

THE INSTITUTIONAL DESIGN FACTOR: AN ANALYSIS OF GENDER QUOTAS IN TAIWAN AND SOUTH KOREA

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ABSTRACT Taiwan and South Korea have both implemented gender quotas to improve the electoral representation of women within their governments; however, a large difference remains in the level of women's representation in each legislature. Currently, 42% of seats are held by women in Taiwan's Legislative Yuan compared to the 19.1% of seats held by women in South Korea's National Assembly. The effectiveness of gender quotas has varied despite both countries having similar electoral systems and socioeconomic factors. To understand the variation, this paper looks at how the differences in institutional design have affected the implementation and enforcement of gender quotas. A central research question is employed which asks: to what extent and in what ways has institutional design impacted the political representation of women in Taiwan and South Korea? This paper argues that the variation in quota effectiveness between Taiwan and South Korea has depended on two institutional design factors: how quotas are enforced, and the electoral frameworks in which they are introduced. Strong enforcement mechanisms combined with an electoral system that does not resist the introduction of quotas are factors that have improved the level of women's representation in Taiwan compared to South Korea.

INTRODUCTION

Taiwan and South Korea (henceforth Korea) have both implemented gender quotas within their political systems to improve the electoral representation of women. Gender quotas were first introduced in Taiwan in the 1950s with the implementation of a reserved seat system and were expanded in 2005 to further increase representation (Shim 2021). In Korea, gender quotas were first adopted in 2000 and were amended in 2004, increasing the percentage of women required to hold seats (Shin 2014). While gender quotas have been implemented within each electoral system, there is a large difference in the level of women's representation between Taiwan and Korea. Currently, 42% of seats are held by women in Taiwan's Legislative Yuan compared to the 19.1% of seats held by women in Korea's National Assembly (International IDEA 2023). To understand the variation, this paper questions how the institutional design factor has affected the implementation and

enforcement of gender quotas and impacted the political representation of women in Taiwan and Korea.

Taiwan and Korea are effective cases to compare because of their institutional similarities. Both are affluent post-industrial democracies, with unicameral legislatures and similar electoral systems (Tan 2016). The implementation of revised gender quotas occurred in the 2000s when both had adopted a mixed electoral system that combined single-member districts (SMDs) with a proportional representation (PR) component (Huang 2022; Shin 2014). Socioeconomic factors are also similar, with Taiwan and Korea both having very high human development scores: in 2021 Taiwan ranked 19th with a score of 0.926 on the Human Development Index, and Korea ranked 20th with a score of 0.925 (National Statistics Taiwan 2022; Human Development Reports 2021). Because of these similarities,

the different institutional design of gender quotas in Taiwan and Korea can potentially explain the large variation in women's representation.

This paper argues that the variation in quota effectiveness between Taiwan and Korea has depended on two institutional design factors: how quotas are enforced, and the electoral frameworks in which they are introduced. Strong enforcement mechanisms combined with an electoral system that does not resist the introduction of quotas are factors that increase the level of women's representation. While the adoption of gender quotas has positively impacted the number of women in each electoral system, Taiwan's electoral design along with their enforcement of quotas has more effectively increased women's political representation. To make this claim the paper will proceed as follows: First, it will describe the importance of institutional design factor on a woman's ability to participate in politics. Second, it will introduce the concept of gender quotas as a tool of institutional design to improve representation. Third, it will compare the cases of Taiwan and Korea by exploring the implementation and enforcement of gender quotas in each system.

INSTITUTIONAL CONSTRAINTS & GENDER QUOTAS

Political institutional design is a factor that contributes to the underrepresentation of women in electoral politics (Prodip 2021; Lovenduski 2005). Women face many structural barriers that limit their opportunities to enter the political system, such as discriminatory laws, lack of political party support, gender biased media coverage, and lack of resources (UN Women, n.d; Prodip 2021). Political institutions have also traditionally been characterized by priorities and practices that have privileged masculinity while being resistant to change (Lovenduski 2005). Women have historically been excluded from the 'masculine' domain of politics and were associated with taking care of the home and family within the private sphere. While women were gradually able to enter the masculine sphere, perceptions of traditional gender roles and stereotypes remained,

questioning women's suitability to participate in politics (ACE Project, n.d.). The dual burden of employment and domestic work that women often encounter also makes their participation in electoral politics more demanding. The ACE Project argues that this has resulted in a male dominated model of politics that has tended to "undermine the value of women's contributions and their participation" ("Gender and Elections"). These factors have made it difficult for women to engage in politics -- without fundamentally changing the design of political institutions, women are forced to participate within a system containing structural barriers and established norms that have historically failed to consider their interests. Political institutional design, which determines the rules and regulations of electoral politics, is therefore an important factor in determining the level of women's representation.

Gender quotas are a tool of institutional design aimed at increasing women's representation in politics. They are implemented within political institutions to remove the structural barriers that prevent women from obtaining equal electoral opportunities. An increasing number of countries have adopted gender quotas as a means of 'fast-tracking' women into politics: by actively creating institutional space for women, gender quotas can increase the growth trajectory of women's electoral representation (Dahlerup and Freidenvall 2005). Although gender quotas have been criticized as undemocratic and a violation of the concept of 'equal opportunity for all', many scholars argue that they are necessary. Because the inherent institutional design of political systems prevents women from achieving equal electoral opportunities, systematic mechanisms are needed to ensure equality of results (Dahlerup and Freidenvall 2005). When women are not equally represented in electoral politics, the legitimacy of democratic political institutions is threatened. There is a consensus among gender and politics scholars that the process of democratic consolidation is strengthened when there is equal inclusion of women in parliaments (Dahlerup 2005; Lee and Lee 2020; Prodip 2021).

Taiwan and Korea have both implemented gender quotas to improve the democratic

function of their electoral systems by increasing the opportunities for women in politics (Tan 2016). The adoption of gender quotas has positively impacted the number of women participating in each electoral system. The increased growth trajectory of women's representation after the introduction of revised gender quotas is presented in figure 1. In Taiwan, the biggest increase in women's representation occurred after the 2005 constitutional amendment that changed the electoral system and revised quota laws (Yang 2018). Women's representation in Taiwan rose 10 percentage points from 20.88% in the 2004 election to 30.08% in the 2008 election. Similarly in Korea, after the revision of its quota law in 2004 (Shin 2014), the percentage of women's representation more than doubled between the 2000 (5.86%) and 2004 (13.04%) election. Despite the overall increase in women's representation, a large gap remains between the number of female legislators in Taiwan and Korea. The next sections will explore the specifics of gender quotas in each electoral system, focusing on the variation caused by the institutional design factors of quota enforcement and the electoral framework (see Figure 1).

ELECTORAL FRAMEWORK OF GENDER QUOTAS IN TAIWAN

Gender quotas were first introduced into Taiwanese politics in the 1950s. In 1949 when the Nationalist Party lost the Chinese Civil War, the Republic of China (ROC) government and constitution moved to Taiwan (Huang 2019). This 1946 constitution enforced Taiwan's first gender quota, stipulating that roughly 10% of seats would be reserved for women in all political elections (Huang 2016). While this gender quota was effectively implemented in Taiwan's local elections from 1950 onwards, at the national level the quota could not be implemented as elections were suspended under martial law (Yang 2018). Huang (2019) argues that the quotas in Taiwan's pre-democratization period did bring some women into politics: however, "the effects of this low quota level were limited" and worked to obstruct women's political participation once Taiwan did democratize (643).

After democratization in 1987, Taiwan went through numerous constitutional amendments that changed both the electoral system and the gender quota system. In 2005, Taiwan passed a constitutional amendment that introduced a new electoral system which altered the reserved seat gender quota. This electoral reform saw the single non-transferable vote (SNTV) system be replaced with a mixed-member majoritarian (MMM) system (Batto 2014). In this MMM system, the seats in Taiwan's Legislative Yuan were reduced from 225 to 113 and it saw 73 seats elected through single-member districts (SMDs), 34 seats elected through a closed proportional representation list (PR list), and 6 seats elected in aboriginal constituencies (Constitution of the ROC 2005). The reserved seat system was also removed and replaced with a mandate that 50% of all candidates on the PR list had to be women (Constitution of the ROC 2005). While the gender quota in Taiwan's old electoral system reserved roughly 10% of seats for women, this new electoral quota only increased women's representation to 15%; since the PR list required 50% of candidates to be women, it designated 17 out of the 34 seats for women, or roughly 15% of all seats within the Legislative Yuan.

The electoral framework that Taiwan introduced in 2005, increased the effectiveness of gender quotas. While previous research has shown that SMD electoral systems are less favourable to women than PR systems (Norris 2004), Taiwan's electoral framework led to an increase in the number of women elected in SMDs. Yang (2018) argues that women were more successful in SMD seats because of the institutional changes to the electoral system: the downsizing of the Legislative Yuan meant that there was a smaller demand for female candidates, which increased the reserve pool of available women previously elected with the old SNTV system. Huang furthers this point by arguing that Taiwan's gender quotas implemented at the local level created a spillover effect on the national legislature (2019). Between 2004 and 2016, around 30-40% of women elected at the national level had previous political experience at the local level. The electoral framework that Taiwan's

gender quotas were introduced into meant that an enlarged pool of female candidates from both the local and national level were available to run for office. Despite the consensus that SMDs are less favourable to women candidates, Huang argues that Taiwan's "SMDs in the parallel electoral system have [had] no negative effect on women's descriptive representation" (651).

ELECTORAL FRAMEWORK OF GENDER QUOTAS IN KOREA

After Korea returned to constitutional democratic rule in 1987, feminist groups pushed the government towards adopting gender quotas (Yoon and Shin 2015). In 2000 through the revision of the Political Party Act, Korea adopted its first gender quota proposing that a percentage of women should be included on candidate lists. The law recommended that political parties nominate at least 30% of women for seats in the proportional representation (PR) districts; however, the lack of party compliance and enforcement mechanisms meant that the quota was not reached (Lee and Shin 2016). The government amended the quota before the 2004 national election to increase the percentage of women nominated by PR lists to 50% and it suggested that 30% of SMD positions should be held by women (Moon et al. 2008). While the 50 percent quota for the PR list was mandatory, the 30 percent quota applied to Korea's SMD seats was only recommended (Moon et al. 2008). Yoon and Shin (2015) note that the initial introduction of gender quotas in the 2004 election doubled women's representation, suggesting that gender quotas were a positive implementation in Korea's national electoral system.

However, Korea's electoral framework disadvantages women running for office. Korea's National Assembly favours SMD seats, which has restricted the ability for women to equally participate in government. The mixed-member electoral system in the National Assembly elects 253 seats through SMDs, and 47 seats through a PR list (Shin 2022). The number of SMD seats in Korea's National Assembly counts for 84% of seats available compared to the 16% of seats

available through PR. As previously discussed, SMD seats are more difficult for women to win compared to PR seats, meaning that Korea's electoral framework has not effectively removed barriers to women's representation (Lee and Shin 2016). This has contributed to the large variation in women's representation between Korea and Taiwan, as the electoral system has discouraged women from running in SMD seats.

ENFORCEMENT OF QUOTAS

Another institutional design factor that affects quota efficiency is the level of quota enforcement within the electoral system. Schwindt-Bayer (2009) argues that for gender quotas to be useful, there needs to be compliance from political parties as well as mechanisms built into political institutions that properly enforce quota levels. Effective enforcement mechanisms, like stipulations in the electoral law and/or constitutional provisions, need to include consequences for parties who fail to comply with the quotas (Schwindt-Bayer 2009). The level of quota enforcement in Taiwan and Korea has led to varying levels of women's representation.

Taiwan's history with gender quotas combined with strong quota enforcement mechanisms are the institutional factors that have contributed to its high level of women's representation. Huang (2019) argues that because of Taiwan's history with reserved seats in its elections, "the enforcement of gender quotas was a non-issue" (652). When the constitution was amended or a new quota law was adopted, political parties would always comply with the required quota (Huang 2019). Strong enforcement measures are also built into Taiwan's electoral institutions, as the Central Election Commission (CEC) holds the power to declare the candidate list for elections and determine who the elected winners are. For Taiwan's 50% PR list quota adopted in 2004, the CEC simply rejects any party list with less than 50% women (Huang 2016). This created a strong incentive for compliance; if Taiwanese parties wanted to participate in elections, they needed to meet the minimum quota requirement. The effective quota enforcement mechanism in Taiwan has

increased the percentage of women's representation, as there are no opportunities for political parties to find loopholes. The institutional design factor of quota enforcement has been a positive institutional design factor in Taiwan.

Gender quotas in Korea's electoral system lack effective institutional enforcement, which has contributed to the low level of women's representation. Unlike Taiwan, whose electoral commission rejects any party list that fails to comply with its 50% PR list quota, there is no mechanism in Korea's electoral system that enforces the candidate lists (Li and Shin 2016). While parties generally comply with the 50% PR quota, there are non-compliance issues with the 30% SMD quota (Yoon and Shin 2015). After the introduction of quotas in 2004, figure 2 demonstrates how Korean elections always fulfill the 50% PR seat requirement, while failing to implement the 30% SMD requirement effectively. Institutional factors have played a role in this non-compliance as there are no consequences for political parties who do not meet the 30% SMD quota. Instead, Korea's electoral law rewards parties who do comply. The Political Fund Act was amended in 2002, to allow parties that complied with the quota for SMDs to have access to political funds from the state budget (Yoon and Shin 2015). This limited enforcement method has not increased the number of women who hold SMDs as the percentage of women remains low. Figure 2 illustrates that women's representation has not passed 12% in SMDs despite the gender quota being implemented in 2004. Yoon and Shin (2015) argue that if political parties complied with the current legislative gender quotas in Korea, the political representation of women parliamentarians would increase to around 33.6%. The lack of enforcement mechanisms is detrimental to the effectiveness of gender quotas in Korea and

has kept the number of women winning electoral seats low. By not enforcing its gender quotas, Korea is failing to remove the structural barriers that prevent women from achieving equal electoral opportunities (see Figure 2).

CONCLUSION

While the institutional design of gender quotas implemented in Taiwan and South Korea has 'fast-tracked' the increase of women's political representation (Batto 2019; Tan 2016; Yoon and Shin 2017), it has also led to a large variation in the number of women elected. The variation in quota effectiveness between Taiwan and Korea has depended on how quotas are enforced, and the electoral frameworks in which quotas are introduced. Taiwan has benefited from strong enforcement mechanisms combined with an electoral system that has not disadvantaged women with SMD seats. The downsizing of legislative Yuan created a 'spillover effect' that increased the pool of available women who could run these SMD seats. Also, the long history of mandatory reserved seats has made quotas a familiar institutional design within Taiwanese electoral politics (Huang 2019). Korea has failed to implement any effective enforcement mechanism for its quota system, leading to widespread non-compliance from political parties. The Korean electoral system has also favoured PR seats when electing women to office, which only constitute a small minority of available seats. Because of electoral design, women have struggled to take district seats, and political parties have been resistant to change, contributing to Korea's low female representation. By comparing the cases of Korea and Taiwan, it is evident that the institutional design factor of gender quotas impacts the level of women's representation.

Figures:

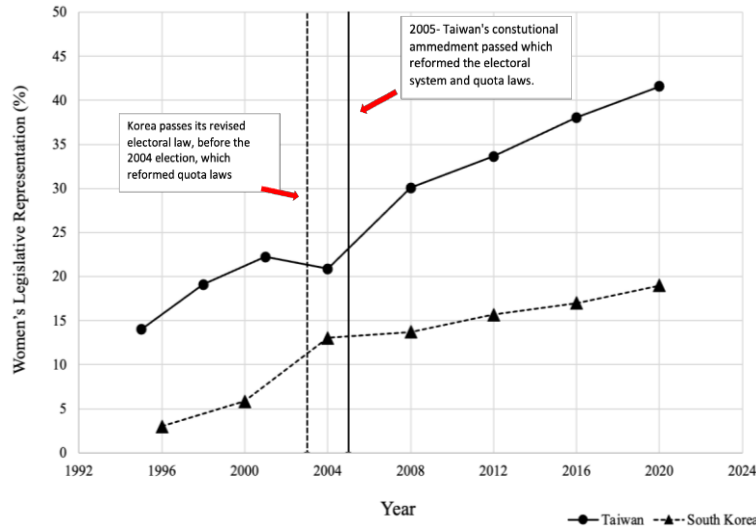


Figure 1. *Women's Legislative Representation in Taiwan and Korea (1995-2020).* Data sourced from Inter-Parliamentary Union (IPU). n.d., and Taiwan's Central Election Commission. n.d.

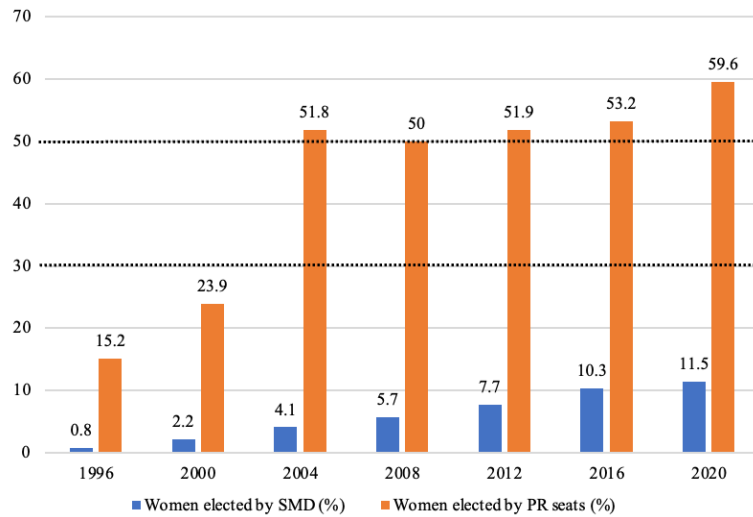


Figure 2. *Seat Percentage of Women elected to SMD and PR in Korea's National Assembly compared to the quota requirement (1996-2020).* After 2004, Korea required that 30% of SMD seats and 50% of PR seats be held by women. Figure adapted from Yoon and Shin, 2015.

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