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# Taiwan's Same-Sex Marriage Legislation: Social Movement Strategies and Relational Dynamics

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## Abstract

In 2019, Taiwan became the first in Asia to legalize same-sex marriage (SSM). This article considers the social movement strategies and relational dynamics of three activist groups in the year leading to the landmark SSM legislation, respectively representing the “yes,” “no,” and “alternative” agendas in the public debates and social mobilization around the issue of equal marriage rights. Through a critical study of the three cases, this article examines how various campaigners shaped local SSM discourses and mobilized people to support, oppose, and question marriage equality, focusing on their social mobilization strategies and inter-group relational dynamics under Taiwan's political and legal structures. In so doing, it proposes a hybrid theoretical model to understand complex social movement and countermovement relations and dynamics.

**Keywords:** same-sex marriage; Taiwan; referendum; legislation; social movement; countermovement; strategy; relational dynamics

Taiwan legalized same-sex marriage (SSM) in 2019 and sparked wide academic interest in what made Taiwan successful (Krumbein 2020; Liu and Kao 2019), whether it can serve as a model for other countries (Chang 2019), the role and the viability of Taiwan's legislature in pushing through the SSM bill (Sung, Hsu, and Wang 2022), and which country might become the next in Asia to legalize same-sex marriage (Krumbein 2022). These discussions have contributed to the ongoing global debates on marriage equality (Bernstein, Harvey, and Naples 2018; Winter, Forest, and Sénac 2018). This article considers and compares three major activist groups in Taiwan that respectively represented “yes,” “no,” and “alternative” campaigns in the SSM debate and legislation. Through an analysis of their social mobilization strategies and inter-group dynamics in the year leading to the legislation, this article examines how these groups have shaped local SSM discourses and mobilized the public to support, oppose, and question equal marriage rights, and proposes a hybrid model to understand complex social movement and countermovement relations.

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The first group I examine is the Taiwan Alliance to Promote Civil Partnership Rights (TAPCPR, 台灣伴侶權益推動聯盟), known as the “Partnership Alliance” (伴侶盟). TAPCPR has long campaigned for equal marriage rights and played a major role in Taiwan’s SSM legislation. The second group is the Family Guardian Coalition (FGC, 護家盟), short for Taiwan Religious Groups’ Family Guardian Coalition (台灣宗教團體愛護家庭大聯盟), a conservative coalition against SSM. The third group is the Coalition for the Happiness of our Next Generation (CHNG, 下一代幸福聯盟), known as the “Happiness Coalition” (幸福盟). CHNG focused on allowing “permanent same-sex cohabitation” but insulating it from the traditional heterosexual structure of “marriage”—an alternative to the “yes” or “no” binary. Other activist groups also contributed to the debates and social mobilizations before the SSM legislation, although it is impossible to include them all due to the scope and scale of the current study. The three groups in question have played important roles in the process of Taiwan’s SSM debate and legislation, and they have engaged and interacted with each other in the political crossfire to promote their respective agendas. Conjointly, they offer a strong case for a critical analysis of their social mobilization strategies and inter-group relational dynamics.

This study analyzes the public statements, press releases, and other online posts released by the three activist groups in the 12 months leading to the landmark legislation, to consider the social mobilization strategies and relational dynamics of various social movements around SSM. These public statements and press releases were collected by the researcher from their respective Facebook pages on 21 May 2019, shortly after SSM was approved by the parliament, covering all three groups over a twelve-month timeframe. Facebook is popular in Taiwan and is used by all the activist groups in question, and a total of 881 posts were collected, including all posts from the prior twelve months that were publicly available on the day of collection, as well as any content that they shared and reposted from other sources on Facebook. Rather than treating all the posts with equal importance, this article focuses primarily on the public statements from each group around the key milestones leading to the SSM legislation, as their strategies and relational dynamics were significantly shaped by each key turning point, as discussed later in this article.

Also, instead of focusing on how the features and functions of Facebook have shaped respective campaigns, this article treats Facebook as a storehouse of information where their public campaigns, press statements, media interviews, and other activities were recorded and stored all in one place, so as to focus on their underlying dynamic interactions behind the screen rather than analyzing the social media platform itself. This approach enables a critical study of the three groups, in the sense that their social movement strategies and relational dynamics are amply demonstrated through their public activities that are available and accessible through Facebook. Also, my focus in this article is not on the inner workings or internal decision-making within each group, but on external inter-group relations and strategic interactions. That is why an analysis of their public interactions is more suitable than a study of internal structures and communications.

In what follows, I first map out relevant theories on social movements, and offer a brief overview of Taiwan’s road to marriage equality. I then focus on the three groups one by one to analyze their strategies and scrutinize how they shaped the “for,”

“against,” and “alternative” discourses to mobilize the public in the social debate leading to the SSM legislation. This is followed by a discussion to further theorize and make sense of complex social movements and countermovements more broadly. Through these analyses, I argue for a hybrid approach to consider social movement relations and strategies through the case of Taiwan’s historic SSM legislation. All translations from Chinese to English in this article are my own, unless otherwise specified. I use “same-sex couples” and “gay and lesbian people” as shorthand, instead of the broader term LGBTQ (lesbian, gay, bisexual, transgender, and queer), as the focus of SSM is on same-sex couples rather than on trans rights and gender-queer people.

### Theories of social movements

Early sociological theories on social movements centered on political opportunity structures (POS) and resource mobilization theories (RMT). The former deals with *external* contexts such as inadequate political systems that enable a constituency to challenge the incumbent (Meyer 2004, 126–127), and the latter with *intrinsic* resources of a social movement including economic capital (financial means and physical assets), human capital (leaders, participants, and supporters), social capital (connections and networks), cultural capital (knowledge, experiences, and skills), and coordinated actions to pool together individual resources for collective actions (see Edwards and McCarthy 2004, 116). In contrast, the new social movements (NSM) theory that emerged in the late twentieth century has moved away from labor organization and class conflicts in industrial societies, and has shifted the focus towards culture and identity-based collective actions including feminist, civil rights, and gay rights movements in post-industrial societies. In NSM, symbolic and cultural actions and more flexible networks and processes of identity constructions have largely replaced the previous focus on rigid structures, material resources, and centralized organization (Buechler 1995, 442). NSM hence echoes the shift beyond structural determination and resource dependence.

It is against this background that more diverse approaches to social movements have come into being, such as the strategic model and the relational model. The strategic approach (Jasper 2004, 2010, 2012) prioritizes the *agency* of the activists vis-à-vis the *structure* to consider strategic actions and interactions in the culturally charged and emotion-laden social movements, including the feminist and queer turn in rights-based campaigns (Jasper 2010, 972). The cycle of back-and-forth strategic interactions, and the rise and fall of various actors in a social movement, are central to the strategic model of activism. The relational model, on the other hand, derives from the “relational turn” in sociology (see Emirbayer 1997) and the new social movement dynamics. Jack A. Goldstone, for example, has argued for a “relational field” to understand how a movement is shaped by its relations with other elements in the external field—from political institutions and countermovements to the symbolic values of society and various publics (2004, 357). Similarly, Ming-sho Ho (2021) has proposed a relational approach to the dynamics and competitions between oppositional actors, focusing on how the crossfire and strategic encounters between political and ideological opponents help us understand the effectiveness and efficiency of their campaigns (2021, 5–6). At any rate, movement strategies are not

determined by objective conditions (external structure) or intrinsic resources (internal agency); rather, a movement's strength is always relative to the countermovement to exploit the opponent's weakness (Ho 2021, 5), and vice versa. This relational approach is particularly suitable to examine complex dynamics among multiple activist groups each advocating a different claim.

Here, my goal is to analyze the social movement strategies and relational dynamics of the three activist groups around the issue of marriage equality, which contributes to our understandings of SSM and global social movements through a non-Western society like Taiwan. My point of departure in this article is to test to what degree my analysis supports the structural (POS/RMT) and the more recent (strategic and relational) approaches to the inter-group dynamics in complex social movements and countermovements. Through this lens, I also aim to investigate how today's strategic and relational dynamics between activist groups are shaped by the political contexts and available resources, and how agentic social actors and social movements in turn interact with the political and legal structures. In so doing, I engage these approaches in a critical and constructive dialogue to further expand our understandings of the changing global landscape of social movements and relevant theories and studies.

### Taiwan's road to SSM

Gender and sexual diversity and equality have long been a staple in the studies of Taiwan's social and family change (Brainer 2019; Cheng, Wu, and Adamczyk 2016; Chien 2012; Chin 2020; Hsu 2015; Tang, Khor, and Chen 2020), cultural differences and shifts (Adamczyk and Cheng 2015; Chen 2011; Ho 2010; Lu 2020), and social movements/countermovements in various legal and political struggles and reforms (Chang 2019; Ho 2019 2020; Krumbein 2020; Kuan 2019; Lee 2017; Lee 2021). Pro-gay activism has a long history since the lift of Martial Law and the democratization of the island-state in the late twentieth century, while Taiwan's anti-gay movement has become more institutionalized, facing the growing pro-SSM campaigns since the turn of the new millennium (see Kao 2018 for a detailed discussion). In terms of political structures, the debates on marriage equality were foregrounded in Taiwan's electoral system reform, student movements, and recent partisan politics including the ascendancy of the more gay-friendly Democratic Progressive Party (Ho 2019; Lee 2021). Second, gay and lesbian issues in Taiwan are often divided along generational lines—acceptance is more likely among younger citizens (Lee 2021, 2082), while the emergence of young activists and small progressive political parties in recent years has provided a strong alliance to pro-gay social movements (Ho 2019, 495). Third, better economic growth often correlates with more tolerant attitudes towards homosexuality and more open public discussions of such issues as SSM (Liu and Kao 2019), as in the case of Taiwan.

Also, what makes the debate over SSM legislation in Taiwan unique is not the critique of SSM as a form of homonormativity (modeling gay and lesbian relationships on heterosexual ones) that is often found among more radical queer scholars and theorists. Rather, as Adam Chen-Dedman (2022, 7) has pointed out, the key distinction is how the queer critique among radical leftists in Taiwan “has departed the realm of sexual politics and morphed into a sustained attack against the post-martial law era's

movement to localise Taiwanese identity.” In a broader context of Taiwan’s political status and cultural identity, including its contested statehood and historical and ongoing tensions and connections with mainland China, the debate over SSM within the LGBTQ community in Taiwan is not only about the ideal form of same-sex relationships, but also very much about a local Taiwanese identity versus a broader and ethnically inflected Chinese identity (see Chen-Dedman 2022, 9–10).

Furthermore, long before the SSM legislation, legal recognitions of gender and sexual orientation equality in Taiwan were achieved through the *Gender Equity Education Act* (2004) and the revised *Act of Gender Equality in Employment* (2008) that banned sexuality-based discrimination at school and at work, respectively, which laid the foundations for further public discussions and debates over SSM (Wei 2020, 2). In 2006, then-legislator Hsiao Bi-Khim (蕭美琴) first attempted to submit a draft SSM Act to the parliament (Lee and Lin 2022, 656). In 2012, TAPCPR publicly launched the drafts of three innovative and progressive bills for “diverse family formation” to advocate for both SSM and other alternative forms of cohabitation, which significantly raised public awareness of SSM and contributed to the public debates over the meaning of “marriage” and “family” for same-sex couples (see Chien 2012; Chin 2020; Hsu 2015). These legal and social progressions in the last two decades had paved the way for Taiwan’s SSM legislation (Chang 2019; Kuan 2019).

While Taiwan’s political, socioeconomic, and legal developments have pushed the issue of SSM to the mainstream (Chien 2012), this kind of social change and cultural shift has also provoked a backlash, exemplified by the establishment of both FGC and CHNG in 2013 to protect traditional family values against the push for same-sex marriage. Since then, FGC and CHNG have been leading Taiwan’s anti-SSM movements, who allegedly shared connections with the right-wing Christian political party Faith and Hope League (see Chien and Hsu 2016), although these anti-SSM forces were not always in a close alliance with each other (discussed below). On the other hand, TAPCPR successfully represented veteran gay activist Chi Chia-Wei (祁家威) to win the landmark *Judicial Yuan Interpretation No. 748* (大法官釋字第748號解釋) at the Constitutional Court on 24 May 2017, which ruled the existing Civil Code “unconstitutional” in its exclusively heterosexual definition of marriage. The ruling allowed two years for legal changes, or two years later same-sex marriage would “automatically” become legal.

The *Interpretation* was challenged by FGC and CHNG through both legal channels and social campaigns to mobilize the anti-SSM voices. Meanwhile, Taiwan’s revamped *Referendum Act* in December 2017 significantly lowered the threshold for non-governmental organizations to submit referendum questions to the ballot; in the same month, CHNG chose to become an officially registered organization and turned to the referendum to challenge the judicial mandate to legalize SSM. In August 2018, CHNG gathered enough signatures from the electorate and lodged three questions to the combined Taiwan Local Elections and Multi-Question Referendum held on 24 November 2018, and their three questions were collectively known as the “Pro-Family Referenda” (愛家公投) and appeared in the ballot as Referendum Questions 10–12 (translation by the Central Election Commission 2018):

RQ10: Do you agree that marriage defined in the Civil Code should be restricted to the union between one man and one woman?

RQ11: [omitted]

RQ12: Do you agree to the protection of the rights of same-sex couples in co-habitation on a permanent basis in ways other than changing of the Civil Code?

RQ10 and RQ12 were against the inclusion of SSM in the Civil Code, while RQ11 was only about gender and sex education. Here, RQ12 became a widely debated question in the months leading to the referendum—it supported the permanent cohabitation of same-sex couples but excluded such relationships from “the regulation of marriage in the Civil Code” (as in the Chinese wording but missing from the English translation). All three referenda passed the line on 24 November 2018, creating a problem that the legally binding referendum to exclude same-sex partnerships from “marriage” was at odds with the Constitutional Court ruling that same-sex marriage must be legalized. The interpretation of the referendum results became a focal point in the debate between pro-SSM and anti-SSM groups thereafter, even though both the Executive Yuan (行政院) and the Judicial Yuan (司法院) clarified that the Constitutional Court ruling would take precedence and would not be overturned by the referendum results (see Sung, Hsu, and Wang 2022, 1).

This official interpretation was firmly supported by the pro-SSM group TAPCPR but fiercely contested by their opponents, especially CHNG. Nonetheless, in February 2019, the Executive Yuan released the first version of the Act for Implementation of J.Y. [Judicial Yuan] Interpretation No. 748, avoiding “same-sex marriage” in the title but including it in the text, and passed it on to the Legislative Yuan (立法院) to review. This attempt was to legalize SSM in a “special law” (專法) tailored for same-sex couples instead of changing the Civil Code, but was challenged by anti-SSM groups as same-sex couples were essentially allowed the same rights to “marriage” as defined in the Act against the referendum results. Legislators from Taiwan’s ruling Democratic Progressive Party (DPP) with a strong foothold in the Legislative Yuan and other pro-SSM lawmakers successfully pushed the Act across the line on 17 May 2019, which became effective on 24 May 2019, the deadline set by the Constitutional Court in the 2017 Judicial Interpretation. Adoption rights are still restricted for same-sex couples, and at least one person should hold local residence and another must hold citizenship from a country where SSM is legal before they can get married in Taiwan (Chin 2020, 1081). The ban on such transnational same-sex marriage was finally lifted in January 2023, but same-sex partners from the People’s Republic of China are still excluded (see Chau 2023). Despite these restrictions, Taiwan’s SSM legislation made history in Asia and on the global stage.

Overall, the 2017 Judicial Interpretation, the 2018 referendum, and the 2019 SSM Legislation constitute the three milestones in Taiwan’s pro-SSM and anti-SSM movements, especially in the final twelve months, when debates on SSM intensified and the “for,” “against,” and “alternative” campaigns reached the peak of their discursive power in social mobilization to support, oppose, and question equal marriage rights. Also, although partisan politics is not a focus of this article, it is worth pointing out that the pro-SSM and anti-SSM forces were often mobilized and divided along the

Pan-Green (泛綠) and Pan-Blue (泛藍) political coalitions—the former is led by the Democratic Progressive Party (with green as its political color) and generally more progressive towards same-sex marriage, while the latter is led by the Kuomintang (KMT, with blue as its representative color) and tends to be more conservative about marriage equality. I will return to the discussion of the partisan lines later in this article. To better understand the nexus of social movements and countermovements through the cases of the three activist groups, in what follows I continue to examine the strategies of and dynamics among these groups in promoting their agendas and shaping public discourses, with a specific focus on the tensions and interactions among the three groups and how they work with and against each other at different stages of the campaigns before Taiwan's historic SSM legislation.

### **TAPCPR (伴侶盟): Reactive strategies and failed campaigns before the final victory**

TAPCPR was founded in 2009 and became officially registered in 2012; with a dedicated team of lawyers, they specialize in legal counselling, strategic litigation, and legislative lobbying for gay, lesbian, transgender, and intersex people (TAPCPR, n.d.), who launched and won the landmark 2017 Judicial Interpretation that set the process of SSM legislation in motion. Before the 2018 referendum, TAPCPR launched two campaigns against the three “Pro-Family Referenda” proposed by their opponent, CHNG. The first campaign aimed to stop CHNG from gathering enough signatures to submit the anti-SSM referenda to the ballot, which failed when CHNG received enough support and the Central Election Commission subsequently accepted its three referendum questions. To oppose the three “Pro-Family Referenda,” another pro-SSM organization Marriage Equality Referendum Promotion Group (婚姻平權公投推動小組) also collected enough signatures to submit two counter-referenda in September, which later became RQs 14–15 (Central Election Commission 2018):

RQ14: Do you agree to the protection of same-sex marital rights with marriage as defined in the Civil Code?

RQ15: [omitted as it only concerns gender and sex education]

These two counter-referenda heralded the beginning of the second campaign from TAPCPR and other likeminded groups, including Taiwan's Marriage Equality Coalition (婚姻平權大平台) that was very active before the referendum, marking the transition of their strategy from “against the inclusion of SSM in the referendum” to encouraging people to participate in the process and vote to support SSM. This paradoxically demonstrates the success of CHNG to bring all different social forces and campaigners into the discourse and process of the referendum, a point to which I shall return later.

Furthermore, the campaigns from both sides at this time were caught up in a messy process leading to the combined Local Election and Referendum. As many as ten questions in total on a wide range of issues were accepted by the Central Election Commission to put on the ballot, and the referendum was also caught up in local electoral campaigns—the voting was scheduled on the same day and the

candidates were listed on the same ballot as the referendum questions. Facing the messiness of a combined election and the complexity of a historic number of referendum questions, CHNG had simplified their campaign message to “Three Yeses and Two Noes, Protecting the Most Valued [Traditional Marriage]” (三好兩壞, 守護最愛), urging people to vote “yes” on their three Pro-Family Referenda and “no” on the two counter-referenda. Meanwhile, the pro-SSM coalition campaigned for “Two Yeses and Three Noes, Voting for a Happy Future” (兩好三壞, 投出幸福未來). The two opposite messages closely matched each other in tone and style, and the highly charged campaigns from both sides ended up in a tit-for-tat competition to outmaneuver each other, raise the volume of anti-SSM and pro-SSM voices facing a large number of referendum questions competing for public attention, and further shape public opinions to win over undecided voters.

However, to a great extent, the counter-referenda failed to shift the public discourse, especially around RQ12, which supported same-sex partnerships instead of marriage. RQ12 as an “alternative” approach had attracted wide support from undecided voters who, facing the binary options of outright support or downright rejection of marriage equality, united under the banner of “cohabitation” to exclude gay and lesbian couples from the conventional category of marriage. This turned out to be much more effective and successful in mobilizing the voters, as shown in the later results that all CHNG’s three referenda received a majority “yes” vote while the two counter-referenda were voted down. The second campaign from TAPCPR and other pro-SSM groups also failed. In retrospect, TAPCPR and its allies may have missed a critical opportunity at the beginning to set the initial agenda to shape public impressions and set public discourses in motion; their counter-referenda were reactive in nature and they collected the signatures too late and too fast, effectively limiting both the visibility and the discursive power of their “counter-strike” and countermovement against CHNG.

However, I should note that this “missed opportunity” is owed largely to the relative lack of financial resources of TAPCPR and other pro-SSM groups facing an effective and well-funded campaign from CHNG. According to J. Michael Cole, a Taipei-based political analyst and long-term observer of Taiwan’s social movements, CHNG may share connections with some of Taiwan’s richest entrepreneurs, who are behind the rise of conservative Christian Evangelicalism in Taiwan generally oppose SSM (Cole 2013). This enabled CHNG to launch a series of anti-SSM campaigns with high public visibility from 2013 through to the 2018 referendum (Tseng 2021, 241–244), effectively transforming “its anti-SSM stance into populist movements” through successful public mobilization (Wang 2020, 107). On the other hand, the financial resources that the pro-SSM forces were able to mobilize were comparatively limited, resulting in their loss and CHNG’s historic win at the referendum, despite the former’s stellar performance at official televised debates on SSM and the two counter-referenda that they had submitted to the ballot.

Also, although gender and sex education is an important topic, the two tit-for-tat counter-referenda on both SSM and education further diluted the focus on SSM legislation, dragging TAPCPR and other likeminded groups completely into the agenda set and led by CHNG. During their campaign, TAPCPR repeatedly called CHNG and their referenda “anti-gay” and “discriminative,” which was strongly denied by the



latter and failed to unite and attract undecided voters when CHNG successfully presented themselves as supporting the equal rights for same-sex partnerships while safeguarding the tradition of marriage—an attractive narrative for the “swing” voters who might acknowledge the rights claim but refused the kind of social change that they were not completely comfortable about. Victoria Hsu (許秀雯), a lawyer and co-founder/executive director of TAPCPR and one-time legislative candidate for the Green Party and Social Democratic Party Alliance (綠黨社會民主黨聯盟), later remarked in an interview that “the referendum didn’t show that Taiwanese society was anti-gay, but that [people] still lacked understandings of relevant issues and were easily mobilized [to vote against SSM]” (Inmediahk 2019). This, by implication, adds another note to the inadequacy of the reactive strategies adopted by the pro-SSM groups and their relatively limited financial means facing a strong and successful campaign launched by CHNG.

The two failed campaigns from TAPCPR and other likeminded groups meant that, after the 2018 referendum, the pro-SSM groups lost a significant battle and had to rely completely on their political allies in the parliament to push through the SSM legislation, which might not materialize without the strong support from the ruling DPP administration and other pro-SSM lawmakers. In the months after the referendum, TAPCPR launched a series of campaigns on “Protecting the Judicial Interpretation No. 748” and an (unsuccessful) legal challenge against the Central Electoral Commission for allowing the anti-SSM referenda in the first place, doubling down on the precedence of the Constitutional Court ruling over the referendum results. Their focus clearly shifted back to the legislature where the draft Act needed to go through three rounds of review for majority approval to become law. This was further complicated by two counter-Acts from anti-SSM groups to limit same-sex unions to “cohabitation” and clearly define “marriage” as exclusively between a man and a woman, which were against the Judicial Interpretation but supported by the referendum. April and May 2019 had seen intensified campaigning from TAPCPR both online and on the ground to lobby the legislators to reject the two counter-Acts that were unconstitutional.

In the final week leading to the legislative decision, TAPCPR continued to lobby the lawmakers to vote for the draft Act for marriage equality. On May 16, the day before the final voting, the DPP Legislator Group changed the wording in the Act from “same-sex marriage” to “marriage registration,” hoping to win over undecided legislators, which TAPCPR took as a necessary political compromise (2019). On May 17, both the DPP and the opposition (the Kuomintang) issued a three-line whip (甲級動員令) to urge all their legislators to vote for the party’s position. The DPP majority and a small number of pro-SSM lawmakers from the New Power Party and the Kuomintang successfully pushed the “marriage registration” version across the line. SSM finally became legal in a larger than expected majority vote through the combined efforts of pro-SSM social movements and their political allies who jointly made history.

That said, the fact that SSM was legalized through a “special law” tailored for gay and lesbian people has effectively separated same-sex marriage from the law that governs heterosexual families. As legal scholar Chao-ju Chen remarks,

it is a compromised piece of legislation of an unprecedented name and nature—an ‘Enforcement Act’ of the Constitutional Court’s decision that, in fact, denies same-sex relationship a name and instead refers to it as an ‘Article 2 Relationship’ with legal consequences partially different from Civil Code marriage (Chen 2019, 60).

The unequal nature of the special law has been a major point that TAPCPR has continued to challenge both before and after the legislation (Dedman and Hsu, 2020; Tamura 2022, 238), although to date Taiwan’s legislature has not yet amended the Civil Code to include same-sex couples.

Overall, TAPCPR’s campaigns in the year leading to the final legislation were less successful than their opponents, resulting in a situation that the last hope to legalize SSM became contingent on the ruling party’s majority control of the parliament. That said, the final victory still belonged to TAPCPR and other pro-SSM groups who made it all possible after over ten years of activism, seven years since their initial attempt at SSM legislation through the “diverse family formation” bills, four years since they brought the case to the Constitutional Court, and two years since the Judicial Interpretation. For TAPCPR, their relational dynamics against CHNG and their reactive strategies offer an interesting picture of Taiwan’s SSM social movements and countermovements. The inter-group tensions and interactions had largely shaped the social discourses and mobilization strategies between the “yes” and the “alternative” campaigns, although the final success was pushed through by the pro-SSM lawmakers.

Here, the available judicial and political structures have not only laid the legal ground and created opportunities for TAPCPR and its allies, but also made possible a loose strategic alliance between the pro-SSM movements and the DPP as well as other small progressive parties such as the Green Party and the New Power Party. They both had a socio-political interest in promoting equal marriage rights, given the DPP’s origin in rights-based social movements (Ho 2005) and the progressive policies supported by the smaller parties, although the DPP barely took any proactive initiatives and was essentially prodded into supporting SSM by the activists and the Judicial Interpretation (see Tseng 2021, 235, and Sung, Hsu, and Wang 2022, 3). But their efforts to achieve marriage equality through a judicial and legislative process were challenged by their rivals, who launched a successful countermovement through the referendum. With relatively limited financial resources, TAPCPR’s strategies became reactive, facing the successful campaigns from their opponents that effectively shifted the focus from constitutional ruling to democratic mass-determination through the referendum. The popularity of the pro-SSM discourse and its power in social mobilization declined relative to the anti-SSM offensive, until TAPCPR and other likeminded groups regained ground to win the final legislation as the battlefield shifted back to the parliament. The structural opportunity, the mobilization of financial resources, the relative rise and fall of various campaigns and strategies, and the relational dynamics among TAPCPR, the ruling DPP and other small progressive parties, and CHNG have conjointly pictured a nuanced landscape of movements and countermovements around marriage equality that enables us to better understand their complex relations and interactions.

### **FGC (護家盟): Strategic pivot against SSM legislation**

Founded in 2013, FGC is one of the most active anti-SSM movements in Taiwan (Ho 2016), consisting of various religious groups (Christian, Islamic, Buddhist, Taoist, etc.) and led mostly by conservative Christians (Liberty Times 2014). In November 2018, they released three consecutive statements prior to and immediately after the referendum about their changing stance and strategy in the countermovement against SSM. In the first brief statement, they confirmed that they “fully support their ally CHNG on RQ12” (FGC 2018a), calling the rumored change of their stance “an internal discussion” that was not yet a formal resolution, while blaming its coalition partners for releasing an “unconfirmed” draft. This took a dramatic turn the next day, when FGC departed from CHNG’s stance and turned to oppose RQ12, “reverting to their original mission” because “the situation has changed” and “most people were awakened to reject SSM legislation” (2018b). They reiterated their stance that the Judicial Interpretation was invalid, and the procedure of “interpretation” was not suitable for the issue in question—hence they should not entertain the “alternative” agenda from CHNG and should instead stick to their long-term campaign against all same-sex partnerships, whether defined as “marriage” or not.

In the third statement (2018c), FGC clarified that the previous statement was written a few days before, on the 22nd, but was not released publicly until the night of the 24th when the voting on the referenda already concluded, and that their goal was “not to influence the vote” in a way contradictory to their previous public campaign. In this statement, they reiterated their “continued stance that sexual activities between the same sex should not become legal.” They explained that some members in their coalition specifically opposed RQ12 while still supporting the other two referenda from CHNG, although publicly they were supporting all three of them and asked their supporters to vote “yes” on all of them—until the voting was done and it once again became a priority for FGC to reiterate their long-term stance against homosexuality. This echoed their first statement that blamed their coalition partners for releasing “unconfirmed” information ahead of the agreed time against their joint decision.

Supporting the three “Pro-Family Referenda” while switching back to their own stance immediately after the voting was a very pragmatic strategy. It helped FGC integrate their campaign into the public agenda and social discourses, set and shaped by CHNG, that successfully reframed the legal status of SSM as an issue of democratic voting through the referendum. In a strategic alliance with the latter, FGC temporarily pivoted to the alternative agenda as a practical strategy facing the reality that the Judicial Interpretation and the DPP’s strong push for SSM would likely carry the legislation over the line (2018c)—hence their strategic alliance with CHNG and public support for RQ12, as it might be futile to oppose it in a practical sense. Indeed, FGC called the referenda “defensive,” indicating RQ12 was probably the last line of defense in the face of the inevitable social progression, so both groups and their supporters should try stopping same-sex marriage by supporting non-marital “cohabitation”—at least publicly and strategically. This strategy apparently attracted criticism from traditional FGC supporters (2018c), which explains the necessity for FGC to reiterate their long-term stance against homosexuality as soon as the referendum was over so they could regain ground among their followers.

Also, this series of statements clearly indicated the internal factions within FGC, a coalition of more than ten different religious groups, some of whom did not stick with other coalition partners regarding when to declare and restate their anti-gay agenda and break away from the temporary strategic endorsement for RQ12. For the “hawkish” members, ideological purity against homosexuality outweighed a strategic “dovish” alliance with CHNG whose agenda might undermine the hardcore image of FGC. This analysis echoes the fact that FGC had to publicly defend their strategic support for RQ12 (see 2018c), saying that they took all necessary efforts to mobilize their resources to support the “defensive” strategy as the most practical option, amid the criticism from their supporters that CHNG’s referenda (and FGC’s support) actually pushed same-sex cohabitation towards legislation. This is because the referenda were legally binding and Article 30.2 of the revised *Referendum Act* mandates legislative actions within three months once a referendum like RQ12 has passed, shattering the dream of the opposition to keep same-sex marriage forever in an “ambiguous, undecided, controversial, and may-not-be-legalized” status (FGC 2018c). The Constitutional Court ruled that SSM would “automatically” become legal in two years even without a clearly defined legal status—an ambiguity favored by FGC and some supporters as a better option, but this ambiguity was shattered by the “yes” majority votes on RQ12 in the referendum.

FGC also claimed that “after the late-October gay parade ... those peculiar photos from the parade began to circulate, and many people started to see the true color of the gay movement to stand up against it, believing that Taiwan shouldn’t allow the invasion of homosexual cultures and starting to question the third referendum [RQ12]” (2018c). Here, the “peculiar photos” probably referred to the diverse expressions of body images and gender identities in the annual Taiwan Pride Parade (臺灣同志遊行), which according to FGC had shown the “true color” of the gay and lesbian movement that challenged fixed gender and sexual categories as well as conservative understandings of decency. Albeit not new and not exclusively used by FGC, this strategy is highly problematic in marking a return of FGC’s campaign from the strategic support for same-sex partnerships to their conventional and conservative approach that would better appeal to their hardcore followers.

First, this claim has incorrectly attributed “homosexual cultures” as an invasion, neglecting the rich history of diverse gendered and sexual cultures and practices in Asia (see Loos 2009 for a discussion). Second, even though the more expressive gay culture is a modern Western invention incompatible with traditional Asian values, in a practical sense a group of more flamboyant people cannot represent the entire community of gays and lesbians. Third, this claim has conflated “anti-SSM” with “anti-Western-style-gay-culture,” implicitly changing the subject from marriage equality to cultural compatibility. On top of that, this claim conveniently overlooks the origin of the religious underpinnings behind their own coalition: Christianity, Buddhism, Taoism, and Islam are all foreign religions imported into Taiwan. The “invasion” of these religions and how they changed and challenged local cultures were completely neglected. By framing “homosexual cultures” as an invasion, FGC pictured their coalition as a guardian of local cultures and values. In their statements, FGC mentioned “people’s voice and power” several times while claiming that “most people” in Taiwan opposed sexual activities between the same sex. For their campaign

to be effective and efficient, they strategically provoked emotions and sentiments that better appealed to their supporters and followers in shaping the “anti-SSM” discourse and mobilizing the oppositional forces, although their shifting public stance, internal factions, and immediate turn against CHNG after the referendum had divided their own supporters and the anti-SSM allies.

Here, my discussion has indicated how the tensions and fractions between the “no” and “alternative” campaigns had played out during the intense public debates and social movements/countermovements around marriage equality. The temporary alliance between FGC and CHNG was pragmatic and strategic in nature—and hence fragile and immediately collapsed after the referendum because of their inherently different public stance and political agenda. After the referendum, the battle started to shift back from democratic determination to legislative negotiation, in which TAPCPR and CHNG once again played more important roles. Overall, FGC’s campaign in a temporary alliance with CHNG was less successful with multiple public fallouts within their coalition and with their strategic partner, losing support from their hardcore members and followers along the way, and later their voice in the final stage of the debate in 2019 also appeared muted compared to that of TAPCPR and CHNG.

Here, the internal dissension of FGC appears to have started long before the referendum, and some of their sponsors and supporters took away the resources (financial and human capital) from FGC to establish the political party Faith and Hope League in 2015, which significantly curtailed FGC’s ability in resource mobilization (Chien and Hsu 2016). Despite the Faith and Hope League’s early vocal opposition against SSM and short popularity (Ho 2016), it never gained enough support to challenge the DPP incumbent and appeared to have diluted the resources among the anti-SSM groups. The relative lack of resources meant that FGC had few options but to strategically support CHNG; however, their orthodox anti-gay ideology directly contradicted CHNG’s pragmatic support for same-sex cohabitation, meaning its relationship with the latter was inevitably a “short-term love affair” with limited common political ground—and hence doomed from the start. Here, both the available resources and the strategic-relational dynamics are important for us to understand the complex movement and countermovement relations in the public debates and campaigns around Taiwan’s SSM legislation.

### **CHNG (幸福盟): From winning the referenda to losing the SSM legislation**

CHNG was established in 2013 in direct response to the draft “diverse family formation” bills proposed by TAPCPR that were going through the first read in the Legislative Yuan, and they shared some of the coalition partners with FGC (Yen 2013). Compared to TAPCPR’s reactive strategies and FGC’s shifting stance, CHNG launched the most successful campaign that completely changed the course and focus of the debate on Taiwan’s SSM legislation. In late 2017, CHNG seized the opportunity when the change of the *Referendum Act* made it easier for non-governmental organizations to submit referendum questions to the ballot, and immediately registered as a formal organization to start their campaign. In 2018, CHNG focused on gathering signatures from the electorate to lodge the three referenda,

which turned out to be a successful strategy that set the direction for public debates and pushed both “yes” and “no” campaigners into their “alternative” agenda through the referendum. This reshaped the public discourse around SSM from a legal and constitutional issue, which was initially set in motion by TAPCPR who specialized in strategic litigation, to a completely different topic of people’s voices and choices, which CHNG maintained should take precedence over the Judicial Interpretation. They argued that an important issue like SSM should be decided by the people, not by the judge at the Constitutional Court. Their framing of the issue as “the people versus the elite” turned out to be powerful in gathering signatures to lodge the three referenda and in mobilizing voters to support them, leading to their landmark victory on 24 November 2018 when all three referenda passed the line.

After winning the referenda, CHNG started lobbying the government to respect the legally binding referendum and over seven million people’s votes to define same-sex unions as cohabitation instead of marriage. Also, since the Executive Yuan submitted a draft Act for SSM to the legislators in February 2019, CHNG soon put together and submitted the draft *Act for Implementing RQ12* (公投第12案施行法), which they previously described as the *Same-Sex Cohabitation Act* (同性共同生活法). This draft Act aimed to enforce the result of RQ12 to exclude same-sex couples from “marriage.” CHNG also lodged a draft *Amendment to Civil Code Article 972* (民法第972條條文修正草案) to clarify the definition of marriage as only between a man and a woman (in line with RQ10). Both draft bills won support from some legislators, forming a collective campaign to enforce RQ10 and RQ12 against the 2017 Judicial Interpretation and Constitutional Court ruling.

Although CHNG’s pre-referendum campaign appeared highly effective and was always one step ahead of their rivals, I argue that CHNG started to fall behind in the months leading to the Legislation. First, they let the Executive Yuan submit the first draft bill to the legislators, missing the opportunity to take the first move. Their counter-bills, though put together promptly, still appeared reactive. From this point onward, CHNG’s campaign was always one step behind even though they were very close to their opponent, gradually losing ground when the main battlefield shifted to the Legislative Yuan. From the end of November 2018 to the final parliamentary vote in May 2019, CHNG stuck with the narrative that “the referendum outweighs the Constitution” and “7.65 million [people’s votes] outweigh the judge of the Constitutional Court.” These claims might be encouraging for their supporters to unite under the banner of people’s choice, but did not stand well under the rule of law. Their rival TAPCPR effectively challenged their claims: the *Referendum Act* itself was under the constitutional framework, and the results from the referenda should not contradict the Constitution or overturn the Constitutional Court ruling.

To the credit of CHNG, they managed to lodge two anti-SSM bills to the Legislative Yuan and acquired support from several legislators, while mobilizing their supporters to continue expressing their concern about SSM. However, in hindsight, they made a critical mistake that the focus at this stage of the debate already shifted back to the legal process, and their continued popular narrative had missed the point. In other words, their early success that shifted the public discourse failed to shift back to the legal battle when popular votes and social mobilization no longer appeared sufficient, leading to their eventual loss at the Legislative Yuan. Their

reactive counter-bills effectively re-cast the whole narrative back into the legal process under the ceiling of the Constitution, an area that TAPCPR was particularly good at, losing the edge they gained in the early stage by reshaping the public discourse towards democratic mass-determination.

This argument reveals a deep paradox in CHNG's campaigns: the referendum was an effective means to engage the public in the SSM debate, but from the very beginning it was unclear whether this would be enough, in a legal sense, to overturn the Constitutional Court ruling. Not unlike FGC, its temporary ally, CHNG also tried to challenge the legitimacy of the 2017 Judicial Interpretation, but once again this often ended up in popular campaigns with little substance to directly challenge the Constitutional Court. That is to say, despite a highly successful campaign for public mobilization that set the direction of the SSM debate, CHNG's intense focus on the referendum as the only means to challenge SSM may have backfired and was set to fail from the very beginning, unless they can find a legal ground to challenge the 2017 Judicial Interpretation. The appeal of their "alternative" approach eventually failed to pass the legal test or win sufficient political endorsements.

Here, CHNG successfully took the opportunity of Taiwan's legal change that made it easier for civil organizations to submit referendum questions, shifted the public discourse on SSM from judicial interpretation to democratic determination (which also pushed FGC into a strategic alliance, and TAPCPR and other pro-SSM groups into reactive campaigns), and reached the peak of its anti-SSM discursive power in social mobilization through its spectacular success in the 2018 referendum. However, in retrospect, they were set to fail as their chosen method of the referendum was still bound up in the wider legal and constitutional structures. That is to say, the structural opportunities both enabled and curtailed their countermovement against SSM through the referendum, while their relative success at one point vis-à-vis their opponents failed to carry through in their subsequent strategies, resulting in the loss of its temporary partner FGC after the referendum and its eventual loss to TAPCPR and other pro-SSM social and political actors in the final battle in the parliament. Here, the hybrid structural, strategic, and relational frameworks have once again helped us understand the "alternative" campaign vis-à-vis its rivals in the complex social movement and countermovement strategies and dynamics before Taiwan's SSM legislation.

### **Concluding discussion**

This article seeks to understand how the "yes," "no," and "alternative" campaigners shaped and mobilized public discourses to support, oppose, and question equal marriage rights before Taiwan's same-sex marriage legislation. It also aims to make sense of the relational dynamics, tensions, and interactions among the three groups to shed light on how they work with and against each other in organizing and mobilizing their respective movement and countermovement, contextualized in structural opportunities and confined by available resources. From the 2017 Judicial Interpretation and the 2018 referendum to the 2019 SSM Legislation, activists in Taiwan had effectively utilized and mobilized resources and public discourses through legal, political, and social channels to advance their claims and agendas. TAPCPR launched the legal

challenge, taking the opportunity of the contradiction between the Civil Code and the Constitution for a successful pro-SSM offensive to set the process in motion. CHNG, on the other hand, made effective use of the revised *Referendum Act* to launch its three referenda as an alternative to the binary “yes” or “no” campaigns, reshaping SSM from a legal issue to democratic determination. FGC, with limited resources and facing limited options, temporarily pivoted from “no” to “alternative” before breaking up its strategic alliance with CHNG, but still lost ground and support in the process. In the final phase of the movement and countermovement around SSM, the ruling party and the legislature pulled the final string and pushed the legislation across the line.

Here, although strategic interactions (Jasper 2012) and relational dynamics (Ho 2021) help shed light on the campaigns around equal marriage rights, the political and legal structures as well as each group’s capacity for resource mobilization have also played a crucial role in the key turning points that shaped Taiwan’s SSM debate and social activism. The initial legal challenge was launched by TAPCPR because the Civil Code had left a gap in its definition of marriage that contradicted the Constitution once same-sex marriage was understood through the lens of citizenship rights—and because Taiwan’s existing legal system allowed a civil constituency to launch a challenge in the Constitutional Court. The second turning point, CHNG’s three referenda, became a seemingly promising means to challenge SSM as the legislature had revised the *Referendum Act* and lowered the threshold for activist groups and non-governmental organizations to submit questions to the ballot. It was this structural change that made CHNG’s alternative agenda possible to shift SSM towards the direction of democratic determination. Once the process changed back to the legislature and ended up in gridlock, it was the DPP and other pro-SSM lawmakers who took the crucial step and pushed through the final legislation.

Thus, I argue that a hybrid structural approach (i.e., political opportunity structures and resource mobilization theories) and relational model (i.e., strategic and relational interactions) can help us better understand activist strategies and relational dynamics in the changing global landscape of social movements. While recent scholars have largely cast away rigid structural determinism and resource dependence to consider more flexible social mobilization in identity-based activism (Goldstone 2004; Jasper 2010; Ho 2021), the political opportunity structure and resource mobilization theories can still shed light on the intricate relations and interactions between structure and agency. In this case, although the “yes” campaign had the final victory, made possible by the existing political and legal structures with crucial support from the political incumbent, the “no” and the “alternative” activists had also taken the opportunity of the changing referendum laws to launch their countermovement and promote their agenda in a temporary and strategic alliance. The strategic interactions among these groups were shaped by contextual forces and factors as well as available resources—the latter was especially the case considering FGC’s generally weak anti-SSM campaigns and shifting public stance due to the relative lack of resources and multiple factions.

Further, the hybrid lens not only reveals the structural enablers behind the strategies and dynamics of the campaigns, but also indicates the agency of the political actors to launch and carry on with the campaigns through waves of back-and-forth strategic contests. On the one hand, it is noteworthy that the DPP, given its roots



in Taiwan's social movements, often works as a sympathetic political ally and functions as an enabling political structure when they are in power (Ho 2005, 403), even though they were slow to act and reluctant to take the initiative to "fire the first shot" for SSM legislation (see Tseng 2021, 235; Sung, Hsu, and Wang 2022, 3) until the Judicial Interpretation set the process in motion. On the other hand, the three activist groups have also exercised their agency to not only seize and respond to available opportunities, but actively tried to create opportunities and take advantage of favorable circumstances (see Ho 2015, 75 and 2016, 544): the TAPCPR for the initial constitutional challenge, the CHNG for the referenda, and the FGC for the strategic alliance as a traditionally strong anti-SSM force now with limited resources. Their strategic competitions and relational dynamics were shaped by not only available opportunities and resources, but how they made these opportunities and resources work (more or less) in their favor, especially when their financial resources were limited.

In other words, the activist strategies and dynamics were shaped by existing political and legal systems, as much as by their own actions and reactions in a tit-for-tat and back-and-forth process through spontaneous and reactive strategies. The hybrid approach makes sense, as the combined strategic and relational approaches with the political opportunity structure and resource mobilization theories have further highlighted (1) the complex dynamics between the government/incumbent and various movements and countermovements, rather than a tandem opposition between authorities and activists; (2) the cycle of the rise and fall between more successful and less effective strategies in mobilizing public opinions and setting political agendas, shaping and shaped by external structures and available resources; and (3) the tensions, relations, and strategic interactions both among social activist groups and between these groups and the structural contexts in which they operate. Through this lens, Taiwan's SSM legislation is a hybrid outcome of existing and changing political and legal systems, agentic and opportunistic strategies used by the activists, as well as dynamic relations and competitions among the social and political actors who actively pushed for their agendas.

Overall, by focusing on a crucial phase and major turning points leading to Taiwan's landmark same-sex marriage legislation, as well as three activist groups representing different strategies that had shaped public debates and discourses around SSM, this article has critically examined the social movement and countermovement strategies and inter-group relational dynamics of activist campaigns to support, oppose, and question marriage equality. Taiwan is a pioneer in Asia in same-sex marriage legislation, and this article has shown that certain political opportunities and resource mobilizations, combined with different social movement strategies and dynamic relations, shaped the direction at various crossroads and milestones in Taiwan's journey to marriage equality. This article has revealed the complex socio-political dynamics behind Taiwan's SSM legislation, and contributed to the ongoing discussions on the changing global social movements and countermovements around gender, sexuality, and other forms of identities. The hybrid model of social movements, in this sense, helps us make sense of complex social movement dynamics and relations in the everchanging landscape of social conditions and contingencies, which continue to shape our understandings and practices of social movement and countermovement strategies.

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