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Taiwan's #MeToo: Early Takeaways from a Late Movement

Beatrice Scali

On October 15, 2017, Hollywood actor Alyssa Milano asked people on Twitter, now X, to reply “me too” if they had ever been sexually harassed.¹ Within a day, the hashtag #MeToo had been used twelve million times, inadvertently turning “me too” from a virtually unknown movement focused on marginalized African-American women into a global movement.² However, even as it reached East Asia, for five years #MeToo failed to spread to Taiwan.³ Scholars struggled to explain this delay.⁴ It was not a matter of low-quality journalism or uncondusive traditional values: China, which presents both a high cultural proximity to Taiwan and low press freedom, had its own #MeToo wave.⁵ It was not for a lack of institutional attention or urgency around the topic, either. Taiwan had long been recognized for having a comprehensive system of laws against gendered violence.⁶ Yet, this system of laws remained dramatically undermobilized, and gendered violence remained an endemic issue surrounded by a culture of silence.⁷ Statistics from 2023 indicated that while 43% of Taiwanese women experienced workplace sexual harassment, only 10% reported it officially, and 40% kept it completely secret.⁸ The

¹ Milano, “Write ‘me too’”

² Fileborn and Loney-Howes, *#MeToo and Social Change*, 3; Burke, “Inception.”

³ Huang, “MeToo in East Asia,” 483.

⁴ Chen, “Power of Law,” 483–90; Huang, “MeToo in East Asia,” 483.

⁵ Chen, “Power of Law,” 514–18; Xiong and Ristivojević, “#MeToo in China,” 490–99.

⁶ See the Sexual Assault Crime Prevention Act (1997), Gender Equality in Employment Act (2002), Gender Equity Education Act (2004), and the Sexual Harassment Prevention Act (2005).

⁷ Modern Women's Foundation, “Gender-based violence.”

⁸ Modern Women's Foundation, “90% of victims.”

debate continued until May 2023, when it was put to rest by a sudden turn of events: the eruption of Taiwan's #MeToo.⁹ This development retired the 'why not?' question, replacing it with a new one: why now? Why did Taiwan's #MeToo emerge five years after the movement's global peak, and what does this reveal about the movement itself, and about Taiwanese society?

In this article, I attribute the timing of Taiwan's #MeToo to the societal impact of a Taiwanese TV series, *Wave Makers*, which enabled the movement to expand the national discourse around gendered violence, incorporating new narratives and justice models.¹⁰ The show, released on Netflix in late April 2023, is about the staffers of an imaginary left-wing political party. The main character is Chang Ya-ching, a young staffer who is sexually harassed by a colleague. After denouncing the incident, the Party fails her, but thanks to her superior Weng Wen-fang's personal investment in her story, she eventually obtains justice: she wins the support of her community, getting her life and job back. This refreshing portrayal of sexual harassment made *Wave Makers* an immediate hit, which early journalistic and academic analyses agree had a fundamental role in inspiring Taiwan's #MeToo's two real breaking cases and, by extension, the whole movement.¹¹ To be sure, Taiwan's recent history offers several events that could have triggered a #MeToo wave.¹² Yet, I argue that what set the debate around *Wave Makers* apart from its precedents, setting off a belated #MeToo wave, was the show's effect on victim-survivors. After anti-sexual harassment laws and Party institutions had failed them, *Wave Makers* helped them visualize an alternative outcome for themselves. Retributive justice had eluded them, but transformative justice, justice coming from community rather than courts, and delivering healing instead of vengeance, suddenly felt within reach.

This reading of events is informed by the article's larger theoretical undertaking: testing the anti-carceral critique of #MeToo.

⁹ Chen and Huang, "Taiwan's Belated #MeToo."

¹⁰ Chien and Yan, *Wave Makers*; Cheng and Handley, "Wave Makers."

¹¹ Hsieh, "Wave Makers."; Wei, "A Netflix Show."; Xu, "Wave Makers."

¹² See for example the late 2017 controversy following the suicide of author and sexual assault survivor Lin Yi-han, or the 2020 scandal surrounding Kuomintang MP Chen Hsueh-sheng's public sexual harassment of DPP MP Fan Yun.

The term ‘anti-carceral feminism’, coined by American sociologist Elizabeth Bernstein, designates a strand of feminist critique against the “feminism-as-crime-control” paradigm, that is, the reliance on criminal justice tools to fight the patriarchy.¹³ For anti-carceral feminists, the collaboration between feminism and the “carceral state” is a form of co-optation that strengthens the criminal justice system, further oppressing the most vulnerable segments of society and reinforcing the dynamics behind gendered violence.¹⁴ Denouncing a discrepancy between the punitive solutions offered by the carceral state and the justice needs of victim-survivors, anti-carceral feminism advocates for transformative justice: an intersectional, anti-state, community-driven model of justice.¹⁵ Anti-carceral feminists have often critiqued the global #MeToo movement for failing to promote long-lasting cultural change.¹⁶ They accuse it of taking a “carceral turn,” focusing on the culpability and legal prosecution of individual perpetrators rather than socializing the problem.¹⁷ Throughout the article, I engage with this critique, finding both merits and limitations for it. On one hand, Taiwan’s #MeToo confirms the inadequacy of legal tools for tackling gendered violence and confirms anti-carceral feminism’s “carceral turn” prediction: as will be shown, except for survivors, all the other actors involved reacted to #MeToo by resorting to carceral tools. On the other hand, however, a close reading of Taiwan’s #MeToo’s breaking cases suggests that its “carceral turn” is not so much a prerogative of the movement, as a product of its immersion in a carceral society. When stripped to its core, Taiwan’s #MeToo appears to be fueled by a sentiment more closely aligned with transformative than retributive justice, and thus conducive to the feminist fight as envisioned by anti-carceral feminism.

These arguments are sustained by a critical discourse analysis of online archives about Taiwan’s #MeToo. The analysis comprises 48 sources, 30 of which are in Mandarin and 18 in English. These are five social media posts and their comment sections, 31

¹³ Bernstein, “Carceral politics,” 251.

¹⁴ Gruber, *Feminist war on crime*, 8-9.

¹⁵ Kim, “Transformative justice,” 319.

¹⁶ Moro, “Feminist flashpoints,” 262.

¹⁷ Taylor, “Anti-Carceral Feminism,” 34; Moro, “Feminist Flashpoints,” 264-5.

journalistic articles, 11 press releases by Taiwanese political parties or non-governmental organizations (NGOs), and one TV series. The sources were selected to reflect early public discourse around the movement; as such, most of them were produced by Taiwanese authors between April 2023 and June 2024. As the selection is only a cross-section, however, it undoubtedly does not provide a comprehensive overview of all the actors involved in the movement, and reflects my own biases in selecting and analyzing these sources.

The article is structured as follows. First, the analysis is grounded in literature about Taiwan's feminist movements, anti-carceral feminism, and #MeToo. Next, findings from the critical discourse analysis are presented in two sections: one covering the proliferation of survivor testimonies, and the other covering the responses of the other actors involved. Finally, the discussion explains how the findings corroborate my overarching arguments about Taiwan's #MeToo, and reflects on its implications about #MeToo as a global movement.

Literature Review

Through an anti-carceral lens, a review of Taiwan's feminist literature reveals two things: that the local feminist discourse is essentially a debate between carceral and anti-carceral activists divided over tactics, and that carceral feminists are winning. In Taiwan, the carceral versus anti-carceral debate pans out as a divide between state and radical feminists. This divide traces back to 1987, when, after decades of grassroots resistance, martial law was lifted, precipitating Taiwan's democratization.¹⁸ For feminism, this marked the end of systemic repression, but also of contingent unity. When the movement emerged from the underground, its internal differences also surfaced, leading to a gradual fragmentation that eventually produced the ongoing tactical divergence.¹⁹ Radical feminists view patriarchal oppression as sustained by the state; therefore, they deem the law not only inadequate, but often detrimental in fighting gendered violence, and reject any institutional collaboration, privileging grassroots tactics.²⁰ Conversely, moderate

¹⁸ Chang, *Women's Movements*, 118; Ho, "Social Discipline," 84-7.

¹⁹ Chang, "Studies of Taiwan," 91-2; Chen, *Acting Otherwise*, 46.

²⁰ Ho, "Social Discipline," 83-106; Fan, *Social Movements*, 92-6.

feminists, often labeled “state” feminists, pursue change within the system, interacting with institutions through lobbying or direct participation.²¹ This collaboration has been fruitful: since the 1990s, state feminists have dominated the Taiwanese feminist debate, playing a large policy-making role in the promulgation of Taiwan’s laws against gendered violence.²² The small body of literature on Taiwan’s #MeToo, largely written before 2023 about the movement’s failure to materialize, also confirms state feminism’s prevalence.²³ Taiwan’s anti-violence effort is primarily assessed by its legal benchmarks, with authors commenting on both the comprehensiveness of Taiwan’s laws and their undermobilization.²⁴ Crucially, however, the law’s appropriateness as a feminist political tool is never questioned. Thus, a review of Taiwanese feminist discourse reveals Taiwan as a young democracy marked by an open political environment where feminist activists make large use of institutional tools against gendered violence.²⁵ These features make Taiwan the ideal subject for engaging with the anti-carceral critique of the #MeToo movement.

Much like Taiwan’s feminist discourse, anti-carceral literature is deeply concerned with feminist tactics; unlike Taiwanese state feminists, however, anti-carceral authors reject legal tools, often on the grounds of their incompatibility with victim-survivor needs. This rejection dates to the 1970s, when anti-carceral feminism’s central ideas took shape amid the historical alliance between American POC (people of color) activists for prison abolition and gender justice. Confronted with the increasing incarceration of POC women for crimes committed while defending themselves against domestic violence, the two activist fronts joined forces, forming a “distinctive left antiviolence politics.”²⁶ Today, their legacy of non-statist strategies survives in anti-carceral feminism’s rejection of the criminal justice system’s tools, which are seen as “antithetical to the

²¹ Fan and Wu, “Long Feminist March,” 325; Fan, *Social Movements*, 105-7.

²² Fan and Wu, “Long Feminist March,” 313-25.

²³ Huang, “MeToo in East Asia.”

²⁴ Chen, “Power of Law.”; Huang, “MeToo in East Asia.”

²⁵ Fan and Wu, “Long Feminist March,” 313-25; Yi and Chang, “Gender in Taiwan,” 230.

²⁶ Thuma, *All Our Trials*, 2.

justice needs of victim-survivors.”²⁷ For anti-carceral feminists, survivors rarely envision justice as their perpetrator’s individual punishment and imprisonment.²⁸ Rather, what they seek, as prison abolition scholar Chloë Taylor compellingly conveys, is “recognition and validation of their stories, respect, dignity, voice, agency, an apology or accountability on the part of the person who harmed them, to feel safe again, and for what occurred not to happen to someone else.”²⁹ As such, from an anti-carceral stance, a law-based approach to the fight against gendered violence is not just ineffective, but also detrimental to the cause.

This stance is also the main reason why many anti-carceral scholars are critical of #MeToo. As a movement generally recognized to trigger the promulgation or expansion of anti-violence laws, #MeToo is accused of only serving those already served by the law, which is systematically skewed against victims, especially women.³⁰ This point finds widespread support even among more law-positive scholars: literature generally finds that, due to the “gendered credibility deficit”, female victims must fulfil impossible standards of “good victimhood” to be accorded consideration, let alone trust.³¹ Perpetrators, in turn, are often served by the law twice: when they are acquitted by it, and when they weaponize it by suing the victim back for defamation, often successfully.³² However, this is where the divide between carceral and anti-carceral views kicks in: despite the aforementioned criticisms, some scholars still deem institutional tools useful for feminism, whereas others do not. This divide has direct repercussions on each camp’s appraisals of #MeToo’s transformative power. Carceral scholars focus on #MeToo’s “consciousness-raising effect,” often describing the movement as “doing what the law could not:” getting the world to

²⁷ Thuma, *All Our Trials*, 122; Powell, Henry, and Flynn, *Rape Justice*, 227-8.

²⁸ Powell, Henry, and Flynn, *Rape Justice*; Taylor, “Anti-Carceral Feminism.”

²⁹ Taylor, “Anti-Carceral Feminism,” 41.

³⁰ Fileborn and Loney-Howes, *#MeToo and Social Change*, 4; Gruber, *Feminist war on crime*, 8-9; Chen, “Power of Law,” 516; Taylor, “Anti-Carceral Feminism,” 31; Huang, “MeToo in East Asia,” 488.

³¹ Fileborn and Loney-Howes, *#MeToo and Social Change*, 32; Nicholls, *Dismantling Rape Culture*, 10; Phipps, *Me, Not You*, Roshanravan, “White Detours,” 239-55.

³² Noel and Oppenheimer, *Global #MeToo*, 497-507.

listen to women and exposing the pervasiveness of gendered violence as well as the limits of institutional responses to it.³³ For carceral feminists, this revelation only underscores the need for more, better laws, which #MeToo can help inform.³⁴ Taiwanese feminist scholar Chen Chao-ju, for instance, argues that privileged women's wins within #MeToo's "court of public opinion" can translate to ordinary women's wins in real courts, enabling tangible institutional change.³⁵ Anti-carceral feminists, in turn, often frame their critique of #MeToo through a dichotomy between the global online movement and its local offline origins, presenting them as irreconcilable.³⁶ 'Me too' might have been a collective exercise of empathy conducive to cultural change, but #MeToo, with its emphasis on individual culpability over cultural and institutional accountability, is structurally doomed to take a carceral turn.³⁷ In this view, #MeToo's call for holding individual perpetrators accountable directly triggers legal reform, which in turn expands the range of criminalized behaviors, creating more avenues to criminalize marginalized people while posing no threat to those already protected by the carceral state: powerful men who can avoid conviction.³⁸

Building on this anti-carceral critique of #MeToo, Tanya Serisier takes aim at the movement's supposed strength, its taboo-breaking ability, denouncing it as tactically flawed. She argues that #MeToo, at its core, is an extreme version of the feminist practice known as "Politics of Speaking Out," which employs experiential storytelling (Speaking Out) as a political tool.³⁹ Each #MeToo wave codifies a new survivor narrative: an identifiable narrative genre featuring an *ideal victim*, the good victim, and an *ideal outcome*,

³³ Mendes, Ringrose, and Keller, *Digital Feminist Activism*, 5; Nicholls, *Dismantling Rape Culture*; Huang, "MeToo in East Asia," 483-49; Chen, "Power of Law," 515.

³⁴ Cossins, "Feminist Criminology"; Noel and Oppenheimer, *Global #MeToo*.

³⁵ Chen, "Power of Law," 516; Noel and Oppenheimer, *Global #MeToo*.

³⁶ Phipps, *Me, Not You*; Roshanravan, "White Detours"; Burke, "Inception."

³⁷ Phipps, *Me, Not You*; Roshanravan, "White Detours."; Nicholls, *Dismantling Rape Culture*, 10.

³⁸ Fileborn and Loney-Howes, *#MeToo and Social Change*; Phipps, *Me, Not You*; Roshanravan, "White Detours."

³⁹ Serisier, *Speaking out*.

consisting of the perpetrator's conviction and incarceration.⁴⁰ After starting from one story, or breaking case, the narrative is reproduced with minimal incremental variation until it strays too far from the original mold, or until the movement loses public attention; then, it stops. As such, the movement simultaneously enhances inclusion, generating a positive transformative cycle that expands the narrative on gendered violence, and exclusion, creating a new group of marginalized stories. Thus, Serisier concludes that #MeToo exposes the limits of the Speaking Out tactic.⁴¹ This article's analysis builds on her work, applying her Speaking Out framework to Taiwan's #MeToo to assess the merits of the anti-carceral critique of the movement.

#MeToo's Explosion

An analysis of Taiwan's #MeToo's development arc reflects Serisier's conceptualization of the movement as reproducing the Politics of Speaking Out tactic, limitations included.⁴² About a month after *Wave Makers* was released, former Democratic Progressive Party (DPP) staffer Chen Chien-jou used Facebook to share her own experience of workplace sexual harassment and institutional dismissal, explicitly citing the show as her inspiration.⁴³ Her story immediately turned into a nationwide scandal.⁴⁴ Days after her testimony, another former DPP staffer, Chen Wen-hsuan, came forward with a strikingly similar story, which became equally viral.⁴⁵ Together with Chang Ya-ching's fictional case, these two real stories acted as Taiwan's #MeToo breaking cases, inspiring hundreds more testimonies. Soon, the cases encompassed virtually all sectors, including politics, academia, entertainment, media, sports, and even activism. What had started as a political scandal had grown into a nationwide social movement that lasted throughout the summer,

⁴⁰ *Ibid.*

⁴¹ Serisier, "Beyond Speaking Out," 209-25.

⁴² Serisier, *Speaking out*; Serisier, "Beyond Speaking Out," 209-25.

⁴³ Chen, "Call-for-help letter."

⁴⁴ Zhu, "Sexual harassment."

⁴⁵ Sun, "Second sexual harassment case."; Chen, "Let me be brave."

only beginning to fade in late August.⁴⁶ Thus, the movement fits Serisier's conceptualization: Taiwan's #MeToo started from one story, Chang Ya-ching's fictional story, setting a new *survivor narrative* featuring an *ideal victim* and *ideal outcome*. Then the narrative spiraled out, first incorporating stories presenting striking resemblances to the initial one, Chen Chien-jou's and Chen Wen-hsuan, and then hundreds more, but without straying too far from the codified narrative, and only for a limited time period.

Taiwan's #MeToo's three breaking cases also highlight the movement's taboo-breaking and trauma-healing strengths vis-à-vis the inadequacy of legal tools to meet victim-survivor needs. At first glance, the movement's core *survivor narrative* is not that peculiar: a young woman is sexually assaulted while working for a political party, denounces the incident, and is let down by the party's response to the extent of leaving politics. However, what makes Ya-ching a refreshing *ideal victim* is that, while in a sense, being fictional, she could not be more *ideal*, she is also an imperfect victim with a "messy story."⁴⁷ She lies, manipulates, participates in an affair, and has feelings for her abuser: all behaviors that would usually taint her innocence before the court of public opinion — or any court, for that matter. Moreover, the violence she suffers consists of inappropriate comments and touching, a behavior that Taiwanese society has historically dismissed as "eating tofu," an old-fashioned expression that playfully equates women to "tofu" for men to eat.⁴⁸ I argue that these features of Ya-ching's story helped expand the range of behaviors socially recognized as violent in Taiwan, making the validation of victims less conditional on their moral impeccability.⁴⁹

This expansion is already visible in Chen Chien-jou's story, Taiwan's first real #MeToo story. In her Facebook post, which is disseminated with *Wave Makers* references, the former DPP staffer recounts being touched inappropriately during a work commute, which would normally also be dismissed as being treated like

⁴⁶ Hsu, "MeToo Storm."; Valentine, "It's time."; Davidson, "Taiwan's #MeToo movement."

⁴⁷ Nicholls, *Dismantling Rape Culture*, 154.

⁴⁸ Chen, "Why is Taiwan late?"

⁴⁹ Valentine, "It's time."

“tofu.”⁵⁰ The second person to speak out in Taiwan’s #MeToo, Chen Wen-hsuan, was even more of an imperfect victim: in addition to enduring a lesser form of violence, she was also friends with her abuser, and an inefficient employee.⁵¹ Citing *Wave Makers* and Chen Chien-jou as her inspiration, Chen Wen-hsuan took to Facebook to recount how she, too, was the object of a colleague’s “eating tofu,” denounced the incident, and faced dismissal and bullying instead of redress, eventually leaving her job.

These last two details are important: unlike *Wave Makers*’ Chang Ya-ching, both Chen Chien-jou and Chen Wen-hsuan could not count on the help of their superiors, who effectively acted as second-degree perpetrators. The gravity of this betrayal is evident in Taiwan’s breaking cases. Chen Wen-hsuan, for instance, directly calls out both her abuser (Chen Yu-hao) and the DPP officer who failed to help her (Tsai Mu-lin) as “perpetrators.”⁵² Chen Chien-jou, in turn, never even names her abuser, later identified as DPP contractor Hsueh Chao-hui.⁵³ Rather, she centers her callout on the officer who mishandled her case, Hsu Chia-tien, whose behavior was a true masterclass in victim-blaming: she completely dismissed Chen’s experience, discouraging her from activating the DPP’s procedures for handling sexual misconduct.⁵⁴ Chen Chien-jou’s post vividly describes the first-degree physical and emotional pain caused by the abuse, but also the second-degree pain inflicted by Hsu. “I came to the DPP with enthusiasm and left with hurt and regret. I lost the light in my eyes,” she writes.⁵⁵

Indeed, when it comes to the *ideal outcome* part of Serisier’s conceptualization, reality diverges from fiction. In *Wave Makers*, Chang Ya-ching, despite her imperfect victimhood, gets a happy ending; in real life, Chen Chien-jou and Chen Wen-hsuan did not. Yet, I argue that it is precisely this divergence that prompted them to speak out. In terms of *ideal outcome*, Ya-ching’s storyline set the bar quite high. Justice, for her, involved the fulfillment of both her

⁵⁰ Chen, “Call-for-help letter.”

⁵¹ Chen, “Let me be brave.”

⁵² *Ibid.*

⁵³ Sun, “Brother Hui.”; Teng, “Taiwan’s #MeToo reckoning.”

⁵⁴ Chen, “Call-for-help letter.”

⁵⁵ *Ibid.*

material and emotional needs: materially, she got her life back, keeping her job while her abusers lost theirs; emotionally, she saw her pain validated by the press, her workplace, and her family. Where institutional tools failed her, human empathy stepped in, doing “what the law could not.”⁵⁶ Unlike the DPP officers from the real breaking cases, who undermobilized or weaponized the institutional tools at their disposal, the fictional party officer took the matter to heart, finding a way around institutional obstacles. I argue that this portrayal of an alternative ending to what Chen Chien-jou and Chen Wen-hsuan saw as a fictional version of themselves helped them envision a reality where they, too, could access justice—this time, by appealing to human empathy, rather than regulations.

This also explains the peculiar timing of Taiwan's #MeToo. As a movement based on Speaking Out, #MeToo can only emerge when victims perceive their environment as open to receiving their testimonies and, as such, conducive to the pursuit of justice. For a long time, Taiwanese society did not warrant that perception. Where justice is understood in carceral terms, if the legal framework to tackle injustice is already present, but ineffective, the logical conclusion is that justice is unattainable, and speaking out is useless. Realizing that justice may feel unattainable because it is being pursued with inadequate tools requires imagining society outside the carceral framework. *Wave Makers* enabled this jailbreak of imagination, helping Taiwanese sexual harassment victims envision a new way of pursuing justice. #MeToo, in turn, gave them a frame to act upon that realization, a template to operate in, a narrative to follow.

Indeed, the alternative ending envisioned by Chen Chien-jou and Chen Wen-hsuan is in line with the vision of justice promoted by anti-carceral feminism. Their posts offer several glimpses into their personal concept of *ideal outcome*, as well as what they ask to heal. Chien-jou's post, titled “a belated but worth receiving call-for-help letter,” describes her realization that staying silent for the greater good “was not for her own good,” and the subsequent decision to “be brave for herself for once,” and become the person

⁵⁶ Chen, “Power of Law,” 515.

she would have needed by her side.⁵⁷ Motivating her decision to speak out, she says, “I want to believe in the world again, in fairness, in justice, in people being understood.”⁵⁸ Wen-hsuan chooses almost the same words, titling her post “let me be brave for myself for once,” and explaining how her sense of responsibility towards other women ultimately defeated her fear of speaking out.⁵⁹ The posts suggest that the decision to speak out was driven by hope rather than revenge. Both Chien-jou and Wen-hsuan view the officers who failed them as second perpetrators who hurt them as much as their material abusers, if not more. However, they do not announce any legal action, indicating that their *ideal outcome* in participating in #MeToo is not their perpetrators’ legal conviction, as suggested by the anti-carceral critique.⁶⁰ Rather, their focus is on their healing and that of their fellow survivors, on helping and being helped, on a kind of justice that transforms, not one that punishes. Thus, Taiwan’s case suggests that survivors participating in #MeToo are not looking for justice in the legal system, contradicting anti-carceral feminism’s argument of #MeToo being an inherently carceral movement. Rather, the case study suggests that #MeToo can even help promote anti-carceral practices, redirecting those who feel wronged by retributive justice to look for understanding and healing within their community.

Nonetheless, Taiwan’s #MeToo’s capacity to expand the local survivor narrative and inspire new visions of justice comes with several qualifications. Firstly, the fact that Taiwan’s #MeToo breaking stories reflected Ya-ching’s so closely, and that all subsequent major cases were also about “eating tofu,” rather than, for instance, rape, suggests that the movement’s dent in Taiwan’s culture of silence might be more modest than it seems. This supports Serisier’s critique of #MeToo as only capable of breaking so many taboos at a time, leaving out stories that diverge too much from the codified narrative.⁶¹ Secondly, Chen Chien-jou’s and Chen Wen-hsuan’s avoidance of legal tools should not be misinterpreted

⁵⁷ Chen, “Call-for-help letter.”

⁵⁸ *Ibid.*

⁵⁹ Chen, “Let me be brave.”

⁶⁰ Serisier, *Speaking out*.

⁶¹ Chen, “Why is Taiwan late?”

as them not demanding accountability from their perpetrators, or embracing transformative justice in an ideological way. In fact, both women highlight the injustice of their perpetrators retaining their powerful jobs, hinting that they would like that to change. Moreover, while Taiwan's breaking cases confirm that victims do not seek justice in courts, this is not necessarily due to a rejection of retributive justice *per se*. More likely, the reason why victims, after exposing their perpetrators, avoid pressing charges is that they do not trust the law to deliver retributive justice, either.⁶² This is partly caused by the pessimism-inducing observation that even powerful women struggle to win gendered violence cases, compounded by a justified fear of legal retaliation: the accused are suing their accusers back for defamation, and they are winning.⁶³

#MeToo's Carceral Turn

Indeed, when it comes to the accused, and more generally to all other actors involved in the movement, the discourse analysis partially rehabilitates the anti-carceral critique of #MeToo, by showing that in Taiwan's #MeToo did, in fact, take a carceral turn. From the alleged abusers to institutions, feminist organizations, the press, and the public, all the societal reactions to #MeToo reflect a carceral ideology.

The alleged perpetrators primarily reveal their carceral ideology through their reliance on institutional tools and avoidance of confrontation with their accusers, especially if public. Unlike survivors, the alleged abusers, mostly men, trust laws and institutions.⁶⁴ While their responses vary, they almost unfailingly handle their accusations through official channels.⁶⁵ A minority does so genuinely, recognizing their faults and accepting the legal consequences.⁶⁶ The majority, however, responds by issuing a statement, often through their lawyer, combining a non-apology along the lines of "I am sorry *if*," with a disingenuous offer to

⁶² Chen and Huang, "Taiwan's Belated #MeToo."

⁶³ JRF, "Post-#MeToo Era."; Xu, "Fan Yun"; Hawkins, "Taiwan's ruling party."

⁶⁴ Focus Taiwan, "Report."

⁶⁵ Chen and Huang, "Taiwan's Belated #MeToo."; Tsai, "This case."; Tsai, "Letter."; Kun-chi Fu, "Willing to accept investigation."

⁶⁶ Everington, "Mickey Huang."

cooperate with any official proceedings.⁶⁷ The offer reveals a deep sense of impunity: by publicly inviting their accuser to sue them, the accused communicate that they have nothing to fear from a trial. In contrast, data on their weaponization of the law in defamation lawsuits betrays their fear of online accusations.⁶⁸ Famous activist Wang Dan offers a case in point: upon learning that his accuser had sued him, he expressed satisfaction, because “seeking the truth through legal means is a more rigorous approach than engaging in online speculations.”⁶⁹ Kuomintang legislator Fu Kun-chi offers another masterclass in impunity: knowing he had been seen forcibly kissing journalist Tung Cheng-yu, he still stated “If there is any sexual harassment case, please report it in accordance with the law.”⁷⁰ Indeed, time proved his arrogance right: despite there being eyewitnesses, his political career remained unaffected.⁷¹

The institutional response to #MeToo was also carceral in nature, exhibiting a belief in legal reform as the primary tool for pursuing social change. At the party level, although all major parties were touched by #MeToo scandals, only the ruling party, the DPP, responded proactively.⁷² One day after Chen Chien-jou’s post, the DPP announced Hsu Chia-tien’s resignation, internal investigations, and a reform of the party’s sexual harassment guidelines.⁷³ The reform made the reporting mechanism more direct, the penalties stricter, and enhanced internal gender equality education programs.⁷⁴ Moreover, in early 2024, the Party announced the expulsion of fifty cadres, including Chen Wen-hsuan’s abuser Chen Yu-hao and her superior Tsai Mu-lin— although it remains unclear how many others were fired for #MeToo-related reasons.⁷⁵ At the government level, the response was similarly swift, and strictly legal. By July, the “Three Gender Equality Laws” had been amended. The so-called “Three Amendments” became effective on the

⁶⁷ Pan, “Fu Kun-chi.”; China Times. “Judicial justice.”

⁶⁸ JRF, “Post-#MeToo Era.”

⁶⁹ Hawkins, “Taiwan’s ruling party.”

⁷⁰ Pan, “Fu Kun-chi.”; Fu, “Willing to accept investigation.”

⁷¹ Shih and Chung, “Fu Kun-chi leads delegation.”

⁷² Chiang, “27 cases.”; Yen, “Examining the measures.”

⁷³ DPP, “Central Party Committee.”

⁷⁴ Liu, “Five major measures.”

⁷⁵ Yeh and Huang, “DPP expels 50 members.”

symbolic date of March 8: they introduced harsher penalties, widened the range of criminalized behaviors, raised the fines for non-compliance, and mandated workplaces to provide “sexual harassment victim services.”⁷⁶

The response of Taiwanese feminist activism, in turn, reflected its historical divisions: while a radical minority unsuccessfully sought to channel the #MeToo momentum towards a grassroots mobilization, the moderate majority aligned itself with the state's carceral response. Legacy organizations generally welcomed #MeToo as a constructive development, viewing its contribution towards gender justice as limited, but nonetheless positive.⁷⁷ Their first joint action was a press conference advocating for legal reform.⁷⁸ Additionally, they organized discussion forums, a concert, and a joint initiative to provide legal assistance to victims being sued for defamation.⁷⁹ When the Three Amendments became effective, they assessed the reforms positively, but also flagged some remaining legal blind spots.⁸⁰ Overall, while some legacy NGOs criticized the choice of continuing to expand a legal system that is not doing its job, most of them aligned with the government's carceral tactics, reflecting their historical ideological proximity to institutions.⁸¹ Grassroots feminism, in turn, attempted in vain to mobilize the masses. In late August, in the only noteworthy attempt at taking #MeToo off the internet and to the streets, a group of university students organized a #MeToo march in Taipei to reflect on gendered violence as a systemic issue.⁸² The march drew some political attention, with legislator Fan Yun joining, but ultimately only mobilized around 200 people.⁸³

I argue that this scarce mobilization, which is unusual for a society that has historically and recently shown a high public

⁷⁶ GOH, “Gender Equality Laws.”; Executive Yuan, “Amendments.”

⁷⁷ Ng and Lu, “Taiwan's MeToo laws.”

⁷⁸ GOH, “MeToo movement.”

⁷⁹ Li, “Women's groups.”; Awakening Kaohsiung, “Decodification/Detoxification”; GOH, “#MeToo concert.”

⁸⁰ GOH, “Professional services.”; Awakening Foundation, “Statement.”

⁸¹ Ng and Lu, “Taiwan's new MeToo laws.”

⁸² Yi, “On the streets of Taiwan.”; Wu and Huang, “Demonstrators in Taipei.”

⁸³ Yi, “On the streets of Taiwan.”; Focus Taiwan, “Hundreds march in Taipei.”; Wu and Huang, “Demonstrators in Taipei.”

participation in protests, suggests that Taiwan's larger public, too, is deeply influenced by its institutions' carceral culture.⁸⁴ In a society where the legal is already comprehensive, and activism is primarily understood as advocacy for institutional change, people are bound to be less receptive to mobilization around a cultural issue involving no clear legal outcomes. Another indication of the pervasiveness of carceral ideology is offered by the attitude of Taiwanese netizens, who flocked to the social media profiles of the people involved in the breaking cases to praise the survivors and chastise the perpetrators.⁸⁵ This indicates a societal tendency to individualize rather than socialize the issue of gendered violence and envision justice as punishment. Nonetheless, this enthusiastic remote participation also had its silver lining, confirming #MeToo's consciousness-raising ability. By confronting Taiwan's (self-)image as a women's rights champion with the ongoing pervasiveness of sexual harassment, the movement revitalized the national gendered violence discourse, contributing to destigmatizing the issue and advance towards its elimination.⁸⁶ Evidence includes the thousands of interactions with Chen Chien-jou's and Chen Wen-hsuan's posts, the surge in media attention to the subject, and data from feminist organizations, such as the 500% increase in company requests for sexual harassment training registered by the Modern Women's Foundation by late July.⁸⁷

Discussion and Conclusion

This article's discourse analysis of online archives on Taiwan's #MeToo has offered partial support for the anti-carceral critique of #MeToo, but also substantive vindication of the movement. The first part of the analysis has focused on Taiwan's #MeToo development arc, zooming in on its three breaking cases. In line with anti-carceral feminism's arguments, the testimonies of Chen Chien-jou and Chen Wen-hsuan underscore the institutions' continuous failure of survivors and the mismatch between the institutional paths

⁸⁴ Hale, "Thousands of people protesting"; Fan, *Social Movements in Taiwan*, 1-14.

⁸⁵ Chen and Huang, "Taiwan's Belated #MeToo."; Hsu, "The world is amazing."; Chen, "Let me be brave."; Chen, "Call-for-help letter."; Wu, "Years after #MeToo."

⁸⁶ Davidson, "Taiwan's #MeToo movement."; Wang, "Women in Taiwan."

⁸⁷ Chen, "Call-for-help letter."; Wu, "Years after #MeToo."

to justice and victim-survivor needs. However, the testimonies also project a vision of justice that is much more aligned with transformative justice than with the punitive logic that anti-carceral feminism charges #MeToo with, suggesting that #MeToo is not, in fact, an inherently carceral movement.

Similarly, the analysis found both support and qualifications for Serisier's critique of #MeToo as exposing the limits of the Speaking Out tactic.⁸⁸ On the one hand, the time and scope limitations shown by Taiwan's #MeToo's taboo-breaking action do expose the tactic's structural flaws, including its simultaneously inclusionary and exclusionary nature. Each #MeToo wave can only make so many cultural breakthroughs, and Taiwan's was no exception. However, Taiwan's breaking cases also offer partial rehabilitation for the Speaking Out tactic. *Wave Makers'* update of Taiwan's *survivor narrative*, solidified by Chen Chien-jou's and Chen Wen-hsuan's stories, expanded the national concept of *ideal victim*. This helped shift the stigma around previously downplayed forms of violence, facilitating both individual and collective advancements towards gender justice. Moreover, Ya-ching's story did more than just codify a new *ideal outcome*: it helped victims envision an alternative ending to their stories, one where human empathy succeeds where laws fail, prompting them to redirect their search for justice from institutions to their fellow survivors, and society at large. This also explains the movement's peculiar timing: the jailbreak of imagination triggered by Wave Makers and propagated by #MeToo allowed survivors to think beyond their society's carceral definition of justice, granting them a window of opportunity to speak out again, a second chance at being heard.

Indeed, the second part of the analysis, surveying the response to #MeToo of perpetrators, institutions, activism, and the public, found that the movement did quickly take a carceral turn, as predicted by anti-carceral feminism. However, this should be read as a collateral effect of the movement's immersion in a carceral society, rather than a reflection of the movement per se. Taiwan's context, from an anti-carceral viewpoint, is the ultimate proof that no number of amendments will make the law effective against

⁸⁸ Serisier, *Speaking out*; Serisier, "Beyond Speaking Out," 209-25.

gendered violence, because it is the wrong tool. Yet, upon realizing the magnitude of its gendered violence problem, Taiwan's society still resorted to legal tools, exposing the pervasiveness of carceral ideology. Thus, in a global perspective, this research suggests that #MeToo has several structural flaws, but being inherently carceral is not one of them. To the contrary, #MeToo's contribution to the fight for gender justice is limited but meaningful, despite the reactionary force exerted by the carceral contexts it has to work within.

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