Introducing human rights education in the Confucian society of Taiwan: its implications for ethical leadership in education

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In March 2000, Chen Shui-Bian, the candidate representing the Democratic Progress Party (DPP), won the 10th presidential election. This ended the one-party rule by Kuomintang (KMT) for five decades on the island of Taiwan. The new government soon announced a new policy to include human rights education in the education system. However, the concept of human rights was originated in the Western culture of individualism, and is not widely understood in Confucian settings. This paper compares the concept of morality in Western individualism with that of Confucian ethics for ordinary people, and discusses implications for ethical leadership in education. Findings from empirical research are then used to review the use of corporal punishment in the education system of Taiwan. Finally, the possible consequences of introducing human rights education with regard to ethical leadership are discussed with reference to experience elsewhere.

Introduction

In March 2000, Chen Shui-bian, representing the Democratic Progressive Party (DDP), won the presidential election in Taiwan by a narrow margin and became the 10th President. Ever since the Nationalist Party or Kuomintang (KMT) retreated to Taiwan after losing the civil war to the Communist Party in 1949, it had dominated the political scene in Taiwan and imposed martial law. Chen's victory ended five decades of KMT rule. It was the first time the Taiwan government came under the administration of a different political party.

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Implantation of human rights education in the school system of Taiwan

Shortly after his inauguration on 20 May, President Chen set up a special committee on human rights with Vice President Annett Lu as the convener. Towards the end of 2000, the Ministry of Education announced a new policy to include human rights education in the syllabus for both primary and secondary schools. These actions could be seen as a kind of counter-revolution against the absolute sovereignty of the Nationalist Party. When World War II ended, Taiwan was returned to China. However, this roused strong resentment from the Taiwan natives, since the Nationalist Party that had taken over the government of Taiwan was rather corrupt at that time. Eventually, a massive riot, later known as the 228 Incident, exploded in 1946 (Lai *et al.* 1991). The Nationalist government in Nanking immediately sent troops to suppress the riot. Thousands of people were killed. On 20 May 1949, the national government introduced martial law as a counter-measure until 14 July 1987. During those 40 years under curfew, the public was deprived of the civil rights of freedom of speech and to form societies, to march, and to petition for their rights. These measures were a considerable provocation to the inhabitants in Taiwan. As a result, after taking over the administration, the DDP took human rights as a 'shield' of their party, to draw a distinction from the dictating Nationalist Party, despite the fact that martial law had been lifted for a long time and the civil rights of the public were protected under new laws.

In addition to the political implications, promoting human rights education in Taiwan also entails cultural significance. Taiwan is a society composed mainly of immigrants who are the descendants of Han ethnicity. Most of the population still lives according to Chinese culture, even though they had been under the colonial rule of Japan for 50 years. However, Lee Teng-hui, the former President, had a strong inclination to embrace independence for the island, despite his Nationalist identity. He even dubbed the Nationalist party as a 'foreign' sovereignty. During Lee's office as the President, he implemented a number of educational and cultural policies to 'decinicize' the island (Dai and Wang 2001). Thus in a way the commitment to human rights by the Chen government is continuing Lee's former policy.

However, from a cultural perspective, promoting human rights education is confronting the traditional values in a Confucian society like Taiwan. Such confrontations, however, have long existed in China's history, dating back as early as the 19th Century when the cultures of the East and the West began to meet. Ever since the introduction of western culture, Confucianism began to tremble in the Chinese cultural paradigm. During the May Fourth Cultural Movement, Confucianism was even attacked by most of the Chinese elite and pundits. These opposing forces grew so strong that finally they were stirred up into a social movement of anti-tradition values (Chou 1960, Lin 1979).

When the Communist party took over Mainland China following its victory in the civil war in 1949, some of the western scholars predicted that

'the communists would bury Confucianism and send it to the altar. The word, Confucianism, would become a name in history, and would no longer arouse the passion of the moral defenders, simply because these people are completely shattered' (Levenson 1966: 81). But history tells us this was not the case. Under Communist control, certainly Mainland China underwent a series of major events, such as the Cultural Revolution, in which Confucianism was despised and the values of legalism were praised (Chiou 1974, MacFarquhar 1974). However, the political landscape and social structure in Mainland China were similar to those in Taiwan under the Nationalist government before the lifting of martial law, i.e. both regions had only one major political party, and indeed that is very Confucian (Callis 1959).

Over the last few years, the Communist government of China has made several attempts to call for unification with Taiwan under the format of 'one country, two systems', basing the appeal on the similarities in the cross-strait cultures. However, we should not expect the Mainland China government to introduce any human rights education, and this explains why the Chen administration in Taiwan is so committed to human rights education. It is a double-edged strategy: on the one hand it can draw a clear distinction from the former Nationalist administration, and on the other it can counteract the unification summons from the Mainland.

Culturally speaking, human rights, a concept spurred from individualism in the West, contrasts with traditional Confucian values. Promoting human rights education in Confucian societies such as Taiwan will have a considerable impact on the different levels of interpersonal relations in different sectors, for example, family, society, politics, and education. Because this paper is concerned with value and ethical leadership in education (East meets West), I shall discuss the conceptual difference between the Western human rights and the Confucian traditions. This will include a comparative study demonstrating the differences in moral leadership in education between the East and West.

Ethics for ordinary people in Confucianism

In *Knowledge and Action* (Hwang 1995), I applied the method of structuralism to analyse the ideas of Confucianism. The Confucian 'way of humanity' for arranging interpersonal relationships can be divided into two kinds of ethics: ethics for ordinary people and ethics for scholars. The former are ethics that everyone, including scholars, has to follow, because these ethics are essential to existing as a human being.

The Confucian way of humanity is best described by the following propositions in the Golden Mean: 'Benevolence (*ren*) is the characteristic attribute of a person. The first priority of its expression is showing affection to those closely related to us. Righteousness (*yi*) means appropriateness, respecting the superior is its most important rule. Loving others according to who they are and respecting superiors according to their rank give rise to the forms and distinction of propriety (*li*) in social life.'

These propositions underscore the interrelationships of the three concepts of benevolence, righteousness and propriety in Confucianism (Hwang 1995: 238). In short, Confucianism suggests that one should assess the role one has to take along two cognitive dimensions of 'intimacy/distance' and 'superiority/inferiority' when interacting with others. Intimacy/distance is one's closeness to another party, whereas superiority/inferiority involves differences in social ranking. When the two dimensions are assessed clearly, one knows how and to what extent one should behave towards others. It is benevolence (*ren*) to favour people with whom there is a close relationship, and it is righteousness (*yi*) to respect those for whom it is required by the relationship. Acting according to previously established rites and social norms is known as propriety (*li*).

Hwang (1995) also illustrates Confucian ethics for ordinary people by applying justice theory from western social psychology, which defines two categories of 'justice': procedural justice and distributive justice. Procedural justice is the means to decide the procedure for resource distribution in a group, while distributive justice is the means to decide its methods (Leventhal 1976). Based on these categories, the Confucians believe procedural justice should follow the principle of respecting the superior: let the person who occupies the superior position play the role of resource allocator. Then the decision maker should take into account the principle of favouring the intimate to make that decision, as described in Hwang (1987:948).

I should like to describe my model for explaining Confucian ethics for ordinary people, which can be viewed as a prototype for arranging interpersonal relationships at a social level. When this is applied to a particular dyad, the people within the relationship are required to take on specific role obligations. Confucians divide cardinal ethics into five: ethics between sovereign and subordinate, between father and son, between husband and wife, between elder brother and younger, and between friends. Among these five dyads, father and son, husband and wife, elder and younger siblings all fall into the category of blood relationships. The other two are grouped as mixed ties. The five pairs should interact based on the principle of benevolence, but the value expressed in each dyad is unique in nature, subject to the particular roles in that dyadic relation: e.g. the kinship between father and son, the loyalty between master and servant, the difference between husband and wife, the hierarchy between brother and sister and, finally, trust between friends. It is pretty clear that, apart from the relation between friends, the other four entail a kind of vertical hierarchy.

> 'What are the things which humans consider righteous (*yi*)? Kindness on the part of the father, and filial duty on that of the son; gentleness on the part of the elder brother, and obedience on that of the younger; righteousness on the part of the husband, and submission on that of the wife; kindness on the part of the elders, and deference on that of juniors; benevolence on the part of the ruler, and loyalty on that of the minister. These are the ten things which humans consider to be right.' (*Li Chi*, Chapter IX, Li Yun)

We can see that the ethics of friends has been omitted from the above excerpt. Nevertheless, the five aforementioned relationships emphasize

interaction under the principle of respecting the superior. It is the Confucian belief that people in the upper positions of relationships, such as father, elder brother, husband, senior or ruler, should make decisions based on the principles of kindness, gentleness, and benevolence, whereas those in the lower positions of relationships, such son, wife, junior and minister, should listen to what is expected of them, as in adhering to the principles of filial duty, obedience, deference and loyalty.

The relationship between father and son is closely related to the origin of life defined by Confucians, so it ranks the highest among the ten kinds of interpersonal ethics in Confucianism (Hwang 1999). Unlike Christianity, there was no such thing as a 'Creator' conceived by Confucians when tracing the origin of life. Instead, they brought up a very simple but true fact that one's life is a physical extension of one's parents'. The concept of filial piety is a spin-off from this.

According to Confucianism, the principle of respecting the superior should also be the key to balancing the relationship between a teacher and a student. Teachers have been given a relatively high social status in traditional Chinese society: they are juxtaposed with the Heaven, the Earth, the Emperor and the parents. Those who taught special skills or artistry were even called 'master-father' (*si-fu*) by the general public. And the saying that 'a day's teaching is worth a life's patronage' reinforced the belief that students should pay fatherly respect to their teacher. Moral education is highly emphasized in the interaction between teacher and student in traditional Chinese society (Wong 1998). However, the ethical leadership of Chinese teachers is far different from that in Western society. First of all, Chinese teachers have to check on themselves to determine whether they are good enough to be a model for the students. If teachers do anything immoral, then they are considered no longer qualified to teach. Additionally, teachers should correct students' behaviour and not let them go astray. We have to elaborate on the gap between Confucian conceptions of morality and individualist conceptions to support this argument.

Individualistic moralities and ethical leadership

Cultural psychologists Shweder *et al*. (1992) classified the concept of morality in human society in three major categories: the ethics of autonomy, the ethics of community and the ethics of divinity. Within this classification system it can be seen that the morality of individualism in Western culture belongs to the ethics of autonomy, which stresses personal rights as an individual. However, the morality of Confucianism stresses interpersonal duties in social situations, and belongs to the ethics of community.

Hwang (1998) emphasizes that there is a huge gap in how the East and West define 'morality'. This difference can be examined from multiple perspectives. As a whole, the moralities developed from individualism are rights-based conceptions of natural law. According to Dworkin (1977), all moral standards involve personal rights, duties and social goals, but each of them implies a different priority. The core idea of natural individualism

concentrates on an individual's will or voluntarism that gives priority to self over society. What they stress are the natural rights of human beings, but not their duties or goals. Individualists believe that each person is a moral agent regardless of his/her social background: they are all moral equivalents. Non-human living things are not considered as moral agents in this sense since they are not human. All individualists defend the territories of self that are structured around the boundary of each person's physical body. Justice and equality are the same in their eyes. Everybody is equal and thus should be treated in the same manner. Based on the principle of justice, the individualists contend that things should be treated the same if they are identical in nature, and vice versa. They support the ideas of secularism and reject the idea of absolute authority. They believe natural laws are something human beings can discover on their own, and are not driven by revelations from any sage or authority (Shweder *et al*. 1990).

This idea can be illustrated further by laying out the difference between positive duties versus negative duties as defined in Western ethics. Nunner-Winkler (1984: 349) cited the views of the ethicist Gert (1973), saying that negative duties are those that simply require abstention from action, for example, do not kill people, do not steal and do not cheat. Because these acts will harm others, violating the abstract principle of harm can be employed as a legitimate reason to restrain one's free will or freedom. The abstract idea of natural law states that such actions or types of behaviour are fundamentally wrong, no matter whether they bring personal joy or do not offend existing laws or social norms. Since negative duties are essentially duties of omission, each person should adhere to them all the time and in any situation, so long as they do not conflict with other duties. Owing to their mandatory character, negative duties are also known as perfect duties in Kant's (1797, 1963) metaphysics of morality.

On the other hand, Kant described positive duties as imperfect duties, for they are basically duties of commission. Positive duties involve a maxim that guides people to perform certain acts such as charity, but no specific definition has been given to identify such actions. Therefore it is always hard to tell what action should be counted as a duty of commission, and not everyone can always perform positive duties. Each person must exercise the power of judgment to decide whether he/she should perform such an act by taking into account the time, the place and personal preference. Positive duties are known as imperfect duties, because of their conditional nature. In the Western society of individualism, an individual has a right to choose whether to perform certain positive duties or not (Miller 1994). It is a vice if one commits any negative duties, but it is considered only a lack of virtue if one does not perform positive duties.

The concept of ethical leadership developed by Western scholars under the influence of individualism is in general parallel to the above description (Greenfield 1987, Hodgkinson 1991, Sergiovanni 1992, 1996). Sergiovanni, for example, classified ethical leadership in education into four main types.

(1) *Bureaucratic leadership* relies on mandates, regulatory systems, hand-
    books, expectations and consequences to monitor both the educators

and students. Such leadership is at the lowest level of ethical development.

(2) *Psychological leadership* emphasizes the control of others, so as to encourage them to live by the idea of 'what gets rewarded gets done'. This leadership thrives on the manipulation of others via interpersonal skills through which the leader can accumulate his/her power. Sergiovanni (1996) pointed out that this leadership cannot fully exploit the talents and potentials of human beings in the education community.

(3) *Technical-rational leadership* is a concept based on social sciences. It assumes that both teaching and learning can be merged into a kind of scientific knowledge out of teachers' experiences of teaching activities. Teachers may play a leadership role by applying this specific knowledge. Sergiovanni (1996) argued that both teaching and learning are very complex in nature and it would be difficult to turn them into standardized rules or processes, or to utilize them as foundations for technical and rational leadership.

Sergiovanni (1992, 1996) also believed moral consciousness was something born inside the human being. It could help people to react to duties and responsibilities by leaving behind their selfish thoughts. He added that there were two connotations underlying *ethical leadership*. First, the leader should require his/her subordinates to be driven by sympathy, duty and righteousness in their work and behaviour. Second, the leader should possess these qualities, thus encouraging the emulation of his/her subordinates.

Confucian moralities and ethical leadership

Chinese culture has similar views to those of Sergiovanni (Wong 1998). Traditionally, teachers are expected to be very well disciplined so that they can teach the students how they should behave as a member of society. However, the ideas of Confucianism are complicated, and in practice their ethical thrust tends to result in corporal punishment for the students. To understand the process of such alienation, we have to examine the Confucian conception of life and morality. Confucians believe that the life of an individual is the extension of his ancestors. They do not conceive of the existence of a 'creator' of the world of human beings. A person's whole family is conceptualized as a 'great self' (*da wo*), and boundaries of the self may extend to include other family members. The 'physical self' is only part of the 'great self' represented by the family, and each individual is obligated to strive to defend the 'great self' against any threat from outside. Confucians emphasize social role and status rather than the individual, and individualist ideas of natural 'rights' are never mentioned. In Confucianism, duties and goals are the essentials of its natural laws (Huang 1997). Although Confucians conceive of each person as a moral agent, people are not morally equivalent. According to Confucian ethics for scholars, scholars are given a kind of mission to strive for higher moral achievement and to carry out the way of humanity in society. A person's moral

achievement can be evaluated by the broadness with which benevolence is expressed to others. The greater the practice of humanity, the higher the level of moral achievement. Based on such ideals, Confucians are opposed to the secularism of morality, and argue that each person is a unique moral agent with different moral achievement, and people should not be treated in the same way. They believe the natural laws of ethics can be revealed by sages and be passed on to individuals. Those who are morally cultivated can convey ethical rules or teachings to others. By being the ethical leaders, they can preach to or educate others.

With a better understanding of the core ideas of Confucianism, it is not difficult to see how the ethical leadership of teachers may eventually turn into the high-handed surveillance of student behaviour in a traditional Confucian society, leading ultimately to the rising misuse of corporal punishment. Most parents expect teachers to fulfil their roles as strict leaders when educating their children. Such an idea dates back to the popular saying of the Sung Dynasty that 'it is the father's fault if the son misbehaves, and the teacher is lazy if not strict enough'. Conceptions like 'a teacher has to be tough if he wants his words to be listened to' or 'students have excellent performance under strict surveillance' endorse parents' belief that being strict is a major factor when delivering education to students, and corporal punishment is required. As a way of expressing their concern and expectations for their students, teachers can become relatively harsh. Eventually, teachers may think that corporal punishment is just a kind of growing pain for students, and students may think that they would be less likely to improve if not punished. Thus, students may be taught to live by the idea of 'no pain, no gain', and they may accept whatever the teachers ask for in order to be the 'better people' expected by the general public.

Ethical leadership in Taiwan

How ethical leadership morphs to corporal punishment in Taiwanese society can be illustrated by some empirical studies. Chen *et al.* (1980) conducted a large-scale survey of attitudes towards corporal punishment, in which 1073 teachers, 1111 parents and 4582 students from 20 schools participated. The findings revealed that most of the teachers (43%), parents (71%) and students (70%) agreed that persuasion was the best method for correcting a student's behaviour. Only 9% of teachers, 6% of parents and 12% of students opted for corporal punishment. In other words, they all agreed that teachers should play the role of an ethical leader by means of ethical preaching or persuasion when students misbehaved, and that reproach, corporal punishment or demerits would serve as alternatives only under extreme circumstances. What was more surprising was that teachers were the lowest percentage of the three groups supporting the idea of persuasion. It should be noted that the number of teachers opting for deprivation of students' rights was the highest proportion among the three groups of interviewees at 24%, compared with parents at 10% and students at 7%. In other words, the teachers were the group that opted least for persuasion, but opted most for authority as the best method to correct

student behaviour, whether the softer deprivation of rights or the harsher corporal punishment.

Moreover, a moderate level of corporal punishment was acceptable to most of the interviewees provided that no one was hurt: 91% of teachers, 85% of parents and 84% of students. Also, 10% of parents approved corporal punishment by teachers, greater than students (9%) or teachers (1%). Only relatively few of the interviewees (5% of teachers, 3% of parents, and 7% of students) agreed that corporal punishment should be completely banned. Later, in an age of anti-corporal punishment and ongoing education reforms, Lin and Wang (1995) conducted a survey of 1923 parents on corporal punishment. Unexpectedly, they found that 72.2% of parents thought it was unreasonable to ban corporal punishment.

In a society where people are not against corporal punishment, what do the students actually do to make themselves the objects of corporal punishment? Lin (1992) conducted a survey in 1992 in which 87 high school teachers and 276 students responded to an open-ended question about this issue. The findings showed that teachers had a number of reasons for giving corporal punishment, e.g.: (1) violating others' rights, like disrupting order, disturbing the peace, or personal safety like bullying classmates; (2) immoral behaviour, for example, lies or theft; (3) poor learning attitude, like ignoring assignments or academic underachievement; (4) contempt of seniors, like insults or retorts; and (5) breaking regulations, like being late, absence from class or improper grooming.

However, the students reported the major reason why they received corporal punishment was poor academic performance, late assignments, and the like, and what teachers claimed as their misconduct they believed referred merely to violation of the principle of respect, like disobedience, retorts or disrupting order by talking in class. The contrast between the views of teachers and students demonstrates that the teacher is the lawmaker and prosecutor in the Taiwanese educational system. Subject to their own cognitive system, teachers can label the students according to different categories of misconduct, and eventually carry out the punishment on those whom they decide deserve it. Being objects to the teachers, the students cannot understand why they get punished, and they even deny or forget what the alleged misconduct is.

These studies reveal the fact that most students think the reason for corporal punishment is strongly linked with the learning attitude, i.e. poor achievement, late assignment, and so on. Most of the participating teachers shared this view. This is supported by similar findings in a survey reported by Chen *et al.* (1980), in which at least 41% of the students believed the reason for corporal punishment was related mainly to their learning attitude, e.g. poor individual (18%) or class (23%) performance. However, most teachers did not agree. Instead, 85% of the participating teachers compared with 54% of the students claimed that corporal punishment was used to correct the students' misconduct. We may deduce a striking message from these figures, that the teachers in Taiwan believe they are carrying out corporal punishment as ethical leaders in a community, whereas the students believe that the teachers would do the same to them even if simply playing the role of educator.

Conclusion

A worldwide survey on corporal punishment was conducted in 106 countries in 1977 (Okihara 1986), and the responses of the interviewees were divided into three types: (1) UK – US, (2) continental Europe, and (3) socialist countries. Since the people in the UK or USA are deeply affected by the concept of original sin in Christianity, they believe it helps to get rid of the evil inside an individual by corporal punishment. They would mostly hit the buttocks or palms of the students either with a rattan or a plank.

On the other hand, corporal punishment is completely banned in continental countries such as Germany and France and those Latin American countries that used to be their colonies. Like the UK and USA, the religions in these countries were either Christianity or Catholicism, and they all carry a long history of corporal punishment in education. However, the rise of humanism and human rights at the end of the 19th century has led to the wide acceptance that man is born good and corporal punishment should not be encouraged. Despite the strenuous efforts of these countries to formulate new policies to wipe out corporal punishment at schools, it has not yet died out completely.

Most socialist countries, from the former Soviet Union and Cuba, through Lybia and Mainland China, believe that a society should be built on good discipline. However, such discipline must be self-developed and self-generated without any external compelling force. In the eyes of the socialists, corporal punishment is something compelled by external forces. The concept of corporal punishment contradicts socialism's view of social education. Therefore, it has always been banned in the socialist countries.

The UK, USA, Canada, Australia and New Zealand are among the 28 countries grouped in the UK – US category. The major reasons for corporal punishment there could be disobedience, fighting, disrupting order, violating other students or demonstrating contempt for teachers. Very few students are beaten because of their poor academic performance. Corporal punishment is seen as an effective means of correcting misbehaviour, rather than improving academic achievement.

Anti-corporal punishment has been gaining support in countries in the UK – US category. Laws prohibiting such activities have been enacted in a number of places in the USA. Nevertheless, disputes over such policies still exist. In the UK, 68 out of the 104 regional Learning Education Associations (LEA) in England and Wales used to approve corporal punishment under certain circumstances whereas another 36 left the decision to the school principal (Amano 1986). Later, owing to growing pressure from STOPP set up in 1968, a league formed by teachers fighting corporal punishment and the increasing support from the Labor Party, the UK government sent out letters to those LEAs in March 1983 warning them of their possible infringement of the European Pact of Human Rights, and the 'sufficient reasons' for carrying out corporal punishment (Lin 1992).

From the verdicts of most lawsuits reached in the courts in the UK or USA, there are basically some conditions when corporal punishment is acceptable: (1) it is to correct but not to avenge; (2) the age, health, sex and

psychological status of the student should be taken into account and no 'overdoing' is allowed; and (3) a proper tool must be used when hitting. School principals and teachers are usually those empowered to administer corporal punishment. To ensure they act with moderation and justice, they must: (1) have given a warning in advance; (2) have tried other methods; (3) have a third person as witness when executing corporal punishment, and with no other students around; and (4) file a report to explain the details after the corporal punishment (Amano 1986, Chin 1989, Lin 1992).

Legally, corporal punishment is banned in Taiwan, but in reality it is still common, since society is affected considerably by the Confucian teachings. When the former president, Lee Teng-hui pushed his education reforms to remove corporal punishment, most of the educators adopted a laissez-faire attitude: they no longer keep the students in check. But how would this turn out if the DDP government wanted to introduce Western human rights education to this island? Would corporal punishment totally vanish from society? Would Taiwan follow the footsteps of the UK and USA, and develop a reasonable mechanism for corporal punishment that matches with their human rights ideals? We shall have to wait and see.

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