

**WHY DOES A GOVERNMENT MAKE REFERENDUMS  
EASIER FOR THE OPPOSITION?  
A HYPOTHESIS-GENERATING CASE STUDY OF  
TAIWAN**

By

**Ruichuan Yu**

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Supervisor: Matthijs Bogaards

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## ABSTRACT

Referendums are more frequently used as an indispensable policy-decision mechanism in democracies. There is a trend of the increasing use of the referendum among the new democracies since the third wave of democratization, while less attention has been paid to the institutional changes of referendums. Most democracies tend to maintain restrictive provision to make the referendum less accessible to the public. Lowering the referendum thresholds rarely happens among the new democracies, especially without the purpose of power abuse. Taiwan seems to be the only case among the new democracies in which the winning party lowered referendum thresholds, not for power abuse. This thesis focuses on the question of why a political party in a new democracy would like to promise to lower the referendum thresholds during the election campaign and fulfill this promise after winning the election. Since there is a lack of literature specifically on the political party's lowering the referendum thresholds, this thesis generates four hypotheses to explain this question above based on the case study of Taiwan.

This thesis starts with an introduction to the case of Taiwan and the core questions this thesis is going to answer. In chapter 2, I clarify the definition of the term “referendum” in this thesis and discuss the types of referendum thresholds and why thresholds matter. In chapter 3, I analyze the existing literature with a focus on parties' motivation of selecting issues and fulfilling promised ahead and after the election. In this chapter, an overview of relations between the referendum thresholds and the political party is briefly introduced due to the limited existing literature. In chapter 4, I contextualize the case of Taiwan by analyzing the multiple-dimension external conditions. Besides, I generate four hypotheses to explain why the Democratic Progressive Party (DPP) in Taiwan proposed the issue of the referendum reform

and made a promises to lower the referendum thresholds during the election campaign, and why the DPP moderately fulfilled its commitments despite the risk that the fulfillment of this promise would hurt its governance. In chapter 5, I discuss the impacts and consequences of lowering the referendum thresholds and try to summarize the necessary and sufficient conditions under which lowering referendum thresholds could happen in other democracies. In chapter 6, I conclude by a summary of generated hypotheses and further research ideas.

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# CHAPTER 1

## INTRODUCTION

Morel (2012) points out that “provisions for referendums have tended to increase in the past few decades” (p9). She takes post-communist countries in Eastern and Central Europe as examples to argue that new democracies after the third wave tend to set up substantial provision for referendums (and popular initiatives) during their democratization. Empirically she states that the vast majority of new democracies have restricted opportunities for referendums due to the historical reason. Compared to authoritarian regimes in which the rulers might intentionally change the referendum rules for the sake of their political ambition, rare democracies have experienced frequent changes in the referendum rules. Democracies tend to maintain set thresholds stable. Democracies in practice share a consensus that it is necessary to make referendums less available to the public, treating the referendum as a complementary mechanism to representative political machines (Marko 2016).

Moreover, parties are less inclined to make promises of lowering the referendum thresholds. The reason behind it is deemed self-evident. It is irrational for a ruling party to relax the referendum constraints, which would make the public and the opposition parties easier to initiate or pass any referendum against the government’s policies. Similarly, no parties would like to make promises to lower the referendum thresholds in the election, if they know there is a chance to win. Moreover, no parties would like to raise a proposal to increase the difficulty of a referendum, which would only make themselves criticized as constraining people’s rights. It appears that the issue of referendum reforms is not always a favorite and safe topic during a democratic election campaign. On the other hand, relaxing referendum requirements is the

most likely to happen when incumbent authorities attempt to bypass the parliament and expand power. If this occurs, the referendum will become a tool of the authoritarian ruling.

It seems that Taiwan is the only exceptional case among all new democracies since the third wave of democratization, in which the ruling party Democratic Progressive Party (DPP) lowered the referendum thresholds substantively. The DPP made its campaign pledge to lower the referendum thresholds and fulfilled this pledge after it won the presidential election and more than two third seats in the parliament in 2016. It seems nonsensical for a ruling party with an absolute majority advantage to relax the referendum constraints. It looks more irrational for a winning party in the transitional period to change the institutions in order not to retain its grip on power, but to create more opportunities for the opposition party and the public to boycott its governance.

How did the DPP lower the referendum thresholds in Taiwan? The new amendments to the Referendum Act 1) lower the legal voting age for referendums from 20 to 18; 2) lower the threshold for initiation of national and regional referendums from 0.5 % of the electorate in the most recent presidential election, or about 90,000, to 0.01%, or about 1,800; 3) lower the number of signatures required for a proposed referendum to pass its second stage from 5 % of all eligible voters to 1.5 %, or about 280,000; 4) eliminate the review commission which could veto any referendum proposal; 5) cancel the turnout quorum of 50% of the electorate; and 6) lower the approval quorum from 50% of the electorate to a condition that valid ballots of assent are more than ballots of dissent and reach 1/4 of eligible voters. However, the new amendments to the Referendum Act do not relax the issue constraints, which means any proposal to amend the Constitution, especially to change the nation's name, anthem, flag, or territorial boundaries, should be approved by the parliament first and endorsed by more than 50% of the electorate.

Thus, issues like whether Taiwan should be officially independent cannot be put in a referendum in the same manner.

This notable lowering referendum thresholds consequently led to a disadvantage to the DPP's governance. In 2018, there were ten referendums proposed by the opposition party and civic organizations held together with the local election, and seven of them were passed, which were all against the government's current policies. The referendum voting also affected the local election, which the DPP lost massively.

Taiwan seems to be the only case among new democracies in which the referendum thresholds have been lowered significantly and intentionally by the ruling party without any purpose of power abuse. Slovenia is the additional case in which its referendum regulations were adjusted in 2013. However, Slovenian lawmakers constrained the use of the legislative referendum, to prevent the unconstitutional consequences induced by the abusive use of referendums.

The main amendments contain three fundamental changes, which are 1) eliminating the right of the parliamentary minority or the second house to call a referendum, 2) excluding some issues from the referendum vote, and 3) setting up a rejective model, according to which a referendum is rejected if more than 20% of the electorate vote against the act and the majority of voters vote against the act. It is designed to enhance the legitimacy of the referendum decision. After these amendments, a legislative referendum can be applied to a limited range of issues and be launched only by the citizens. These amendments cannot be considered as a move of lowering the referendum thresholds, due to the reality that these adjustments limit the scope of the referendum's subject, exclude parliament from being the initiators and set up the



revised turnout quorum. As for the “rejective model” referendum, it finds that hard to judge whether it makes an act easier to be passed or not.

These amendments followed after several failed attempts to fix the side effects of the previous provision on the legislative referendum drafted in 1991 when Slovenia was independent. Firstly, the previous provision on the legislative referendum did not set up any turnout or approval quorum, which means any referendum can be approved by a small but active minority. Secondly, the legislative referendum became a weapon for the opposition party in parliament to boycott the incumbent government and the parliament. Thirdly, the previous regulation gave the constitutional courts veto power to block any referendum proposal. The previous institutional design and practice degenerated referendums into a weapon for political divergence and disorder. However, if we consider the background of this referendum reform, we may find that these amendments help voters to practice their referendum rights with better quality. These amendments guarantee that only citizens can call a referendum, which to some extent ensures that the right of holding a referendum is at the hands of the public.

Both Slovenia and Taiwan change their referendum regulations with clear directions. The only difference is that one is lowering the referendum thresholds, while the other is constraining the use of referendums.

The case of lowering the referendum thresholds in Taiwan brings the following unexplained questions. The first question is why the DPP choose the issue of lowering referendum thresholds as one of its campaign pledges. Put it differently, why did the DPP believe proposing this issue would help its election?

The second question is why the DPP fulfilled its election pledges to lower the referendum thresholds as it promised and how exactly the DPP did so. It is understandable that the parties make some pledges during the election campaign, which were not meant to be realized. Some pledges might serve for the election strategy. Others might bring side effects. After winning the election and holding power as the ruling party, it is rational for the DPP not to keep promises if the side effects of fulfilling promises will make an obstacle to its governance. Thus, it is necessary to explain why the DPP still committed to realizing its promise to lower the referendum thresholds after winning the election despite the side effects. We might also ask, can it be also rational for parties to keep promises even if there are recognizable side effects? Besides, by scrutinizing how the DPP amended the Referendum Act, we found that the DPP lowered the referendum thresholds in a moderate rather than radical manner. The DPP left one of the most constrained regulations unchanged in the new Referendum Act. How do we explain the DPP's decision?

The third question is about the implications of this referendum reform. Particularly, why did this change not lead to power abuse? How will this change affect the democratization of Taiwan? The fourth question is how representative the case of Taiwan is among new democracies. What are the necessary and sufficient conditions a democracy need if lowering the referendum thresholds happens? While most new democracies tend to maintain its original set referendum provisions, the newly elected party DPP in Taiwan won an absolute majority in the parliament but still intentionally lowered the referendum thresholds, taking the risk of giving up some power to the opposition party and the citizens. If lowering the referendum thresholds could grant the public more direct power and guarantee checks and balances, this referendum reform should be considered as a significant step towards democratic consolidation. One might wonder if there is any experience other new democracies could learn

from Taiwan and if these conditions extracted from the case of Taiwan work in other cases as well.

According to Lijphart (1971) and Eckstein (1975), this thesis is a hypothesis-generating case study, to develop the theoretical explanations in the field of the referendum thresholds dynamics, where “no theory exists yet” (Lijphart 1971: 692). This thesis focuses on the above questions and generates four theoretical hypotheses based on the literature analysis and the case study of Taiwan. Levy (2008) argues that hypothesis-generating case studies “contribute to the process of theory construction rather than to theory itself” (p5). So that hypothesis-generating case study is the preliminary step towards the process of theory construction. The hypothesis is like “a clue to a valid general model” (Eckstein 1975: 104), which can be further generalized and tested with further methods.

The primary purpose of this thesis is to generate hypotheses instead of testing hypotheses because there seems no existing mature theory to explain precisely why the referendum thresholds are lowered or adjusted, or how the referendum thresholds change or evolve among democracies from a comparative perspective. In addition to a lack of related literature, so far it seems that there are no additional cases besides Taiwan in terms of lowering the referendum thresholds massively and not for power abuse. That is why the case study of Taiwan is worthwhile to generate new hypotheses to explain the case of Taiwan. Thus, this crucial case helps us to understand a possible trend of institutional change of referendums among new democracies. This case also helps us to investigate the mechanisms of interaction between the direct democracy and political parties in transitional representative democracies. In short, this thesis is going to give rise to hypotheses based on the case study of Taiwan, rather than test hypotheses or even build a new theory.



## **CHAPTER 2**

### **REFERENDUM AND ITS THRESHOLDS**

In this chapter, I define the term referendum and list the most representative types of referendum thresholds. There is a variance of operational definitions of the “referendum,” “plebiscite,” and “initiative.” According to the existing work of Setälä (1999), Qvortrup (2017 and 2018) and Morel (2012 and 2017), etc., the classification of “referendum” can be built on the division of procedures and the nature of who indeed starts and control the procedure. Different countries regulate multiple versions of direct democracy devices in their laws. In this thesis, I differentiate the “plebiscite,” which is authorities’ controlled popular votes often used in authoritarian regimes, from “referendum” and “initiative” which are mostly used in the democratic contexts. For the sake of simplicity and the reality of the variance of the operational definitions of different direct democracy devices, I use the term “referendum” to refer to all kinds of direct democracy devices. In this thesis, “referendum” means a tool that voters possess to make a direct decision on public affairs circumventing the representative political system in democracies. A referendum can be initiated by different agencies or bodies (either by the legislature or the executive government or by the public) and passed through different thresholds. The referendum, as a formal institution in democracies, functions as a complementary decision-making mechanism embedded in the representative democratic system. As a legislative instrument, the referendum can be manipulated by parties and elites.

Referendum institutions vary among democracies. Almost all new democracies regulate more than one version of referendums in their constitutions or laws. Different versions of referendums have unique combinations of thresholds. I use the term “thresholds” to refer to any institutional provision and regulation, which could constrain a referendum from being

initiated or passed. What kinds of institutional thresholds are utilized to regulate the referendum? How do scholars categorize and compare these thresholds? A comparative overview of different types of referendum thresholds is necessary to help us understand why changing the referendum thresholds matter for a new democracy, theoretically and practically. Based on work by Qvortrup (2017 and 2018) and Morel (2012 and 2017), as well as the dataset collected by Direct Democracy Navigator, I review the main formal institutional thresholds in the referendum procedure in general.

A) The initiators. Who is entitled to initiate a referendum? In some countries, the representative bodies could start the procedure while in other cases, this initiation right is only at the hands of the public. The typical entities which normally have the initiation right are the citizens, the constitution, parliament, and president. A referendum can be triggered automatically given a certain constitutional condition. There are some relevant provisions to the initiator rights, for instance, whether the minority in the parliament has the right to start a referendum, how many signatures are needed to start a referendum, and under what conditions referendums can be initiated respectively by a specific governmental body, and so on.

B) The issue of the referendum. In some countries, a referendum can be requested for any legislative issue. However, in most cases, specific issues are excluded from the scope of the referendum, such as financial projects, human rights, and change of territory.

C) The number of the signature. If citizens initiate a referendum, a certain number of signatures is required to be collected within a bounded period. The needed amount of signature can be a fixed number or a ratio of the entire electorate. The proposer is required to collect a certain amount of signature from citizens who back up this initiative. This kind of provision is a way

to heighten the difficulty of starting a referendum. The signature collection is costly, and thus, the higher the signature requirement is stipulated, the less likely the initiative can be proposed. It is designed to avoid the overuse of the initiated referendum, but an overly high signature threshold will also hinder citizen engagement and make this system unworkable.

D) The veto power. There are diverse kinds of veto power during a referendum procedure, which could prevent a referendum from being initiated or continued. In some democracies, a referendum can be blocked by the supreme or constitutional court, while in others, institutions like the central election commission, which is often affiliated with the parliament, play this role. No matter which initiator starts a referendum, the final fate of this referendum is at the hands of the veto power.

E) The turnout quorum. It is a widespread stipulation that a referendum is regarded as valid only when a certain percentage of the voters of the entire electorate cast their votes. The consequence of the turnout quorum is noticeable, which is that the end of a referendum tends to be determined by the voters who do not show up. The silent majority easily bars any referendum attempt in the final minute, which also gives manipulators opportunity to discourage citizens from voting. For instance, the institution-designer could pick a workday instead of a weekend to hold the referendum. On the other hand, a turnout quorum will prevent a vital policy from being decided by an active, mobilized minority. In most cases where there is a turnout quorum, the quorum is 50% of the electorate. Also, there are some exceptions. The range varies from 25% to 100% in which the vote is compulsory.

F) The decision quorum. This quorum can be an approval quorum, as well as a rejective quorum, which depends on whether this referendum is convened to reject an existing policy

(or law) or create and support a new policy (or law). The simplest version of a decision quorum is the regulation that the referendum is passed if the yes vote is more than no vote. Alternatively, a decision quorum can also be a ratio of the percentage of the yes vote to the entire electorate. In the case of Slovenia, the number is 20%, while in the case of Taiwan the number is currently 25%. The low decision quorum has a risk that an active minority can mobilize to pass a referendum which only they prefer. On the other hand, this institutional design intimates that anyone is obliged to turn out and vote.

Sometimes this quorum is regulated blended with the turnout quorum. The “dual-50% quorum” is a classic combination of the decision quorum and turnout quorum, which mean the turnout quorum and the decision quorum should be both over 50%. It is the hardest thresholds so far among democracies. Qvortrup (2014) points out that in most referendums, there were no special majority requirements, and the overly high quorum is a “mechanism of obstruction” (p130).

As for the approval quorums, Qvortrup (2008) further analyzes some unique requirements which are rarely applied. For instance, the geographic requirement is that a majority of the voters, as well as a majority of the states (or sub-national units), must approve a referendum. The ethnic majority requirement is that a majority of a specific ethnic group must support a proposal.

G) Whether the referendum outcome is binding. In some democracies, the referendum result is obligatory for the government to obey, and passing a referendum means a new law has been created. Nevertheless, in other cases, the referendum is only advisory, which means the result is not legally binding, and the legislators have much discretion to deal with the result. However,



since the referendum reflects people's will, the politicians are more likely to respect the result of the referendum in different ways at least in reality.

There are numerous additional thresholds to be named. In a general approach, any provision for the referendum could be a threshold. For instance, the system of voting, mentioned by Qvortrup (2014), can also be seen as a way of restricting people's choices. In most cases, voters can only vote in favor for or against the proposal, instead of choosing one among multiple different options.

This section examines the different kinds of thresholds and how they function to affect the use of referendums in practice. On the one hand, a relatively high threshold of referendums functions to prevent young representative democracy from the tyrants of the majority or power abuse. On the other hand, lowering referendum thresholds could guarantee the public's access to direct democracy for the sake of people's sovereignty.

Two points to be precise. The first one is that the legitimacy of the referendum does not get to have something to do with the thresholds. There is a possibility of a close outcome that might negatively affect the legitimacy of the referendum outcome. In some case, there are special majority requirements like a referendum is valid only if 60 percent of the voters must endorse the proposal. However, increasing quorum is not a necessary or efficient way to result in a clear margin. Qvortrup (2008) argues that specific requirements are unlikely to increase the legitimacy of the result. Moreover, We should not use the referendum as a resolution to every controversial issue. The rule of the majority can decide not all kinds of issues. For instance, human right issues cannot be put into a referendum in some democracies.

The second point is how we define a threshold is too high or too low, and how we set up a combination of different kinds of thresholds properly in a referendum. Qvortrup (2014) states that the majority requirement is not always warranted. The thresholds are subjective and interpretable. In the case of Taiwan, according to the newly amended Referendum Act, only 25% of the entire electorate is needed to decide the result of any referendum. Is this threshold too low to hold its legitimacy? According to Morel (2017), not only Taiwan applies this kind of quorum (for instance in Denmark the approval quorum of the minority-initiated referendum is 30%, in Slovenia this number is 20%), and most democracies do not apply any approval quorum. In short, there is a variance of the types and levels of the referendum thresholds among democracies.

Some researches have already investigated what factors determine the outcome of the referendums in general, to conclude that institutional constraints do affect the result of direct democracy (Matt Qvortrup, 2017 and 2018; Duran-Martinez, 2012). It is possible and reasonable for political parties to have willingness and capacities to make strategic decision to affect the referendum process or results (Hobolt, 2006; Nemcok, 2018). I argue that it is also feasible for parties to manipulate the referendum rules for their own sake.

## CHAPTER 3

### LITERATURE ANALYSIS

In this chapter, I analyze the existing literature and try to summarize any possible related findings which could explain why parties lower the referendum thresholds. There is the absence of research specifically on the referendum thresholds, changes of referendum thresholds, or even the relations between the referendum thresholds and the political party. I divide this chapter into four sub-sections, each of which respectively focuses on one research question. Section 3.1 introduces the main findings of existing literature on referendums and referendum thresholds. Section 3.2 and 3.3 analyze the literature on issue voting, trying to abstract existing explanations on the motivation of parties' issue selection. Section 3.4 analyzes the literature on the parties' fulfillment of election pledges and summarizes the possible explanations for the reasons why the parties fulfill their pre-election pledges.

#### 3.1 REFERENDUM THRESHOLDS AND THE CHANGES OF THRESHOLDS

The democratic world has witnessed a general trend toward ever more direct democracy practices (Theodore 2013; Fishkin and Luskin 2005; Qvortrup 2017, 2018). Based on the three foremost direct democracy datasets<sup>1</sup> and Qvortrup's (2018) and Morel's (2012) work, there are

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<sup>1</sup> There are three main online datasets focusing on referendums. The C2D dataset only provides referendum observations country by country and there is no function to download all observations in one Excel. The site of this dataset: <http://c2d.ch/>. The dataset Direct Democracy Navigator (DDN) provides the legal-design information of the referendum and initiatives in 115 countries without any referendum observations. The site of this dataset: <https://www.direct-democracy-navigator.org/>. The IDEA (Institute for Democracy and Electoral Assistance) has a Direct Democracy Database which provides the institutional and provisional information of different direct democracy devices in different countries. The site of this dataset: <https://www.idea.int/data-tools/data/direct-democracy>.

290 nationwide referendum observations in 43 (free) democracies from 1988 to 2016<sup>2</sup>. Besides, plenty of researches investigate the frequency of holding referendums, the referendum issues, and parties' strategies towards a specific referendum. There lacks attention to institutional changes in referendums and its causal explanations. Scarrow (2001) combed the institutional changes in referendum rules in 23 advanced democracies from 1970 to 1999. He uses an extended definition to include all patterns of the extension of direct citizen control, such as directly electing its prime minister or local leaders and introducing referendums on constitutional issues. In his dataset, a change in the referendum means a new referendum system is introduced in a country. He concludes that "fifteen of the countries (65%) have expanded formal opportunities for direct citizen control" (p7). There is no record of any specific provisional changes in referendum rules. After all, this is a pioneer work.

Besides, Aguiar-Conraria and Pedro (2008 and 2010) compare the quorum rules among EU countries, using the data in a report published by the Venice Commission in 2005<sup>3</sup>. Their work examines how different quorum rules affect turnout. Similarly, Herrera and Mattozzi (2010) focus on the relations between the quorum and turnout and find that the quorum requirement might negatively affect the expected turnout. Moreover, Eder, Vatter, and Freitag (2009) find that the high institutional hurdle of the referendum institutions commands costs of initiation

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<sup>2</sup> The list of democracies I refer to is based on Morel (2017), in which she qualifies 86 'free countries' in his direct democracy study. She excludes 21 out of them which are micro-countries which have less than 300,000 inhabitants. Based on this list of 65 free countries, I collected all nationwide referendum observations in these 65 countries from 1988 to 2016 from three main datasets manually. I eliminated the countries a) which have no referendum observations since 1988, b) which has more than 200 referendums distinctively (Switzerland), c) which only held an independence referendum since 1988. The reason for the elimination is to avoid the excessive influence of one case on the regression result, and when the countries held independence referendums, they had no institutional or provisional regulation on the referendum, so this kind of referendum is less relevant to this paper's aim. There are 377 observations remained in this dataset. The next step is to eliminate the observations which lack vote information, here I double-checked the dataset created by Qvortrup (2018) in his edited book "Referendum around the World with a Foreword by Sir David Butler", in which he collected the country name, the year, the issue, the turnout and the yes vote ratio, etc. five indicators. If the voting information is missing in both Qvortrup's dataset and three main datasets, I deleted this record. Eventually, there are 290 full-information nationwide referendum observations in 43 free democracies from 1988 to 2016.

<sup>3</sup> Venice Commission. "Referendums in Europe—An analysis of the legal rules in European States." Document CDL-AD (2005) 34 (2005).

and thereby restricts the number of referendum initiatives. It is a pioneer work in terms of providing empirical evidence on the relations between the institutional thresholds and the actual uses of the referendum. Arnold and Freier (2015) find that reducing the signature requirement will increase the probability of observing an initiative.

Furthermore, existing literature seems a lack of a specific explanation of the parties' decision on institutional changes in the referendum. Strom (1990) points out the theoretical plausibility of bidirectional influences of political institutions and party behavior. On the one hand, the design of institutions might be endogenous to party behavior. On the other hand, institutional changes may be not merely a product of path dependency but also a reflection of the party's mixed motives. Renwick (2007) analyzes the parties' motivations to make a promise to hold a referendum on electoral reform during the election. He opposes to the simple assumption that this promise was driven by the short-term electoral calculation. Instead, he argues that "the short-term self-interest, genuine belief in constitutional reform and recognition of the medium-term need to respond to public disquiet all contributed" (Renwick 2007: 8). His analysis based on interviews focuses on the parties' strategic considerations in an election, less focusing on the referendum itself. When it draws to the relations between the party and the referendum, Dür and Mateo (2011), argue that the parties' positions in the desirability of a specific referendum issue tend to be decided by the electoral competition. Whether to call for referendums is a tactical choice, to a large extent. Qvortrup (2018) also contends politicians are willing to take refuge referendums because of political expediency.

The limited existing literature, on the other hand, gives this thesis a chance to scrutinize the core research questions from any plausible perspective. This thesis is going to explain why a political party proposed the issue of referendum reforms, makes seemingly irrational promises

to lower the referendum thresholds during the election campaign and realizes its promise after winning the election.

### 3.2 THE POLITICS OF ISSUE VOTING

In this section, a series of literature on issue voting is examined to help generate hypotheses on why the DPP in Taiwan proposed the issue of lowering the referendum thresholds and made promises regarding referendum reforms during the election. Other relevant questions, such as how the issue of lowering the referendum thresholds should be categorized and how this issue matters for the DPP's election campaign are also included.

Issue study is originally innovated by the Downsian spatial framework (Sio and Weber 2014), which emphasizes on the divergence over policy among candidates. Pomper (1972) argues that voters are more inclined to identify the difference between parties on specific issues, and the voters' perceptions of issues have a more considerable influence on voting behavior than socio-demographic characteristics or partisanship. Compared to economic factors, issues have been empirically proved to matter more when both economic and issues have an impact on voting (Blais et al. 2004). More specifically, Lachat (2011) shows that voters incline to rely on issues as substantial criteria when elections are competitive. Besides, issues also play a role in the candidate evaluation (Grynaviski and Corrigan 2006). Therefore, the issue, as a critical component of the election, affects the voters' preference and the parties' strategies.

How do issues matter for voters, candidates, and parties' campaigns? Firstly, issues are changeable with uncertainty during the election. Heath (2016) points out the influence of specific issues changes over time. Petrocik (1996) explicates that different issues matter for

different parties. Tavits (2008) claims that a new party's choice of which issues to emphasize can determine its electoral success or failure. It underlines the importance of the issue in party competition in addition to the parties' position. Voters respond differently to the same issue under altered conditions (De Vries and Solaz 2017). Alvarez and Nagler (1997) demonstrate the relations between issues and voters' decisions. They argue that if the parties give more significant policy choices in the election, it is more probable that issue voting matters. In general, issues play a vital role in voting and elections. In the following paragraphs, a more detailed discussion is presented on how different types of issues function distinctively in election campaigns.

Why do parties prefer the particular issue(s) to others? The overall impact of an issue is perceived as a function of contextual variation (Thomassen 2005). There is a presumption that voters are expected to weigh the benefits and costs of voting and pursue the possible highest benefits with the least cost (Alvarez and Nagler 1997; Kim 2009). However, voters do not systematically or automatically adjust their perceptions during campaigns, even if parties change their policy stances (Adams, Ezrow, and Somer-Topcu 2011). Whether an issue would be intrinsically beneficial to the party depends on how the parties treat issues under specific conditions. This thesis categorizes issues into four divisions, namely the identity and competition issue, the valence issue, the wedge issue, and the salient issue.

The first division is the identity and competition issue. The former is used to mobilize stable supporters, while the latter is adopted to broaden the support base and win new voters (Sio and Weber 2014). The issue of lowering the referendum thresholds belongs to neither of them since this issue is not popular enough, and most voters are indifferent towards it.

The second division is the valence issue. Voters usually share a common preference on this kind of issue. Stokes (1963) develops the distinction between position and valence issues. Facing the valence issues, parties are confined in what they can do (Macdonald and Rabinowitz 1998). Parties do not compete by positioning themselves but trying to prove their commitment and credibility of realizing the promises concerning this issue (Stokes 1963). Green (2007) shows a rise in valence politics and illustrates the impacts of this kind of consensual issues. The existence of valence issues affects the parties' decision of where they would locate themselves in the multiple-dimension policy spectrum. Ansolabehere and Snyder (2000) argue that a party decides its position on the valence issue according to its calculation of the relative advantages it could take over this issue. Furthermore, a party with an advantage on a valence issue will usually take a middle-of-the-road position, while a disadvantaged party will be more vulnerable to be attacked by the radical or even extremist political groups.

The third division is the wedge issue. This kind of issue has a controversial or divisive nature, which could split apart a demographic or population group. The strategic use of wedge issues is more studied in the United States context in which two main parties attempt to attack each other's weakest point (van de Wardt, De Vries, and Hobolt 2014; Hillygus and Shields 2014; Jeong et al. 2011). There is a variance of the functions of wedge issues in different party systems. In multipartite systems, not every opposition party is enthusiastic about mobilizing divisive issues to unseat the government, only if the challenger parties are newly formed without the historical burden. Parties that initially propose radical wedge issues are to distinguish themselves from their mainstream counterparts in opposition (van de Wardt, De Vries, and Hobolt 2014).

The fourth and last division is the salient issue. Scholars argue that parties selectively pay more



attention to the issues which the parties consider they have an advantage (Budge 1982; Petrocik 1996). It is reasonable for parties not to claim their positions on every issue. As for voters, RePass (1929) points out there are large proportions of the electorate who can perceive accurately differences among parties' stances on issues that matter to them. Since individuals have their judgment on what issue seems more important to themselves, the issue which matters more might be more likely to be relied by voters on their evaluation of candidates and decision-making (Fournier et al. 2003). Dellis (2009) illuminates incentives for candidates to attach importance to salience issues. The first reason is that the salient issue one candidate focuses on could yield an electoral advantage in return. The second is to defuse other salient issues which a candidate is disadvantaged proposed by the competitors. Dellis also predicts the scenarios where the elected parties cannot address all issues promised during the election. He holds that a policy-driven candidate not only employs the salient issues as a response to current challenges but also tries to influence which issues will be salient in the next election by manipulating policy choices.

However, there are disagreements on parties' salient issue choices. Dolezal et al. (2014) argue that parties tend to confront each other on the same controversial issues rather than avoid confrontation by emphasizing issues that are only beneficial to themselves. Theoretically, it is reasonable for parties to choose to avoid confrontation over policies. Nonetheless, sometimes sticking to parties' stances and proving their commitment is more likely to win voters' recognition. The confrontation over policy seems to be the dominant way of competition (Dolezal et al. 2014), while parties might have the discretion to create a combined strategy of putting more emphasis on the issue they own, de-emphasizing the issue they are in the disadvantaged position, and not fearing of confronting against opposite stances.

In general, how voters treat different issues is uncertain, which is a great twist to be taken into consideration when a party decides what issues to be proposed in the election and how to propose them. In the following subsection, an overview of how the parties deal with different issues is introduced.

### 3.3 PARTY'S STRATEGIES ON ISSUES

Diverse issues function differently in one election. It is owing to not only voters' elusive preference on issues, but also how parties manipulate issues tentatively. This subsection reviews four different strategies that parties would like to use. The four strategies are the issue competition, the issue framing, the issue ownership, and the issue selection. Founded on the theoretical analysis of parties' strategies on issues, I generate some hypotheses on the DPP's issue choice in the case of Taiwan in the next chapter.

The first strategy is the issue competition. Candidates have incentives to emphasize different issues in campaigns (Green and Jennings 2012), based on the assumption that candidates gain votes by shifting voters' attention from the mess to selectively emphasized issues (Petrocik 1996; Budge 1982; Riker 1993). The inevitable struggle over attention is imperative for candidates in election campaigns (van de Wardt, De Vries, and Hobolt 2014), as a shifting factor (Damore 2004; Stubager and Slothuus 2013). During the election campaign, outdated issues are consistently replaced by fresh ones from the agenda of the mass media, the general public, and the parties (Hans-Bernd and Mathias Hans 1995).

Moreover, Voters are exposed to different issues during elections, and they tend to have their perceptions by weighing some against others. Voters' attention is highly relevant to media coverage (Vergeer and Franses 2016). Voters' time consuming on the news media is positively correlated to their awareness of candidates' policy issues (S.-H. Kim, Scheufele, and Shanahan 2005). Thus, issue competition indicates that parties fight for the dominant role in the election campaign by emphasizing their issues (Green-Pedersen 2007). However, it does not mean the parties will disregard other issues. The purpose of the issue competition is to dominate the agenda setting during the election campaign. By doing so, the parties could draw voters to pay more attention to the chosen issues and help parties gain the dominated position.

In addition to fighting for the domineering position of issue-setting, parties have to deal with the issues proposed by competitors. Sigelman and Buell (2004) find that candidates systematically address issues that are most strongly identified with competitors. When and how do the parties respond to the issues chosen by their competitors? There are two vital factors to be considered. The first one is how much of the context of framing this issue to be popular, and the second factor is how much of the electoral threat this issue is (Spoon, Hobolt, and Vries 2014). Green-Pedersen and Mortensen (2010) also argue that government parties are more often responsive than opposition parties under the model of issue competition. Relevantly, Meguid (2005) stresses that niche parties with a non-traditional supporting base and new issues get more responses from mainstream parties. Adams and Somer-Topcu (2009) strive to answer when and how parties adjust their positions on specific issues. They argue that the parties tend to shift their policy positions according to a mixed consideration of the previous shift of opposition party, the pressure from ideological families, and parties' responsiveness.

Moreover, even though it is easier for voters to make informed decisions when the parties talk about the same issues, Meyer and Wagner (2016) suggest that parties are less likely to talk about the same issues. In short, issue competition is inevitable in any case of election campaigns, in which parties have to identify its comparative advantage in selected issues and attain more voters' and media's attention. It does not mean the parties should overlook all other issues or circumvent similar issues.

The second strategy is the issue framing. Issue framing is viewed as a vital means for politicians to affect public opinion. Slothuus and de Vreese (2010) point out the opinion is driven more by the partisan source than by substantive frame content, which shows the invisible hands parties use in framing and dominating the opinion flows. Also, agenda-setting is also germane to both issue framing and issue competition. News media and political parties are respectively considered more influential as agenda setters (ASP 1983; Hopmann et al. 2012). Specifically, it seems that the parties have a substantial influence on deciding which issues the news media coverage, while media have restrained influence on party agendas. However, the parties also have to adjust their issues in accordance with the media's coverage and changes of public opinion. Both media and parties have relatively independent power to set their own agendas, and either is hard of capacity to force each other to substantively shift attention beyond the context of the dominating events (Eilders et al. 2004).

The third strategy is the issue ownership, which is initially proposed by Petrocik (1996). He argues that one candidate tends to frame the issues as promises or problems that s/he is the better choice to be in a position to fulfill or solve. One candidate could sell an impression that s/he owns a particular issue under which s/he is the best choice. Moreover, candidates seek to distinguish themselves from others with commitments to the ability to resolve a problem of

concern to voters. Under this logic, a candidate's campaign is a “marketing” effort to achieve a tactical advantage by highlighting some issues on which this candidate is seemingly more competent. It is rational for parties to enjoy an advantage on their own issues and try to keep the campaign focused on these issues. Driven by a common goal to win the election, each party will selectively choose their campaign issue package according to the criterion of which themes will enhance its prospects (Sigelman and Buell 2004). Moreover, voters’ perception also matters. Research shows the effect of issue ownership on voting is conditioned by voters’ perception (Bélanger and Meguid 2008; Green and Hobolt 2008). In addition to Petrocik’s arguments, Hayes (2008) concentrates on the issue-handling reputations, which underlie the issue ownership and argues that candidates are covered more positively when the news focuses on issues their party owns. His findings reveal the role of the media in spreading and shaping issue ownership.

There is a relevant question of why the parties would like to be the first one to propose a new issue with the uncertainty of the public’s reactions. Chang, Luo, and Zhang (2018) present the first-mover advantage, which suggests that a player who moves first can influence the outcome of a game. If we assume the entire election campaign as a sequential game with complete information, the moving order is essential to determining the equilibrium outcome of two-party competition. This hints the importance of timing in choosing an optimal effort (Congleton, Hillman, and Konrad 2008). However, whether the parties will have the first-mover advantage depends on issues and the type of candidates.

The fourth and final strategy is the issue selection, which is considered as the pre-step to the issue ownership. In addition to identifying issues that the candidate will enjoy an advantage, the candidate is also required to distinguish key policy issues that s/he intends to make promises

of. Aragonès et al. (Aragonès, Postlewaite, and Palfrey 2007) establish a framework of issue stealing or issue trespassing to explain how the issue selection works in a two-party system in election campaigns. They assume two parties are both vote-seeking, and the election campaigns aim to manipulate the voters' perceptions of priorities to the candidates' advantage. Priming as an efficient way to influence voters' attention is studied by scholars (Iyengar and Kinder 2010; Vavreck 2009). Aragonès et al. argue that there are three principles to select and invest in issues, which are 1) that the core issue chosen by the party does not have to be perceived as the most important by voters, 2) that fewer issues will be addressed in the electoral campaign than the electorate actually cares about, and 3) that whether to steal issue depends on the parties' relative incentive to invest in this issue. They find out the ability to invest would allow parties to propose an issue which they initially did have no intention.

All four strategies on issues are highly intertwined in practice. The issue of lowering the referendum thresholds is not a popular and safe topic in the election campaign. It is unattractive to most citizens compared to other social issues which directly affect people's life. What is more, it seems irrational for any party which has chances to win the election to relax the referendum constraints, because it would make the opposition easier to initiate and pass referendums against the government's policies. Based on the literature review above, this thesis is going to generate hypotheses to explain why the DPP in Taiwan decided to propose the issue of lowering the referendum thresholds, while parties rarely propose the issue of lowering the referendum thresholds in other new democracies.

### 3.4 PARTY'S FULFILLMENT OF THE CAMPAIGN PLEDGE

How did the DPP in Taiwan realize its promise in a moderate path and Why? This section examines the literature on the problem of parties' fulfillment of campaign pledges in order to generate hypotheses for the explanation. Generally, scholars maintain that the campaign promise is an essential element in the relations between voters and parties (Naurin 2014), and parties that run for elections need to fulfill their promises in order to win subsequent elections (Downs 1957). It seems uncontroversial for office-seeking parties to honor their campaign promises.

However, there represents an opposite view that parties tend to have reasons to abandon their pre-election pledges (Schedler 1998). The model of post-election initiative compliance (Gerber, Lupia, and McCubbins 2004) explains why many passed initiatives are later ignored or altered substantially by the government. When initiatives contain policies that the government once opposed or prevented from passing via parliament, the governmental actors are less likely to comply with the passed initiatives. Even though empirically it is not necessarily the case that parties make some promises in the election which they are not able to keep after the election (Bara 2005), voters acknowledge that it is the normality that parties tend to fail to keep their pre-election promises due to several plausible reasons, especially when the political atmosphere is changed after the election. When we treat the parties as rational actors with goals to seek office and implement their policies, it is reasonable for them to reconsider and even adjust their promises and selectively fulfill some of them. Under this logic, it is rational for a party not to fulfill a promise if doing so would bring about some deprivation to its governance.

Nevertheless, it could also be reasonable for a party to fulfill a promise which seems disadvantaged to its ruling after elected. How do parties calculate the tradeoffs of fulfilling

unusual promises after the election? The first variable is the after-election conditions of power-sharing. Flynn (2011) argues that the degree of policy-making capacity affects parties' ability to advance and implement detailed plans for governing. Besides, different forms of government coalitions (Naurin 2014; Thomson et al. 2017), whether the government is re-elected (Pétry and Duval 2018), and more generally the sharing of resources like jurisdictions and money (Pétry, Duval, and Birch 2018), and even the economy performs (Praprotnik 2017), all affect the probability of parties' fulfillment. In the case of Taiwan, the DPP controlled both executive and legislature power after the election. It seems that the DPP cannot use the power-sharing excuse.

If we call the first variable as the new ruling party's capacity, then the second variable is the new ruling party's willingness. Parties make pledges in the election campaign not only because they are intended to fulfill them after the election. Making pledges during election campaigns serve more functions, such as uniting a broader range of alliance and mobilizing voters to cast their votes (Thomson et al. 2017; Thompson et al. 2013). Thus, it is possible that some pledges might be merely produced out of campaign strategy. The intention of proposing issues or promises is sometimes not to fulfill them, but to appeal votes.

There is the third variable named the credibility of the party's pledges. The degree to which promises are credible is bound up with the value of a candidate's reputation (Aragonès, Postlewaite, and Palfrey 2007). The party's reputation and the credibility of the party's pledges are of significance. Frequent reneging and low party competence will directly affect the popularity of the newly elected government (Keefer and Vlaicu 2017). In short, parties' willingness, capacity, and credibility, as well as the property of the issue, are essential. Some



promises are more important than others for parties to comply. After all, it is the party that decides to fulfill the pledges or not, and how to fulfill the pledges.

## **CHAPTER 4**

### **GENERATED HYPOTHESES**

This chapter generates four interpretive hypotheses to explain why the DPP proposed the issue of lowering the referendum thresholds in the election and eventually realized it after it won the election. I start with a context analysis of the case in Taiwan, which I assume that the DPP's decisions should be understood in the specific contextualized conditions. In section 4.1, I list multiple dimensions of the contextual conditions in Taiwan, which might affect the DPP's motivations and choices. The contextual conditions, to a certain extent, legitimized the DPP's decisions to reform the referendum system and lower the thresholds.

#### **4.1 THE MULTIPLE-DIMENSION CONTEXTUAL CONDITIONS**

The multiple-dimension contextual conditions are considered as essential factors to explain the DPP's decisions to make and fulfill its promises on the issue of lowering the referendum thresholds. The conditions are the cross-straits relation, the records of previous referendums, the populist street-politics movements, and the two-party system.

The first-dimension condition is the cross-straits relation, which is always a centric issue in the Taiwanese elections. Almost any issue could be interpreted as pertinent to cross-straits relations. The two main parties in Taiwan, the DPP and the Kuomintang (the KMT, the Chinese Nationalist Party), differentiate each other not by the left-right division, but their conflicting stances on cross-straits relations. Adjusting referendum thresholds could be thought of as a step towards independence in the eyes of Mainland China, which might threaten that any attempt to legalize "Taiwan Independence" affects the stability of cross-straits relations.

To understand why the issue of lowering the referendum thresholds matters for cross-straits relations, we have to understand the history of the democratization of Taiwan. Referendum institutional reform is part of the democratization in Taiwan since the 1980s. Before the democratization, Taiwan was undergoing an abandoned, colonized, authoritarian era for about one century. After World War II, in 1945, the KMT government of the Republic of China (ROC), as the official government of then China and the victory side allied with the U.S., took control of Taiwan, the island which was ceded to Japan in 1895 from the Qing Dynasty, the predecessor of ROC. However, the KMT was defeated by the Communist Party of China (the CPC) in 1949, lost control on the mainland territory and flew to Taiwan. KMT officials, under the support from the U.S., started the white horror ruling in Taiwan since 1945 and KMT insisted that the ROC (ruling in Taiwan) was the sole legitimate rulers of entire China (including the mainland). At that time, KMT leaders upheld the principle of “one China,” which Taiwan was held to be a part of the whole China, including the mainland and the ROC represented the whole China on the international stage. Any activity that might promote Taiwan independence was prohibited and highly suppressed.

The controversial issue of Taiwan independence was bred during the dictatorial ruling of the KMT, which is always labeled as the foreign regime by the DPP. The authoritarian ruling lasted for almost thirty years until Taiwan encountered a series of domestic and international risks. The relationship between Mao’s Chinese government and the U.S. started becoming normalized, and the mainland government replaced the KMT's UN seat. Taiwan lost most of the diplomatic ties and could not represent “China” on the international stage any longer. This change triggered the domestic anti-authoritarian movements and the Taiwan independence movements. The authoritarian KMT regime started the up-down democratization to resolve the

legitimacy risk. During the thirty-year democratization, Taiwan becomes a positive example among the new democracies.

Facing the reunification request from mainland China, two main parties pick opposite stances. The KMT admitted that both sides are all Chinese, and belongs to one China, while there is a different interpretation on What exactly China means. This stance is accepted by the mainland government as the red line. However, the DPP refuses to admit this while claiming that Taiwan now is an independent country with an official name Republic of China (ROC), and the ultimate mission of the DPP is to pursue the real independence of Taiwan, which means abandoning the current country name by amending the constitution. The problem is that according to the constitution, both sides still belong to one country, which is the ROC, and this constitution has been frozen. Any attempt to amend the constitution needs to pass extremely high and complicated thresholds, including the referendum with a more than 50% turnout quorums and a more than 50% approval quorum. Adjusting referendum thresholds could be misunderstood as a step towards independence, which may increase the tension between cross-straits. Either the DPP or the KMT, once elected, tends to be very cautious in dealing with the constitution and cross-straits issues.

On the other hand, complicated history gives office-seeking politicians fabulous chances to maneuver the identity issues. Since the 1980s, under the radical social movement fighting for democracy and liberalization, the public had chances to reconsider and form their own national identity distinctive from “Chinese” and asked for self-ruling, self-determination and even independence with a new country profile. Both parties have to cope with the gradually formed Taiwanese national identity and balance the tension between the Taiwanese national identity and the Chinese national identity. However, the parties could also take advantage of this issue

to mobilize the voters or extend their support bases. With the same goal of winning this election, the cross-straits issue is easily intertwined with other issues such as identity or referendum reform. These issues are placed on the table as options chosen by party elites.

The second-dimension condition is the historical records of referendums. One fact is that all previously held referendums were failed due to the high thresholds or vetoed by the referendum review committee that was supervised by the Executive Yuan. The previous Referendum Act set up various provisional thresholds to make referendums hard initiated and passed (Lin 2004). Firstly, the number of initiators who draft a proposal has to reach 0.5% of the entire electorate. Secondly, the number of signatures collected goes to have to reach the 5% threshold of the entire electorate. Thirdly, there is a Review Commission established by the executive institution (the Executive Yuan) to determine whether a proposal is qualified for the referendum. This Review Commission, by nature controlled by the ruling party, has the dominating veto power to block any referendum during the procedure. Lastly, there is a “dual 50%” combined quorum threshold. A referendum can be passed only if the turnout rate is over 50% of the entire electorate and more than 50% of the valid votes are in favor of the proposal.

The rights of election, recall, initiative, and referendum are prescribed in the frozen constitution, which gives the action of lowering the referendum thresholds the essential legitimacy. The then opposition party the DPP criticized that the high thresholds are the legacy of the authoritarian ruling and claimed that the referendum thresholds were set too high to allow people to exercise their alleged rights. Moreover, several controversial issues, such as nuclear electrical power plant, failed to be solved via referendums due to the high thresholds. The dissent was accumulated from bottom to up, and the referendum institution became one of the reform targets in the eyes of the opposition parties.

The third-dimension condition is the existence of newly formed youth radical political forces which demand not only Taiwan independence but also more progressive political reform. One of the most influential accident before the 2016 election was the Sunflower Movement. This youth-led protest was triggered against the review of the Cross-Strait Services Trade Agreement (CSSTA) with mainland China and escalated into a monthly occupation of the Legislative Yuan (Rowen 2015). The then KMT government conceded under the pressure of this populist street-protest movement, which successfully aroused public awareness of demanding more progressive and fundamental reforms. A series of citizens' activities were inspired to appeal for constitutional amendments and referendum reforms (Hawang 2016; Kościański and Chang 2017).

Taiwan has been experiencing a fruitful record of grassroots political movements. The development of the DPP is relying on its success of the anti-authoritarian movement in the past. The DPP always labels itself as the most legitimate representative of the local and progressive force in the Taiwanese political arena. However, the Sunflower Movement triggered the formation of new youth political forces, which gain parts of the DPP's supporters. Moreover, the issue of lowering the referendum thresholds is one of the reform requests originated by this new political force. Even though this is still a smaller radical force that is hard to challenge the two-party system in the short term, the DPP felt the inherent tensions in the upcoming election competition so that the DPP had to take this new political force and their chosen issues seriously.

Moreover, the reality of the two-party system creates a high possibility for the DPP to win the elections significantly given an advantaged situation that there is an overwhelming dissent on

the incumbent government. The DPP needed the new youth political force as its ally while keeping itself as most qualified representative of the progressive forces. Also, since the presidential and parliamentary election is held on the same day, it is highly likely that the opposition party the DPP would win both. In short, under this triple-dimension conditions and a big chance to win the election, the DPP had to be vigilant about any pledges it was going to be made. The issue of lowering the referendum thresholds once proposed would become a vital pledge to be completed.

#### 4.2 ISSUE AND PLEDGE: THE DPP'S MOTIVATIONS

In this section, I generate two hypotheses to concretely explain why and how the DPP proposed the issue of lowering the referendum thresholds in Taiwan as a campaign pledge.

Firstly, inspired by the theory of issue ownership (Petrocik 1996), I argue that this issue of lowering referendum thresholds is owned by the DPP exclusively. As the long-term opposition party in the parliament, the DPP had the legitimacy to pretend that the high thresholds, as part of the legacy of the authoritarian ruling, should be blamed on the KMT's unwillingness to let people more access to the political power. Moreover, as the main opposition party, the DPP had the advantage of owning this issue of lowering referendum thresholds as a part of their reform promise to attract the public's expectations. The previous referendum thresholds were too high to pass any referendum. The issue of lowering the referendum thresholds, owned by the DPP, could be interpreted as a move to give the power directly back to the people, which helps the DPP gain a broader supporter base in the election campaign. It also serves as a signal to distinguish itself from other parties.

Hypothesis 1: when the issue of lowering the referendum thresholds is only owned by one party, this issue is more likely to be proposed.

Secondly, I argue that it is desirable for the DPP to endorse and own the issue of lowering the referendum thresholds, which was also proposed and insisted by the new young radical political forces. Ho (2018) states that the DPP skillfully harnessed the protest activism contributed to its electoral advantage. Within a populist atmosphere, the side effects of lowering the referendum thresholds tend to be easily ignored intentionally.

The democratization in Taiwan has been inundated with street politics dominated by consistently upcoming new grassroots political forces. Qvortrup (2018) reviews the case of Brexit and argues that after the Brexit, “populists had captured the referendum” (p82). In the case of Taiwan, some Sunflower core leaders organized a Taiwan March Foundation, which initiated a campaign to put the referendum act to a referendum (Ho 2018). The campaign to revise the referendum law was launched before the 2016 election, which was “explicitly carried on the spirit of the sunflower movement” (Ho 2018: 89). Although the collected signatures eventually failed to meet the required threshold, this campaign still helped these young Sunflower leaders accumulate political energy. This campaign also evolved into a new political party, which becomes the third largest party in the parliament after the election.

Parties adjust issues based on the changeable objective context. The issue of lowering the referendum thresholds is a political-correctness issue, which was supposed to function just as a signal or a symbol of parties’ commitment to political reforms at the very beginning of the election. However, as the issue race escalated, both parties started investing in this issue (Aragonès, Postlewaite, and Palfrey 2007). At first, this issue was owned by the DPP, as an



advantaged issue to criticize the main competitor, the KMT. Since this issue was widespread and deemed as an indicator of the party's promises on the political reform, the KMT adjusted its stance and started to support to lower the referendum issue. Thus, this issue became a valence issue to which both parties had to prove their commitment. As a consequence, parties have to deal with the outcome of over-investment, which means this valence issue becomes too visible to avoid. So that when the issue of lowering the referendum thresholds becomes a valence issue, it would be insisted and invested by the parties.

Hypothesis 2: when there is a rising of populist demand for lowering the referendum thresholds promoted by the radical party, this issue is more likely to become a valence issue and be invested by other main parties.

In short, the DPP did not want to lose the leadership position in the pan-independence alliance with the newly formed youth political forces, so it chose to incorporate many radical political reforms into its campaign pledges. The issue of lowering the referendum thresholds was promoted by the new young radical political forces at first, then owned by the DPP, and invested by the two main parties in the election, and eventually became a visible valence issue. Populist atmosphere affected the DPP's stances on multiple issues.

#### 4.3 THE DPP'S FULFILLMENT OF THE PLEDGE

It seems irrational for a newly elected party, which won the presidency and the absolute majority of parliament, to lower the thresholds of referendums, because it would give opposition parties more chances to initiative referendums against the governmental policy. This section explains explicitly 1) how DPP lowered the referendum thresholds, 2) why DPP would

like to lower referendum thresholds to make referendums easier initiated and passed, even though this action will obstacle the DPP's governance, and 3) why DPP did it moderately.

As introduced in chapter 1, the new amendments to the Referendum Act lower the legal voting age for referendums from 20 to 18, lower the threshold for initiation of national and regional referendums from 0.5 % of the electorate to 0.01%, lower the number of signatures required for a proposed referendum from 5 % of all eligible voters to 1.5 %, cancel the turnout quorum and lower the approval quorum from 50% of the electorate to a condition that valid ballots of assent are more than ballots of dissent and reach 1/4 of eligible voters. Besides, the new Referendum Act dismisses the review committee that had the veto power. Instead, new amendments regulate the Central Election Commission, which is appointed by the parliament, to be responsible for holding referendums without the veto power.

However, the new amendments to the Referendum Act do not relax the issue constraints. The referendums on issues related to the constitutional amendment and changes on nation's name, anthem, flag, or territorial boundaries, should be agreed upon by the absolute majority in the parliament at first. Moreover, the approval quorum for referendums on these issues is still over 50% of the entire electorate. Thus, the issues like whether Taiwan should be “officially” independent cannot be put into a referendum in the same manner.

#### 4.3.1 REASONS TO FULFILL THE ELECTION PLEDGE

I generate two hypotheses to explain why it is rational for DPP to lower the referendum thresholds as a commitment to its pre-election promise.

Firstly, whether to fulfill the campaign pledges is imperative for the DPP's reputation. Both the DPP and the KMT have a negative reputation of their ability to realize pre-election promises in the past. However, this time there is no excuse for the ruling party to postpone any pre-election promise because, for the first time, the DPP controls the presidency, the Executive Yuan and more than two third of seats in the parliament. There is no institutional obstruction to amend any law.

Furthermore, realizing the promise to lower the referendum thresholds is also a proper response to the pressure from the radical political forces. During the election campaign, the DPP had shown its ambitious political reform agenda and chose to cooperate with the newly formed young radical political forces. After the election, the DPP has to show its commitment to push forward some sweeping reforms which were also demanded by the young radical political forces. The winning party has to fulfill its pledges to lower the referendum thresholds when this issue becomes a valence issue demanded by the populist voters or parties.

Hypothesis 3: when the winning party controls all legislative institutions and cares about the party's reputation, it is more likely to fulfill its pledge to lower the referendum thresholds.

Secondly, I argue that the DPP weighs more about how to make the referendum institutions function as an efficient check on power than the negative consequences of the possible abuse of referendums. It does mean neither that the DPP does not incline to use referendum tactically, nor that the DPP lowered the referendum thresholds with a pure purpose of giving the power back to people. It means that the DPP is confident that the consequences of the abuse of referendums are manageable since the DPP controls both executive and legislative power. In the short term, lowering the referendum thresholds will give the opposition party and the public

a great veto power to boycott policies the incumbent government makes. However, the DPP could manage this situation with the power it has, and even amend the Referendum Act as many times as it wants. It is inevitable that the referendum will become engulfed in partisan politics and electoral maneuvering (Huang 2016). If there are severe consequences of this amendment, the DPP will find excuses to adjust the regulations on referendum again until it meets the DPP's demands.

Moreover, lowering the referendum thresholds could ensure whoever becomes the opposition party could use the referendum as a check on power. Long-period experience of being the opposition party in the parliament educated the DPP that the referendum should be an efficient shield for the opposition party to boycott the government when necessary. I argue that the DPP made a rational decision to fulfill its promise to lower the referendum thresholds after balancing the short-term side effects and the long-term benefits.

Hypothesis 4: when the winning party wants to weaponize the referendum as a check on power in the long term with confidence that the short-term consequence of possible abuse of referendums is manageable, it is more likely to fulfill its pledge to lower the referendum thresholds.

Making referendums easier is to weaponize the referendum to constrain any attempts to violate democratic consolidation made by the successive governments. Further, it would be a safeguard for civil society as well. Since both parties could use referendums as veto power, both will concern the consequences of the potential abuse of referendum. In short, the DPP highlighted the symbolic meaning of fulfilling its promises. But how to lower the referendum is still decided by the winning party.

#### 4.3.2 REASONS TO FULFILL THE PLEDGE IN A MODERATE MANNER

Hypothesis 3 and 4 partially explain why the DPP decided to lower the referendum thresholds in a moderate manner. There are two focuses on the referendum reforms. The first is about lowering the procedural thresholds, including all quorums and abandon the veto agency. The second focus is the issue constraints. The DPP lowered almost all the thresholds, except the issue constraints. Any issue related to the constitutional amendment still applies to the previous extremely high thresholds. So that I call this adjustment is moderate, instead of radical.

One reality that concerns the DPP is there is the pressure from the bottom-up youth political forces, which represent more radical and progressive reform appealing. As the ruling party that is accountable for the regional stability, the DPP tries to avoid the label of “radical independence group” and have the decisive power on the constitutional and cross-straits issues. Because the DPP belongs to the pan-independence force, which appeals to use the referendum to realize the legalized full independence, so if the sovereignty issue is included in this referendum act, this kind of initiative would be proposed, and highly likely to get passed. When the DPP was the opposition party, protecting Taiwan’s independence and sovereignty is its priority. When the DPP is prepared to take over the ruling position, its policy adjusted to maintain the “status quo” under the external pressure and sophisticated calculation, which means the DPP will not allow this kind of independence referendum to be held. Before the election campaign, the DPP supported both. Nonetheless, after winning the election, it only supports the first one, because the second one is tied to the controversial cross-straits relations.

The DPP chose to take the moderate path on this referendum reform issue, at the cost of losing the support from the small young political forces. The DPP administration had to keep a delicate balance by compromising on its promises to various social movement and progressive forces after it took power, which consequently alienated many of its supporters (Qi 2019) and maintaining stable and predictable cross-straits relations.

Another reality is that this retained regulation gives the political parties in Taiwan enough discretion when facing the reunification pressure from the mainland government. High thresholds to initiate and pass this kind of referendum show the message that Taiwan is resistant to any official changes of the status quo, which means no more step towards either independence or reunification.

In short, this section generated four hypotheses to investigate the reasons for DPP's choice of proposing the issue of lowering the referendum thresholds in the election and commitments to realize its campaign promises after the election. As the main opposition party, the DPP had the merit of owning this issue of lowering referendum thresholds as a part of their reform promise to attract the public's expectations. As the winning party, the DPP has reasonable willingness, legitimacy, and capacities to achieve its campaign pledges. Contextual pressure and the property of the issue also matter. The winning party moderately lowers the referendum thresholds in order to plasticize the referendum institution, as the final shield, to resist the reunification request from Mainland China.

## **CHAPTER 5**

# **IMPLICATION AND CONDITIONS OF LOWERING REFERENDUM THRESHOLDS**

### **5.1 IMPLICATION OF LOWERING REFERENDUM THRESHOLDS**

How will lowering referendum thresholds affect any aspect of domestic politics? Does this move mean a step towards democratic consolidation? Before it starts, I argue that the role of referendums in democratic consolidation can be elaborated in two different approaches. The first approach is trying to explain the increased use of referendums among democracies in recent decades by analyzing the frequency of referendums. This approach tries to answer whether more referendums mean more democratic, by investigating why more referendums are initiated by the ruler and the ruled.

This thesis takes the second, less conventional approach. I focus on the institutional design of referendums. I argue that the institution design, rather than the frequency of referendums, determine the role of referendums in democratic consolidation. This thesis is not talking about the use or abuse of referendums (the frequency), but examining the design and the adjust of the thresholds, provisions, and regulations of referendums (the quality). Furthermore, among all juridical regulations, thresholds are the most critical indicators to gauge who controls the referendum and how. I argue that the quality of the referendum institutions is an indicator of democratic consolidation. Qvortrup mentions that referendums in free polities are held under different provisions and are initiated by very different actors (2018, p71) so that the variance of consequences of different referendums can be measured and interpreted by the variance of

institutional design of referendums, more specifically, the variance of thresholds of referendums.

This thesis is not going to repeat the explanation of what if more referendums are held, but figure out whether the institutional change of referendums means a step towards democratic institutionalization and consolidation. Lowering the referendum thresholds could not only allow referendums to function as a check on power but also as a maneuvering tool used by politicians tactically.

Firstly, I argue that lowering referendum thresholds in the case of Taiwan is a remarkable step towards democratic institutionalization. There are three criteria-like dimensions to judge whether lowering referendum thresholds is beneficial to check on power. Based on the cases of Taiwan and Slovenia, Morel (2017), and three main referendum-focused datasets, I generate three criteria-like dimensions that could help us judge the quality and the direction of the institutional reform of referendums. The first one is whether this change makes a referendum easier exclusively for citizens to launch. The second one is whether this change eliminates any veto power from the referendum process. The third one is whether the decisive quorum is lower than before. The case of Taiwan meets all three criteria. Returning power to the people via referendums is a way to prevent democratic institutions from being dismantled by the successor. It also guarantees further civic participation in politics. Further endeavors to reform other political institutions now have the benchmark.

Secondly, I argue that it could be a dangerous signal when the populist forces start not only asking for holding a referendum on controversial issues but also even asking for changing the



referendum institutions to make referendums easier to be initiated and passed to realize their political purposes.

Qvortrup (2018) admits that a rise in the number of “ad hoc referendums have been held on controversial issues to appeal to large sections of society who are perceived to be disenfranchised by the established political class” (p71). He did not mention any case in which the populist forces started asking for reforming referendum rules besides holding referendums. In the case of Taiwan, the new radical political forces became the most asserted promoters of lowering the referendum thresholds. I did not mean that lowering referendum thresholds in Taiwan was demanded only by the radical groups. However, this issue of lowering referendum thresholds was indeed promoted and insisted by the new young radical political groups before the election. The two main parties cared more about how to adaptively cope with the new political forces, ignoring the potential risk of institutionalizing populism. The consequences of lowering the referendum thresholds in Taiwan also legitimates any further racial appeals of institutional reforms. It creates an unrestricted playfield for populist parties to promote more radical reforms.

The current version of the Referendum Act maintains the sovereignty issues excluded from the amended referendum procedure, which means any constitutional changes on sovereignty issues still have to gain the approval of the majority of the parliament and pass the double-50% thresholds of turnout and approval quorum. Currently, neither of the two main parties want the referendum to become a tool to let Taiwan move too far along the separatist path (Hickey and Niou 2017). According to the frozen constitution, this island is still officially under the governance of “The Republic of China” (ROC), which still legally claim both mainland and Taiwan belong to its territory. This constitution calls the area which this democratic

government is, in reality, ruling the free area, while calls the area which is claimed in this constitution but in reality, ruled by the “People’s Republic of China” (PRC) the mainland area. Any attempts to amend articles in this constitution will be considered a step towards pursuing “de jure Independence.” However, lowering the referendum thresholds gives the radical political groups in Taiwan with the mission of independence the legalized excuses to pursue the further institutional reform on the referendum system. When it comes to the sovereignty issue, then the problem is not just a question via what kind of referendum thresholds the sovereignty issue should be amended, but also whether the attempt would trigger Beijing to have excuses to use more assertive means to achieve alleged national reunification. In short, changing political institutions to meet the populist demands deserves a serious reflection.

Thirdly, there poses a risk of overusing the referendums. The opposition parties now could easily start a referendum procedure as a weapon to boycott the government’s policy, trigger social division, and cause political chaos. Lowering the referendum does not guarantee any improvement in the quality of the policy. On the other hand, the use of referendums might become a scapegoat for politicians to shirk responsibility.

Moreover, there is a possibility that the DPP will find excuses to adjust the Referendum Act again since it lost the last local election affected by the referendums that were held on the same day. Similarly, the new Referendum Act can be also be revised again by the next government, as long as it has the legitimacy and capacity.

Qvortrup (2018) argues that most referendums in a democracy “have been used to limit, constrain, and hold in check the power of elected leaders” (p75). However, he also states that “referendums have been gone from being a shield against executive dominance to being a

weapon in the hands of the executives” (p66). The politicians still enjoy discretion by designing and adjusting the institutional regulations, especially thresholds. The brutal reality is that the parties and political elites have the final word on every procedure of a referendum.

Besides, there is an inherent tension between constitutional interpretation and the outcome of the referendum. In 2018, three referenda on anti-same-sex marriage and anti-gender equality education were passed led by highly organized conservative groups. Before this, the supreme court did announce the current version of the Civil Code was unconstitutional since it stipulates an agreement to marry can only be made between a man and a woman, is in violation of freedom of marriage and right to equality as guaranteed by the Constitution. Eventually, the parliament passed the same-sex marriage law in 2019 to protect the equal rights of gay minorities, using the term “marriage” (Hunyin) and the deemed discriminative term “permanent union” (Yongjiu Jiehe Guanxi) in the same time to meet both requirements of the referendum outcome and the constitutional interpretation. More detailed regulations are required to solve this kind of counter-majoritarian difficulty. Furthermore, the current version of the Referendum Act does not regulate that the issues related to fundamental human rights cannot be decided by a referendum, only stating that no proposal of the referendum may be raised for issues concerning budgeting, taxation, salary and personal affairs. Any inappropriate dealing may deepen the social division and cause more mobilized voting.

In short, this is not the determination but a departure for the further institutional adjustment on the referendum thresholds. A new political equilibrium is yet to build, but about to start appearing, accompanied by unpredicted consequences. This remarkable institutional change is more like a step to a paradox future of democratic consolidation and populist crisis.

## 5.2 CONDITIONS OF LOWERING REFERENDUM THRESHOLDS

What are the conditions which determine the ultimate changes of referendum institutions?

What kinds of variables do affect the parties' decision on lowering or adjusting the referendum thresholds? I list possible conditions inspired by the analysis of the case of Taiwan.

One important condition is that there is a winning party with a majority advantage in parliament. In most cases, institutional changes happen when the ruling party control both the executive and legislative state machines. This condition is necessary, but not sufficient. Winning presidential and parliamentary election only paves the institutional obstacles to amend the referendum institution.

It is irrational for a winning party to change referendum institutions out of reasons suddenly. A sufficient condition is that the party makes the pre-election pledge to relax referendum constraints when it faces the populist pressure. Under this condition, lowering the referendum thresholds becomes a valence issue. Although the public is not often interested in lowering referendum thresholds, the populist-driven demand on giving more power directly back to the people is still a fabulous opportunity for new radical political forces to establish their battlefield in the election campaigns. Moreover, the record of none successful referendums ever makes this kind of demand more legitimate.

People tend not to figure out how to reform the existing referendum system but want the existing referendum system to be revised in the same direction as they want. It is always the parties and political elites to make the final decision on how to lower thresholds to what extent. For instance, how many signatures are needed, who has the final word on the content of each

referendum, or what percentage of approval quorum should be set, all of these clusters of notification are at the hands of parties with a deliberative discretion. As this thesis mentioned before, Slovenia also successfully managed to change its legislative referendum institution. However, in contrast to the case of Taiwan, the amendments Slovenian MPs did were to constrain the exercise of referendums. Parties in both cases had a similar motivation that they wished to fix the problems caused by the previous referendum institutions. In Taiwan, no referendum was passed owing to the extremely high thresholds. In Slovenia, the overusing referendum launched by the minority party in parliament resulted in “disrupting the regular functioning of the institutions of representative democracy” (Podolnjak 2015, p129). Both actions changed the referendum thresholds in the same direction of giving direct decision-making power back to the people. The right of parties in parliament to start a referendum was removed in Slovenia, while the review commission which had the veto power to block referendums was dismissed in Taiwan.

There is an ideal power balance between direct democracy and representative democracy. Marko (2016) argues that the question is not whether the referendum as the direct democracy instrument should be limited or not, but how to regulate and to what extent. The Slovenian parliament did constrain the politicians’ accessibility to referendums, while it transformed the approval model to rejective model. In Taiwan, the winning party cautiously excluded the sensitive sovereignty issues from the referendum, to avoid the unpredictable outcomes affecting the regular political order.

In short, several hypothetic conditions determine if lowering referendum thresholds would happen in any other new democracy. The conditions are 1) a winning party with a majority advantage in parliament, 2) a pre-election pledge to relax referendum constraints based on

public demands, 3) a record of none successful referendum, and 4) a valence issue of referendum reform that is invested by parties.

## **CHAPTER 6**

### **CONCLUSION: FURTHER QUANTITATIVE COMPARATIVE RESEARCH?**

Since lowering the referendum thresholds has rarely happened among the new democracies that start their democratization since the late 1980s, Taiwan seems to be the only exception where the referendum thresholds have been successfully substantively lowered. The DPP proposed the issue of lowering referendum thresholds during the national election campaign and promised to commit to substantially lowering all thresholds of referendums if winning the elections. After winning the election and particularly the absolute majority in the parliament, the DPP realized the pre-election promises, amended the Referendum Act, which remarkably lowered the thresholds. Consequently, there were ten referendums proposed by the opposition parties and the civic organizations held in late 2018 altogether with the local elections. Not surprisingly, seven of them were passed, most of which were against the current DPP policies. The DPP suffered from the consequence of lowering referendum thresholds which were promoted by the DPP itself.

This thesis illustrated why DPP decided to promote this issue of lowering the thresholds, why DPP decided to fulfill this promise, and how DPP moderately fulfilled this promise, with a context of triple-dimension condition. I generated four hypotheses to answer the questions above.

I argue that the issue of lowering referendum thresholds tends to be proposed when this issue is only owned by one party. When there is a populist demand for lowering the referendum thresholds promoted by the radical party, this issue is more likely to become a valence issue

and be invested by other main parties. Moreover, I argue that the winning party has the willingness, legitimacy, and pressure to fulfill the pledge to lower the referendum thresholds when the winning party controls all legislative institutions and cares about the party's reputation. When the winning party wants to weaponize the referendum as a check on power in the long term with confidence that the short-term consequence of possible abuse of referendums is manageable, it is more likely to fulfill its pledge to lower the referendum thresholds.

Besides, I argue that the winning party has the decisive power to implement the amendment in the way it feels manageable. The winning party moderately lowers the referendum thresholds in order to plasticize the referendum institution to avoid potential political instability. The decision on to what extent the referendum threshold should be lowered is made by a careful calculation on the probable domestic and external consequences. Even though it seems that the thresholds are massively lowered, it is still temperate since the ruling party balances multiple demands and risks.

In addition to the hypotheses above, I try to generalize the conditions under which the relaxing referendum constraints would happen in other cases. There are possible conditions that determine if lowering referendum thresholds would happen in a new democracy. One crucial condition is that there is a winning party with a majority advantage in parliament. A sufficient condition is that the party made the pre-election pledge to relax referendum constraints based on public demands. The populist-driven appealing of giving more power directly back to the people becomes a fabulous excuse for some political forces to establish their battlefield in the election campaigns. Long-period history of the authoritarian ruling and records of none successful referendum ever will make this appealing more persuasive.



In terms of further research, since this thesis is a hypothesis-generating case study, the next research step is assumed to repeat this hypothesis-generating procedure to refine hypotheses, which should be generalized and tested by more cases until a new theory is built. The hypotheses that I generated based on the case study of Taiwan are intended to be tested in different cases from a comparative perspective.

One could conduct a quantitative comparative study on what kinds of variables determine if lowering or adjusting the referendum thresholds happens in democracies. The dependent variable is whether lowering or adjusting the referendum thresholds happens, which is a binary variable. Alternatively, one could even measure and scale to what extent the referendum thresholds is adjusted, which is a continuous variable. If one wants to measure and scale the degree of adjustment, a detailed, comprehensive study to summarize and compare all types of thresholds is preliminarily requested. Some thresholds are measurable with the number, for instance, the required signature and the decisive quorum. However, more changes are not quantifiable. For instance, a democracy changes its approval model to rejective model. One way to solve this problem is to count how many changes are relaxing the referendum requirements while how many are constraining. Alternatively, one could focus on what kinds of thresholds are more likely to be adjusted.

The independent variables can be extracted from more hypothesis-generating case studies. So far I list some possible variables I create from the case of Taiwan, including 1) whether there is a record of no successful referendums, which is a binary variable; 2) whether this issue is a valence issue in the election, which is a binary variable; 3) whether there is a populist demand on referendum reforms in the election, which is a binary variable; 4) whether the new elected

party wins both executive and legislative power, which is a binary variable; and 5) whether the winning party makes a clear campaign pledge to adjust referendum thresholds. It seems that the QCA method is more suitable for this research in this stage since all independent variables are binary, and the number of qualified cases is limited. One advantage of QCA is that all cases of lowering or raising the referendum thresholds can be included in this comparative study. However, if there are more quantifiable variables generated by other cases, one can also use logistic regression to test the relations between parties' conditions and the institutional adjustment to referendums. For instance, I assume that the party system, the current controversial issues, the capacity of radical political forces, are all possible explanatory variables.

Due to the reality that Taiwan seems to be the only case so far, this thesis does not test these hypotheses. These hypotheses are expected to explain not only why the relaxing referendum constraints happened in Taiwan, but also why the relaxing referendum constraints have not happened in other new democracies yet. One possible answer is that in some democracies the referendum thresholds are already relatively low so there is no more room to change or change in the opposite direction.

As for searching and collecting other cases, the establishment of a dataset of all records of institutional changes in all kinds of referendums in all democracies is necessary. So far, there has not existed such a database focusing on the referendum threshold dynamics. This dataset would help us to systematically compare referendum thresholds in different countries and compare their changes horizontally and vertically. So far, this kind of research is also rare. I assume that similar variables could be identified to explain how and why referendum thresholds are changed from a comparative point of view.



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