The political initiative of Taiwan’s education for sustainable development: Looking through the lens of Chinese legalism

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Abstract
This article examines the development of Taiwan’s Environmental Education Act and how Education for Sustainable Development was mainstreamed into the national policy framework within the country. The goal is to understand the policy tools and governing strategies that were used by the Taiwan government to develop and implement a nationwide environmental education policy for integrating environmental sustainability into all areas and levels of teaching and learning. Official documents related to national plans for ESD and environmental education policies were analyzed and examined. In particular, Chinese Legalism was used as a lens to interpret the government’s philosophy, assumptions, unspoken norms, legislative practices, and deliberate strategies. Several principles and techniques proposed by Chinese Legalists were used to examine the negotiation and formulation of Taiwan’s Environmental Education Act. This analysis contributes to our understanding of the ways in which UNESCO’s framework of ESD can be transferred into a national policy. A discussion of the Chinese Legalist philosophy also offers a cultural frame of reference to think about ESD politics and governance in other East Asian contexts.

Keywords
Education for Sustainable Development (ESD), education policy, policy development, Chinese Legalism, legislative culture, governance

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Introduction

The urgency of global sustainability challenges such as climate change is compelling some educators to rethink the purpose of education and how to best approach it to meet the needs of the rapidly changing society (e.g., Hursh, 2020). One prevailing discourse within this discussion is the Education for Sustainable Development (ESD) agenda that has been spearheaded by the UN and its subsidiaries spreading through intergovernmental meetings and conferences for decades (Hopkins, 2014; Paden and Chhokar, 2007; Sterling, 2014). The goal of ESD is to develop a sense of shared global values and build capacity among individuals, communities, and societies to empower people to make informed judgments and choices that are in favor of sustainable development (United Nations Educational, Scientific and Cultural Organization [UNESCO], 2002, 2005). To further highlight the assertion that education is a cornerstone in working towards a sustainable future, UNESCO launched the Decade of ESD in 2005. This global agenda resulted in a range of national, regional, and international initiatives (Noguchi, 2017), and most of the UN member states now have national plans for integrating ESD into their education and/or sustainability policies. Building on the “success” achieved during the Decade (UNESCO, 2014), the UN released the 2030 Agenda for Sustainable Development Goals in an attempt to scale up and accelerate the process of mainstreaming ESD in education systems worldwide (UNESCO, 2018, 2020).

As ESD installments have emerged as a political priority in many countries, concerns about the globalizing forces and the state control of curriculum-making in schools are arising (Bengtsson, 2016; Bengtsson and Östman, 2016; Jickling and Wals, 2008, 2012; Payne, 2016, 2020). Some scholars have persistently challenged ESD’s instrumental approach to education and argued that education should not be treated as merely a means to promote a hegemonic agenda (Berryman and Sauvé, 2016; González-Gaudiano, 2006, 2016; Jickling, 2005; Sauvé et al., 2005). Emancipatory learning and participatory approaches to sustainable development are more likely to develop a citizenry that can examine sustainability challenges and act wisely (Wals, 2011). Studies also showed that state-directed models of ESD that leave no space for alternate perspectives or reimagining of sustainable development can be unproductive and lead to superficial engagement with sustainability (Berglund et al., 2014; Huang et al., 2020; Mogren et al., 2019; Nomura and Abe, 2009).

However, despite the recognition of the limitations of a top-down approach to ESD, there remains a lack of critical policy analysis of how ESD is being mainstreamed into education systems and the associated governance narratives in specific contexts of the nation state. Studies on ESD governance in non-Western contexts are especially underdeveloped. This gap of policy research in ESD can hinder the progress of meaningful engagement with sustainability in education (Aikens et al., 2016; Van Poeck and Lysgaard, 2018). Nagata (2017: 39), for example, found that ESD policy in Japan did not bring about the transformation that was aimed for because the “conventional culture” and “bureaucratic management” had impeded the integration of a holistic approach to ESD. Yet, what the traditional cultures were that influenced the dynamics of governance processes were left undefined.

For many, Confucianism has been the answer to the cultural influence on East Asian educational practices. Indeed, Confucian ethics of creating a harmonious society through self-cultivation were deemed to have the potential to contribute to UNESCO’s vision of
sustainable development (Tucker and Berthrong, 1998; UNESCO, n.d.; Zhang, 2016). The Confucian practice of self-cultivation and moral education could help to inspire family ethics, political principles, and social values that connect with ecological consciousness and a sense of collective responsibility (Jenkins, 2002). Moreover, Confucian humanism, which is the most influential habit of the heart in Chinese societies, could lead to a reconceptualization of peace, economic equality, and political responsibility in modern society (Tu, 2001). Nonetheless, there are also those who argued that social and cultural traditions in Confucian learning cultures, such as respect for the elderly and teachers and the overemphasis of memorization, presented significant obstacles to learner-centered and inquiry-based pedagogies—the foundations of emancipatory learning that ESD scholars seek to pursue (e.g., Aguinis and Roth, 2005; Aoki, 2008; Dahlin and Watkins, 2000; Han and Scull, 2010; Huang and Asghar, 2016; Hui, 2005; Kember and Gow, 1991; Kim, 2005).

There is also disagreement as to the precise role of Confucianism in shaping East Asian governance (Shin and Sin, 2012). Research in education policies seems to suggest that nation states in East Asia have retained centralized power to control curriculum and policy-making processes (Lim, 2016; Lim-Ratnam et al., 2016; Sung, 2015).

In this article, we argue that, while Confucianism has provided the traditional terms of reference by which the leaders and peoples of many East Asian countries are understood, it was Chinese Legalism (Fajia) that offered the institutional inspiration and practical guidance for politicians interested in governance in Taiwan and other East Asian states (see also Hahm and Paik, 2003). In particular, we found that Legalist ideas were used to ensure the state’s capacity and efficiency to mainstream ESD into Taiwan’s educational system, even though the Legalist legacy has been implicit in official discourse. Through the lens of Chinese Legalism, we were able to uncover the principles, assumptions, and norms underlying the governance structures and mechanisms in Taiwan’s ESD policy-making process. Chinese Legalism arose as a political thought in ancient China and was used to, and in some ways continues to (Huang and Hioe, 2020), inform statecraft to ensure domestic stability (Pines, 2014). Before turning to Chinese Legalism and its philosophical foundation, we first introduce the study purpose and methods. We then elucidate how the Legalist approach to governance can shed light on Taiwan’s ESD policy-making.

Study purpose and methods

The present study responds to calls for more studies on governance processes in ESD (Bormann and Nikel, 2017; Van Poeck et al., 2014) by examining how Taiwan has translated UNESCO’s ESD agenda into a nationwide education policy. Over the past decade, the government of Taiwan has been actively pursuing international diplomacy through environmental and sustainability activities with the rationale of gaining international support for its independence (Hsu, 2017). The Decade of ESD created a policy window of opportunity for the government of Taiwan to demonstrate the state’s commitment to global sustainability efforts (Legislative Yuan, 2010a). To this end, environmental and sustainability education was enshrined in law, and Taiwan’s Environmental Education Act came into effect in 2011 (Legislative Yuan, 2011). Since then, environmental and sustainability education has become mandatory in all government institutions including government-funded community organizations and K-12 schools in Taiwan. All government employees, school administrators, teachers, and students are required to complete at least four hours of coursework in environmental and sustainability education each year.
The policy goal of the Environmental Education Act is ambitious as it seeks to transform the existing learning and training environments across schools, communities, and various institutional contexts to achieve the UN’s vision for sustainable development (Legislative Yuan, 2010a). In line with UNESCO’s (2018) proposal, the Act was designed to set out a system-level transformation and posit education as the cross-cutting means of attaining the Sustainable Development Goals. This state-led transformation thus raises some timely questions as to how these structures were established, reduced, and rebuilt, whose voices and which regimes were privileged, and what the “evolution in the participation of stakeholders” (Van Poeck et al., 2014: 699) was during the education policy-making process. These are the inquiries that guided this study.

Policy ethnography was used to investigate the “messy realities” of the contexts in which Taiwan’s Environmental Education Act was produced (Ball, 2012). Policy ethnography is an emerging methodology. Ball (2016) described it as an assemblage of research tactics and techniques for qualitative policy analysis, which has been used to examine the iterative process of policy cycle from the standpoint of policy actors (Ball et al., 2017; Verger and Curran, 2014). This methodological framework allowed us to conceptualize policy documents (e.g., white papers, official statements, curriculum guidelines) as a set of “ideological texts” (Codd, 1988: 244) that were constructed by people within a particular historical and political context. Therefore, more than examining official documents as traditional policy analysts would do, we also analyzed the official records of parliamentary meeting notes on the Environmental Education Act between 2005 to 2014 to investigate decision-makers’ political ideologies and rationalities underlying their choice of governing techniques. The goal is to discover how the policy texts were negotiated, which governance narratives and discourses were drawn on to legitimize certain policy reality, and, most importantly, whose power was maintained, strengthened, or weakened through this education policy-making process.

Data were primarily collected through a desk-based review of official documents related to ESD and the Environmental Education Act. Some internal documents were gathered by talking to the personnel who were responsible for implementing the Act. A total of 154 official documents were reviewed. Key documents that we drew heavily on in the analysis that follows included Taiwan Agenda 21 (NCSD, 2004), the Environmental Education Act, the official records of parliamentary meeting notes on this Act, Environmental Regulations Applicable to Schools, and relevant certification and curriculum guidelines that have been circulated in schools or ESD facilities.

Thematic analysis (Fereday and Muir-Cochrane, 2006) was used to analyze the policy texts. Initial themes emerging from the data included “stated-defined performance,” “managerial mindset,” “bureaucracies and emphasis on reporting,” “emphasis on rewards and penalties,” and “emphasis on showcasing positive outcomes.” As mentioned from the outset, Chinese Legalism was found to be a potential explanatory framework that offers a theoretical grounding of these themes. Hence, the Legalist lens was used to discern the connection among these themes. Before illustrating this result, we first introduce Chinese Legalism and its governance philosophy.

Chinese Legalism

Fajia (法家, Chinese Legalism) is a pragmatic political philosophy which argues for a powerful centralized government as a means of achieving peace, stability, prosperity, and an
orderly society (Kern, 2000). It was developed in pre-Qin ancient China (the Spring and Autumn period and the Warring States period, from 770 to 221 BCE), when politics was unreliable and conflicts between states were rampant and increasingly ferocious (Watson, 1967). One primary concern of rulers at that time was the recruitment of government officials who were loyal and could provide political guidance to strengthen their states. Therefore, upward social mobility became legitimized and the meritocratic discourse of “elevating the worthy [尚賢]” proliferated (Pines, 2013; Watson, 1967). Hundreds of intellectuals traveled between the states to offer their wisdom on governance, military strategies, and foreign relations. The Legalists’ vision of a unified, mighty state was particularly attractive to political leaders and practitioners. Its techniques of centralizing and securing a ruler’s power later contributed to the first unification of Imperial China: the Qin dynasty (221–206 BCE).

Chinese Legalism is thus considered one of the major schools of thought in the pre-Qin period, along with Confucianism, Mohism, and Taoism. These major schools were all concerned with means of achieving political unity (Pines, 2012). Nonetheless, their philosophies of governance and propositions of statecraft to realize this vision differed. Confucianism sought to cultivate the ruler’s morality and believed that emperors should lead by virtue. Mohism argued against wars among states and advocated for universal love and impartial care for everyone. Taoism focused on nature and the correspondence between humans and the cosmos; therefore, human actions shall not interfere with the natural order of things. This concept of wu-wei (action through inaction) led to the vision of small governments governing without intervention (Littlejohn, 2010). One major contrast between other schools of thought and Legalism in ancient China was that Legalism argued for a society governed through rules. Legalists viewed the Confucian principle of ruling by virtue as impractical because, in a legalist perspective, humans were selfish and egoistic by nature and covet wealth and power (Han Fei, 1964; Watson, 1967). Thus, ruling by fa (“law”) was deemed as the only effective and realistic solution to social problems, particularly in a chaotic society during the Warring States period (Han Fei, 1964).

It is important to note that, although its literal translation is “law,” the Chinese character of fa (法) encompasses far more than penal codes or laws (Goldin, 2011). In Chinese Legalism, fa refers generally to standards, natural rules, scales, or correct methods (Goldin, 2011; Han Fei, 1964). Drawing on this conceptualization of law, Legalists suggested that, instead of morality and education, institutionalizing fa was the key to managing all aspects of governance and regulating social and economic behaviors. That is, fa was viewed as an essential “social control institution” (He, 2011: 646).

**Three pillars of Legalist governance and their relevance today**

Chinese Legalists believed that an orderly society was required for agricultural prosperity and military strength, which would lead to a mighty state (Ames, 1983; Hwang, 1995). Thus, monarchs should rely on three pillars of governance to ensure societal stability and develop a state’s wealth and power: (a) shi 勢: force of control, legitimacy, or power; (b) fa 法: standards, laws, rules, or methods; and (c) shu 術: art of control, techniques, or tactics. A comprehensive explanation of these terms is beyond the scope of this article; however, the following sections discuss Legalist thinking in the three pillars relevant to the study findings.
Shi as legitimized authority or positional power

Chinese Legalism suggested that a ruler’s shi (force of control) was a prerequisite for applying fa (rules or standards) and shu (art of control) to control their ministers and officials (Hwang, 1995). Specifically, Legalists believed that emperors were representatives of Heaven and that nature amended them and validated them to rule. It is the rulers’ high political positions, rather than their wisdom or virtue, that secured their authority and power. Therefore, a ruler himself was not enough to make people obey; it was the authority legitimized from Heaven and his political position that made people, even the intellectuals, submit (Watson, 1967).

To understand the concept of shi, it is important to situate it in the historical context where various factions fought for the establishment of a true king in the pre-Qin dynasty. Under this political climate, it was possible for a ruler to hold political power through the position without being amended by Heaven, and vice versa. Therefore, exploring ways to legitimize the rulers’ authority and secure rulers’ political positions became a focus of Chinese Legalists in ancient China.

Fa as unvarying rules, correct methods, or standards of good behavior

Equality with respect to fa among ministers and citizens is an essential doctrine in Chinese Legalism (Watson, 1967). Although fa does not apply to the rulers, all people under the emperors were equal before fa. Therefore, Legalists suggested that the unvarying application of fa would lead to public order because the system would reward those who followed the rules and severely punish those who broke them. Han Feizi (279–233 BCE), the most famous Legalist writer, who synthesized the philosophy and methods of the Legalists who came before him, expressed this as follows:

The law does not favour the nobility; unlike a rope that bends when it is unyielding. When implementing the law, worthies [people of worth] do not dare to challenge it, and tyrannical people do not dare to argue with it. The rules of punishment will not spare the minister, and the rules of rewarding the good will not exclude the civilians. Therefore, to correct the faults of the officials, to investigate the evils in the people, to manage chaos, to judge mistakes, to punish the greedy, to rectify and reverse, and unify the standards of the people’s behaviours, there is nothing more effective than fa. (Chinese Text Project, n.d., Hanfeizi, yuudu: ch. 5, Huang trans.)

Legalists were particularly critical of Confucianism’s mysterious and ambiguous codes of conduct (Han Fei, 1964). They thus sought to develop concrete guidelines for people to follow. For Legalists, once the scales of justice had been established and made clear to the people, they would learn that bribery, without exception, was futile (Han Fei, 1964). Even ministers and officials had to follow strict rules, and the full force of the law would be applied to them and their families if they committed an offence. Legalists predicted that if fa were successfully enforced, the legislative system would run the state smoothly and there would be no need for a monarch to intervene. This approach would lead to an orderly society and a mighty state, even if it were governed by a weak ruler (Han Fei, 1964).

Influenced by Taoism, Chinese Legalists adapted the concept of wu-wei (action through inaction) and suggested that emperors should aim to rule without direct intervention (Xu, 2013). The rationale was for rulers to remain aloof and mysterious, so that their ways of
thinking and preferences could not be predicted and manipulated by their ministers and officials. Therefore, the legislative system had to be fully established without direct involvement of a ruler, the tasks of the various public offices had to be properly defined, and administrators had to enforce the laws without corruption. Nonetheless, *wu-wei* did not mean the emperors should take no actions. Rather, the rulers’ role was to deliberately exercise their political power (*shì*) and reinforce the rightfulness of *fa*; then, the vision of a well-ordered state could be realized [抱法處勢則治]. In other words, Chinese Legalists believed that, in order for the heaven-chosen king to rule and to become an emperor of a mighty state, the ruler needed to hold a high political position and secure his power (*shì*). To achieve this, Legalists suggested rulers focus on setting up an administration and assigning officials to develop and enforce *fa* (legislative system, rules, or correct methods), which would lead to a well-ordered state. *Shu* (techniques or strategies) was thus proposed to guide the rulers to control and monitor the administration.

**Shu as the techniques or tactics of control**

Shen Buhai (395–337 BCE), famous Legalist, formalized a series of *shu* that rulers could use to ensure the operation of their administration. Here, as examples, we explain only three *shu* that are relevant to the findings of this study, namely techniques for law-making, techniques for controlling government officials, and techniques for policy enforcement in the society.

**Techniques for law-making:** Under Chinese Legalism, law-making focused on how the law had been developed as well as on its justification. This is because Chinese Legalists believed that laws were meant to set out standards for human behavior (He, 2011). Guan Zi described *fa* as the “compass for everything and every procedure” of people’s lives (He, 2011: 657). Han Feizi (279–233 BCE) proposed that *fa* was “the scale for judging behaviours and the mechanism to normalize behaviours” (He, 2011: 657). The metaphors of compass and scale portrayed *fa* as an objective, impersonal, and impartial standard for human behavior. The Legalists thus used objectivity to persuade the rulers to believe that an established judicial system would lead to social stability and to convince common people that *fa* was just, so imposing it would lead to a stable society (Chan, n.d.). Therefore, justifying which instruments could be used to evaluate human behavior and the universality of this process was an important tactic of law-making in Chinese Legalism.

Chinese Legalists advocated that the penal code should be written by the authorities. This way, defining and enforcing *fa* was the official mandate of the emperor and governors, which meant that it was above family rules (that were upheld by Confucians) and social conventions. Legalists also believed that it was incorrect to take the wisdom of the common people into account because their minds were as naïve as those of babies [民智之不可用, 猶嬰兒之心也]. Han Feizi (279–233 BCE) used an analogy of a caring mother who shaved her baby’s hair to prevent head sores. Even if the baby cried, the mother would continue because she understood the usefulness of such action. Similarly, an emperor should institutionalize top-down laws even if the public resisted them. The short-term suffering of the people would benefit the future collective good of the nation (Han Fei, 1964). Therefore, it was believed that a top-down approach to law-making helped emperors to win appreciation and popularity among the public in the long term (Chan, n.d.).

**Techniques for controlling government officials:** If rulers should not consider the wisdom of common people, whose advice should they listen to? Legalists answered this question by drawing on the Mohist proposal of elevating the worthy. They agreed with Mohism that
meritocracy was at the core of political structure. Official positions should be strictly given
to the “worthies.” Rulers could then focus on honoring the worthies’ advice, righteousness,
and performance through merit, promotion, and wealth (Han Fei, 1964).

However, in the Legalists’ view, the notion of worthiness was too vague and prone to
manipulation by political parties. They also argued that any promotion not based on imper-
sonal standards—even if it were a correct one—would cause inflated expectations or exces-
sive resentment among their officials. As Shen Dao (395–351 BCE) explained:

When the ruler abandons fa and relies on himself to govern, then punishments and rewards,
recruitment and demotion all arise out of the ruler’s heart. If this is the case, then even if rewards
are appropriate, the expectations are insatiable; even if the punishments are appropriate,
lenience is sought ceaselessly. If the ruler abandons the standard and relies on his heart to
decide upon the degree [of awards and punishments], then identical merits will be rewarded
differently, and identical crimes will be punished differently. It is from this that resentment
arises. (trans. in Pines, 2017: ch. 4)

Therefore, Legalism suggested developing clear, impersonal rules to objectively recruit the
worthies, appoint the officials, control and monitor their performance, and reward those
who fulfilled their duties or punish those who neglected them. According to Pines (2017: ch.
4, emphasis added), “this objective process of promotion according to measurable and
objective merits became one of the hallmarks of the Chinese administrative system through-
out the imperial era and beyond.” As we discuss below, this practice is also relevant to the
Environmental Protection Administration’s (EPA) approach to recruiting officials and ESD
personnel today.

Another central technique for controlling officials in Legalism was xing-ming (形名, perfor-
mance and title). Legalism sought to develop a governmental structure where rulers remained
distant and did not directly intervene in the implementation process. To this end, Han Feizi
(279–233 BCE) proposed the tactic of xing-ming to evaluate the performance of public officials.
He argued that the titles and duties of each official should be clearly defined so everyone would
know exactly what was expected. When an official’s performance was in accordance with the
duties associated with the title, the official was rewarded; when it was not, the official was
punished (Watson, 1967). These firm criteria for evaluating officials would allow rulers to sit
back and watch the administration run smoothly (Han Fei, 1964; Watson, 1967).

Although Chinese Legalism emphasized the accord between an official’s performance
and political position, it did not rate the performance itself. Those who overperformed
would be considered to be violating the rules and would be punished. A story written by
Han Feizi (279–233 BCE) illustrated this point:

Marquess Zhao of Han was drunk and fell asleep on his desk. The officer in charge of his
ceremonial head gear was concerned that he might catch cold, and therefore put a coat over him.
When Marquess Zhao of Han woke up the next morning, he was very pleased and wondered
who put the coat over him. When he found out that it was his cap master who did this but not
his coat master, the ruler decided to punish both of them—the one for not doing his job and the
other for exceeding his job. (Chan, n.d.)

Han Feizi’s story highlighted that officials who went beyond their given duties were poten-
tially harmful to the stability of governance. Legalists viewed humans as fundamentally
egoistic, which was based on the fundamental view of human nature by Xunzi (a famous Confucian philosopher who diverged from Confucius and Mencius). Considering that worthies were motivated by pursuing honor and might be unwilling to limit themselves to assigned tasks, Legalists believed that their ambition, desire for a good reputation, and competitiveness would eventually corrupt them (Xu, 2013). A norm of overperforming in government would then lead to manipulation to usurp the throne. Consequently, Han Feizi (279–233 BCE) advocated that overdoing in public service should be discouraged. Rulers should apply the same rule to officials who overperformed as to those who underperformed. Full accountability and robust monitoring of performance, in the Legalist view, would ensure proper operations of government.

Techniques for policy enforcement: In Chinese Legalism the key to a ruler’s control was to effectively use reward and punishment to ensure effective administration of policy (Watson, 1967). Although incentives and penalties are common in modern society, Legalists developed this tool, er-bing (二柄), for emperors to strategically control their officials and citizens 5,000 years ago. Importantly, Chinese Legalists emphasized publicizing both the positive consequences of following and the negative consequences of violating fa. Publishing the identities of people who disobeyed the law, and their punishments, would serve as a warning to the public.

While Legalists argued that there was no greater means of ensuring the ruler’s superiority than er-bing, this technique appeared to offer limited reflection on the potential abuse of power by rulers. The Legalist commitment to preserving and strengthening the ruler’s authority may have established the rule of the first emperor of ancient China, Qin Shi Huang. However, Legalism’s “abnormal assertiveness of its administrative apparatus, over-reliance on penalties, senseless expansionism, and debilitating mistrust between the emperors and their entourage” (Pines, 2017: ch. 7) eventually led to criticism of Chinese Legalism as it progressed through history. The practice of severe punishment is often associated with cruel torture methods in ancient China. As Sima Tan famously commented, Chinese Legalism was “a one-time political philosophy that could not be constantly applied” (Pines, 2017: ch. 7).

Nevertheless, some features of Chinese Legalism continue to be relevant to the modern context of Taiwan, including: (a) relying on laws, techniques, and positional power; (b) relying on unvarying application of laws to establish social behaviors; (c) using shu-related techniques in law-making and justifying objectivity and universality of fa; (d) monitoring and evaluating officials to ensure obedience of public servants; and (e) using rewards and punishments to ensure the effectiveness of policy implementation. We argue that these Legalist approaches are largely manifested in the Environmental Education Act and several school-based policies in Taiwan. The following sections illustrate how the concepts of shi (force of control, legitimacy, or power), fa (standards, laws, rules, or methods), and shu (art of control, techniques, or tactics) can be used to interpret the contemporary ESD policies and their enforcement in Taiwan.

Analysis of Shi: Legitimized power and political position of the EPA

This section explains how the newly elected president’s political commitment created a desirable context for the EPA that led to the process of formulating the Environmental Education Act during the 2010s. It also illustrates the legitimized power and political position (shi) of the EPA within the National Council for Sustainable Development (NCSD, 2004).
A desirable political context emerged for the EPA

Before the EPA’s Environmental Education Act was passed in 2010, environmental education scholars in Taiwan had made several attempts to incorporate environmental education into formal education from the 1980s onward (see Kao and Chang, 2016). In 1993, the EPA appointed Professor Chiau Wenyan to produce a comprehensive report examining the need to legislate environmental education policies. Between 1995 and 2003, the Chinese Society for Environmental Education, composed of several leading scholars in the field, and Legislator Eugene Jao, proposed making environmental and sustainability education mandatory, but their motion did not attract much political support. In the meantime, the EPA began to establish its political power in the NCSD, which was formed in 1997 in response to the Earth Summit in Rio de Janeiro. In 2002, the Basic Environmental Law was passed to grant the NCSD legal status as the authoritative body to promulgate national action plans and policies related to sustainable development. The EPA assumed the management of all the secretarial affairs of the NCSD and thus has had an influential role in overseeing the country’s sustainability plans.

The early 2000s marked a turning point for the EPA. The government noticed that the National Environmental Education Fund had accumulated a large amount of money from environmental pollution fines. It was therefore vital to integrate environmental resources across various government agencies and develop mechanisms to manage these resources. Seeing the potential of the National Environmental Education Fund, the EPA initiated a new draft of the Environmental Education Act in 2005 to include regulation on receiving and spending money through the Fund (“Environmental Quality Protection Foundation”, n.d.). Although the Legislative Yuan (a constitutional body that develops laws) rejected the EPA’s proposal, the idea of developing and enforcing concrete ESD policies using the resources generated by the Fund was adopted by the presidential candidate Ma as one of his primary campaign promises in 2007. When Ma was elected in 2009, the EPA’s version of the Environmental Education Act was immediately pushed forward by the Legislative Yuan, and the bill to promulgate the Act was passed in 2010.

The political position of the EPA

With legislative support, the EPA now holds the most favorable political position within the NCSD. It acts as a national judicial institution managing the National Environmental Education Fund, the primary use of which is to promote ESD at all levels (EPA, 2014). The annual statutory budget of the EPA is 50% of the Fund, the highest among all government agencies, followed by the Ministry of the Interior (29%) and the Council of Agriculture (5.4%) to promote sustainable development (EPA, 2014: 10). The Ministry of Education (MOE) is granted only 2% of this fund, while a unit responsible for promoting ESD under the EPA’s Department of Comprehensive Planning receives 5% (EPA, 2014). Therefore, in contrast to a commonly held perception about the role of the MOE in promoting ESD, Taiwan’s EPA acts as the main player in the country’s ESD initiatives.

Moreover, the EPA continues to exercise its jurisdiction within the NCSD by undertaking all secretarial affairs and supervising working groups. Although the NCSD’s structure seems inclusive because council members represent diverse groups, further investigation portrays a different story. The NCSD’s governance structure seems to allow the
EPA to play an influential role in decision-making among various agencies and working groups (see Figure 1). Specifically, the chairperson position of the NCSD is concurrently held by the premier of the Executive Yuan (a constitutional branch of the government that is responsible for executive affairs), who is appointed directly by the president. Membership of the NCSD consists of 24 to 36 representatives. One-third are academics, one-third are representatives of civil and professional groups (e.g., the World Bank, Taiwan Ecotourism Association, Homemakers United Foundation), and one-third are heads of various government ministries (Executive Yuan, 2017). Members are approved by the council chairperson. Although NCSD members are authorized to set up working groups on sustainability issues, the EPA, in its supervisory role, seems to firmly steer all the groups. That is, all secretarial affairs of the groups are handled by the EPA. Three assistant executive officer positions responsible for supervising the groups are also held by the EPA, as well as the Ministry of the Interior and the Ministry of Economic Affairs. To ensure a comprehensive promotion of environmental, cultural, economic, and social aspects of environmental and sustainability education, EPA oversaw a total of 46 ESD projects across 22 departments that were set out in the National Environmental Education Action Plan 2016–2019. In the upcoming sections, we explain how the EPA has applied its positional power (shi) to steer the development of Taiwan’s Environmental Education Act.

Analysis of fa: Governing by laws to lead to sustainable behaviors

This section illustrates how the EPA has deliberately used its power to negotiate the content of the Environmental Education Act throughout the legislative process. In particular, the EPA played a key role in justifying the necessity of the Act to Taiwanese law-makers. It also applied the Legalist concept of fa (standards, laws, or correct methods) in the Environmental Education Act to realize its policy agenda and vision of ESD governance.

Figure 1. The governance structure of the National Council for Sustainable Development.
The Environment Education Act as a standard of good behavior

Data from several parliamentary meetings showed that some Taiwanese legislators positioned the Environmental Education Act as a tool for promoting the state’s value of sustainable development. They argued that educating teachers and young children was vital. Thus, the Act was considered “a good law” that would ensure that future generations would develop “appropriate habits” for the environment (Legislative Yuan, 2010a: 373).4 Defending the Act, Legislator Wu Yusheng pointed out that many citizens did not have accurate notions about environmental issues and their perspectives “deviated from the views of professionals” (Legislative Yuan, 2010a: 373). Consequently, the public tended to consider the government’s efforts to address the environmental problems as “political manipulation” or “government conspiracy”; citizens often “worked with the civil groups to stir up” government’s decisions and “criticize the government” (Legislative Yuan, 2010a: 372). Legislator Wu believed that institutionalizing the Act could “effectively reduce the public’s misunderstanding of the government” (Legislative Yuan, 2010a: 372). Moreover, the Act would ensure “[full] cooperation from school teachers” so that “our next generation will benefit” from learning the “correct approach” to environmental and sustainability education (Legislative Yuan, 2010a: 372).

During the policy-formulation process, legislators and the EPA attempted to maximize the unvarying application of the Environmental Education Act by proposing ways to make environmental and sustainability courses compulsory for all citizens. Legislator Wu Yusheng upheld the “symbolic significance” of declaring “the entire citizenry” as the target group of the Act because “Taiwan is one of the first countries to set environment and sustainability education into law” (Legislative Yuan, 2010a: 415). The deputy minister of the EPA also suggested enforcing the courses for all citizens (Legislative Yuan, 2010c: 83, 2010d: 101). This attempt reflects the Legalist approach of relying on the unvarying application of laws to develop desired human behavior in society. Nonetheless, due to other legislative restrictions, the final Environmental Education Act could only require that “all governmental institutions, state-run business, K-12 schools and statutory bodies with over 50 per cent of the funds sponsored by the government shall create environmental and sustainability education programmes every year” and “all employees, teachers and students shall attend the programmes for more than four hours” per year (Article 9). The Act thus has much effect, as about one-sixth of the population in Taiwan now is required to take an annual course on ESD (EPA, 2016).

Participating in ESD has become a state-defined good behavior promoted through K-12 curriculum and professional development for teachers. According to the Environmental Regulations Applicable to Schools (MOE, 2012), legislating concrete actions for environmental protection is necessary because “affecting citizens’ rights and obligations” is possible “when enforcing the pollution prevention or nature conservation measures” (MOE, 2012: 1–1). Therefore, the Environmental Education Act serves as a means to help “citizens understand what proper behaviours are and what are not” (MOE, 2012: 1–1). This way, both the government and the public can “act in accordance with the law” (MOE, 2012: 1–1) and the Act can also “serve as a legal ground for those who wish to promote environmental and sustainability education” (MOE, 2012: 9–1). That is, the Act can provide legal justification for government to enforce certain pro-environmental behavior as well as for those who want to promote ESD. Following this line of reasoning, the “Environmental Education Act is a
law that promotes learning and a law that is the closest to the idea of sustainable development” (MOE, 2012: 9–1).

The content of the Environmental Education Act also reflects Legalist conceptualization of fa—the correct method. Much space in the policy texts was devoted to outline the state-defined correct approach to environmental and sustainability education, which is at odds with the pluralistic stance that many ESD advocates hold. According to the Act, the four-hour courses “shall be delivered through lectures, discussions, online learning, experiential learning, experiments, outdoor activities, film watching, hands-on and other activities” (Article 19). In particular, outdoor activities “shall be arranged at the selected facilities” (Article 19) that are certified by the EPA. We will return to these certified facilities later in the article.

Analysis of shu: Art of control, techniques, or tactics

Here we present the techniques that aid the EPA in law-making, such as outlining and justifying the laws developed by the authorities. This section also explains the strategies that were used by the EPA to recruit the “worthies” and monitor their performance through a rigorous system. Similar to a Legalist perspective, many Taiwanese legislators seemed to believe that the function of the Environmental Education Act was to punish evil and reward righteousness.

Law-making technique: Emphasizing the universality of ESD policies

The official record showed that much effort was made to emphasize the universality of ESD implementation around the world as a justification for the Environmental Education Act. As stated in the Introduction to the Environmental Education Act, “many advanced countries have developed specific laws to respond to the Decade of Education for Sustainable Development; considering this, the Environmental Education Act is proposed” (Legislative Yuan, 2010b: 173). Legislator Wu Yusheng underscored that “the United States and Japan are more advanced than us, but even South Korea has had legislation on ESD policies for a long time” (Legislative Yuan, 2010a: 372). Thus, “the universal implementation of environmental and sustainability education ... [was] a necessary step” for Taiwan to “become a sustainable, developed country” (Legislative Yuan, 2010b: 174–175).

The technique of using global discourses as tools to increase the EPA’s control over national policies was also observed. In particular, US and Japan’s ESD policies appeared to serve as a regime of truth when the EPA needed to justify its legislative practices when negotiating the details of the Act. For example, when debating if it was necessary to enforce penalties, the deputy minister of the EPA argued that “Japan also enforced the penalty system” (Legislative Yuan, 2010d: 99–100). When being questioned on whether a certification system was required, the deputy minister of the EPA pointed out that “the US Environmental Education Act is applicable to all public and private sectors” (Legislative Yuan, 2010d: 101) and that certification mechanisms had also been put in place in Japan and the United States (Legislative Yuan, 2010d: 93–94). Although the ESD policies in Japan and the United States are different from Taiwan’s Environmental Education Act in terms of policy content, rationale, and implementation mechanisms, the process of negotiating for more centralized control was evident and justified by the deputy minister of the EPA using the universality of certain policy practices.
Techniques for recruiting and monitoring the government officials, the “worthies”

As mentioned earlier, plural perspectives on ESD are encouraged and emphasized in the literature as well as UNESCO’s documents (Kopnina, 2012; Öhman, 2016; Van Poeck and Vandenabeele, 2012; UNESCO, n.d.). However, the EPA insisted on centralized standards and qualifications for the certification program to ensure fairness and the quality of environmental and sustainability education in general despite some law-makers and civic groups intensively questioning the necessity of legislating for a certification system within the Environmental Education Act (Legislative Yuan, 2010a, 2010c, 2010d; Meeting Record, 2009). For example, Legislator Huang Sueying questioned the intention of establishing the EPA as the central authority for the certification program. She pointed out that “many civic groups and the public have different [sustainability] values from the EPA”; it is thus “problematic to only allow the EPA-approved staff” and facilities to implement the courses (Legislative Yuan, 2010a: 414). Some law-makers were concerned that the groups or institutions with different approaches to ESD would receive limited funding and support from the EPA. Most legislators felt that the Act should encourage diverse ideas and innovative ways of participation (Legislative Yuan, 2010c). In return, the EPA only agreed to allow for multiple application channels to welcome members of diverse groups to apply for certification.

Legalism’s rigorous means of recruitment, promotion, and performance control thus became particularly apparent in this aspect of the Act. With the legal basis given by the Act, the EPA is the central authority to promulgate and monitor the qualification of training institutions, task assignment, certification evaluation standards, and other mandated compliance matters to be defined by the EPA. In practice, the EPA defined three certification programs to certify training institutions (機構), staff members/personnel (人員), and ESD facilities (設施場所). These programs serve different functions to implement the mandatory ESD course (see Table 1). The following sections briefly elucidate the three certification programs to illustrate the ways in which the tactic of xing-ming (performance and title) is reflected in the implementation of the Act.

First, certified training institutions are in charge of “enhancing the professional competence” of the certified staff who are responsible for implementing the sustainability education courses at all levels (EPA, 2014: 18). The institutions’ primary role is to organize both the required courses for certified staff members and the required continuing professional development sessions for those staff who have already been certified. The Environmental Professional Training Institution, a unit under the EPA, provides all training guidelines and funding to carry out these programs. Although there is no restriction preventing civic groups from becoming training institutions (Legislative Yuan, 2013b), the EPA has certified only universities and government organizations for this work. Specifically, of the 30 institutions that have been certified in the past 7 years, 25 are universities, 2 are government-funded associations, and 3 are government agencies.

For certified staff/personnel, there are two types of certification programs: the administrative category responsible for ESD planning and promotion, and the educative category responsible for teaching the courses in formal or informal educational settings. Candidates can apply for certification based on their environment-related degrees, expertise in particular knowledge areas, or years of teaching experience in the field, or by passing the certification examination (Legislative Yuan, 2013b; 2013c). There are currently approximately
11,000 certified staff members working to implement the Environmental Education Act at formal, non-formal, and informal educational settings.

For ESD facilities, the EPA has thus far certified about 160 facilities, including 37 recycling centers, 33 leisure farms and amusement parks, 16 museums, 14 cultural heritage centres, 11 national or city parks, and 11 sustainability educational centers (EPA, 2017). These facilities are certified because they integrate natural and professional resources to carry out environmental and sustainability education courses. To obtain certification to offer ESD courses, a facility must employ a full-time EPA-certified staff member, obtain an operating license, demonstrate financial self-sufficiency, and establish sustainability curricula that have been approved by university professors and content experts (Legislative Yuan, 2013a). In order to renew their certification every three years, facilities must submit annual performance reports to the EPA that include the number of events organized, the number of participants, detailed outcomes and photos, participants’ satisfaction results, and proposed improvements. In addition, participation in the EPA’s regular audits is mandatory.

The use of Legalist techniques here, as Bell and Wang (2020: 71) described, was to ensure that the state selected the officials “with the ability to carry out strong and effective execution” and the willingness to comply with the EPA’s rules and standards for ESD. Moreover, similar to the Chinese Legalist technique of monitoring government officials, the EPA has designed rigorous rules and certification processes to ensure that institutions and personnel have a consistent approach to ESD. Duties of each certified staff member and

Table 1. The functions and sample performance indicators of the certification programs.

| Streams                  | Certification programs                                                                 |
|--------------------------|----------------------------------------------------------------------------------------|
| **Function**             | ESD training institutions (機構)                                                      |
|                          | – Provide training courses for interested staff members                                |
|                          | – Provide ongoing professional development for certified staff members                |
|                          | Administrative category                                                             |
|                          | – Plan ESD activities, manage funding and prepare for performance reports             |
|                          | Educative category                                                                  |
|                          | – Deliver the four-hour required environmental and sustainability course at formal and informal settings |
|                          | ESD facilities (設施場所)                                                             |
|                          | – Provide space for the four-hour required environmental and sustainability course    |
| **Sample performance indicators** | Total hours of training course provided                                           |
|                          | – Total hours of professional development courses approved by the EPA                |
|                          | – Total numbers of articles published at international journals                      |
|                          | – Need to renew the certification every five years, except referred candidates        |
|                          | – Total sessions of the required environmental and sustainability courses hosted      |
|                          | – Total numbers of participants who attended the course                               |
facility are also clearly defined (xing-ming), so everyone knows exactly what is expected for the annual performance reports for each stream of certification. The annual performance and evaluation reports submitted by each ESD facility and institution play a critical role in determining promotion (or demotion) of the associated officials. Staff and facilities are also closely monitored through annual reports and regular audits by EPA officials and the university professors recruited by the EPA. These administrative practices are in line with the Legalist approach to dealing with suspicions about ministers and officials to prevent dishonesty and corruption. These regulations, tactics, and techniques serve to achieve Legalism’s impersonal means of performance control as well as to establish the legal legitimacy of the EPA’s control over ESD implementation.

Policy enforcement technique: Publicizing rewards and penalties

Official documents showed that the EPA strongly emphasized rewarding good behaviors and publicizing the identities of officials who cooperate with the EPA’s mandate. The exercise of this technique creates a sense of achievement and righteousness when officials participate in the activities promoted by the EPA. This ESD policy is described in the report Environmental Protection Agency of the Executive Yuan Assesses the Performance Standards of Local Environmental Protection Agencies (EPA, 2017):

(1) Group rewards and punishments: The winners of the total scores are awarded with medals and public praise [by the EPA]. For the last three, the central EPA may reduce the subsidy or suspend the subsidy.

(2) Individual rewards and punishments: The assessment results of municipalities and counties [such as the numbers of certified facilities in the city] shall be sent to the central EPA by the Mayors or Magistrates as the reference for their rewards and punishments. If the municipality or county attained the last three of the total scores, the Mayors or Magistrates will be punished depending on its severity. The local governments are responsible for rewarding other meritorious personnel with outstanding performance. (Assessment Reward and Punishment Section)

Similar emphasis on rewarding and announcing good behavior can be found in Environmental Regulations Applicable to Schools (MOE, 2012: 9–5), which stated that “the central and local governments should reward, counsel, and encourage schools” to promote ESD as regulated by the Environmental Education Act. Importantly, the school “should publicize praises and rewards so that those who are good will be made known,” while those who are not actively promoting ESD “should be corrected” (MOE, 2012: 9–5). By following this practice, “the educational objectives can then be achieved” (MOE, 2012: 9–5).

The emphasis on publicizing incentives and penalties was also apparent in the parliamentary meetings. In particular, law-makers paid much attention to the penalty section of the Act and believed that effective implementation was possible only when the EPA strictly executed punishments. Legislator Huang Sueying doubted whether people would really attend the required four-hour course. She felt that those who did not participate “should be arrested” so that others would be frightened (Legislative Yuan, 2010d: 107). Legislator Liu Chienkuo proposed “announc[ing] the names of the companies and their chairmen” as well as suspending business registration certificates of companies that did not attend the
required course (Legislative Yuan, 2010d: 108–122). Many legislators also agreed on announcing the identities of the people responsible if the performance of a public or private institution was lower than expected. They argued that the EPA should follow this enforcement practice to ensure proper attendance at ESD activities (Legislative Yuan, 2010c, 2010d).

Concluding thoughts

In this article we seek to illustrate the implicit influence of Legalist thinking in the education policy-making process in Taiwan to understand the commonly perceived strong states and bureaucratic coordination in East Asian education systems. In fact, discussion about the influence of Chinese Legalism on East Asian governance can also be found in other fields (e.g., Bell, 2009; Huang and Hioe, 2020; Peng, 2000). Hahm and Paik (2003), for example, referred to this traditional frame of reference as Legalistic Confucianism and traced its origins back to Wang Anshi—a renowned philosopher and politician of Northern Song (960–1126). The common phrase “Confucianism on the outside, Legalism within (外儒內法)” is also an attempt to sum up a particular style and philosophy of governance. While the Legalist legacy is implicit in the official discourse, as our study showed, Legalist ideas have been used to ensure the state’s capacity and administrative efficiency to mainstream ESD into education systems in Taiwan.

For example, our analysis reveals that various Legalist tenets, concepts, and techniques are manifested in Taiwan’s Environmental Education Act—a nationwide education policy inspired by the UN Decade of ESD. That is, Taiwan’s ESD movement is inclined to be centrally conceived, driven, and planned by a single centralized agency, the EPA. From a Legalist standpoint, EPA has held a favorable political position within the NCSD to mainstream ESD into national sustainable development plans. This positional power provides the EPA with the authority to apply fa (e.g., the Environmental Education Act to define the standards for sustainable behavior) and shu (e.g., monitoring performance through a rewards and punishment system) to deliberatively manage the process of policy enforcement within government units, government-funded organizations, and K-12 schools. This analysis supports King’s (2018) and Peng’s (2000) assertions that Chinese Legalism can be used as a heuristic tool to explore modern legislative practice in East Asia and possibly other countries.

Since these contemporary debates among law-makers are occurring within a democratic political system in Taiwan, it is not surprising that some legislators argued for a distribution of authority among relevant government agencies to encourage diverse approaches to ESD. The critics of the EPA argued that a single government agency can be limited in its ability to bring about social change for a sustainable future (see Legislative Yuan, 2010a, 2010c, 2010d). Some Taiwanese law-makers also pointed out that the EPA’s authority can silence different opinions about sustainability issues, such that the opportunity for dialog between the government and citizens becomes slim. This tension between “old and new governance (Peters, 2000)” was also found in Kim (2020) in which Korean educational assessment policy was caught between the central government’s attempts to exert its bureaucratic power to increase control and the decentralizing efforts to form policy networks for collective action and discover flexibility within bureaucratic rules. In our view, this tension is also reflected in the historical struggle between Chinese Legalism and Confucianism in which Legalists believed that the purpose of governing is to strengthen the state, whereas the Confucian
view is that the state should serve the people. This raises an important debate in the context of ESD where state regulations for environmental and sustainability issues are needed to counter the neoliberal agenda in order for the planet to survive. For this, we agree with Bell’s (2009: 331) argument that “any defensible version of Legalism will have to rest on a Confucian foundation.” That is, even when there may be a case to draw on the governing techniques of Legalism to strengthen the state and enforce certain pro-environmental behaviors, the case must be grounded by the interests of all the people.

Drawing on the study analysis, we problematize the Legalist ideas for strengthening the EPA’s control over the governance and educational practices through the Environmental Education Act. We also underscore that EPA’s governing philosophy is incompatible with the transformative intention of ESD. Sustainability issues are complex and often “wicked” (Murphy, 2012). Therefore, diverse perspectives, sophisticated coordination, and negotiation within and between the government, private sector, and non-profit organizations is especially vital. A growing number of scholars have also discussed the potential of cross-sector partnerships and government networks to enhance the adaptivity and agility of the current government structures to better address sustainability and adaptation issues (Compagnucci and Spigarelli, 2018; Hess et al., 2014; Holmes and Moir, 2007; Meijerink and Stiller, 2013; Provan and Milward, 2001). Another study (Huang et al., 2020) also shows that the centralized control and extensive reporting process are turning some certified staff into ESD skeptics, such that the mandatory environmental education course has become a fertile bureaucratic exercise. These findings thus highlight the need to counter the governance narratives and ideologies that are shaped by the Legalist thinking in future ESD efforts.

It is important to note that we acknowledge other cultural influences on Taiwanese society and its political and educational practices, as we discussed from the outset (see also Bell and Wang, 2020; Hahm and Paik, 2003). In this work, we attempted to offer a cultural frame of reference to help us think about politics and governance of ESD in this particular context. Using the lens of Chinese Legalism, we have endeavored to understand the ESD governance in Taiwan. It is our hope that this effort would initiate a conversation about the ways in which cultural ideologies may shape governance structures, modalities of policy-making, and various legislative practices in contemporary East Asian countries. Moreover, Huang (1993: 238) cautioned that the sociopolitical change in Chinese society has “never come from any lasting assertion of societal autonomy against the state,” nor from increasing bureaucratic control against civil society. Contrary to the Western experience, Chinese sociopolitical changes should be understood through the premise of a collaborative state-society relationship. That is, “those changes need to be seen in a space in between state and society . . . that can be developed further” (Huang, 1996: 223). Thus, future studies may continue to explore the relationship between the state and civic groups in driving social change in the context of ESD while considering the influence of Chinese Legalism or other traditional schools of thought. This understanding would aid in the exploration of different forms of governance vis-à-vis the sustainability discourses in the face of an uncertain and rapidly changing future.

Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.
Funding
The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This research was supported by the Fonds de recherche du Québec—Société et culture (FRQSC) Scholarship.

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Notes
1. Goldin (2011) also cautioned that the term Chinese Legalism can be misleading and should not be confused with Western Legalism. Chinese Legalism differs from Western Legalism not only in geographical and historical background but also in ideology. Chinese Legalist argued that an orderly society could be achieved only by strengthening people’s fidelity to the monarch who created and enforced the law, whereas Western Legalism focuses on the legalistic attitude and normative behavior of following the law (Goldin, 2011; He, 2014). In contrast to Chinese Legalism’s ruler-centered approach, Western Legalism is a “modern ideology about the justification of rule-following” (He, 2011: 662). In Chinese Legalism, the law protected neither the political rights nor the economic position of the individual, whereas the Western approach to law regulated the private and economic rights and duties of individuals (Goldin, 2011; He, 2011).

2. Although the name fajia (Chinese Legalism) was given by Sima Tan (died 110 BCE), the philosophy rose no later than the other schools of thought. In fact, their development was interrelated, and their ideas were more or less connected and influenced by each other (He, 2011). For example, Confucius commented on Legalism’s technique of penalty by stating: “If the people be led by laws, and uniformity sought to be given them by punishments, they will try to avoid the punishment, but have no sense of shame.” Legalists Shen Buhai, Shen Dao, and Shang Yang studied Taoism before studying Legalism. Li Si, a well-known Legalist writer and chancellor of the Qin dynasty, studied under a student of Confucius, Xunzi. Han Feizi (died 233 BCE), the most significant representative of Legalist intellectual development, was also a student of Xunzi. Han Feizi based his arguments for Legalism on his interpretations and criticism of Confucianism, Mohism, and Taoism.

3. Here, the authors wish to highlight the difference between Xunzi’s and Han Feizi’s approach to this view. Following Confucius’ emphasis on education, Xunzi posited that one’s egoism can be improved through reading, rituals, and ongoing moral education. In contrast, Han Feizi’s arguments for Legalism were rooted in the belief that people’s morality cannot be improved, and hence laws and external supervision are required.

4. Quotations in this and subsequent sections were translated by Ying-Syuan Huang.

5. Early in the Act’s implementation, every public school was obligated to have at least one certified staff member. As the Environmental Regulations Applicable to Schools (MOE, 2012: 9–1) stated, “schools at all levels should designate personnel to promote environmental and sustainability education. The designated personnel shall obtain environmental education personnel certification within 5 years from the date of the implementation of Environmental Education Act.” However, within a few years, the EPA was criticized by K-12 schools for setting excessive requirements for the personnel certification programs (e.g., a total of 80 hours of training courses, pen and paper examinations, and formal interviews). To encourage more public schools to participate in ESD activities, the MOE was then authorized to offer ESD certification courses which could simultaneously be considered as fulfilling the required continuing professional development hours for school teachers. The MOE’s personnel certification process has lower requirements to accommodate the needs of school administrators and teachers (i.e., a total of 12 hours of training courses). There are currently approximately 5,000 MOE-certified personnel and approximately 6,000 EPA-certified personnel (EPA, 2017).
References

Aguinis H and Roth HA (2005) Teaching in China: Culture-based challenges. In: Alon I and MacIntyre JR (eds) Business and Management Education in China: Transition, Pedagogy, and Training. Hakensack: World Scientific Publishing, 141–164.

Aikens K, McKenzie M and Vaughter P (2016) Environmental and sustainability education policy research: A systematic review of methodological and thematic trends. Environmental Education Research 22(3): 333–359.

Ames R (1983) The Art of Rulership: A Study in Ancient Chinese Political Thought. Honolulu: University of Hawaii Press.

Aoki K (2008) Confucius vs. Socrates: The impact of educational traditions of East and West in a global age. The International Journal of Learning 14: 35–40.

Ball SJ (2012) Politics and Policy Making in Education: Explorations in Sociology. Abingdon: Routledge.

Ball SJ (2016) Following policy: Networks, network ethnography and education policy mobilities. Journal of Education Policy 31(5): 549–566.

Ball SJ, Junemann C and Santori D (2017) Edu.net: Globalisation and Education Policy Mobility. London: Taylor & Francis.

Bell DA (2009) Beyond Liberal Democracy: Political Thinking for an East Asian Context. Princeton: Princeton University Press.

Bell D and Wang P (2020) Just hierarchy between citizens: On the importance of service. In: Bell D and Wang P (eds) Just Hierarchy: Why Social Hierarchies Matter in China and the Rest of the World. Princeton: Princeton University Press.

Bengtsson SL (2016) Hegemony and the politics of policy making for education for sustainable development: A case study of Vietnam. The Journal of Environmental Education 47(2): 77–90.

Bengtsson SL and Østman LO (2016) Globalisation and education for sustainable development: Exploring the global in motion. Environmental Education Research 22(1): 1–20.

Berglund T, Gercke N and Chang Rundgren SN (2014) The implementation of education for sustainable development in Sweden: Investigating the sustainability consciousness among upper secondary students. Research in Science & Technological Education 32(3): 318–339.

Berryman T and Sauvè L (2016) Ruling relationships in sustainable development and education for sustainable development. The Journal of Environmental Education 47(2): 104–117.

Bormann I and Nikel J (2017) How education for sustainable development is implemented in Germany: Looking through the lens of educational governance theory. International Review of Education 63(6): 793–809.

Chan A (n.d.) The ‘Legalist’ way of governance. In: Explorations in Confucian Philosophy (Lecture 3.3) [online course transcript]. Available at: www.coursera.org/learn/confucian-philosophy (accessed 17 February 2021).

Chinese Text Project (n.d.) Hanfeizi. Available at: https://ctext.org/hanfeizi (accessed 17 February 2021).

Codd JA (1988) The construction and deconstruction of educational policy documents. Journal of Education Policy 3(3): 235–247.

Compagnucci L and Spigarelli F (2018) Fostering cross-sector collaboration to promote innovation in the water sector. Sustainability 10(11): 4154–4178.

Dahlin B and Watkins D (2000) The role of repetition in the processes of memorising and understanding: A comparison of the views of Western and Chinese secondary school students in Hong Kong. British Journal of Educational Psychology 70: 65–84.

Environmental Quality Protection Foundation (n.d.) Five-year implementation review of the Environmental Education Act. Available at: www.eqpf.org/envinews/epContent.aspx?dsn=245&cId=2 (accessed 17 February 2021).

EPA (2014) National Environmental Education Action Plan (2016–2019). Available at: https://eeis.epa.gov.tw/front/resources/ResSearch/item.aspx?id=208 (accessed 17 February 2021).
EPA (2016) *White Paper for Environment*. Taipei: Environmental Protection Administration.

EPA (2017) Environmental Protection Administration of the Executive Yuan assesses the performance standards of local environmental protection agencies. Available at: www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=2ahUKEwiDOL2KqOHfAhUBnVkJHZNBcmMQFjABegQICBAC&url=https%3A%2F%2Foabout.epa.gov.tw%2Flaw%2FDDownload.ashx%3FFileID%3D28375&usg=AOvVaw1piEWYnWn9R2iLmPcWYME (accessed 17 February 2021).

Executive Yuan (2017) *Taiwan’s Voluntary National Review: Implementation of the UN Sustainable Development Goals*. Taipei: Executive Yuan.

Fereday J and Muir-Cochrane E (2006) Demonstrating rigor using thematic analysis: A hybrid approach of inductive and deductive coding and theme development. *International Journal of Qualitative Methods* 5(1): 80–92.

Goldin PR (2011) Persistent misconceptions about Chinese “Legalism”. *Journal of Chinese Philosophy* 38(1): 88–104.

González-Gaudiano EJ (2006) Environmental education: a field in tension or in transition?. *Environmental Education Research* 12(3-4): 291–300.

González-Gaudiano EJ (2016) ESD: Power, politics, and policy – “Tragic optimism” from Latin America. *The Journal of Environmental Education* 47(2): 118–127.

Hahm C and Paik W (2003) Legalistic Confucianism and economic development in East Asia. *Journal of East Asian Studies* 3(3): 461–491.

Han K and Scull W (2010) Confucian culture in the mainstream classroom: A case study of an Asian American student. *The International Journal of Learning* 17: 601–616.

Han Fei (1964) *Han Fei Tzu: Basic Writings* (B. Watson, trans.). New York: Columbia University Press.

He P (2011) The difference of Chinese legalism and western legalism. *Frontiers of Law in China* 6(4): 645–669.

He P (2014) *Chinese Lawmaking: From Non-Communicative to Communicative*. Heidelberg: Springer.

Hess JJ, Schramm PJ and Luber G (2014) Public health and climate change adaptation at the federal level: One agency’s response to executive order 13514. *American Journal of Public Health* 104(3): e22–e30.

Holmes S and Moir L (2007) Developing a conceptual framework to identify corporate innovations through engagement with non-profit stakeholders. *Corporate Governance: The International Journal of Business in Society* 7(4): 414–422.

Hopkins C (2014) Scope and impact of global actions under UNDESD. *Journal of Education for Sustainable Development* 8(2): 113–119.

Hsu Y-H (2017) Overcoming Taiwan’s diplomatic dilemma via environmental education strategy: The GEEP. *Journal of Environmental Education Research* 13(2): 1–10.

Huang PCC (1993) “Public sphere”/“civil society” in China? The third realm between state and society. *Modern China* 19(2): 216–240.

Huang PCC (1996) *Civil Justice in China: Representation and Practice in the Qing*. Redwood City: Stanford University Press.

Huang YS and Asghar A (2016) Science education reform in confucian learning cultures: policymakers’ perspectives on policy and practice in Taiwan. *Asia-Pacific Science Education* 2(1): 1–22.

Huang YS, Asghar A and Nichols NE (2020) Implementing a national policy initiative to support education for sustainable development: lessons from Taiwan’s Environmental Education Act. Educational Research for Policy and Practice, 1–19.

Huang Y-S and Hioe B (2020) East Asian Law-making in the Time of Covid-19: Through the Lens of Chinese Legalism. *British Journal of Chinese Studies*, 10. Retrieved from https://bjocs.site/index.php/bjocs/article/view/123.

Hui L (2005) Chinese cultural schema of education: Implications for communication between Chinese students and Australian educators. *Issues in Educational Research* 15: 17–36.
Hursh D (2020) Editor’s introduction: The end of neoliberalism. Policy Futures in Education, 18(1): 1–8. Available at: https://doi.org/10.1177/1478210319899776

Hwang KK (1995) The struggle between Confucianism and Legalism in Chinese society and productivity: A Taiwan experience. In: Huang G (ed.) Easternization: Socio-Cultural Impact on Productivity. Tokyo: Asian Productivity Organization, 15–46.

Jenkins TN (2002) Chinese traditional thought and practice: Lessons for an ecological economics worldview. Ecological Economics 40(1): 39–52.

Jickling B (2005) Sustainable development in a globalizing world: A few cautions. Policy Futures in Education 3(3): 251–259.

Jickling B and Wals AE (2008) Globalization and environmental education: Looking beyond sustainable development. Journal of Curriculum Studies 40(1): 1–21.

Jickling B and Wals AE (2012) Debating education for sustainable development 20 years after Rio: A conversation between Bob Jickling and Arjen Wals. Journal of Education for Sustainable Development 6(1): 49–57.

Kao TS and Chang T (2016) Making sense of environmental education: Key themes for infusion into the curricula in new education reform. Curriculum & Instruction Quarterly 19(2): 27–51.

Kember D and Gow L (1991) A challenge to the anecdotal stereotype of the Asian student. Studies in Higher Education 16: 117–128.

Kern M (2000) The Stele Inscriptions of Ch’in Shih-Huang: Text and Ritual in Early Chinese Imperial Representation. American Oriental Series, Vol. 85. New Haven: American Oriental Society.

Kim H-K (2005) Learning from each other: Creativity in East Asian and American education. Creativity Research Journal 17: 337–347.

Kim T (2020) Revisiting the governance narrative: The dynamics of developing national educational assessment policy in South Korea. Policy Futures in Education 18(5): 574–596. https://doi.org/10.1177/1478210319873767

King BR (2018) The [not so] hidden curriculum of the Legalist state in the Book of Lord Shang and the Han-Fei-Zi. Comparative Philosophy 9(2): 69–92.

Kopnina H (2012) Education for sustainable development (ESD): the turn away from ‘environment’ in environmental education? Environmental Education Research 18(5): 699–717.

Legislative Yuan (2010a) Record of the 8th committee meeting with the entire Committee of the Social Welfare and Health Environment. The Legislative Yuan Gazette 99(23): 371–436.

Legislative Yuan (2010b) Record of the Legislative Yuan meeting. The Legislative Yuan Gazette 99(36): 172–243.

Legislative Yuan (2010c) Record of the 16th committee meeting with the entire Committee of the Social Welfare and Health Environment. The Legislative Yuan Gazette 99(33): 65–92.

Legislative Yuan (2010d) Record of the 12th committee meeting with the entire Committee of the Social Welfare and Health Environment. The Legislative Yuan Gazette 99(28): 92–123.

Legislative Yuan (2011) Environmental Education Act. Available at: the Law and Regulations Database of the Republic of China website: Regulations Database of the Republic of China website: https://law.moj.gov.tw/LawClass/LawAll.aspx?PCode=O0120001 (accessed 17 February 2021).

Legislative Yuan (2013a) Certification and Management Regulation for Environmental Education Personnel. Available at: the Law and Regulations Database of the Republic of China website: https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=O0120004 (accessed 17 February 2021).

Legislative Yuan (2013b) Certification and Management Regulation for Environmental Education Training Institutions. Available at: the Law and Regulations Database of the Republic of China website: https://law.moj.gov.tw/LawClass/LawAll.aspx?pcode=O0120005 (accessed 17 February 2021).

Legislative Yuan (2013c) Methods for Assessing the Performance of Principals and Teachers of Public K-12 Schools. Available at: the Law and Regulations Database of the Republic of China website: https://law.moj.gov.tw/LawClass/LawAll.aspx?PCode=H0150001 (accessed 17 February 2021).
Lim L (2016) Globalization, the strong state and education policy: The politics of policy in Asia. *Journal of Education Policy* 31(6): 711–726.

Lim-Ratnam C, Atencio M and Lee CKE (2016) Managing the paradox of control: The case of ground-up implementation of active learning in Singapore’s primary schools. *Educational Research for Policy and Practice* 15(3): 231–246.

Littlejohn R (2010) *Daoism: An Introduction*. London: Tauris.

Meeting Record (2009) *The Legislative Council’s Public Hearing on April 14, 2009*. Available at: www.csee.org.tw/portal_c2_cnt_page.php?owner_num=c2_300406&button_num=c2&folder_id=4155&cnt_id=11876&order_field=&order_type=&search_field=&search_word=&search_field2=&search_word2=&search_field3=&search_word3=&bool1=&bool2=&search_type=1&up_page=1 (accessed 17 February 2021).

Meijerink S and Stiller S (2013) What kind of leadership do we need for climate adaptation? A framework for analyzing leadership objectives, functions, and tasks in climate change adaptation. *Environment and Planning C: Government and Policy* 31(2): 240–256.

MOE (2012) *Environmental Regulations Applicable to Schools*. Available at: http://oga.jente.edu.tw/download/environment/files/1010828.pdf (accessed 17 February 2021).

Mogren A, Gericke N and Scherp HÅ (2019) Whole school approaches to education for sustainable development: A model that links to school improvement. *Environmental Education Research* 25(4): 508–531.

Murphy R (2012) Sustainability: A wicked problem. *Sociologica* 6(2): 1–9.

Nagata Y (2017) A critical review of Education for Sustainable Development (ESD) in Japan: Beyond the practice of pouring new wine into old bottles. *Educational Studies in Japan* 11: 29–41.

National Council for Sustainable Development (2004) *Taiwan Agenda 21: Vision and Strategies for National Sustainable Development*. Taipei: Council for Economic Planning and Development.

Noguchi F (2017) Critical reflections on the UNDESD: from the perspectives of informal education in a community development context. *Journal of Education for Sustainable Development* 11(2): 141–151.

Nomura K and Abe O (2009) The education for sustainable development movement in Japan: A political perspective. *Environmental Education Research* 15(4): 483–496.

Öhman J (2016) New ethical challenges within environmental and sustainability education. *Environmental Education Research* 22(6): 765–770, DOI: 10.1080/13504622.2016.1165800.

Paden M and Chhokar KB (2007) Exploring research priorities for the DESD. *Journal of Education for Sustainable Development* 1(1): 73–75.

Payne PG (2016) The politics of environmental education: Critical inquiry and education for sustainable development. *The Journal of Environmental Education* 47(2): 69–76.

Payne PG (2020) “Amnesia of the moment” in environmental education. *The Journal of Environmental Education* 51(2): 113–143.

Peng SY (2000) The WTO legalistic approach and East Asia: From the legal culture perspective. *Asian-Pacific Law Policy Journal* 1(2): 13–56.

Peters BG (2000) Governance and comparative politics. In: Pierre, J (ed) *Debating Governance: Authority, Steering, and Democracy*. New York: Oxford University Press, pp.36–53.

Pines Y (2012) *The Everlasting Empire: The Political Culture of Ancient China and its Imperial Legacy*. Princeton: Princeton University Press.

Pines Y (2013) From historical evolution to the end of history: Past, present, and future from Shang Yang to the first emperor. In: Goldin P (ed.) *Dao Companion to the Philosophy of Han Fei*. Dordrecht: Springer, 25–45.

Pines Y (2014) *Legalism in Chinese philosophy*. Available at: https://plato.stanford.edu/entries/chinese-legalism/ (accessed 17 February 2021).

Pines Y (2017) *The Book of Lord Shang: Apologetics of State Power in Early China*. New York: Columbia University Press.
Provan KG and Milward HB (2001) Do networks really work? A framework for evaluating public-sector organizational networks. *Public Administration Review* 61(4): 414–423.

Sauvè L, Brunelle R and Berryman T (2005) Influence of the globalized and globalizing sustainable development framework on national policies related to environmental education. *Policy Futures in Education* 3(3): 271–283.

Shin DC and Sin TC (2012) *Confucianism and Democratization in East Asia*. Cambridge: Cambridge University Press.

Sterling S (2014) Separate tracks or real synergy? Achieving a closer relationship between education and SD, post-2015. *Journal of Education for Sustainable Development* 8(2): 89–112.

Sung J (2015) Climate change education and education for sustainable development in the Republic of Korea: A status report. *Journal of education for sustainable development* 9(1): 78–89.

Tu W (2001) The ecological turn in new Confucian humanism: Implications for China and the world. *Daedalus* 130(4): 243–264.

Tucker M and Berthrong J (1998) *Religions of the World and Ecology, Vol. 2. Confucianism and Ecology: The Interrelation of Heaven, Earth, and Humans*. Cambridge, MA: Harvard University Center for the Study of World Religions.

UNESCO (2002) *Education for sustainability: from Rio to Johannesburg, lessons learnt from a decade of commitment*. Paris, France: UNESCO.

UNESCO (2005) *Basic Texts of the 1972 World Heritage Convention*. Paris, France: UNESCO World Heritage Centre.

UNESCO (2014) *Roadmap for implementing the Global Action Programme on education for sustainable development*. Paris, France: UNESCO World Heritage Centre.

UNESCO (n.d.) *Teaching and Learning for a Sustainable Future: A Multimedia Teacher Education Programme*. Available at: www.unesco.org/education/tlsf/mods/theme_c/mod10.html (accessed 17 February 2021).

UNESCO (2016) *Education for People and Planet: Creating Sustainable Futures for All*. Paris: Author.

UNESCO (2018) *Issues and Trends in Education for Sustainable Development*. Paris: UNESCO Education Sector.

UNESCO (2020) *Humanistic Futures of Learning: Perspectives from UNESCO Chairs and UNITWIN Networks*. Paris: UNESCO.

Van Poeck K and Lysgaard JA (2018) Editorial introduction. In: Van Poeck K, Lysgaard JA and Reid A (eds) *Environmental and Sustainability Education Policy: International Trends, Priorities and Challenges*. Abingdon: Routledge, 11–24.

Van Poeck K and Vandenabeele J (2012) Learning from sustainable development: Education in the light of public issues. *Environmental Education Research* 18(4): 541–552.

Van Poeck K, Vandenabeele J and Bruyninckx H (2014) Taking stock of the UN Decade of Education for sustainable development: The policy-making process in Flanders. *Environmental Education Research* 20(5): 695–717.

Verger A and Curran M (2014) New public management as a global education policy: Its adoption and re-contextualization in a Southern European setting. *Critical Studies in Education* 55(3): 253–271.

Wals AE (2011) Learning our way to sustainability. *Journal of Education for Sustainable Development* 5(2): 177–186.

Watson B (1967) *Basic Writings of Mo Tzu, Hsün Tzu, and Han Fei Tzu*. New York: Columbia University Press.

Xu FH (2013) *Shenzi jijiao jizhu*. Beijing: Zhonghua Shuju.

Zhang D (2016) *Courtyard Housing and Cultural Sustainability: Theory, Practice, and Product*. New York: Routledge.
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