significant role in shaping understandings of gender and sexuality. Within Confucianism's emphasis on the

relational self, an individual's gender and sexuality are often interpreted as outcomes of family upbringing (P.-J. Chen, 2006). For example, in the early era of Taiwanese society, when families prioritized sons over daughters, such gendered favoritism sometimes led girls to wish they had been born male. These girls would often imitate boys' clothing, behavior, and even romantic preferences. Within this cultural framework, deviations in gender identity and sexual orientation were commonly attributed to failures in family education. Such reasoning was widely used to explain same-sex attraction as a childhood misunderstanding of gender roles (P.-J. Chen, 2006). Similar findings emerge in Lee's (2014) research, which shows that Taiwanese fathers often prefer to remain unaware of their sons' sexual orientation or may implicitly acknowledge it without direct discussion, in an effort to preserve family harmony.

This culture of sexual repression is also embodied in the school system, which functions as an extension of state governance and moral discipline. Since the martial law period, schools have exercised significant disciplinary power and enforced various forms of gendered oppression regarding students' gender and sexuality including standardized hairstyles and uniforms based on physiological sex. These regulations promoted a homogenous notion of conformity. For example, boys were required to wear extremely short hairstyles and military-style uniforms, while girls were subjected to similarly short hairstyles and asexual uniforms deliberately designed to suppress their sexuality and encourage them to remain asexual and "pure" during adolescence (Shen, 2021). Moreover, teachers and administrators often publicly humiliated students for their "inappropriate" appearance, sometimes even cutting their hair in public as a means of reinforcing an authoritarian image and simultaneously serving as a warning to other potential troublemakers (Shen, 2021). These oppressive rules and homogenous standards reflected the broader purpose and ideology of the education system during the martial law

period, teaching students to obey authority, de-gendering youth during puberty, emphasizing academic performance, and prioritizing nationalism over individual desires.

Despite the lifting of hairstyle bans and the loosening of gender-specific uniform regulations, many conservative teachers began to shift from a desexualized gender framework to one centered on enforcing gender conformity. They frequently judged or gossiped about students' and colleagues' appearances based on their adherence to binary gender norms. Such discourse often situated sexual orientation and gender expression within a strictly heterosexual (and frequently homophobic) framework. Additionally, since the 1990s, the democratic transition and economic globalization have pushed Taiwan towards neoliberalism and free market capitalism (Ho, 2008). It has also given rise to transnational conservative forces aligning with local conservative political parties, such as Christian-oriented groups and child protection NGOs. They not only view the *tongzhi* community as encroaching on the taboo realm of sexuality and challenging conventional sexual morality, but also claim to safeguard "children's purity," "strengthening protections for women and children," and "disease (HIV/AIDS) prevention" (Chiang & Wang, 2017). These forces have created a new form of "moral hegemony," portraying *tongzhi* as threatening normative moral values (Ho, 2008). Within this context, abstinence-based discourse is the dominant framework that shapes the development of sex and gender education in Taiwan. It perpetuates narratives such as "sexual behavior equals violence," "students are inherently at risk of victimization," "sex education is about preventing harm," and "sexuality is a matter of personal morality" (H.-C. Yang & You, 2014).

Similarly, despite the fact that the educational workforce in Taiwan is predominantly female, many teachers tend to act as bystanders rather than active participants in gender or women's movements, because they often perceive gender equality issues as irrelevant to them

(S.-C. Lee, 2012). Furthermore, discussions of gender education in contemporary Taiwan primarily focus on "understanding knowledge." Terms such as "feminism" or "heteronormative hegemony" are often considered too radical for students and can easily provoke controversy, which leads most teachers to avoid addressing power-related topics when teaching gender equity education (Liao, 2019; C.-L. Yang, 2020). Unsurprisingly, the *2020 School Climate Survey on LGBTQ+ Students in Taiwan* found that many teachers lack awareness of gender issues and may (un)consciously make unfriendly comments or adopt a passive attitude (Taiwan Tongzhi Hotline Association, 2021).

Despite the situation described above, Chen Shan-Wu's (2011) research indicates that even when teachers wish to support students, their engagement is largely influenced and constrained by the broader cultural and institutional contexts of their work environments. This dynamic is particularly evident in suburban areas, where patriarchal disciplinary norms are deeply embedded and significantly shape interactions among teachers, students, and guardians. Even when heterosexual teachers implicitly acknowledge, accept, or recognize *tongzhi* students' pursuit of belonging and emotional security within this gendered structure dominated by masculine culture, they often face social pressures that prevent them from providing explicit support. This situation exposes a significant gap; the education system and relevant policies have failed to adequately address the real-life challenges faced by both *tongzhi* students and school teachers. Although the GEEA outlines procedural mechanisms to prevent potential risks, it mistakenly assumes that with proper institutional structures in place, all students' needs will be sufficiently met. For example, long-term gender equity education is often reduced to an annual one-off initiative focused on preventing campus bullying, with little sustained engagement with gender-diverse experiences or meaningful dialogue between schools and guardians. This

oversight neglects the cultural conditions within the educational field, specifically how teachers and guardians understand gender and sexuality, and whether they possess the capacity and willingness to support *tongzhi* students (S.-W. Chen, 2011). Such tensions create an intense conflict between teachers' professional commitment to students' well-being and the neutral stance on gender and sexuality issues that society often expects from educators.

Based on the above description of the gap between policy and school settings, as well as the challenges posed by Taiwanese society's longstanding replication and reinforcement of binary gender and sexuality norms through cultural structures, linguistic translation, and the educational system, it is necessary to shift the analytical perspective from institutional frameworks to the subjective experiences and agency of *tongzhi* communities. In fact, *tongzhi* students have not entirely or passively accepted these mainstream beliefs. Instead, they have gradually developed specific cultural logics and strategies of action in response to these pressures and in the course of navigating everyday life. Through such practices, we can observe how *tongzhi* individuals negotiate space and transform the rigid conceptions of gender and sexuality embedded within prevailing cultural norms. The next section rethinks the social meanings of gender and sexuality from a *tongzhi* perspective, exploring how *tongzhi* students respond to and reconstruct gender and sexuality subjectivities in schools through cultural production, identity formation, and embodied practices.

2.4 *Tongzhi* Students' Gender and Sexuality Subjectivities in Taiwanese School Settings

As described in the previous section, the dilemmas faced by Taiwanese *tongzhi* students arise from multiple social dimensions, particularly the oppression stemming from patriarchal family structures and school disciplinary systems. The recognition and practice of subjectivity are often deeply shaped by cultural contexts. Different societal understandings and expectations

regarding gender and sexual identity further influence the formation of diverse sexual subjectivities. Consequently, challenges from these social fields have profoundly impacted how *tongzhi* students develop their gender and sexual subjectivities. In particular, within school environments dominated by heterosexual and cisgender norms, heterosexuality is often taken as the default identity, while individuals become aware of their own sexual orientation and gender identity through the tension between societal identification and personal desire (Juan, 2021).

According to Juan's (2021) research, the gender identity construction process of *tongzhi* students typically follows three stages: becoming aware of one's difference from others, exploring the relationship between *tongzhi* identity and oneself through erotic experience, and acknowledging one's gender and sexual identification. However, formal curricula in elementary and junior high schools exclude *tongzhi*-related education, and even in high schools, the implementation of gender equity education remains limited. Although the GEEA requires the GEEC at all school levels to integrate gender equity education into all courses, students often report a lack of substantive inclusion and emphasis by schools (Y.-C. Hsieh, 2010; Taiwan Tongzhi Hotline Association, 2021). Furthermore, because *tongzhi* students cannot obtain relevant knowledge and resources through the formal education system, they grow up without access to *tongzhi* culture or relatable life experiences, and only gradually develop an understanding of *tongzhi* culture through spaces outside of school.

As a result, when *tongzhi* students become aware of their sexual orientation and gender identity, they often devise strategies either to conform to or to resist the school's power structures. These strategies do not wholly reject traditional Han Taiwanese values but instead selectively integrate them. For example, under an education system that prioritizes academic performance, *tongzhi* students may maintain high grades as a protective umbrella to earn more supportive

attitudes from teachers and peers (P.-Y. Chen, 2021). Likewise, some male *tongzhi* students adopt varied performative strategies depending on the social context, such as engaging in the roughhousing culture of straight male peers to fulfill their erotic fantasies through physical contact (Y.-P. Chen, 2021). Such practices also extend beyond school life. Some Taiwanese *tongzhi* youth engage in gender-related issues and social movements in the public sphere through various forms of action, both in the streets and on social media platforms. While they may not openly disclose their sexual orientation or gender identity, these collective experiences remain significant, as they signal their commitment to the common good (the fight for equality) and their identification as *tongzhi* (Kong, 2023).

These conforming or resisting strategies demonstrate that *tongzhi* students are not merely passive recipients of social norms; rather, they continuously interact with, negotiate, and adjust their positions within the prevailing normative framework. This ongoing process involves the formation of subjectivity, which aligns with Butler's concept of the relationship between subjectivity and agency (Butler, 2025). Indeed, it is impossible for individuals to fully grasp how society shapes them, as this shaping process often surpasses individual awareness. In this context, subjectivity is both vulnerable and ethical because it emerges through the responses, recognition, and acknowledgment of others. Therefore, individuals share the responsibility of coexisting with one another (Butler, 2025). For Taiwanese *tongzhi* students, the sexual subjectivities they develop during adolescence are performative and agentic, arising through self-negotiation and compromise while taking into account the voices and reactions of those around them. In other words, regardless of whether tongzhi students choose to come out, current educational policies and environments indirectly compel *tongzhi* students to adjust and transform themselves to fit within the dominant

gendered cultural structures of schools. Behind this lies the belief among *tongzhi* students that conformity is the best way to coexist with those around them.

In this context, the support from within the school becomes especially important, as it can significantly impact and transform the campus experiences of *tongzhi* students. The 2020 School Climate Survey on LGBTQ+ Students in Taiwan (2021) found that the presence of *tongzhi*-supportive school members, such as peers, teachers, and staff, is a key factor in fostering a *tongzhi*-friendly atmosphere on campus. Furthermore, the greater the number of supportive school members, the higher *tongzhi* students' self-esteem and the lower their levels of depression. Juan (2021) also emphasized that peer and teacher support systems are crucial for the formation of *tongzhi* students' subjectivity. Increased understanding of gender diversity, along with more gender-friendly teachers and straight/heterosexual allies xiànshēn,[8] can contribute to reconstructing power hierarchies within the predominantly heterosexual school environment, thereby giving tongzhi students more room and safety to be their true selves (Taiwan Tongzhi Hotline Association, 2021).

To sum up, *tongzhi* students' gender and sexuality subjectivities in school settings have been limited by various cultural and societal factors. Unlike the Western context, which emphasizes the coming-out process as a means to affirm one's identity and subjectivity, Taiwanese *tongzhi* students instead engage in implicit *xiànshēn*, continuously negotiating and adjusting their stances while adopting diverse performative strategies to cope with power structures. However, their agency largely stems from the absence of comprehensive policies and an insufficiently supportive school system. These findings highlight significant gaps that remain

[8] As a strategy for *tongzhi* individuals navigating both public and personal spheres, *xiànshēn* implies that they do not need to physically appear or take the risk of explicitly associating themselves with the tongzhi label, thus allowing them to express their sexual desire and self-identity more fluidly (Chao, 2000). *Xiànshēn* also represents a broader position or perspective on gender issues for all people, not limited to *tongzhi* identity.

at the legal and policy levels. Therefore, it is necessary to examine the shortcomings of the current GEEA and explore potential avenues for its improvement to better promote *tongzhi* students' equality and well-being.

2.5 Conclusions from the Literature Review

This chapter examined the development of Taiwan's social context through a comparative presentation of gender theories in the West and Sinophone Asia. It highlighted the divergent understandings of gender and sexuality between Western paradigms and the Taiwanese *tongzhi* cultural framework. These differences not only reflect the complex processes through which Western theories have been localized in Sinophone Asia, but also illustrate how Taiwanese *tongzhi* students on campus have developed distinct strategies and cultural practices in response to dominant social norms. Below I summarize both the Western and Taiwanese *tongzhi* cultural frameworks to clarify their key characteristics.

First, gender theory in the West emphasizes clear identity categories and precise terminology. In particular, the exploration of sexuality often begins with medical and biological perspectives, using terms such as sexual orientation and sexual attraction. Subsequently, the field of sexual research evolved from sexology to sociology, and the concept of sexuality gradually expanded to encompass legal and social institutions through discourse and disciplinary mechanisms. This expansion contributed to the construction of concepts such as gender identity and gender expression. Furthermore, gender-related notions were incorporated into legislation and criminal governance, involving issues such as sexual and gender-based violence, consent, and rights. Queer theorists like Butler (1999), Duggan (2002), and Sedgwick (1990) have developed influential concepts to interpret Western understandings of gender and sexuality, such as gender performativity, gender scripts, and homonormativity, which questioned and challenged

existing gender norms, and opened up possibilities to rethink, deconstruct, and reconstruct both gender and sexuality. Second, Western frameworks emphasize subjectivity and autonomy. They regard sexual and gender identity as fundamental personal rights. “Coming out” is viewed as a political strategy for individuals to publicly assert their identities and claim their rights. Lastly, this approach promotes a rights-based equality movement through institutional reform. It is not limited to the pursuit of equality between men and women, but also includes the rights of diverse gender communities, such as marriage equality, workplace protections, and educational rights.

As for Taiwanese *tongzhi* culture, the process of linguistic translation and conceptual reconstruction transformed medicalized labels such as *tongxinglian* and *yixinglian* into the culturally appropriated term *tongzhi*, thereby establishing a form of vernacular cultural recognition. The characteristics of Taiwanese *tongzhi* culture are summarized as follows.

First, there is a recognition of gender diversity and fluidity. Although traditional Taiwanese society tends to categorize individuals according to a strict male–female binary, translation-related ambiguities have created space for diverse interpretations. Furthermore, *tongzhi* communities have developed their own subcultures, gender identities, and gendered terms to resist and reconstruct heterosexual structures. Second, *tongzhi* youth develop their gender and sexual subjectivity through erotic exploration and diverse performative strategies. Although public discourse around gender and sexuality has become more open, the lack of comprehensive sex education and the historical desexualization of school curricula have made it difficult for *tongzhi* youth to access appropriate resources. As a result, many young people turn to popular culture, online communities, or semi-legal spaces to explore bodily desires and gradually form their self-awareness and group identification. Additionally, to cope with the oppression from the heterosexual structure in schools, *tongzhi* students may adopt various gender

performances both to avoid trouble and to satisfy their needs for erotic exploration. Therefore, comprehensive sex education and an increase in *tongzhi*-supportive peers and teachers are key demands from *tongzhi* students for educational institutions. Last, *xiànshēn* is employed as a gender advocacy strategy without public disclosure of identity. Influenced by the Confucian tradition of restraint and subtlety, many Taiwanese *tongzhi* students on campus do not rely on coming out as their primary form of political expression. Instead, they engage in *xiànshēn*, which enables them to actively support human rights, social justice, and gender issues through indirect visibility and everyday actions, without necessarily revealing their identities.

This description not only enhances understanding of gender and sexuality in different cultural frameworks, but also offers a comparative perspective and a theoretical foundation for future empirical research. In the next chapter, I build upon this theoretical framework, and further elaborate the methodology, analytical approach, and research design used to examine the extent to which these cultural characteristics are reflected in the GEEA.

Chapter 3: Research Methodology

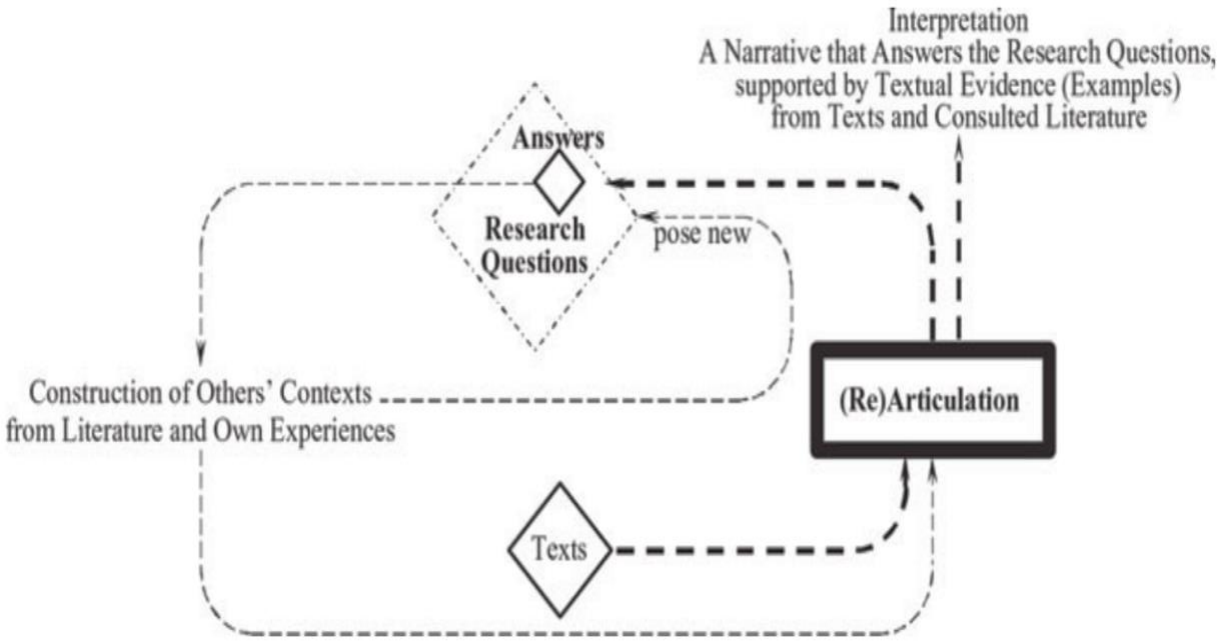
This chapter outlines the research design of this study, which includes a description of critical content analysis, the selection of data sources, the data analysis procedure, and the limitations of the research design and a summary.

3.1 Overview of Critical Content Analysis(CCA)

Content analysis is a flexible, non-interventional, and non-respondent observational research method that uses information produced by people as data sources to construct research questions (Prasad, 2008). In other words, it is an empirical research approach in which analysts typically develop analytical concepts from existing theories or studies, and then reason through or interpret the texts to understand the context and answer the research questions.

Figure 1.

Qualitative Content Analysis (Krippendorff, 2022)



According to Krippendorff's (2022) cyclical model of qualitative content analysis (Figure 1), the interpretation of texts is not a unidirectional process. I move back and forth among the research questions, texts, and my interpretations. This process involves constructing the context of the text through literature reviews, personal experiences, theoretical understandings, and interpretive frameworks. These elements support me in (re)articulating, interpreting, and synthesizing findings to answer the research questions.

As I understand and practice it, content analysis is an act of interpretation shaped by my cultural understanding and social position (Krippendorff, 2022). However, the meanings of a text still originate from the worlds of others. This suggests that a text is not inherently objective because considering something a "message" requires the reader to be involved. What distinguishes content analysis from general reading is the reading strategy and purpose of the research. For example, the GEEA is the only education law that explicitly addresses gender-related incidents on campus. If the recipient of the law lacks a relevant knowledge base, they may take the content for granted and accept it without critical reflection, thereby continuing to interpret its meaning within a heteronormative and cisnormative framework.

Additionally, texts do not possess a single, universal meaning, and can be interpreted from different angles, within various contexts, or through distinct symbolic systems. The meanings of texts are therefore diverse, and it is not always necessary for them to be shared or agreed upon by others (Krippendorff, 2022). In this context, my research goal is to identify the gaps in existing interpretations of the GEEA, propose a new perspective, and make visible the needs and experiences of specific groups. In other words, while previous studies have focused on the legislative process of the GEEA or treated it merely as a legal reference, texts like these were constructed within a "shared meaning structure," which may constrain researchers' agency and

lead them to reproduce similar analytical frameworks. Therefore, I need to carefully examine the contexts, discourses, and intentions embedded in texts, including asking questions such as: What does this text try to communicate? What does it omit? What kinds of ideas or actions does it (not) encourage? The nature of content analysis is exploratory, as the meanings of a text often go beyond its literal surface. In order to understand deeply what the text is doing and how it operates within a broader sociocultural framework, it is important that I describe, predict, reason, and critique simultaneously (White & Marsh, 2006).

The use of critical theory as the analytical foundation to guide the formation of research questions, data selection, and text analysis strategies is referred to as *Critical Content Analysis* (CCA). The key to CCA involves specifying a theoretical perspective to understand how a text, through its language and narrative strategies, conveys particular worldviews, shapes readers' perceptions of certain issues, influences individuals' self-identities and social positions within a given community, and thereby engages with power relations in specific contexts (Short, 2016).

This research aims to critically reflect on the constructed gender and sexuality frameworks embedded in the GEEA and to further explore the underlying intentions between Taiwanese *tongzhi* cultural contexts and the law. Drawing on Western queer theory as a critical lens, I examine how the text negotiates normativity and queerness within the specific context of Taiwan. Sedgwick (1990) notes that queer thinking emphasizes the intersectionality among gender, sexuality, and other social categories. Queer theory rejects stable identities, challenges dominant norms, reveals how queer subjects and marginalized groups are governed, and questions the existence of binary logics and established social orders. Beasley (2012) further points out that queer theory focuses on the multiple possibilities of self-formation and attends to gender and sexual narratives excluded by heteronormative norms, including all non-heterosexual

sexual practices. Therefore, when queer theory is used as a critical lens from the initial stages of data interpretation to the subsequent content analysis, it can reveal disciplinary mechanisms, institutional forces, cultural assumptions, and marginal discourses embedded in the GEEA.

3.2 Description and Selection of the Data

The data used in this research are based on one primary source, the Gender Equity Education Act (GEEA), and one secondary source, the Enforcement Rules of the Gender Equity Education Act (ERGEEA). The GEEA has been revised six times since its enactment in 2004. For this research, I chose to use the English versions of the 2023 GEEA and the 2024 ERGEEA. The main reason for selecting these versions is that they contain the most comprehensive content to date and reflect the latest social understandings of gender and sexuality that have been shaped by Taiwan's democratic transition, the normalization of the gender equality movement, and the legalization of same-sex marriage. The knowledge and conceptual frameworks embedded in the most recent versions differ significantly from those of 20 years ago, and thus better represent contemporary perspectives and norms about gender and sexuality. Throughout the analysis I do not analyze the ERGEEA as a separate source and discuss it alongside the GEEA because it is a supplementary regulation that provides explanations for some of the terminology used in the GEEA and addresses institutional and administrative procedures not explicitly outlined in the main act.

The GEEA is divided into seven chapters and includes forty-eight articles: (1) General Principles; (2) Learning Environment and Resources; (3) Curriculum, Teaching Materials, and Instruction; (4) Prevention of the Sexual Assault and Sexual Harassment on Campus; (5) Application for Investigation and Remedy; (6) Penal Provisions; and (7) Supplementary Provisions.

I did not analyze the articles about GEEA's purpose and definitions (Articles 1–3 in Chapter 1) and the supplementary provisions in Chapter 7, but analyzed the remaining five chapters and organized them based on the following order: preventive measures (education and environment), organizational and governance structures, procedures for addressing incidents (investigation processes), and post-incident remedies and penalties. According to the functional nature and implementation stages described above, I categorized the articles into five dominant dimensions and arranged them accordingly. The article numbers corresponding to each theme are indicated in parentheses:

(1) Education-Related Provisions: Articles that promote correct gender and sexuality concepts through educational content (Articles 16, 18–20).

(2) Campus Safety and Environment**:** Articles that ensure a gender-friendly learning environment and prevent sexual violence (Articles 12–15, 21).

(3) Organizational Governance**:** Articles related to institutional structures and administrative governance for implementing gender equity education (Articles 4–11, 17).

(4) Procedures for Addressing Incidents**:** Articles that institutionalize the processes for handling gender-related incidents (Articles 22–30, 31–41).

(5) Remedies and Support Measures**:** Articles that protect victims' rights and provide necessary support (Articles 25, 42–44).

The first core purpose of this research is to examine how the content of the GEEA reflects gender and sexuality concepts originating from Western frameworks, such as sexual categories, rights-bearing subjects, individual subjectivity, and identity articulation. I conducted an initial screening across the five thematic dimensions introduced above. In this screening

process, I excluded articles that did not contain gender or sexuality-related terminology, discourse, or conceptual content. For example:

> Article 41
> 41.1 The school or competent authority shall establish facts relevant to cases prescribed by the Act according to the investigation report provided by its Gender Equity Education Committee.
> 41.2 The court shall consult the investigation reports provided by the Gender Equity Education Committee at different levels in establishing facts referred to in the preceding paragraph.

I retained the articles that contain explicit or implicit references to gender and sexuality concepts, particularly those with analytical potential for further interpretation, such as:

> Article 19
> The compilation, composition, review and selection of course materials shall comply with the principles of gender equity education. The content of teaching materials shall present fairly on the historical contributions, life experiences of different sexes, and diverse gender perspectives.

It is difficult to identify gender- or sexuality-related concepts in some articles due to the implicit nature of the language. However, they may be considered relevant once the researcher recognizes that the content aligns with conceptual frameworks rooted in Western gender theories or *tongzhi* culture. For example:

> Article 24
> When investigating a gender-related incident on campus, the school or competent authority shall take necessary measures for the protection of the involved parties' rights to education and employment, and must not use unequal power or status to act in a manner that could affect the victim's rights to education or employment, or to request an investigation.

After the screening process, I selected 15 of the 48 articles in the GEEA that have analytical potential to analyze. However, since Articles 7 to 9 contain highly similar content, I selected only one specific paragraph from among them. As a result, I treated them as a single article, which resulted in a total of 13 articles selected for the subsequent analysis (see

Appendix). The next section introduces the research design and the data analysis procedure, drawing on the framework developed by Hunting (2021).

3.3 Data Analysis Procedure

This research follows the six major steps of the Critical Content Analysis (CCA) process outlined by Hunting (2021): (1) shaping the research question; (2) determining the sample; (3) creating a coding schema; (4) coding the data; (5) analyzing data for patterns related to the research question and textual readings; and (6) integrating data and analysis into the written text.

Queer theory serves as the theoretical foundation of this research, and emphasizes the fluidity and instability of sexual and gender identities and critiques rigid identity categories. Thus, this study intentionally avoids using the coding frameworks typically employed in traditional content analysis. Instead, it adopts an interpretive and anti-normative analytical design. After developing the initial coding schema, I did not proceed to systematically code the data (Step 4). Rather, I moved directly to the interpretive analysis of the GEEA content and completed the final two analytical steps in sequence. Although the analytical process is presented linearly, as explained in Section 3.1, the nature of CCA in qualitative research is cyclical. I return to the theoretical framework or revisit the interpretation of texts at different stages of the analysis, depending on evolving insights or specific research needs.

To apply queer theory to data analysis, I began by identifying lines of inquiry grounded in queer theoretical thinking. For example: How is identity constructed and categorized? How are gendered and sexual subjects formed through social practices? How are gender and sexuality implicated in political struggles for rights and equality? Building on the gender and sexuality characteristics discussed in both Western (W) and Taiwanese *tongzhi* (TT) cultural frameworks

in Chapter 2, I developed three analytical indicators to guide the reading, analysis, and interpretation of the GEEA. These indicators are as follows:

(1) Identity/Sexuality Categories

W: Emphasizes clearly defined sexual and gender identities and the use of precise terminology related to sexuality (such as sexual orientation, gender identity, and sexual violence)

TT: Acknowledges gender diversity and fluidity, with a focus on ambiguous or non-binary gender roles and identities (such as queer expressions)

(2) Subjectivity

W: An individual's sexual and gender identity is considered a fundamental human right; Coming out is viewed as a political act that asserts autonomy and subjectivity

TT: Erotic exploration and diverse gender performativity strategies are key elements in the development of gender and sexual subjectivity

(3) Rights Discourse

W: Rights are central to achieving equality, with an emphasis on institutional reforms and legal protections

TT: Gender and sexual advocacy can take place at the micro level, such as through everyday practices or community-based actions, rather than relying solely on institutional recognition or official language

To enhance the comparative framework for analysis, I also identified key perspectives associated with the "conservative general public" on gender and sexuality in Taiwanese mainstream society. The term "conservative general public" refers to the gender and sexual majority, including heterosexual and cisgender individuals, as well as communities that tend to

desexualize or avoid engagement with gender and sexuality issues. This perspective typically includes the following views: (1) sex is equated with gender; (2) sex acts as inherently violent; (3) erasing sexuality from school education; (4) sexuality as morality and discipline; (5) silencing and avoiding gender and sexuality. It is important to note that these public perspectives are not the central focus of the analysis. Rather, they serve as a cultural reference point for the researcher to examine the text, compare differing cultural logics, and deepen the interpretive framework.

Following this, I critically read and interpreted the 13 selected articles of the GEEA based on the three analytical indicators described above. In cases where multiple articles provided overlapping or thematically related insights, they were grouped together under newly developed thematic categories rather than following the original five structural dimensions. In the discussion section, I focus on the following questions: Which articles reflect the language and logic of Western gender and sexuality frameworks? Which subjects are considered to be needing protection? Which subjects are excluded or represented ambiguously? To which Taiwanese cultural frameworks do the gender and sexuality concepts embodied in these provisions belong? Does the GEEA incorporate the understandings and practices of gender and sexuality found in Taiwan's *tongzhi* culture?

At this stage of the analysis, I read the texts iteratively, identifying emerging patterns in the data and continuously referring back to the research questions and the gender and sexuality frameworks across cultural contexts. When gaps or ambiguities arose, I returned to specific paragraphs in the GEEA or consulted the ERGEEA to clarify meanings and deepen the analysis.

Although traditional forms of qualitative content analysis often include separate sections for methodology, findings, results, and discussion, Hunting (2021) argues that most content

analysis begins with a literature review and that the remaining components are inherently part of the discussion. In CCA, the processes of textual analysis and discussion are integrated and take place simultaneously. Based on the characteristics of this methodology, the findings and discussion are not separated into two distinct sections in Chapter 4. Instead, they are integrated into a single chapter that, through the lens of queer theory, directly analyzes both the explicit and implicit representations of gender and sexuality, as well as the cultural frameworks embedded in the text.

3.4 Limitations of the Research

This research is primarily guided by the methodological insights of Krippendorff and Hunting, and adopts a critical lens grounded in queer theory to conduct critical content analysis. As a research method, CCA offers flexibility that enables a close examination of how gender and sexuality are embedded in the text, as well as how their implicit meanings can be interpreted. Although it has certain strengths, it also has methodological limitations.

The trustworthiness of content analysis has long been recognized as a methodological limitation, primarily because its reasoning and interpretation are confined to textual data (Prasad, 2008). That is to say, inferences are limited to the content of the text, as symbols are processed and coded according to the researcher's or coder's attribution. However, due to semantic differences, the meanings of words, individual units, and their frequency of occurrence, content analysis cannot guarantee that the researcher and audience share the same attributed meanings. Additionally, traditional content analysis typically requires multiple trained coders with a solid understanding of the research topic. These coders collaborate during the coding and categorization process to enhance the objectivity and consistency of the data. However, since I adopt a queer theoretical framework rather than a traditional coding method, the limitations of

traditional content analysis do not entirely apply to this research. In other words, the analytical results I pursue are not aimed at producing quantitative data or consistency; rather, I focus on how to use a queer lens to interpret the normative structure of the GEEA and to uncover the queer potential embedded in its content. Furthermore, due to the challenges of cross-cultural and interdisciplinary analysis and time constraints, I conducted all stages of the research independently. Hunting (2021) notes that, in some cases, using a single coder in CCA can be a more appropriate choice. A researcher with relevant expertise can maintain continuity throughout the process, allowing for deeper engagement with the text and a more theoretically grounded analysis. Therefore, in order to enhance transparency and trustworthiness, and to allow readers to clearly understand my theoretical orientation, definition process, and knowledge background, I provide a detailed explanation of the relevant considerations and procedures.

Another significant challenge I experienced in doing this research was translation. The GEEA in Taiwan is primarily written and interpreted in Mandarin. Although official English translations are available on government websites, certain meanings and terms diverge from their original Mandarin usage and require careful interpretation and adaptation. To address this issue, I selected the English version as the primary text for content analysis, but consistently cross-referenced it with the original Mandarin version to verify the accuracy of key terms and concepts. In some instances, I revised specific English terms or phrases to better reflect the meanings conveyed in Mandarin. Ensuring consistency between the two versions is essential, as the Mandarin version is the authoritative source that people read. By examining both versions, I meaningfully assessed which aspects of the GEEA reflect a more comprehensive understanding of gender and which areas still require improvement.

In the next chapter, I apply the three analytical indicators introduced in Section 3.3 to examine the selected articles and explore the underlying gender and sexuality perspectives embedded in the GEEA.

Chapter 4: Analyzing the 2023 GEEA Through the Lens of Queer Analytical Indicators

This chapter draws on three queer analytical indicators introduced in Chapter 3: (1) identity/sexuality categories, (2) subjectivity, and (3) rights discourse. It explores how the embodied concepts of gender and sexuality in the 2023 GEEA reflect or replicate Western frameworks. I critically analyzed how each of the 13 selected articles emphasize particular concepts or meanings of gender and sexuality, and examined the cultural logics and thematic positions they support or restrict. Throughout this analysis, I aim to reveal hidden assumptions, exclusions, and normative forces, and assess the extent to which the GEEA includes or marginalizes diverse gender and sexuality experiences, especially as understood from a *tongzhi* perspective.

4.1 Identity/Sexuality Categories

This section focuses on how gender and sexuality categories operate within the GEEA. In Western discourse, these categories are often defined using specific terminology, such as sexual orientation, gender identity, and sexual violence. These terms provide a stable and coherent structure that helps readers understand their meanings within the legal and policy context. For example, the highlighted terms in Articles 12 to 14 of the GEEA clearly reflect this categorical logic:

> Article 12
> The school shall provide a gender-fair learning environment, respect and give due consideration to students, faculty, and staff with different **gender, gender expression, gender identity, and sexual orientation**. Moreover, it shall establish a safe campus environment.
>
> Article 13
> The school shall not discriminate against a prospective student during recruitment or evaluation of applications for admission on the basis of **gender, gender expression,**

gender identity or sexual orientation. With the approval of the competent authority, this requirement will not apply to schools, classes and curricula with a specific historical tradition, special education objectives, or other reasons unrelated to gender.

Article 14

14.1 The school shall not discriminate against students on the basis of their **gender, gender expression, gender identity, or sexual orientation** in its instruction, activities, assessments, rewards and penalties, benefits, or services. This requirement does not apply to matters suitable only to persons of a specific gender, gender temperaments, gender identity, or sexual orientation.

14.2 The school shall proactively provide assistance to students who are disadvantaged due to their **gender, gender expression, gender identity, or sexual orientation** with the aim of improving their circumstances.

From the articles mentioned above, sexuality-related terminologies are clearly categorized, with each term carrying a distinct and specific meaning. However, the interpretation of these categories within Taiwanese society reveals a different intention characterized by a structure of dual or layered semantic usage. In other words, the term *xìngbié* (gender) in Taiwan tends to function within two divergent semantic frameworks. As discussed in Section 2.3, this phenomenon stems from the translation and conflation of xìngbié (gender) and liǎngxìng (two sexes), which continues to influence how gender is understood and discussed in everyday discourse. In particular, during earlier periods, Taiwan's legal framework adopted an explicit definition based on the binary notion of sex. For example, as highlighted word in Article 7 of the *Constitution of the Republic of China (Taiwan)*, established in 1947 states: "All citizens of the Republic of China, irrespective of ***liǎngxìng*** (two sexes), […] shall be equal before the law" (Constitution of the Republic of China (Taiwan), 1947). With social transitions and the introduction of gender theories, however, the concept of xìngbié (gender) has gradually come to embrace more diverse and flexible interpretations. For instance, as highlighted word in Article 1 of the GEEA states: "This Act is prescribed to promote substantive **xìngbié** (gender) equality, eliminate **xìngbié** (gender) discrimination [...]." Compared with the Constitution, Article 1 of the

GEEA employs the term "gender," thus not only transcending the male/female binary to gender diversity, but also making space for a shift from biological sex to psychological gender.

This linguistic ambiguity reflects the cultural negotiation inherent in Taiwanese concepts of gender. Regardless of whether the term *xìngbié* is preceded by "physiological" or "psychological," it inherently signifies a neutral or ambiguous gender culture. This ambiguity is not arbitrary; rather, it represents a negotiated balance between preserving cultural coherence and embracing the progressive values embedded in Western gender theory. Nonetheless, despite the law's intention to broaden the interpretive space of gender, it has also revealed a gap in understanding among readers from different backgrounds. For those with a higher level of gender awareness, *xìngbié* can be interpreted as fluid and non-binary. However, for many others, it continues to be understood in binary and cisnormative terms, rather than encompassing the full spectrum of identities, including transgender, bisexual, queer, and others.

Additionally, the ambiguity of the term "gender" produces specific and contradictory effects in institutional practice, as seen in the case of single-gender school arrangements. Although Article 3.4 of the GEEA defines gender identity as "an individual's perception and acceptance of their own gender," single-gender schools continue to admit students based on their legal gender. This reveals a tension between linguistic progress and institutional conservatism. This issue is not only reflected in institutional operations, but also raises a deeper question: who has the authority to define gender? While the GEEA's concept of gender identity allows individuals to define themselves, institutional practices still rely on state-defined legal gender. This gap may place transgender students in a difficult position, forcing them to choose between self-identity and access to educational rights. For instance, if a student who is legally male has strong academic performance and identifies as female, she may wish to apply to a prestigious all-

girls high school. However, her application might be rejected based on her legal gender. On the other hand, if she chooses to attend a prestigious all-boys school, she may face challenges in social adaptation and mental well-being. This situation compels students to navigate a complex space between educational opportunities and their own gender identity. In light of this, I suggest that the GEEA should clarify the definition of gender identity by explicitly incorporating terms such as cisgender and transgender to reduce misunderstandings and interpretation gaps between schools and policy. Furthermore, at the institutional level, school systems should revise their recruitment and student information management practices. For example, they should introduce policies that allow students to self-identify their gender and pronouns, rather than relying solely on legal gender markers.

Beyond the issue of single-gender school admissions, gender-inclusive dormitories have also emerged as a controversial topic in Taiwan. A 2024 news headline read, “Are Gender-Inclusive Dorms Possible? Transgender Students Treated as Individual Cases.” The content noted that while some universities appear open to the idea of gender-inclusive dorms, what is actually implemented are sex-based mixed dorms limited to binary sexes. Furthermore, same-room assignments are still restricted to a single sex, and transgender students are handled on a case-by-case basis, often being placed in single rooms. This simplification not only limits a comprehensive understanding of gender diversity but also reinforces heteronormative structures. As a result, certain students continue to go unrecognized or are excluded from the education system, reflecting an ongoing contradiction within the GEEA between its language and its practical application regarding gender and sexual diversity. The formulations in Articles 18 to 20 of the GEEA further highlight this issue:

Article 18

> The school shall design curriculum and activities to encourage students to develop their potential and shall not discriminate students on the basis of their **gender**.
>
> Article 19
> The compilation, composition, review and selection of course materials shall comply with the principles of gender equity education. The content of teaching materials shall present fairly on the historical contributions, life experiences of **all gender**, and **diverse gender perspectives**.
>
> Article 20
> 20.1 When using teaching materials and engaging in educational activities, teachers shall maintain an awareness of gender equity, eliminate **gender stereotypes**, and avoid **gender prejudice and discrimination**.
>
> 20.2 Teachers shall encourage students to take courses in fields that are not **traditionally affiliated with their genders**.

These bold phrases in the above articles rely on the ambiguity of the term "gender" in the Mandarin context, allowing readers to interpret its definition for themselves. However, this generally reveals that the fundamental framework remains grounded in a binary understanding of gender equality, as demonstrated by the rationale provided for Article 18:

> All teaching materials, regardless of the frequency and manner of character appearances, the authors of selected texts, content, ideology, and illustrations, shall eliminate gender bias, gender stereotypes, and patriarchal concepts, avoid the use of male-exclusive language, and should present a balanced representation of both sexes and diverse gender perspectives.

The elaboration of this rationale presents "gender" as a recognizable and governable domain, rather than as a fluid, ambiguous, and reconstructive social structure. Notably, this categorical logic has differing impacts on students with various gender identities. For students who align with the binary framework, experiences of gender prejudice and discrimination are often framed around the subordinate status of females in relation to males. In contrast, for those who fall outside the binary framework, perceptions of gender prejudice tend to revolve around the tension between non-normative identities and mainstream society. Furthermore, the notion of "developing one's potential" is largely framed within a binary understanding of gender roles.

However, for *tongzhi* students, developing their potential is not merely about reversing or exchanging traditional gender roles. Rather, it involves a deeper process of identity exploration, social recognition, and the search for belonging and safety within the educational environment.

Therefore, terminologies and language used in laws and policies carry both normative and symbolic power. However, how these terms are interpreted and internalized within the educational field largely depends on how individuals understand and respond to such categories. In this context, subjectivity becomes a key concept for understanding how gender and sexuality are constructed, recognized, or excluded. This dynamic highlights the gap between legal definitions and social practices, particularly as reflected in the lived experiences and subjectivities of *tongzhi* students and others who do not conform to dominant gender norms. In the following section, I draw on the concept of subjectivity to further examine how the GEEA is involved in or places constraints on the formation of individual subjectivities.

4.2 Subjectivity

Butler (1999) argued that subjectivity is not the product of a pre-existing autonomous self, but is instead constructed through power relations and linguistic practices. The subject emerges through repetitive behaviors, performances, and language use in the formation of identity. Therefore, in the context of gender and sexuality, subjectivity is a key concept for understanding how individuals recognize, express, and construct their identities.

In Western discourse, an individual's gender and sexual identity are considered fundamental human rights, and *coming out* is seen as an act of acknowledging one's sexual subjectivity through a discursive confession. In contrast, Taiwanese *tongzhi* culture does not emphasize public disclosure; instead, individuals often come to understand their sexual subjectivity gradually through underground erotic exploration. This process involves not only

internal self-recognition, but also social interaction, role formation, and societal acknowledgment, all of which contribute to a sense of belonging and social positioning. However, this contrast requires more nuanced analysis. While the Western *coming out* model emphasizes personal identity and public recognition, it often presumes a relatively tolerant social environment and an individualistic cultural foundation. By comparison, the Taiwanese model of underground exploration reflects the values of harmony in a collectivist culture and the complexities of familial relationships. These two modes of subject formation each operate within distinct cultural logics and constraints, and cannot be simply classified as progressive or conservative. Instead, I believe that, whether in the Western or Taiwanese context, the construction and formation of one's subjectivity resonates with Butler's insight as mentioned above. Through ongoing relationships and interactions, individuals come to identify whether they occupy similar levels of recognition and experience as others. That is, whether they are equally capable of recognizing and understanding others, and of being recognized and understood in return.

According to the definition in Article 3 of the GEEA, *gender identity* refers to an individual's perception and acceptance of their own gender. This definition reflects a concept of subjectivity rooted in Western individualism, which emphasizes personal autonomy and the power to self-define. The idea of subjectivity is also present in Articles 12 to 14, which state that school environments should respect individuals' gender identity. In this context, the term "subjectivity" may better capture the intended meaning. Article 12, in particular, was introduced in response to the Yeh incident mentioned in the introduction.

In 2004 GEEA, the law merely stated that "The school shall respect students, faculty, and staff with gender expression and sexual orientation." At that time, self-expression was often

interpreted as directly linked to one's gender identity or sexual orientation. Within a binary framework, the boy was assumed to be gay simply because of his feminine expression, even though this assumption was never confirmed. Such interpretations reflect a broader societal tendency to equate femininity with being female and masculinity with being male. An interesting observation is that most research on *tongzhi* issues on campus or those related to gender equity education tends to recount Yeh's story in a tragic tone, thereby eliciting public sympathy toward the *tongzhi* community. However, a different perspective emerged in Chen's (2021) research, where a 23-year-old male *tongzhi* offered an alternative interpretation of Yeh's case:

> I remember when Yeh's incident happened, some people said it was a *tongzhi* issue. But how could a boy who likes sewing, singing, and drawing not be bullied? It's a matter of lifestyle, not identity. But now, it's easy to say it happened because he was tongzhi, so they associate his identity with his lifestyle (B69-1).

His statement genuinely surprised me, as it was the first time I encountered someone interpreting Yeh's experience with empathy rather than sympathy after reviewing numerous Taiwanese *tongzhi* education materials. This participant's perspective cannot represent all *tongzhi* individuals, especially since he is viewing junior high school culture from the standpoint of a 23-year-old reflecting on events that occurred two decades ago. Yet, this *tongzhi* may be breaking down gender norms and embodying the queer notion that gender and sexuality are non-normative and fluid. In other words, for this *tongzhi* individual, Yeh's feminine expression was not necessarily equivalent to his sexual orientation or gender identity. Instead, he perceived that Yeh was bullied because his hobbies did not align with the dominant masculine culture among junior high school boys.

It was not until the 2011 revision of the Act that terms and phrases such as "give due consideration" and "gender identity" were introduced. These changes mark a shift from the passive stance of merely "respecting" gender expression to a more proactive commitment to

"considering" it. Meanwhile, this expands the scope of recognition, allowing individuals to reclaim agency over their own gender and sexuality. The intention behind including these terms appears to be the prevention of defining a person's gender or sexuality solely based on appearance or gender expression. I interpret this as an effort to encourage deeper reflection on previously overlooked aspects and to acknowledge identities as recognized by individuals themselves.

However, the newly added Article 21 in the 2023 GEEA prompts me to revisit several critical questions regarding the status of subjectivity within the educational legal framework. Does the underlying ideology of the GEEA genuinely encourage students to express themselves and to recognize their own gender and sexual identities? Or does the law instead tend to impose a form of desexualized discipline?

> Article 21
> 21.1 The central competent authority shall establish guidelines **for preventing and handling gender-related incidents on campus**. These guidelines shall include campus safety plans, matters **needing attention regarding** on- and off-campus instruction and activities as well as **interpersonal interaction**, ethical considerations for principals and faculty members regarding sex- or gender-related matters, matters related to self-initiated disclosure, and handling mechanisms, procedures, and relief for gender-related incidents on campus.
> 21.2 Schools shall prescribe and promulgate prevention and control regulations in accordance with the aforesaid guidelines. **Schools at the senior high and higher levels shall prescribe and promulgate relevant regulations or professional ethical standards** in accordance with the previous Paragraph.
> 21.3 Schools shall **actively promote education on the prevention of gender-related incidents**, with the aim of **increasing respect** among principals, teachers, staff members, workers, and students **for the bodily autonomy of others and oneself**. Schools shall conduct annual gender-related incident prevention education and advocacy events, and evaluate their effectiveness.

This article reveals the contradictory stance of the educational law toward youth subjectivity. While the logic of the article may initially appear coherent, a closer reading shows that its perspective on gender and sexuality does not reflect either Western frameworks or *tongzhi* cultural understandings. Instead, it aligns more closely with dominant public discourse in

Taiwan, particularly those centered on reproduction, abstinence, and sexual morality. It also implies that it is the school's responsibility to define and regulate gender, thereby limiting the potential for students to contribute their own knowledge and experiences related to gender and sexuality. Findings from Yang & You's (2014) study demonstrate that the intersection of socio-cultural, structural, and institutional power in Taiwan significantly influences gender/sex education and the production of related knowledge. Notably, schools are fundamentally designed as sites for the (re)production of knowledge. Therefore, this raises a key question about how subjectivity is constructed and regulated within the educational field. For instance, the bold phrases in Article 21 clearly illustrate this argument. The purpose of the article is outlined at the beginning: to prevent and handle gender-related incidents on campus. Whether referring to raising awareness of interpersonal interactions or increasing respect for one's own and others' bodily autonomy, these measures are rooted in a framework of prevention and correction. This raises an important question about the underlying ideology: is sexuality considered a negative outcome that needs to be managed or avoided? Even the expression "due consideration" is absent in this context. Instead, the article emphasizes active prevention, which recalls earlier approaches that emphasized abstinence and risk avoidance rather than understanding and education. This stands in direct contradiction to the framework of Taiwanese *tongzhi* culture, which views erotic exploration as a vital practice for the development of subjectivity.

Additionally, Article 21.2 emphasizes that schools at the senior high school level or above must establish and promulgate relevant regulations or professional ethical standards. This effectively excludes youth under the age of 15 who may already be capable of engaging in sexual behavior and possess relevant knowledge. According to this logic, the qualification for being recognized as a sexual subject is determined by one's age, capacity, and social status, rather than

by internal experiences or individual needs. Moreover, the framing of sexuality as a reproductive function, an ethical crisis, or a moral issue is supported by Yang and You's (2014) research. Their study, which applies discourse analysis, examines the production and development of sexuality-related topics in Taiwan's education field ten years after the implementation of the GEEA. One of their findings highlights that most researchers assumed toddlers to be asexual subjects, while adolescents were treated as sexual subjects who must be regulated and corrected. Ironically, their research covers the period from 2004 to 2014, yet more than a decade later, the newly added Article 21 appears to have made little progress in deepening the understanding of gender and sexuality.

Although *tongzhi* identity emerges from the exploration of life experiences and the gradual recognition of one's own sexuality, this principle remains fundamentally incompatible with the design of the GEEA. The law does not recognize youth as sexual subjects, nor does it encourage the open expression of sexual or gender identities. Instead, it frames education as a disciplinary mechanism aimed at desexualizing youth, thereby undermining the possibility of truly inclusive and affirming gender and sexuality education. Moreover, it reinforces the performative strategies *tongzhi* students have long relied on to navigate their social environments and relationships.

Similarly, the issue of subjectivity also emerges in Article 15, which addresses pregnant students: "The school shall proactively protect the right to education of pregnant students and provide necessary assistance." The rationale provided for Article 15 in the 2004 version further states:

> Schools have often treated unmarried pregnant students with hostility—through moral condemnation, disciplinary actions under school regulations, or even expulsion. At the same time, there has been a lack of proactive support measures for married pregnant students as well. While student pregnancy may reflect they failed to practice safe sex, this

> should not justify depriving them of their right to education. Moreover, schools have long avoided discussing sex education and failed to provide students with adequate knowledge and information about safe sex practices, which may indirectly contribute to students' inability to engage in responsible sexual behavior. [...] Schools should also teach other students to adopt an attitude of acceptance and care, in order to actively safeguard the educational rights of pregnant students (Legislative Yuan, 2004).

As implied in the first sentence of the quoted text: (1) schools often treated unmarried pregnant students with moral condemnation; (2) academic performance should take precedence over students' personal circumstances; (3) pregnancy—whether within or outside of marriage—was considered inappropriate during one's time in school, and thus viewed as the result of failing to practice safe sex; and (4) pregnant students were presumed to be vulnerable to peer bullying and discrimination.

Although this article appears to be well-intentioned and aims to uphold students' right to education while encouraging them to continue their studies while pregnant, it fails to consider that some pregnancies may be involuntary. Even when voluntary, the outcome may still be viewed by society as immature. In this context, underage pregnancy is interpreted as evidence that the individual lacks adequate sexual knowledge, particularly about contraception, lacks the autonomy to be financially independent enough to raise a child, and lacks the self-discipline expected in sexual behavior. These assumptions position pregnant students as "failed sexual subjects" who require assistance. Rather than making a direct claim about public attitudes, this framing reflects normative assumptions embedded within the policy itself—namely, that underage individuals are not yet capable of being recognized as competent sexual subjects. This interpretation aligns with the analysis of Article 21, which similarly reflects broader social norms that link sexual subjectivity to three conditions: knowledge, autonomy, and self-discipline. In other words, only when these conditions are met can an individual be recognized as a legitimate and capable sexual subject.

From a *tongzhi* perspective, the belief expressed in the statement raises several concerns. First, pregnancy is typically framed within a heterosexual context, assuming that only cisgender women can become pregnant. As stated in the Legislative Yuan's rationale (2004), which defined substantive gender equality and explained its principles,

> Substantive equality refers to the fact that individuals of the same nature, such as men and women who are both human beings, should have their human dignity equally respected. The differences in nature between men and women, on the other hand, refer to physiological distinctions; for example, women can become pregnant, give birth, and breastfeed, whereas men are physiologically incapable of performing these functions.

This view overlooks the fact that transgender and non-binary individuals may also experience pregnancy. Second, it reduces sexual behavior and pregnancy to moral issues, neglecting the complexity of individual circumstances and diverse motivations. Instead of interpreting pregnancy solely through the lens of sexual morality, disciplinary control, or as an inevitable result of heterosexual activity, the *tongzhi* cultural perspective understands erotic exploration as a dynamic and affirming process of constructing one's sexual identity. From this standpoint, pregnancy should not be automatically associated with pain, shame, or moral failure, nor should it be presumed to concern only cisgender women. Moreover, the newly added Article 26.2 in 2023 further reinforces the medicalized approach to managing subjectivity

> When handling a gender-related incident on campus, the school, competent authority, or other authorized agency with the jurisdiction to take disciplinary measures and impose penalties shall in addition order that the offender receive **psychological counseling** […] **When a legal guardian or de facto custodian consents, the best interests of the child or minor shall be given priority, and individual's opinions shall be weighed based on their level of mental maturity**.

The bolded phrases above were added in 2023, based on Article 44.4 of the Mental Health Act. However, upon reviewing the Act in more detail, I found that this provision is intended for psychological treatment within a medical framework. This approach automatically

links gender-related incidents[9] to psychological counseling, implying that sexual experiences themselves are inherently problematic or traumatic. While cases involving sexual violence certainly require professional support, the ambiguity of erotic exploration in *tongzhi* culture makes it difficult to clearly define the boundary between legitimate behavior and criminal acts. As such, the integration of therapeutic language into educational policy may inadvertently problematize or pathologize diverse expressions of gender and sexuality. Moreover, this discourse tends to overlook how students' sexual experiences and understandings are shaped by diverse sociocultural contexts and personal backgrounds, which do not always align with the assumptions embedded in psychological or mental health frameworks.

To sum up, although the GEEA seems designed to acknowledge the diversity of gender and sexuality through its linguistic design, it remains deeply shaped by essentialist assumptions, reproduction-oriented logic, and adult-centric norms. These constraints not only limit students' capacity to explore their gender and sexuality but also reinforce the conservative educational regime's implicit gatekeeping over who is deemed "qualified" to possess sexual subjectivity. Consequently, many students are pushed to engage in erotic exploration underground rather than through open discussion or formal education, while outwardly performing identities that conform to prevailing norms. This places them in a taboo-laden, contradictory, and fragmented process of identity formation. Educational support systems must therefore move beyond traditional assumptions, explicitly and meaningfully include diverse gender identities, and recognize sexual exploration as a legitimate and integral aspect of identity development.

[9] Article 3 of the GEEA defines gender-related incidents on campus as including sexual assault, sexual harassment, sexual bullying, and sex- or gender-related conduct by principals, faculty, or staff that violates professional ethical standards

4.3 Rights Discourse

Although the GEEA attempts to expand the interpretive space for sexual subjectivity, it still relies on legal language grounded in a rights-based framework. That is to say, the language of rights provides a structure rooted in justice and the pursuit of equality; however, in practice, the GEEA obscures gender-biased stereotypes and homogenizes the understanding of gender-related incidents and the procedures for addressing them. Therefore, this section examines how rights discourse operates within the GEEA and how it is implemented in practice, in order to explore its internal contradictions and the challenges of cultural adaptation.

In the Western framework of gender and sexuality, rights are central to the pursuit of equality and are often linked to institutional reform (MacKinnon, 2017). This idea is reflected in the previously discussed gender equity movement and the establishment of the GEEA in Taiwan, which was largely shaped by feminist strategies during the 1990s and 2000s. Since the GEEA was originally driven by advocacy for the equality of females and males, Articles 7 to 9 emphasize the necessity of including provisions that guarantee a minimum quota of women in the GEEA committee, specifically requiring that women make up at least half of its members. As stated in the legislative rationale:

In a society and cultural environment marked by long-standing gender imbalance and inequality, the lived experiences of men and women differ significantly. Women are more likely to face restrictions and discriminatory treatment, which highlights the need to increase their participation in committees. Moreover, women’s gendered experiences tend to resonate more deeply with the realities of patriarchal culture, enabling the identification of areas in need of change. It is thus hoped that quantitative increases in women's participation can lead to qualitative transformation (Legislative Yuan, 2004).

Despite the rationale and the articles demonstrating a commitment to formal equality, the framework still relies on the assumption that gender categories are limited to male and female, neglecting gender diversity and fluidity. In other words, this discourse is rooted in a cisnormative feminist perspective. It acknowledges the subordinate status of women in relation to men and seeks to guarantee their political participation through legal mechanisms. Within this context, cisnormative feminism can be understood as aiming to resist patriarchy, establish political space for women in a male-dominated culture, and promote equality between the two sexes. However, patriarchal culture creates an environment that systematically excludes anyone who is not a cisgender masculine man. Those excluded include cisgender women, transgender individuals, and people with non-binary identities. However, the GEEA only positions "women" as the primary agents of gender equity and presumes that female committee members inherently possess greater gender awareness than their male counterparts. This assumption may reinforce a binary gender framework, and unintentionally perpetuate existing gender stereotypes and biases, and render individuals outside the binary invisible. In fact, the GEEA was not originally a state-initiated proposition but rather a response to the normative feminist movement; it was the negotiated outcome between the government and normative feminists (Y.-C. Hsieh, 2010). This partly explains why the law, along with the government, politicians, and many administrative officials, has exhibited a passive and inconsistent attitude toward gender equity education.

Moreover, while two university student representatives were included for the first time in 2024, underage students were not represented. Their perspectives were instead voiced by parents, school administrators, or teachers. This institutional arrangement risks embedding a biased perspective into the GEEA, one in which adults, presumed to be heterosexual and cisgender, interpret the educational needs of youth on their behalf. This framework resonates with the

statement in the former section that the institution tends to position young people as passive objects in need of protection and discipline, rather than as active subjects with agency. Therefore, I think the composition of current committee members still follows a cisnormative, binary-gender perspective in drafting the articles and thus fails to truly reflect the real needs of gender justice.

The rights discourse in the GEEA encompasses not only the principle of equality but also mechanisms for appeal and compensation. In the original 2004 version, the emphasis was placed on protecting the victim's right to work and education, maintaining confidentiality for both parties, and punishing the perpetrator. While the 2023 revision retained the core mechanisms for rights protection and remedies, it broadened its theoretical grounding to include perspectives from feminist thought and transitional justice. This shift is reflected in the use of terms such as "unequal power or status," "ethical considerations," "bodily autonomy of self and others," "apologizing to the victim," "psychological counseling and guidance," and "restorative justice."

> Article 24
> When investigating a gender-related incident on campus, the school or competent authority shall take necessary measures for the protection of the involved parties' rights to education and employment, and must not use unequal power or status to act in a manner that could affect the victim's rights to education or employment, or to request an investigation.
>
> Article 26
> 26.1 Apologize to the victim, if the victim, their legal guardian, or their de facto custodian gives consent.
> 26.3 When the involved parties are both students, the school may utilize restorative justice or other counseling strategies to encourage relationship repair.

The articles on pursuing justice described above reflect, on the one hand, the Taiwanese legal system's attempt to follow the path of Western human rights discourse, and on the other, a departure from traditional cultural tendencies by concentrating power in the hands of the authorities. Beyond delegitimizing the violent practices of past regimes, they extend protection beyond students to include principals, staff, and teachers, highlighting the collective

responsibility of the entire educational community. This expansion underscores the necessity of professional self-regulation and ethical awareness. Therefore, in addition to guaranteeing education and employment rights, these articles emphasize offering apologies to victims and repairing relationships, embodying an institutional commitment to proactive intervention.

However, the newly added Article 42 in 2023 gives the impression that, compared to the articles discussed above, it functions more as a form of social justice focused on protecting an individual's social reputation.

> 42.1 In cases where the offender involved in a gender-related incident on campus is a school principal, teacher, staff member, or worker, and the affected student suffers harm as a result of the incident, the offender shall be liable for compensatory damages.
> 42.2 Even if the harm described in the previous Paragraph does not involve a financial loss, the student may request monetary damages commensurate with the harm. In cases of reputational harm, the student may request appropriate measures to restore their reputation.

Not to mention the newly added Article 27, which attempts to publicize the institutional handling procedures through a specific individual case.

> During the investigation of a gender-related incident on campus, the school or competent authority may make public a description of pertinent matters, handling methods, and principles where necessary. After the case has been closed and upon the approval of the victim, their guardian, or their de facto custodian, the school or competent authority may also make public whether the case is established, the type of the case, and handling method of the case. Party names and other information that may lead to their identification shall not be revealed.

From a queer perspective, this approach reveals a significant gap between the understanding and practice of rights in Taiwanese *tongzhi* culture. Taiwanese *tongzhi* culture tends to promote gender advocacy through informal, decentralized, and everyday practices, rather than relying heavily on institutional discourse or official commitments. This cultural tendency emphasizes personal emotional experiences, peer connections, and the creation of underground spaces. In contrast, the rights discourse embedded in the GEEA is highly

institutionalized and procedural. It requires individuals to engage in formal legal processes and submit to official investigations and adjudications.

In other words, although this institutional publicity aims to promote transparency and accountability, it also reflects that, within the GEEA's institutional framework, the sexual subjectivity of underaged individuals is neither acknowledged nor protected. Instead, gender-related incidents on campus are compiled into reports, turning them into materials that can be referenced and managed in future academic or administrative conferences or workshops. This centralized rights framework for damage compensation and redress may simplify the complex and deeply personal interactions between sexuality and desire experienced by *tongzhi* individuals, reducing them to a matter of institutional rights and obligations. Meanwhile, given the family-centered values in Han culture, these young individuals often have limited agency, particularly when their gender or sexual identity is not accepted by their families. The appeals process may inadvertently force them to come out, potentially causing further harm within the family context. Specifically, within a cultural framework shaped by Han patriarchal traditions and Confucian values, some *tongzhi* youth who are exposed as having a non-heterosexual identity may face severe consequences, including family conflict, emotional rejection, and loss of financial support. Additionally, because the GEEA procedures focus on underage students, they typically require a guardian's notification and consent; therefore, it is almost impossible for students who file an appeal to maintain their privacy. As a result, *tongzhi* students may choose to remain silent or seek unofficial channels, undermining the very protections the GEEA is intended to provide. These structural challenges highlight how a well-intentioned institutional system can inadvertently reinforce heterosexual norms, marginalize non-normative subjectivities, and compel *tongzhi* students to engage in performativity rather than authentically express their

identities. The most contradictory aspect, as previously mentioned, is that while the discourse of the GEEA does not encourage *tongzhi* students to openly express their gender identity and sexuality, the appeal process effectively forces them to disclose these identities during administrative procedures.

This reveals a tension between the rights discourse of the GEEA and Taiwanese *tongzhi* culture: institutionalized rights discourse tends to constrain the political imagination of gender diversity. In particular, when rights discourse becomes overly institutionalized, it may fail to account for the fluid, decentralized, and everyday enactments of rights found in *tongzhi* culture. Building on the above analysis, in the next section, I synthesize the findings from sections 4.1 to 4.3 and offer some relevant discussions.

4.4 Discussion

Based on the examination and analysis of the GEEA in the previous sections, I have identified four main findings:

1. **Contradictions Between Language Reform and Institutional Practice**

The language used in the GEEA reflects an effort to acknowledge gender diversity. It introduces several progressive terms such as *gender identity*, *sexual orientation*, and *gender expression*. In their original contexts, these terms carry specific definitions, functions, and categorizations. They have the potential to challenge binary gender norms, expand the scope of sexual subjectivity, and open space for diverse interpretations of gender (Butler, 1999). Fredman (2016) and British Columbia's Office of the Human Rights Commissioner (2025) further explain that substantive equality does not treat gender as merely a physiological fact. Rather, it emphasizes how individuals interact with each other, society, and historical contexts, focusing on whether outcomes for different groups are genuinely equal and recognize the need for laws or

policies to address such disparities. Fredman (2016) also argues that achieving substantive equality requires proactive measures, such as creating opportunities and offering educational training to challenge existing norms and standards. However, terms used to describe gender diversity, which originate from the cultural contexts of other countries, face not only challenges in translation, but also the need for negotiation and reinterpretation within the local cultural framework (Huang, 2011; Lim, 2016; Martin et al., 2010).

The Taiwanese linguistic context has not developed a comprehensive set of gender- and sexuality-related categories. Instead, it often relies on ambiguous terms such as xìngbié to cover all sex- and gender-related issues. When the general public, politicians, and administrative officials' understanding of xìngbié remains limited to the binary of two sexes or to physiological sex, and lacks sufficient awareness of the progressive terms mentioned above, the critical and practical potential of these legal languages is further diminished (Shen, 2021). Additionally, within the institutional context of the GEEA, these progressive terms are embedded in a highly administrative logic of governance (Foucault, 2012). Specifically, among the 48 Articles of the GEEA, only a small portion meaningfully engages with the concepts of sexuality and gender. The majority of the content consists of definitional clauses or procedural provisions. The language in the GEEA heavily emphasizes "incidents," "prevention," and "procedures," which mainly serves the functions and needs of the educational administration system, rather than addressing the lived experiences of students, teachers, or other educational participants. This approach aligns with Foucault's analysis of how mechanisms of power and discourse are used to regulate society. It also reflects traditional Han cultural logic, which tends to view gender and sexuality as potential sources of risk rather than as a positive and active values.

In fact, the operation of such a power mechanism poses a significant challenge to the pursuit of substantive gender equality and the protection of diverse gender and sexual rights. Specifically, the current legislative process and procedures for amending laws require approval by the Legislative Yuan, promulgation by the Executive Yuan, and subsequent dissemination by the Ministry of Education to schools across various counties and municipalities. However, as mentioned earlier, because the GEEA emerged as a governmental response to the feminist movement, politicians have typically adopted a passive and inconsistent attitude toward it. As a result, although civil society organizations such as the Gender Equity Education Association, Taiwan Equality Campaign, and Taiwan *Tongzhi* Hotline Association advocate for the *tongzhi* community, power mechanisms still govern gender-related issues in educational contexts through a prioritization of social order and disciplinary control.

Therefore, although the language of the GEEA attempts to convey an open-minded stance on gender diversity and sexual subjectivity, this progressive rhetoric is significantly constrained in institutional practice. The language used at the institutional level has not been effectively translated into specific educational practices or used as a driving force for institutional reform. Instead, it reflects a more conservative perspective, weakens the reformative potential of the law's terminology, and hinders the development of students' critical understanding and practical engagement with issues of subjectivity, gender, and sexuality.

2. **A Top-down Framework Rooted in Heteronormative and Cisgender Assumptions**

The current institutional design of the GEEA presents a top-down gender framework, whose language and logic are not only embedded in heteronormative and cisgender assumptions, but also heavily focused on managing potential risks related to reproduction, ethics, and violence. This kind of normative sexual perspective is not always directly visible through

specific terminology. Rather, it is subtly conveyed through language arrangements that, on the surface, appear to express care and equality. Beneath these expressions lie implicit values and power dynamics that remain rooted in the dominant gender order.

For example, across the entire GEEA, only the term “pregnant student” is explicitly linked to sexual experience. Other students are implicitly treated as asexual or desexualized subjects. As a result, the pregnant student is portrayed as vulnerable, failed, and in need of assistance. This framing reflects a heterosexual moral assumption, in which only heterosexual sex is made visible, while non-heterosexual sex or intimate relationships are consistently excluded from institutional recognition. In this context, adult committee members who possess knowledge of "gender equality" and hold professional authority treat sex as a potential risk that must be prevented and managed. Their concerns primarily center on reproduction, ethics, and moral regulation, rather than recognizing sexuality as a natural and important aspect of individual development.

Not only does the GEEA regulate sexual behavior, but it also reveals a cisnormative logic in its approach to gender identity. On the surface, the Act appears to acknowledge individuals’ rights to self-identify their gender. However, in practice, the implementation of the law still heavily depends on legal gender classification for governance, as illustrated by the example of single-gender schools discussed in section 4.1. This reliance implicitly reinforces cisgender identities as the norm, thereby reproducing established gender norms (Butler, 1999). As a result, transgender and non-binary individuals are required to undergo more institutional negotiation and prove their identities in order to meet institutional criteria. If they are unable or unwilling to do so, they are often forced to choose between affirming their gender identity and accessing institutional resources.

Even seemingly neutral discourses such as “respect,” “shall not discriminate against,” or “give due consideration” reflect a limited recognition of non-mainstream identities within the education system. The care conveyed through such language is framed as a form of tolerance extended from a “normative” position to those deemed “exceptions,” rather than being grounded in genuine equality and inclusivity. In Kuan's (2023) research, interviewees pointed out that so-called “respectful” discourses in fact position *tongzhi* in an inferior or subordinate role. They further argued that respect and inclusion are fundamentally different in both nature and hierarchy. In other words, inclusion requires a willingness to understand others before deciding whether to accept them, whereas respect, as it is commonly framed in these narratives, often functions as a form of tolerance that is extended as a basic courtesy without any genuine effort to understand or engage. In this sense, the “respect” offered by heterosexual or cisgender individuals is often experienced not as inclusion but as a subtle form of exclusion. In my view, true equality and inclusivity should be rooted in empathy grounded in equal standing, rather than sympathy offered from a top-down position. For example, consider the adult male *tongzhi* mentioned in section 4.2 and the way he explained Yeh’s lifestyle. If people focus solely on *tongzhi* individuals’ gender expression as the object of analysis, without engaging with the context, sexual subjectivity, and emotional practices that shape their lives, it becomes easy to interpret their identities through a lens of abnormality. In other words, if the institution is not open to recognizing queer experiences as legitimate forms of existence, then the continued introduction of progressive terms will still fail to change the top-down normative logic and the binary-exclusive structure of the system.

3. **The Gap Between Institutional Justice and the Practices of *Tongzhi* Culture**

The GEEA represents a justice model that relies heavily on institutional functions. Within this institutional logic, its highly procedural and structured approach can be effective when addressing significant gender- and sexuality-related incidents on campus. However, institutional efficiency is not equivalent to genuine support for diverse gender and sexuality experiences. Instead, it often reinforces normative regulation through institutional power.

The section on gender-related incidents in the GEEA's gender and sexuality framework typically relies on a perpetrator–victim binary and operates largely within a logic of risk management and duty-bound governance. In other words, although efforts to promote anti-discrimination, respect, and the protection of individual cases are valuable, the institutional tendency to homogenize and proceduralize gender-related incidents fails to support tongzhi students who are undergoing processes of recognition, exploration, and identity formation. As a result, exploratory behaviors by these students are often labeled as "inappropriate behavior" or even "sexual harassment," and subsequently suppressed or excluded under the guise of "campus safety." When tongzhi students' experiences of sexuality and desire are excluded, erased, and marginalized within school settings, they are frequently forced to seek support outside the institution and remain silent within it, leading to a state of silenced subjectivity.

This structural exclusion not only affects how incidents are handled but also severely constrains *tongzhi* students' self-expression and development of social culture. Furthermore, the passive rights discourse embodied by the GEEA provides very little support for *tongzhi* students. *Tongzhi* cultural advocacy often takes the form of what Chao (2000) describes as *xiànshēn*-style group action, which involves the active claiming and construction of political subjectivity. However, this mode of collective engagement is not meaningfully recognized within the current

framework. As it stands, the GEEA does not provide any clear statements regarding whether students have the right to organize *tongzhi* clubs, hold events related to gender issues, whether gender and sexual minority communities can publicly express their collective needs, or the specific responsibilities of school systems to *tongzhi* students. If the legal system genuinely aims to achieve gender justice, it must go beyond passively prohibiting discrimination or addressing individual incidents after the fact. Rather, it should actively cultivate an educational environment that meaningfully includes diverse sexual and gender subjects and supports their humanistic practices. What *tongzhi* students need is a clear and reliable system of acknowledgment, support, and institutional commitment. This includes the proactive integration of gender and sexuality education, substantive support for gender-related clubs and activities from school administrators and educators, and cultural encouragement along with adequate allocation of resources within schools (Jr, 2014).

To sum up, although the current institutional design of the GEEA can passively provide procedural responses and structural justice for specific incidents, it is far from capable of actively supporting the real needs of diverse gender subjectivities. In the next chapter, I conclude this study and offer suggestions for future research.

Chapter 5: Conclusions and Suggestions for Future

5.1 Conclusions

Although the establishment of the GEEA was shaped by social incidents in Taiwan in the 1990s and 2000s, it also incorporated gender and sexuality frameworks borrowed from the West. Through multiple revisions, the GEEA gradually introduced concepts that were previously overlooked in Taiwanese culture, such as gender diversity, sexual violence, and bodily autonomy. However, it remains deeply influenced by traditional public values around gender and sexuality, such as sexual morality, binary frameworks, and the desexualization of school spaces. As a result, its core logic centers on risk prevention, duty assignment, and an administrative governance approach. In this sense, the GEEA primarily serves to fulfill the conditions of passive rights protection and institutional justice through the use of progressive discourse, focusing on the procedural handling of "special" incidents in order to maintain the stability of the educational structure and reinforce the disciplinary power of the legal system. Moreover, its gender and sexuality framework predominantly serves the mainstream population, and fails to account for *tongzhi* experiences or align with *tongzhi* cultural perspectives.

That is to say, the GEEA fails to meaningfully acknowledge or include the real yet ambiguous sexual and emotional experiences of *tongzhi* individuals. The language and practices embedded in the Act are predominantly shaped by heteronormative and cisnormative perspectives, thereby excluding *tongzhi* youth viewpoints from the landscape of everyday education. Whether it is in curriculum content that addresses gender and sexual diversity, understandings of erotic exploration, campus support systems, or comprehensive supportive policies, these measures remain insufficient.

Additionally, the current GEEA expands the system through a framework of duty allocation, but this expansion does not truly empower students to develop their own subjectivity. Instead, it operates through a positive discourse that inherits and reinforces traditional moral and disciplinary norms regarding sexuality. As a result, mainstream actors adopt a respectful yet patronizingly inclusive attitude toward *tongzhi* individuals, positioning them in a subordinate role, caught in the gap between institutional design and lived reality. Consequently, *tongzhi* students become a presence that is both acknowledged and erased.

I agree that the introduction of progressive discourse into the GEEA is a positive development, as it reflects both social reflection and democratic transition. However, drawing on the critical lens of queer theory, I argue that if the current GEEA truly aims to guide all people toward substantive gender equality through education, it must go beyond its current limitations. Specifically, the GEEA should de-center adultism and return rights and subjectivity to students of all ages. It should also challenge gender-normative frameworks by recognizing the contradictions embedded within prevailing social norms and the legal system. In addition, the GEEA should gradually move away from a medical and reproduction-oriented perspective by re-examining how discourse constructs gender and sexuality within society. Furthermore, the legal framework should adopt and promote more active and supportive institutional language that clearly communicates the message: “This article will support you, so do not be afraid to take action.” Such language can empower underage youth who are often overlooked and positioned solely as individuals in need of adult protection. By recognizing their agency and their capacity to respond to the needs of their peers, the framework can better reflect the realities of youth experience. In doing so, the perspective embodied in the GEEA may shift from one of sympathy to one of empathy, thereby moving closer to genuine gender equality and inclusivity.

Research findings remind us that gender equity in education law and policy is not merely about regulating sexuality and gender, but about reimagining the diverse ways in which bodies, relationships, and differences are lived and understood. Only then can education move beyond managing sexuality, begin learning from it, and genuinely come closer to the people it is meant to serve.

5.2 Future Suggestions

First, I suggest enhancing institutional transparency and ensuring gender quotas that include students from all school levels and represent diverse gender identities in the composition of committees involved in drafting or revising legislation. Since the current content of the GEEA is still shaped by shifting social dynamics and public opinion, it is crucial to actively encourage *tongzhi* students to participate in the legislative process. Enabling affected communities to speak for themselves within institutional structures helps to dismantle both linguistic barriers and unequal power relations.

Second, the framework of gender education should be grounded in relational ethics. The current GEEA has yet to meaningfully address emotional relationships and erotic exploration, remaining largely confined to discourses of self-protection, rights, and remedies. Therefore, I propose incorporating real and diverse gender narratives, along with lived experiences, into educational content. In addition, the GEEA should establish positive and active discourse within its articles, and support or encourage schools to create affinity groups or clubs, organize relevant activities, and provide easily accessible gender-related resources. Such efforts would allow all students to see *tongzhi* lives represented beyond heteronormative and cisnormative frameworks, fostering a deeper understanding of both the differences and commonalities among communities, and enabling students to form their own identities through these encounters.

Last, for scholars who are interested in studying the GEEA or gender- and sexuality-related topics in the field of education, I suggest adopting critical gender theories such as queer theory, feminist theory, and intersectionality as analytical frameworks to examine both the current GEEA and related phenomena. This approach is especially needed, as such theoretical perspectives and corresponding research remains largely absent from the Taiwanese education context. When Western theories are repeatedly cited only in literature reviews, and the same structural research models are replicated without critical engagement, it becomes difficult to challenge existing dilemmas or offer meaningful alternatives. Furthermore, I encourage researchers to focus on the everyday experiences of underage *tongzhi* youth and non-gender-normative individuals. Through qualitative methods such as fieldwork and narrative inquiry, researchers can uncover the silenced voices of marginalized subjects. Such scholarship can help open up space for dialogue around systemic reform and social practice, while also providing evidence that invites the public to re-examine and reinterpret everyday phenomena that are often taken for granted.

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Appendix

Thirteen selected Articles of the GEEA, categorized into three themes for critical content

analysis.

Identity/Sexuality Categories

Article 12
The school shall provide a gender-fair learning environment, respect and give due consideration to students, faculty, and staff with different gender, gender temperaments, gender identity, and sexual orientation. Moreover, it shall establish a safe campus environment.
The school shall prescribe and promulgate regulations for implementing gender equity education.

Article 13
The school shall not discriminate against a prospective student during recruitment or evaluation of applications for admission on the basis of his or her gender, gender temperaments, gender identity or sexual orientation. With the approval of the competent authority, this requirement will not apply to schools, classes and curricula with a specific historical tradition, special education objectives, or other reasons unrelated to gender.

Article 14
14.1 The school shall not discriminate against students on the basis of their gender, gender temperaments, gender identity, or sexual orientation in its instruction, activities, assessments, rewards and penalties, benefits, or services. This requirement does not apply to matters suitable only to persons of a specific gender, gender temperaments, gender identity, or sexual orientation.
14.2 The school shall proactively provide assistance to students who are disadvantaged due to their gender, gender temperaments, gender identity, or sexual orientation with the aim of improving their circumstances.

Article 18
18.1 The school shall design curriculum and activities to encourage students to develop their potential and shall not discriminate students on the basis of their gender.
18.2 Elementary and junior high schools, in addition to integrating gender equity education into their curriculum, shall provide at least four hours of courses or activities on gender equity education each semester.
18.3 Senior high schools shall integrate gender equity education in their curriculum, the same as the five-year junior colleges in the first three years of their curriculum.
18.4 Universities and colleges shall offer a wide range of courses on gender studies.
18.5 Schools shall develop course planning and assessment methods in accordance to principles of gender equity education.

Article 19

The compilation, composition, review and selection of course materials shall comply with the principles of gender equity education. The content of teaching materials shall present fairly on the historical contributions, life experiences of both sexes, and diverse gender perspectives.

Article 20

20.1 When using teaching materials and engaging in educational activities, teachers shall maintain an awareness of gender equity, eliminate gender stereotypes, and avoid gender prejudice and discrimination.

20.2 Teachers shall encourage students to take courses in fields that are not traditionally affiliated with their genders.

Subjectivity

Article 15

The school shall proactively protect the right to education of pregnant students, and provide necessary assistance.

Article 21

21.1 The central competent authority shall establish guidelines for preventing and handling gender-related incidents on campus. These guidelines shall include campus safety plans, matters needing attention regarding on- and off-campus instruction and activities as well as interpersonal interaction, ethical considerations for principals and faculty members regarding sex- or gender-related matters, matters related to self-initiated disclosure, and handling mechanisms, procedures, and relief for gender-related incidents on campus.

21.2 Schools shall prescribe and promulgate prevention and control regulations in accordance with the aforesaid guidelines. Schools at the senior high and higher levels shall prescribe and promulgate relevant regulations or professional ethical standards in accordance with the previous Paragraph.

21.3 Schools shall actively promote education on the prevention of gender-related incidents, with the aim of increasing respect among principals, teachers, staff members, workers, and students for the bodily autonomy of others and oneself. Schools shall conduct annual gender-related incident prevention education and advocacy events, and evaluate their effectiveness.

Article 26

26.1 Once a gender-related incident on campus has been investigated and established as having actually occurred by the school or competent authority in accordance with the pertinent laws or regulations, the school or competent authority shall itself impose a formal reprimand, demerit, dismissal, suspension, non-renewal of contract, discharge from employment, termination of a contractual relationship, termination of a service relationship, or some other appropriate penalty on the offender, or transfer him or her to another authorized agency with the jurisdiction to do so.

26.2 When handling a gender-related incident on campus, the school, competent authority, or other authorized agency with the jurisdiction to take disciplinary measures and impose penalties shall in addition order that the offender receive psychological counseling, and may also order that he/she must comply with one or more of the following measures,

except for an offender already subject to a lifetime ban on appointment, employment, contractual relationship, or service relationship.

A. Apologize to the victim, if the victim, his/her legal guardian, or his/her de facto custodian gives consent. When a legal guardian or de facto custodian consents, the best interests of the child or minor shall be given priority, and his/her opinions shall be weighed based on his/her level of mental maturity.

B. Attend eight hours of gender equity education related courses.

C. Other measures that serve an educational purpose.

a. The school or competent authority shall appoint a physician, clinical psychologist, counseling psychologist, social worker, or lawyer to provide the aforementioned psychological counseling and guidance.

b. In cases in which the incident of sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards was not serious in nature, the school, competent authority, or authorized agency may just act in accordance with the stipulations of Paragraph 2, as the necessary element of handling the matter.

c. When any disciplinary measure referred to in Paragraph 1 involves a change to the offender's status, the offender shall be given an opportunity to make a written statement presenting his or her views.

d. Any disciplinary measure listed in Paragraph 2 shall be implemented by the school or competent authority that imposes it, and when doing so, the school or competent authority shall take all necessary measures to ensure the offender's full cooperation and compliance.

e. When Subparagraph 1 of Paragraph 2 is applied and the involved parties are both students, the school may utilize restorative justice or other counseling strategies to encourage relationship repair.

Rights Discourse

Article 7

7.1 The gender equity education committee of the central competent authority shall consist of seventeen to twenty-three members, who shall serve for specific terms. The Minister of Education shall be chair of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the committee members shall be women. Experts, scholars, NGO/NPO representatives, student representatives, and practitioners from fields related to gender equity education shall make up at least two-thirds of the committee members.

7.2 The aforesaid committee shall hold at least one meeting every three months, and appoint staff to handle related matters. The means of the committee's organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority.

Article 8

8.1 The gender equity education committee of the municipal government and county or city level shall consist of nine to twenty-three members, who shall serve specific terms. The mayor of the municipality, the magistrate of the county or the mayor of the city government shall be chair of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the committee

members shall be women. Experts, scholars, NGO/NPO representatives, student representatives, and practitioners from fields related to gender equity education shall make up at least one-third of the committee members.

8.2 The aforesaid committee shall hold at least one meeting every three months, and appoint staff member(s) ad hoc to handle related matters. Guidelines regarding the committee's organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority. Competent authorities at the municipal and county (city) level shall, in accordance with these guidelines, prescribe autonomous regulations governing their gender equity education committees.

8.3 The gender equity education committees of the competent authorities for military academies, preparatory schools, police academies of all levels, and juvenile correctional institutions shall consist of nine to twenty-three members, with fixed terms of appointment. The head official of the competent authority with jurisdiction over schools shall serve as the chairperson of the committee. Committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least half of the committee members shall be women. Committee members who are experts in fields related to gender equity education shall account for at least half of total committee membership.

8.4 The aforesaid committees shall hold at least one meeting every three months and appoint staff member(s) ad hoc to handle related matters. The means of the committees' organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, tasks that may be delegated to affiliated agencies, and other related matters shall be prescribed by the competent authority with jurisdiction over schools.

Article 9

9.1 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. The committee members shall have an awareness of gender equity and not engage in behaviors contrary to gender equity. At least one half of the committee members shall be women. Representatives of faculty, staff, parents, students, and experts and scholars from fields related to gender equity education may be invited to be committee members.

9.2 The aforesaid committee shall hold at least one meeting every three months, and appoint a staff member or teacher ad hoc to handle related matters. Guidelines regarding the committee's organization, meetings, committee member qualifications, duration of appointment, grounds for dismissal, dismissal procedure, and other related matters shall be prescribed by the central competent authority. Schools shall, in accordance with these guidelines, prescribe relevant regulations governing their gender equity education committees.

Article 24

When investigating a gender-related incident on campus, the school or competent authority shall take necessary measures for the protection of the involved parties' rights to education and employment, and must not use unequal power or status to act in a manner that could affect the victim's rights to education or employment, or to request an investigation.

Article 26

26.1 Once a gender-related incident on campus has been investigated and established as having actually occurred by the school or competent authority in accordance with the pertinent laws or regulations, the school or competent authority shall itself impose a formal reprimand, demerit, dismissal, suspension, non-renewal of contract, discharge from employment, termination of a contractual relationship, termination of a service relationship, or some other appropriate penalty on the offender, or transfer him or her to another authorized agency with the jurisdiction to do so.

26.2 When handling a gender-related incident on campus, the school, competent authority, or other authorized agency with the jurisdiction to take disciplinary measures and impose penalties shall in addition order that the offender receive psychological counseling, and may also order that he/she must comply with one or more of the following measures, except for an offender already subject to a lifetime ban on appointment, employment, contractual relationship, or service relationship.

A. Apologize to the victim, if the victim, his/her legal guardian, or his/her de facto custodian gives consent. When a legal guardian or de facto custodian consents, the best interests of the child or minor shall be given priority, and his/her opinions shall be weighed based on his/her level of mental maturity.

B. Attend eight hours of gender equity education related courses.

C. Other measures that serve an educational purpose.

26.3 The school or competent authority shall appoint a physician, clinical psychologist, counseling psychologist, social worker, or lawyer to provide the aforementioned psychological counseling and guidance.

26.4 In cases in which the incident of sexual harassment, sexual bullying, or sex- or gender-related behavior by a principal or faculty member that violates professional ethical standards was not serious in nature, the school, competent authority, or authorized agency may just act in accordance with the stipulations of Paragraph 2, as the necessary element of handling the matter.

26.5 When any disciplinary measure referred to in Paragraph 1 involves a change to the offender's status, the offender shall be given an opportunity to make a written statement presenting his or her views.

26.6 Any disciplinary measure listed in Paragraph 2 shall be implemented by the school or competent authority that imposes it, and when doing so, the school or competent authority shall take all necessary measures to ensure the offender's full cooperation and compliance.

26.7 When Subparagraph 1 of Paragraph 2 is applied and the involved parties are both students, the school may utilize restorative justice or other counseling strategies to encourage relationship repair.

Article 27

During the investigation of a gender-related incident on campus, the school or competent authority may make public a description of pertinent matters, handling methods, and principles where necessary. After the case has been closed and upon the approval of the victim, his/her guardian, or his/her de facto custodian, the school or competent authority may also make public whether the case is established, the type of the case, and handling method of the case. Party names and other information that may lead to their identification shall not be revealed.

Article 42

42.1 In cases where the offender involved in a gender-related incident on campus is a school principal, teacher, staff member, or worker, and the affected student suffers harm as a result of the incident, the offender shall be liable for compensatory damages.

42.2 Even if the harm described in the previous Paragraph does not involve a financial loss, the student may request monetary damages commensurate with the harm. In cases of reputational harm, the student may request appropriate measures to restore his/her reputation.

42.3 In addition to liability for compensatory damages pursuant to the provisions of the previous two Paragraphs, a court may, if the victim so requests and depending on the severity of the offense, impose punitive damages ranging from one to three times the compensatory damages. If the offender is a school principal, the court may impose punitive damages ranging from three to five times the compensatory damages.