



Electoral paths and support for same-sex marriage legislation: Evidence from Taiwan's mixed-member system

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Abstract

To what extent do electoral institutions influence positions on same-sex marriage? Debates over same-sex marriage legislation have increased globally for the past 20 years, yet little research focuses on either debates in East Asia or the effect of electoral institutions. Using an original dataset on Taiwanese legislators and their public stances on same-sex marriage, this research finds that legislators elected under proportional representation (PR) are consistently more likely to support same-sex marriage laws than their counterparts elected in single-member districts (SMDs), even after controlling for partisanship. The results here not only highlight overlooked institutional influences on support, but also tie the broader literature on mixed-member systems to the growing research on same-sex marriage rights.

Keywords

Same-sex marriage, legislature, Taiwan, mixed-member system

Introduction

Legalization of same-sex marriages, along with lesbian, gay, bisexual and transgender (LGBT) rights more broadly, has become commonplace in Western democracies. In contrast, East Asia remains a regional outlier with no country recognizing such marriages and few extending broader legal protections. However, within the region, Taiwan appears as one of the most socially liberal countries and as such the most likely to pass such legislation. Proponents call for amending Article 972 of the country's civil code to legalize same sex marriage, yet there remains no systematic shift in public opinion among Taiwanese partisans. Furthermore, existing public opinion surveys suggest a lack of difference between supporters of the main opposition, the Democratic Progressive Party (DPP),¹ and the Kuomintang (KMT).

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Given little difference regarding the preference for same-sex marriage across partisans, I suggest that the electoral system influences support for such legislation. A cursory view shows that while support is greater within the DPP, the issue does not neatly separate the parties, with a majority of KMT legislators making no statement on the issue. Largely missing from analyses of gay rights and gay marriage legislation in particular are the institutional settings in which such legislation would be passed. Since 2008 Taiwan has employed a mixed-member system which elects 73 legislators in single-member districts (SMDs) and 34 legislators by proportional representation (PR) to a single unicameral legislature (Legislative Yuan).² This reform coincided with a halving of the number of legislative seats, in part due to public dissatisfaction with the Legislative Yuan (Sheng and Huang, 2006). This reform placed greater demands on legislators in terms of constituency service, committee commitments, and party demands. As such, one would expect that legislator perceptions and actions would be greatly influenced by the demands associated with their electoral paths (district versus party-list) post-reform.

A sizable literature addresses the effects of mixed-member systems on legislative behavior. For example, despite expectations (e.g. Herron, 2002; Sieberer, 2010) that district legislators will be more likely to deviate from the party position than party-list legislators, Rich (2014) finds no significant difference between tiers in Taiwan, due to strong party discipline. Others have identified clear differences in perceptions between district and party-list legislators (e.g. Heitshusen et al., 2005; Rich, 2013); however, few studies in Taiwan or elsewhere address potential legislation. Rather than rehash cultural arguments, this article highlights potential institutional influences on same-sex marriage support. This analysis will first provide a brief background on same-sex marriage laws and broader efforts at same-sex legal rights, with a particular focus on East Asia. This overview is followed by an analysis of electoral institutional influences, with a brief explanation of the Taiwan case, including analyses of public opinion data. Using an original dataset on same-sex marriage from a Taiwanese LGBT organization, empirical analyses suggest that legislators elected on the party-list are more likely to support same-sex marriage legislation compared to their district counterparts, suggesting that the electoral path shapes legislators' willingness to support such legislation. This pattern is consistent in both the DPP and the KMT, Taiwan's two largest parties. Ultimately this analysis provides additional evidence of the institutional dynamics influencing legislation.

Same-sex marriage laws and electoral institutions

As of October 2015, 19 countries grant same-sex marriages: Argentina, Belgium, Brazil, Canada, Denmark, Finland, France, Iceland, Ireland, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Uruguay, the United Kingdom,³ and the United States (US). Increasingly same-sex marriage debates occur beyond the US and Western Europe (e.g. Garcia and Vargas, 2013; *Hindustan Times*, 2010), with some opponents viewing the issue as another vehicle for imposing Western values on other regions (Shapiro, 2015).⁴ The passage of same-sex marriage legislation is in part a result of shifts in public opinion. As one of the few cross-national studies asking about same-sex marriage, the 1988 International Social Survey Program (ISSP) surveyed support for same-sex marriage among eight countries, the highest being the Netherlands, with 31.7% support, the lowest the US with 11.7% (see Smith, 2011). Yet, individual country studies by the mid-2000s found public support reaching near majorities in several Western countries.

While marriage legislation and LGBT rights more broadly have expanded in Western democracies, little attention has been given to similar efforts in East Asia. To date no East Asian country has legalized same-sex marriage, with most lagging behind their Western counterparts on other LGBT rights as well. For example, despite the Ministry of Health in the People's Republic of China (PRC)

removing homosexuality as a mental illness in 2001, efforts at same-sex marriage recognition have resulted in no substantive legal change. A holdover from the colonial era, Section 377A of Singapore's penal code criminalizes sex acts between men, and similar bans exist in Brunei, Malaysia, and Myanmar. Indonesia does not criminalize homosexual relations at the national level, but provinces have enacted various punishments in accordance with Sharia law.

Despite some successes in East Asia, and Asia more broadly, the region as a whole still fares poorly on LGBT laws. A 2014 survey by *The Guardian* on five LGBT laws (consensual sex, workplace non-discrimination, marriage, adoption, and protection against hate crimes), found that 55% of Asian countries (including the Middle East) do not have any of the protections, with an additional 44% having only one.⁵ Restricting the focus to North-East and South-East Asia, Brunei, Malaysia, and Singapore have none of the five mentioned legal rights, with East Timor (Timor-Leste) having the most with two. To put this into perspective, 84% of European countries, 40% of North America, and 34% of Latin America had legal protections equal to or greater than those of East Timor. Other Southeast Asian countries have been more accommodating. Vietnam, for example, has been far more relaxed in terms of homosexual rights. This includes abolishing fines for same-sex weddings, yet the National Assembly has failed to recognize such marriages. Thailand, viewed as a regional holiday destination for gay couples, appeared poised to pass a same-sex marriage bill in 2014 with the two main parties (Pheu Thai and Democrat) in support. However, protests against the Yingluck Shinawatra administration and her later removal from office prevented further progress on the legislation.

North-East Asia's other democracies—South Korea and Japan—have not been among the most accommodating to same-sex couples. Gallup Korea found in 2013 that roughly one-fourth of South Korean respondents supported same-sex marriage with two-thirds opposing, while Pew Research in 2007 reported only 18% of respondents felt that homosexuality should be tolerated (Borowiec, 2014; News.com.au, 2013). In Japan, public opinion polls conducted in March of 2014 found 42.3% of respondents supported same-sex marriage (*Japan Times*, 2014). While other national and prefectural level laws provide same-sex couples with various legal protections, and Tokyo's Shibuya ward passed a local ordinance granting partnership certificates (Hu, 2015), the Diet has failed to adopt broader legal recognition such as same-sex marriage. Moreover, the largest party, the Liberal Democratic Party (LDP), has stated their opposition to legalization.

Cultural factors most likely play a role in this divergence, but a role that should not be overstated. Confucian cultural forms in North-East Asia, by prioritizing consensus over individual rights, would appear to conflict with LGBT legislation, but clearly such factors would not apply to Asia more broadly. Nor do Buddhism and Taoism—Taiwan's two largest religions—contain comparable doctrinal opposition to homosexuality as Christianity. Furthermore, broad cultural influences would not explain why Taiwan appears to have greater public support for same-sex marriage than other countries in the region.

Instead of falling back on cultural arguments for Asia's lack of LGBT rights, which often mimic the Asian values debates of the past (e.g. Thompson 2001; Zakaria, 1994), I propose an institutional approach to evaluating support for same-sex marriage. This work builds on earlier institutional approaches to same-sex marriage legislation, such as Smith (2005). However, rather than relying on historical institutionalism and concepts, such as path dependency (e.g. Pierson and Skocpol, 2002), this analysis is more in line with rational choice institutionalism (e.g. Shepsle, 1989; Weingast, 1998). Although rational choice institutionalism also focuses on explaining how institutions are created, for the purposes here the approach is useful in addressing behavior within institutions. Such an approach assumes the institutions define the rules of the game and reduce uncertainty regarding the actions of others (e.g. Hall and Taylor, 1996). Specifically, electoral institutions create incentives for legislators based on their electoral path (e.g. district versus party-list), prioritizing behavior that aids

election and subsequent re-election. Furthermore, this focus on the institutions of mixed systems allows us to contribute to the debates on policy implications of these hybrids (e.g. Doorenspleet, 2005; Thames and Edwards, 2006).

Legislatures are not the only battleground for same-sex marriage or LGBT rights more broadly. Evidence from the US,⁶ Brazil, and South Africa⁷ shows the judiciary to be the primary venue for contestation in these cases. Yet legislatures remain potential battlegrounds for addressing marriage legislation. For example, in Australia, which lacks a bill of rights, activism is focused on the legislature rather than the judiciary. The first country to legalize same-sex marriage, the Netherlands, did so by legislative vote (109 to 33 in the House; 49 to 26 in the Senate). Legislatures have also passed same-sex marriage legislation in Argentina, Belgium, Canada (although court decisions had already legalized such marriages in eight provinces), Denmark, France (where later judicial challenges were unsuccessful), Iceland, New Zealand, Norway, Portugal, South Africa (only after a constitutional court decision), Spain, Sweden, United Kingdom, and Uruguay. Findings from the broader legislative politics literature should give insight into how same-sex marriage debates may play out in differing legislative electoral institutions.

How legislators are elected should be particularly salient if electoral institutions matter in regard to same-sex marriage positions. Mayhew (1974), among others, identifies how re-election incentives influence behavior. The expectation remains that legislators elected in single-member districts (SMDs) will focus more on constituency service, while those elected under proportional representation (PR) will focus more on the party position. With candidate-centered districts where the party label may have less importance (e.g. Carey, 2007; Fiorina, 1976), it should not be surprising to find district legislators responding to district demands over the party position (e.g. D'Anieri, 2007). District legislators may also be more concerned with a potential district backlash on controversial issues. Meanwhile, such intraparty tensions should be less pronounced in closed-list proportional systems where the public positions and electoral futures of individual legislators are largely dictated by the party center. Although majoritarian legislative systems are globally more common than proportional representation (PR) variants, 15 of the 19 countries currently granting same-sex marriage use PR variants, suggesting that this institutional arrangement influences legislator positions.

Since 1990, a growing number of countries employ mixed-member systems that combine both majoritarian and proportional designs within a single legislative chamber.⁸ Early proponents viewed mixed-member systems as a form of natural laboratory where all factors other than seat type remained constant (e.g. Lancaster and Patterson, 1990; Moser, 1997). The expectation was that district competition would mirror that in pure majoritarian systems using SMDs (e.g. two-party competition) while multiparty competition would be the norm under the PR tier, potentially the “best of both worlds” (Shugart and Wattenberg, 2001). Similarly, legislators in districts would follow the institutional incentives of pure majoritarian systems—for example, prioritizing constituency service—while party-list legislators would focus on national policy. In contrast, supporters of the contamination thesis claimed that an inherent interaction occurs across seat types, often due to party decisions that cross tier boundaries, leading to outcomes that diverge from pure systems (e.g. Cox and Schoppa, 2002). Most scholars at this point expect some level of contamination, with variation in the extent of this interaction.

If electoral institutions influence same-sex marriage positions akin to the “best of both worlds” thesis, this should be evident even when the issue has not been a focal point in electoral competition. However forms of contamination may blur differences by seat type. Parties in particular may exert considerable pressure on both tiers to convey a unified message, limiting the ability of district legislators to deviate from the party position in roll call voting (e.g. Rich, 2014). However, several factors in the Taiwan case should encourage greater independence between the district and the

party-list tier. Although the nomination process still gives the party considerable leverage over district legislators, public opinion polls increasingly influence this decision. Furthermore, Taiwan prohibits candidates from running simultaneously for both types of seats, unlike Japan, Mexico, or New Zealand, thus removing another potentially contaminating influence. Furthermore, there is little evidence in Taiwan of a self-selection effect, where would-be legislators choose the tier based on their political positions vis-à-vis the party. If a difference emerges even after controlling for the influence of the party, this suggests the comparative weight of electoral institutions over that of potentially contaminating influences.

Theories of party involvement regarding same-sex marriage

If broad cultural factors dominate position-taking on same-sex marriage, we would expect to see no difference between seat type and perhaps marginal difference between major parties. In contrast, if electoral institutions influence positions à la rational choice institutionalism, a division should be evident. Admittedly, this may be a temporal effect rather than a more permanent influence, dictated in part by whether public attention focuses on same-sex marriage as well as by the party or coalition in power and party efforts to rein in members to present a unified image. Taiwanese legislators are not simply responding to public divisions on same-sex marriage that overlap partisan lines. While conventional wisdom suggests that the DPP is more supportive of such legislation than the KMT, absent analysis of public opinion, it is unclear whether party supporters are motivating this divergence or if a public divergence exists at all. Rather, I presume that electoral institutions shape legislator positions, even if legislators are unaware of such effects and even if these effects conflict with public opinion evidence.

If the “best of both worlds” thesis is accurate, one would expect a difference between district and party-list legislators even in terms of position statements. If an issue like same-sex marriage legislation is electorally salient, district legislators must consider the impact of their position on re-election ambitions. As such, they may hesitate to declare a position if not declare opposition (itself maintaining the status quo). The constituency need not directly punish the legislator, but concerns about a potential backlash, however small, may deter district legislators from expressing opinions. Previous research (e.g. Reed and Scheiner, 2003) suggests that a candidate’s winning margin positively correlates with defection from the party position, suggesting an additional factor that influences differences by legislative tier. District legislators may still shy away from stances that potentially undermine their support base. A parallel can be seen in legislative proposals in the UK where, despite the Conservative Party’s support, 71% of constituency chairs surveyed wanted to abandon such a proposal, in part due to fear of losing party members over the issue (Pierce, 2012). If the issue of same-sex marriage is locally salient, the expectation remains that legislators in competitive districts will be more likely to defect from the party position.

While party-list legislators may have constituency interests of their own, or a goal of later running in a district, their political fates still remain largely tied to that of the party and thus their stances should fall more in line with party priorities. Counter-intuitively, Jun and Hix (2010) find that party-list legislators in South Korea were more likely to defect from the party line than district candidates, perhaps in part due to the one-term limit for PR seats. However, such findings remain rather rare in the mixed-system literature, with a growing literature finding no difference in voting behavior (e.g. Clark et al., 2008; Kerevel, 2010), including in Taiwan (e.g. Rich, 2014) in part due to party influence.

In the presence of a party stance on same-sex marriage, party-list legislators have clear incentives to toe the party line. In the absence of a publicly known party stance, PR legislators may still be more aware of informal party cues and party concerns about presenting a consistent message or

presenting what appears as a more inclusive platform. Similarly, if the party is not at a minimum encouraging support for their desired position, we should see, but not expect, a differentiation in positions by tier. While PR legislator support would be expected to be stronger in the presence of a publicly announced party stance in favor of same-sex marriage, I expect that, even in this absence, and consistent with the “best of both worlds” approach, a difference between district and party legislators will be evident.

Based on the literature on electoral institutions, I will test the following hypothesis:

H1: Party-list legislators will be more likely to support same-sex marriage legislation than district legislators.

H2: District candidates in competitive districts will be less likely to support same-sex marriage legislation compared to other legislators.

Public support and partisanship

Taiwan is viewed already as more supportive of gay rights than many of its Asian counterparts, as sexual orientation discrimination is prohibited in employment and education and gay soldiers can openly serve (De La Bruyere, 2014). The opposition DPP in particular is closely associated with championing same-sex marriage legislation, similar to liberal-progressive parties in democracies elsewhere. This stance may also be in part an effort by the DPP to shift elections away from the traditionally salient issues of Taiwan’s future and national identity and towards social issues. In contrast, the KMT, which ruled Taiwan prior to democratization, lacks a publicly articulated stance and, as the majority party, arguably has less reason to articulate a stance.

In 2003 under President Chen Shui-Bian of the DPP, the Executive Yuan proposed extending marriage laws to same-sex couples, but by 2006 this had failed to clear the Legislative Yuan, and there was opposition even within the DPP. In 2012, under President Ma Ying-Jeou of the KMT, Taiwan’s High Administrative Court postponed recognizing same-sex marriages. In 2013, 22 legislators signed a draft proposal to allow for same-sex marriage, with public opposition from both the premier, Jiang Yi-Huah, as well as the mayor of Taiwan, Hau Lung-Bin, both from the KMT (Chang, 2013). Court challenges in 2014 again reaffirmed that the administrative courts could deny marriage licenses to same-sex couples. Lastly, in December of 2014, the Judiciary Committee of the Legislative Yuan failed to hold a vote to amend the civil code. While Taiwan appears the most likely country within the region to pass such legislation, advocates still see “an arduous road ahead for marriage equality” and a Legislative Yuan currently uncommitted to such a proposal (De La Bruyere, 2014).

Unfortunately, there has been limited public opinion data in Taiwan regarding same-sex marriage until recently, although cursory evidence suggests a gradual increase in public acceptance over the past 20 years (e.g. Jacobs, 2014). Opinion polls in Taiwan suggest that much of the public either supports same-sex marriage or remains indifferent. Chang (2013) cites four surveys from 2012 and 2013 showing support ranging from 49% to 56%, with opposition peaking at 37%. Evidence from the 2012 Taiwan Social Change Survey (TSCS)⁹ finds that 54.9% of respondents with a position agreed or strongly agreed with the statement “homosexuals should have the right to marry,” with only 31.45% disagreeing. Table 1 breaks support down by partisanship: 47.77% of DPP supporters claimed to support same-sex marriage, compared to 55.38% for KMT supporters and 56.68% for others. These preliminary findings on party affiliation in particular lead to questions over the relationship between the DPP’s support for same-sex marriage and their support base or, conversely, the KMT’s apparent ambivalence despite majority support among co-partisans.

Table 1. Public support for gay marriage by partisanship (percentages in parentheses).

	Total	KMT	DPP	Others
Strongly disagree (1)	157 (7.93)	41 (9.01)	32 (10.19)	84 (6.93)
2	466 (23.52)	102 (22.42)	94 (29.94)	270 (22.28)
3	269 (13.58)	60 (13.19)	38 (12.10)	171 (14.11)
4	954 (48.16)	223 (49.01)	133 (42.36)	598 (49.34)
Strongly agree (5)	135 (6.81)	29 (6.37)	17 (5.41)	89 (7.34)

Table 2. Results of ordered logit regressions of public support for gay marriage.

	Coeff.	SE
<i>Age</i>	-0.032***	0.004
<i>Female</i>	0.326***	0.095
<i>Income</i>	0.045**	0.016
<i>Education</i>	0.098***	0.015
<i>Religious Frequency</i>	-0.057*	0.027
<i>LGBT</i>	0.699*	0.319
<i>Single</i>	0.307*	0.133
<i>DPP</i>	-0.213	0.127
<i>KMT</i>	0.101	0.112
Cut 1	-2.565	0.363
Cut 2	-0.614	0.354
Cut 3	0.107	0.353
Cut 4	3.354	0.368
N	1835	
Pseudo R2	0.089	

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$.

An ordinal logit model of public support for homosexual rights to marry provides a more rigorous analysis. The dependent variable is a five-point scale of support for marriage rights (from strongly disagree to strongly agree). Independent variables include age (*Age*), gender (*Female*),¹⁰ average monthly income (*Income*), education by year (*Education*), an eight-point scale on religious participation rates from never to several times a week (*Religious Activity Frequency*), and dummy variables for identifying as LGBT (*LGBT*), those single and never married (*Single*),¹¹ and for partisan identification with the two largest parties (*DPP*) and (*KMT*).

Table 2 presents the results. As seen elsewhere, age negatively correlates with support while women, income, and education all positively correlate with support for homosexual rights to marry, all significant at the $p < 0.001$ level. As expected, religious activity negatively associates with support, consistent with evidence elsewhere and with the Christian-organized signature drives and rallies against same-sex marriage in Taiwan. Similarly, both LGBT identifiers and those never married positively correlate with support. Surprisingly, controls on both KMT and DPP party identification fail to reach statistical significance. While the minor partisan divergence may be attributable to DPP support being higher in the more rural areas concentrated largely in the south, empirical evidence does not support this. As a proxy for urban versus rural areas, I created a dummy for those living in the six largest cities in Taiwan (Taipei, Xinbei, Taoyuan, Taichung, Tainan, and Kaohsiung) comprising the vast majority of urban respondents. Minor differences are seen between urban and

Table 3. Legislator support for gay marriage by party and seat type.

	KMT	KMT	KMT	DPP	DPP	DPP
	Overall	SMD	PR	Overall	SMD	PR
Yes	9 (13.85)	4 (8.51)	5 (33.33)	28 (70)	15 (55.56)	13 (100)
No Stance	37 (56.92)	29 (61.70)	8 (53.33)	8 (20)	8 (29.63)	
No	17 (26.15)	13 (27.66)	1 (6.67)	4 (10)	4 (14.81)	
Other	2 (3.08)	1 (2.13)	1 (6.67)			

rural perception on average (3.29 and 3.05 on a five point scale) and similar minor differences evident within the parties (DPP: 3.08 versus 2.93; KMT: 3.26 versus 3.08), but this does not elucidate on the lack of a statistically significant partisan difference.¹² More broadly,¹³ TSCS data suggests that demographic factors associated with support for same-sex marriage legislation in Taiwan mirror those seen in Western countries.

Legislator analysis

Growing public support for same-sex marriage does not translate necessarily into legislative approval or the passing of such legislation. Voting against the party position remains rare in Taiwan, with potentially controversial bills commonly dying in committee. Furthermore, reforms to a mixed system corresponded with a decline in roll call vote defection from the party position (Rich, 2014). Unlike divergent roll call votes that explicitly challenge the party position, public statements are less costly and less prone to party coercion, especially if the issue is a comparatively low salience; thus these statements give greater insight into legislator attitudes. The Lobby Alliance for LGBT Human Rights, a non-partisan organization that has organized LGBT protests, codes legislator public statements on gay marriage primarily into three main categories: supportive of the legalization of gay marriage, opposed to such legislation, and no public stance.¹⁴ Only two legislators fall outside these three categories. One, Ting Shou-Chung, is coded as supporting the equivalent of civil unions but not same-sex marriage. The other, Wang Jin-Pyng, is coded as neutral. Excluding these two, 21 (19.1%) are labeled opposed, 52 (47.3%) as no stance, and 37 (33.6%) as supportive.

Table 3 breaks down support for gay marriage within the KMT and DPP. Of the DPP legislators, 70% were coded as supportive of same-sex marriage legislation with 10% opposed and 10% with no stance. In contrast, more than half (56.92%) of KMT legislators had no stance. Breaking down parties by seat type, across both parties PR legislators were more likely to support same-sex marriage legislation than their district counterparts. Within the DPP, all 13 PR legislators were coded as supportive, compared to only 55.56% of district legislators. Within the KMT, a majority of both types of legislators had no stance, yet a higher percentage of PR legislators supported same-sex marriage compared to their district legislators (33.33% versus 8.51%). The high rate of legislators taking no stance can be interpreted in several ways. One interpretation could be that, since the issue has not been couched within the broader electoral debate, legislators see little reason to state a position on the issue or, conversely, have not been asked. Another interpretation would be that not taking a stance is deference to the status quo to deflect attention on the issue.

The regression analysis in Table 4 provides additional insight into legislator preference. Two measures of the support for same-sex measure were tested. The first codes support for same-sex marriage as a 1 and everything else as a 0 for a binary logit regression. The second, for an ordered logit, codes three main categories coded 1 (opposed), 2 (no stance), and 3 (supportive). Two

Table 4. Results of logit regressions on support for gay marriage (all legislators).

	Model 1		Model 2		Model 3		Model 4	
	Binary Logit		Binary Logit		Ordered Logit		Ordered Logit	
	Coeff.	SE	Coeff.	SE	Coeff.	SE	Coeff.	SE
<i>PR</i>	1.3322**	0.4376	2.6259***	0.7535	1.5150***	0.4236	2.1861***	0.5811
<i>DPP</i>			2.9285***	0.6278			2.4022***	0.5104
<i>Female</i>			-0.6225	0.6377			0.0713	0.4733
<i>Age</i>			-0.0529	0.0342			-0.0346	0.0249
<i>Time Served</i>			0.0271	0.1722			0.0108	0.1277
<i>Competitive Districts</i>			0.5680	0.7749			0.8963 _t	0.5363
Cut 1					-1.1270	0.2575	-2.2632	1.4111
Cut 2					1.1988	0.2618	0.6933	1.3950
Constant	-1.1499***	0.2632	0.0383	1.8144				
N	112		106		110		104	
Pseudo R2	0.0667		0.3782		0.0601		0.225	

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$, _t $p < 0.10$.

legislators do not fit in these three categories (Ting Shou-Chung and Wang Jin-Pyng mentioned above) were omitted. Both models were tested under two specifications and performed similarly to check for robustness of the model specification: first with just a dummy variable for those elected via proportional representation (*PR*) as the only independent variable, and second with additional controls. These additions include dummy variables for the DPP (*DPP*) and for female legislators (*Female*), and continuous variables for legislator age (*Age*) and the number of terms the legislator has served (*Terms Served*).¹⁵ Furthermore I add a dummy variable for competitive districts (*Competitive Districts*), defined as those in which the margin between the winner and runner up is 5% or less, with all other seats coded as 0.¹⁶

Across all four models, the *PR* variable is positively associated with support for same-sex marriage legislation at 0.01 or stronger, consistent with H1. Meanwhile, in the expanded models, the only additional inclusion to reach statistical significance in both expanded models ($p < 0.001$) is the partisan dummy variable for the DPP, positively correlating with support and consistent with expectations. Meanwhile, competitiveness positively correlates with support in the ordered logit, contrasting theoretical expectations, but only significant at the 0.10 level.

Predicted probabilities give greater insight to the models, showing a stark difference based on seat type. For example, predicted probabilities from the extended binary logit model finds that, holding other variables at their mean, the predicted probability of DPP party-list legislators being supportive of same-sex marriage legislation is 93.7%, compared to 51.8% of the party's district legislators, consistent with expectations. Among non-DPP legislators (mostly from the KMT) 44.3% of party-list representatives were predicted to support legislation, compared to a meager 5.4% of district legislators. Predicted probabilities for the ordered logit models produce similar results (omitted for brevity). Although admittedly simplistic models, the findings suggest that institutional factors within Taiwan's mixed-member system influences public support for such reform.

Additional models were tested for robustness. Concerned that the patterns in both models were motivated by the fact that all DPP legislators on the party-list were coded as supportive of same-sex marriage, the models were rerun limited just to KMT legislators. However, the *PR* variable still positively associated with support, significant at 0.01 or stronger, suggested a difference within the

Table 5. Logit regressions on support for gay marriage (explicit positions).

	Model 5		Model 6	
	Coeff.	SE	Coeff.	SE
PR	2.9417**	1.0762	3.2432**	1.2585
DPP			2.4875*	1.0068
Female			0.1580	0.9570
Age			-0.0043	0.0661
Time Served			-0.2379	0.2993
Competitive Districts			0.5798	1.1007
Constant	-0.0513	0.3204	-1.0059	3.6628
N	58		56	
Pseudo R2	0.1851		0.4045	

** $p < 0.001$, * $p < 0.01$, $p < 0.05$, $\dagger p < 0.10$.

KMT legislators despite the lack of a formal party position on the issue. Replacing age with age cohorts as a continuous variable or separate dummy variables failed to change the original models. Of particular note, younger legislators (in their 30s and 40s) often exhibited a negative coefficient, although not statistically significant. Controlling for the aboriginal districts also failed to change the core findings in the extended models (the variable drops from the binary logit model as no aboriginal legislator is on record supporting same-sex marriage). To capture a potential urban–rural divide beyond the capital city, additional models included individually the six largest areas as well as a single dummy variable for districts within each of these cities, but these failed to alter the core findings of the original model.¹⁷

Since many of the legislators have no public stance on same-sex marriage, inclusion of no stance as a category in the dependent variable (or lumped with the opposition in Models 1 and 2) may be misleading. The no stance potentially includes considerable heterogeneity, from those privately leaning in one direction to those with inconsistent views or no opinion at all. As such, these legislators were removed from analysis and a binary logit model (oppose versus support) was also tested (Table 5). While the smaller sample size may in effect stretch the data, results are consistent with the previous models. In Model 5, PR legislators correlate with higher rates of support, significant at 0.01. Adding additional controls in Model 6 finds that PR legislators as well as DPP legislators in general are more likely to support same-sex marriage legislation, significant at 0.05 or stronger. Similarly, predicted probabilities of the extended model produces similar results to the previous models (omitted for space). Unfortunately the public opinion data from the 2012 TSCS data does not provide enough information to break down by electoral district, thus limiting additional means to tie district-level dynamics to that of the legislator data.

Overall, these findings suggest that, consistent with rational choice institutionalism, electoral institutions influence positions on potentially controversial issues, even in a case where the issue is generally less politically divisive. While the difference between PR and district legislators within the DPP—where the party position supports same-sex marriage—is consistent with the broader literature on mixed-member systems, the similar pattern within the KMT runs counter to conventional expectations. That a difference by seat type emerges seems to suggest that the party may be indirectly discouraging opposition to same-sex marriage either because such a stance appears to conflict with the party's own supporters or simply as a wait-and-see measure, responding if and when the issue becomes more politically salient.

Furthermore, there is no evidence of an age or generational difference, suggesting that simply waiting for younger legislators to be elected to the Legislative Yuan will not produce a shift on same-sex marriage positions.

The findings also shed some light on the obstacles to same-sex marriage legalization by legislative means. Party-list seats constitute 34 of the 113 seats in the legislature and thus winning over district legislators is crucial for the passage of same-sex marriage legislation. Discussion of expanding the number of party-list seats may gain traction after the 2016 elections (Tsai, 2015), yet it remains highly unlikely that the number of party-list seats will equal that of district seats. Without a legislative majority, increased support within the DPP is unlikely to produce any substantive changes. Furthermore, the governing KMT has little incentive to allow for a vote that would potentially expose divisions within the party. While the 2016 election may create the first DPP majority legislature, if tier differences remain, such a victory alone is unlikely to lead to legalization.

Conclusion

Taiwan is in a unique position in East Asia with regard to the potential for same-sex marriage legislation. Through a study of same-sex marriage legislation in Taiwan, this analysis suggests that electoral institutions shape legislator positions on the issue, consistent with the “best of both worlds” literature regarding mixed-member systems. Party-list representatives in particular appear more supportive of same-sex marriage legislation, a pattern evident in both of Taiwan’s major parties. Admittedly other factors influence legislator positions on controversial issues. However, few of these other measures are as explicit as the institutional and demographic factors analyzed here. While it is theoretically possible that legislators self-select to run in the tier they prefer, due to their positions vis-à-vis the party, it remains unlikely that this issue, which has not been a focal point of electoral competition, would have entered such a decision calculus.¹⁸

Admittedly, the broader saliency of the same-sex marriage debate in Taiwan remains unclear. Evidence from the TSCS public opinion survey suggests that the issue is not nearly as divisive in Taiwan as in many other countries. Certainly the DPP, by declaring support for such legislation, sees it as important, but such a move is also in line with attempts to move electoral debates towards social issues and away from the traditional anchors in Taiwanese elections: the island’s future status (independence versus unification with China) and national identity (Taiwanese, Chinese, or both). Such a move, in which same-sex marriage is but a small part, is consistent with an opposition attempting to broaden its electoral support through new means. More broadly, while district legislators may be partially concerned about losing potential supporters, it is highly unlikely that the issue on its own will dominate electoral rhetoric.

Similarly, positions on such topics are not necessarily fixed, but may evolve over time as the public or the party appears more accepting of same-sex marriage laws or a similar alternative. Nor is it clear to what extent stances would change if sitting legislators switched tiers. In the Taiwan case, because of the two-term limit on the already smaller list tier, few legislators are expected to move from districts to the party-list, thus leaving the question open.

Nevertheless, comparing these results to similar legislator-level studies elsewhere would provide a means to evaluate whether the institutional influences suggested here are part of a broader trend. Other mixed systems may witness a similar variation between district and party-list legislators, even where same-sex marriage legislation is not particularly salient. Ultimately this analysis highlights an additional means to evaluate support for controversial positions and to expand analyses of same-sex marriage beyond largely Western examples.

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Notes

1. While the DPP share some similarities with center left parties on a Western left–right political spectrum, many argue this schema poorly applies to Taiwan or East Asian democracies more broadly (see Dalton and Tanaka, 2007; Jou, 2011).
2. In addition, six seats are reserved for aboriginals in two three-seat districts using a single non-transferable vote (SNTV).
3. This excludes Northern Ireland.
4. Admittedly broader debates endure within the broader LGBT community regarding the desirability of same-sex marriage legislation, based in part on hetero-normative expectations.
5. Data available at: www.theguardian.com/world/ng-interactive/2014/may/-sp-gay-rights-world-lesbian-bisexual-transgender.
6. For example, see *Baker v. Nelson* (291 Minnesota 310, 191 N.W.2d 185, 1971); *Baehr v. Lewin* (Supreme Court of Hawaii No. 20371, 1993); *Morrison v. Sadler* (Indiana Court of Appeals 821 N.E.2d 15, 31, 2003), *United States v. Windsor* (US Supreme Court, 12–307, 2013); *Hollingsworth v. Perry* (US Supreme Court, 12–144, 2013).
7. For example, see *Satchwell v. President of the Republic of South Africa* (Constitutional Court (6) SA 1, 2002); *Minister of Home Affairs v. Fourie* (Constitutional Court (1) SA 524, 2005).
8. Countries currently or previously employing a mixed-member system include, but are not limited to: Albania, Bolivia, Georgia, Germany, Hungary, Japan, Lithuania, Mexico, New Zealand, Philippines, Russia, South Korea, Thailand, and Ukraine.
9. The survey is available through the Institute of Sociology at Academia Sinica, Taiwan at: <http://www.ios.sinica.edu.tw>.
10. Women were found to be more supportive (56.9%) compared to men (54.1%), consistent with research elsewhere (e.g. Haider-Markel and Joslyn, 2008).
11. Existing research consistently finds that marital status (see Andersen and Fetner, 2008; Haider-Markel and Joslyn, 2008) and religiosity (Olson et al., 2006) correlate with positions on same-sex marriage.
12. Models were also tested that with dummies only for Taipei or the combined Taipei/Xinbei area, but this failed to change the core findings.
13. An additional model included interaction terms between age and party identification and found neither to be significant. Models were also tested with controls of ethnicity, based on the literature in the US, but this addition did not change the core findings.
14. Data and explanation of coding is available at: www.pridewatch.tw. Analysis is based on coding as of May 10, 2014.
15. Two additional parties held seats in the Legislative Yuan in the period under investigation. The Taiwan Solidarity Union (TSU) held three seats and the People's First Party (PFP) held two. However, all of these seats were PR seats. Including additional dummies for these two parties did not fundamentally alter the later findings in this analysis.
16. Of the 74 SMDs, 19 were considered competitive by this measure. A continuous measure on the level of competitiveness based on the winner's margin would be impractical as it would require either the PR seats to be misleadingly coded as 0s or their removal, which would prevent empirical analysis by seat type.
17. Testing single dummy variables for Taipei or the Taipei area (Taipei and Xinbei) also failed to reach significance or change the core models.
18. Furthermore, the comparatively fewer PR seats and the informal limits of two terms on the party list makes such a self-selection at best a short-term policy for a few.

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