Legislating for Gender Equality in Korea

The Role of Women and Political Parties in Shaping the Timing of Legislation

by

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ABSTRACT

This study examines the factors that shape the timing of a passage of a piece of controversial gender equality legislation by conducting a case study of the abolition of the family-head system in South Korea. This study draws on the method of process tracing with the data collected from the archives and the interviews. The case study mainly compares the legislative processes for the bills on the abolition of the family-head system in 16th and the 17th National Assemblies, in which the bills resulted to opposite outcomes.

This study argues that the institutions of the legislative process mediate the impact of relevant actors for gender equality policymaking. In the bill initiation stage, only a small number of the elected officials are required to introduce a bill, and women representatives serve a vital role as they are more likely to introduce feminist bills than their male colleagues. This study argues that 1) the background of the women influencing their commitment to feminist agendas, 2) strong women's movements contributing to issue saliency, and thereby the policy priorities of the issue, and 3) the resources and constraints inside the party for feminist policymaking influenced by party ideology, shape how active women representatives will be in advocating controversial gender equality agendas.

In the later stages of policymaking, the efforts of a small number of women members are offset by that of political parties. Emphasizing the positive agenda control of the majority party and the negative agenda control of the minority parties, this study suggests that party issue positions are critical for the outcome of the bill. To explain the party issue position (re)shape, this study underlines 1) public opinion, 2) the emergence of new voter groups leading to the decline of the cleavage politics, 3) new party entry, and 4) women in the party and the party leadership. The findings highlight that the

major parties' issue positions shift in the 17th National Assembly greatly contributed to amplifying the bargaining power of the key allies and weakening the institutional leverage of the opponents, leading to the successful legislation of the bill.

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LIST OF ABBREVIATIONS

CEDAW The UN Convention on the Elimination of all Forms of Discrimination against Women

DLP Democratic Labor Party

DP Democratic Party

GNP Grand National Party

KNCW Korean National Council of Women

KWAU Korean Women's Association United

MDP Millennium Democratic Party

PR Proportional Representation

SMD Single-Member District

ULD United Liberal Democrats

YWCA Young Women's Christian Association

CHAPTER 1

INTRODUCTION

On the night of February 28 in 2005, the Legislation and Judiciary Committee of the National Assembly of South Korea was continuing with its last general meeting before the provisional plenary session of the National Assembly. In the gallery and the outside the meeting room, women representatives from different parties and women's movement activists were waiting anxiously for the committee to resume its discussion on the bills on a Civil Act amendment regarding the abolition of the family-head system in family law. The bill was discussed earlier in the morning, but the committee members failed to reach a consensus and moved on to the remaining agendas.

In Korea, the standing committees are where bills are discussed and negotiated by the members from different parties, and thereby bills passed the committee almost always pass in the National Assembly plenary session. There were three bills on the abolition of the family-head system proposed in June and September 2004, but none of them had passed the legislation and judiciary committee. Earlier in December 2004, the committee agreed to review and pass the bill in the provisional plenary session in February. Yet, the review was postponed until the last general meeting before the provisional plenary session, and the general meeting in the morning ended in vain.

Around 10 p.m., a discussion on the bill on Civil Act amendment resumed. The committee members again failed to reach a consensus, but the opponents of the bill suggested to take a vote. Finally, the agenda passed the committee with 11 in favor, 3 against, and one abstention. Hugging, crying, and shaking hands with one another, the women representatives and the women's movements activists celebrated the forthcoming historical achievement of Korean women's movements. On March 2, the bill on a Civil Act amendment passed at the National Assembly plenary session, which

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officially put an end to the forty-year long Korean women's movement for the abolition of the family-head system.

For the past few decades, South Korea has made a great progress in granting women equal rights to men. The increase in women's education level and labor force participation called for gender equality, and the expansion of women's movements in the late 1980s further pressured the government to engage in making gender equality policies. In response to the increasing demands, the act on the equal employment opportunity for both sexes was enacted to promote gender equality in workplace in 1987, and family law reform in 1989 removed most discriminations against women in family law. The reform of Political Parties Act in 2002 introduced 30percent quotas for women in the party-list proportional representation, and the gender quota was expanded to 50 percent in 2005.

However, contrary to the relatively smooth legislation of some gender equality policies, there were also gender equality issues that raised much more social controversy and had much more difficulty in legislation. The abolition of the family-head system is an example of such controversial issues. Even though the family-head system had been criticized for being against gender equality since the establishment of the New Civil Act of Korea in 1958, any attempts to abolish it faced strong opposition from the Confucians and social conservatives. Yet, eventually, the advocates of the bill succeeded in legislating the highly divisive gender equality issue in 2005.

In this study, I will examine the conditions under which the family-head system was abolished in South Korea. Before we proceed, a terminology needs to be clarified. To follow general distinctions in literatures of gender and politics, the term 'gender equality policies' or 'feminist policies' in this study refers to policies that aim to grant women

equal rights to men. In this sense, the term is more narrowly defined than the term 'women's policies' that include both feminist policies and policies concerning women's role as a caregiver, such as child, education, and welfare policies (Haas, 2010; Lovenduski & Norris, 2003; Saint-German, 1989; Swers, 2002).

In South Korea, the advocates of gender equality policies are similarly constituted across the issues. Women's movements, a few women members of the National Assembly, and a few men from the center-left and the leftist parties are the core of the advocates. However, the variance in the timing of the gender equality adoption in Korea demonstrates that their bargaining power during the legislative process differs across the issues, and high controversy and opposition to the issue tend to counter the bargaining power of the advocates (Blofield, 2013; Haas, 2010; Htun & Weldon, 2010; A. J. Kang, 2015). The purpose of this study is examining how the advocates of a controversial gender equality issue that had faced strong opposition for a long time successfully got the legislation passed in 2005. By answering this question, this study aims to explore one area of gender equality policymaking that have received less attention— the shifts in the established bargaining power of the proponents and the opponents of a gender equality policy that shape the timing of the legislation.

A large amount of literature on gender equality policymaking, or women's policymaking in general, have noted factors that increase the likelihood of the gender equality policies adoption. Those factors include women's movements (Banaszak, 1996; Htun & Weldon, 2012; A. J. Kang, 2015; Weldon, 2011), femocrats (Eisenstein, 1991; McBride & Mazur, 2010; Stetson & Mazur, 1995), change in political opportunity structure (POS) (Banaszak, 1996; A. J. Kang, 2015; McCammon, Campbell, Granberg, & Mowery, 2001), women elected officials (Caiazza, 2004; Childs & Withey, 2004; Erickson, 1997; Kittilson, 2008; Lovenduski & Norris, 2003; Saint-German, 1989; Swers,

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1998; Thomas, 1991; Thomas & Welch, 1991; Wangnerud, 2000), and party ideology (Bashevkin, 2009; Caul, 1999; Dubrow, 2011; Hogan, 2008; Russell, 2002). Although previous studies well note that there is no single determinant for the feminist policies adoption but several factors combined give the advocates more bargaining power and thereby increase the likelihood of the policies adoption (Stetson & Mazur, 1995), the conditions under which the established factors obtain a sufficient bargaining power to legislate feminist policies are an understudied area (Haas, 2010; A. J. Kang, 2015).

Drawing on previous studies, this study will examine what shapes the timing of feminist policy adoption by exploring what shape the distribution of bargaining power between the proponents and the opponents among policymakers, and when it moves toward the proponents. For this purpose, this study observes legislative processes and examines when the bills on the abolition of the family-head system were introduced and when a bill failed and when it succeeded to be legislated. The abolition of the family-head system in Korea makes a good case study for this task because the several attempts to abolish the family-head system failed at different stages of legislative process until succeeded in 2005, allowing the researcher to examine the conditions under which a bill on the abolition of the family-head system passes each stage of legislative process by comparing across the National Assemblies.

The Abolition of the Family-head System in the History of Family Law Reforms in Korea

In Korea, the increasing gender equality policies adoption corresponds to the long-term societal changes that raised women's awareness of the prevailing sexism in society. Women's education level and labor force participation rate rapidly grew since the mid-1970s. The gender gap in the percentage of high school enrollment rate among

middle school graduate had decreased from 6.8 percent in 1977 to 0.1 percent in 1995[1],
and the percentage of women entered college or university after high school graduation
jumped from 17.5 percent in 1977 to 80.1 percent in 2005[2]. The female labor force
participation rate increased from 42.8 percent in 1980 to 49.8 percent in 2002, markedly
among those with a bachelor's degree or higher diploma raised from 49.6 percent to 62
percent[3].

      In addition to socio-economic transform, the pressures from women's movement
organizations provided another source of changes. During the authoritarian rule, the
Korean women's movements led by few women's organizations devoted to family issues,
such as family law reform and domestic violence. Korea Legal Aid Center for family
relations (1956-) took a leading role in the Korean family law reforms, and Young
Women's Christian Association of Korea (YWCA, 1922-), an international Christian
organization, Korean National Council of Women (KNCW, 1959-), which is an
association of professional women's organizations, and Korea Women's Hot Line
(1983-), an organization supporting victims of domestic violence, were major women's
organizations acted for family law reforms.

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[1] Source: Adapted from Korean Educational Statistics Service (KESS). (2018) [The Statistics Brief: Middle School at a Glance]. Available from
https://kess.kedi.re.kr/kessTheme/webzinePop?itemCode=03&webzineSeq=32&menuId=m_02_03_04

[2] Source: Adapted from Korean Educational Statistics Service (KESS). (2018) [The Statistics Brief: High School at a Glance]. Available from
https://kess.kedi.re.kr/kessTheme/webzinePop?itemCode=03&webzineSeq=33&menuId=m_02_03_04

[3] Source: Korean Statistical Information Service (KOSIS). (2018). [Labor Force Participation by Sex and Education Level]. Available from
http://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1D07013S&conn_path=I3

The mobilizing capacity and subjects of women's movements considerably increased in the mid-1980s, as progressive women activists who used to be more engaged in labor and democratic movements than feminist issues started to be mobilized around feminist agendas. The expansion of women's movements accelerated after democratization with the rapid growth of civil society in Korea. Korean Women's Association United (KWAU), an association of progressive women's movement organizations and one of the largest women's movement organization in Korea (1987-), was established during the time. As women's movements became more active, the range of agendas they advocated also expanded. In addition to the staple issue of family law reform, equal rights of women in labor forces and electing more women to the National Assembly became widely advocated issues in women's movements.

Although the socio-economic changes and women's movements led to successful legislations of some gender equality issues, these established factors were insufficient for the abolition of the family-head system. The contents of and debates over the family-head system will be explained in detail in chapter 3. Briefly speaking, the term family-head system refers to several articles in the Korean Civil Act that set up a male head of family and define his authorities over and responsibilities to family members. In the original New Civil Act established in 1958, the male head of family had exclusive rights to give his surname to the children and continue the family line, and therefore, a family without a son cannot be succeeded. Sons had privileges in inheritance over the mother and the daughters, and the father has a priority to parental rights over the mother.

The criticism that the family-head system discriminates women is as old as the New Civil Act of Korea[4]. However, the system corresponds to the traditional Confucian understanding of family, and challenges to the family-head system always invoked strong opposition from the Confucians (*Yurim*) and social conservatives. The national organization of Confucian scholars (*Sungkyunkwan*) was the largest organized opposition group to the abolition, and the public was also not supportive to the change worrying that it would increase divorce and the family breakups.

Facing the opposition, political parties and the National Assembly members had been reluctant to pick up and discuss the agenda of the abolition of the family-head system. Certainly, there had been several family law reforms before 2005 that accepted some major women's movements demands. The reformers were more successful especially when the authoritarian government saw the benefits of the reform and the reform bill was comprehensive enough to leave a room for negotiation among the different interests. Yet, the attempts to reform family law sometimes failed to be initiated, and even when a bill is introduced, the contents were amended to eliminate controversial components, such as the abolition of the family-head system.

The family law reform in 1977 is one example in which the government positively considered the reform to achieve its major policy goal. At the time, a prime social policy goal of the Korean government was curving the high birth rate, which was partly due to son preference exacerbated by the family-head system. For the family-head system only allows men to give his surname to children and carry on the family line, couples keep

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[4] The summary of the New Civil Act waiting for the passage in the National Assembly: Controversies over maintaining the family-head system. (1957, September 28). *The Chosun Ilbo,* p.2

giving a birth to a baby until they finally have a boy[5]. Since the mid-1970s, the Korean

government considered a comprehensive family law reform, and the collective activities

of women's organizations united for the abolition of the family head system started in

the 1970s made the beginning of the process. In 1974, the association of sixty-one

women's organizations united for family law reform wrote a draft of family law reform

bill including the abolition of the family-head system, and the bill was introduced by a

woman member Sook-jong Lee and 19 other members. Yet, the authoritarian

government trying to avoid unnecessary social disturbance did not agree to abolish the

family-head system and eventually passed a moderate reform bill that corrected

inequality in inheritance between sons and daughters[6].

 Women's organizations' attempts to abolish the family-head system was reignited

in 1984, after the Korean government ratified the UN Convention on the Elimination of

all Forms of Discrimination Against Women (CEDAW). At the time, the Korean

government was considering reserving some articles of CEDAW that contradict the

family-head system. Women's organizations took it as an opportunity to push forward

another family law reform. The main contents of the proposal written by the women's

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[5] Cha, J. (1976, December 7). Korea is full: How long are you going to give a birth to a baby hoping to have a son. *The Chosun Ilbo*. p.10

Byun, Y. (1982, December 28). Practical barrier to birth control: Huge differences in views among relevant Ministries on the abolition of the family-head system and the differential inheritance tax. *The Chosun Ilbo,* p.3

[6] A family law reform bill including the abolition of the family-head system was introduced in 1975 by a member of the National Assembly Lee Sook-jong with signatures from 19 other members. Both women's movement organizations and the conservative organizations were mobilized to pass or block the bill. After two years of avoidance, the governing Republican party decided to have a vote on a modified bill that excluded controversial changes made in the original bill. For the activities of women's movements and the opposite movements, see Korea Legal Aid Center for Family Relations (2009), Chapter 2.

movements organizations included several controversial issues, and the abolition of the family-head system was among them. In the end, women's organizations failed to find twenty members of the National Assembly required for a bill initiation.

A major reform of the family law was passed in the National Assembly in 1989, after democratization. Earlier in 1985, the Korean government announced a five-year plan to rescind discriminatory articles from the Civil Act to curb the birth rate, and democratization raised hopes among women's rights activists that now the National Assembly would be more responsive to women's voices. In 1988, a bill on family law reform that includes the contents of women's organizations' proposal in 1984 was initiated by 153 members. Yet again, the original family law reform bill faced strong opposition from the Confucians and the social conservatives. Eventually, the legislation and judiciary committee agreed to scale down the degree of the reform. The result of the negotiation was a comprehensive family law reform that gave women equal rights to men in inheritance and custody, while having maintained the core articles of the family-head system.

In the late 1990s, the expansion of women's movements after democratization, the election of president Dae-jung Kim from democratic block, and the increasing divorce rate rendering the family-head system anachronistic combined opened up another opportunity for women's movements to mobilize for the abolition of the family-head system[7]. In response, a woman National Assembly Member Mi-kyung Lee and 51 other members introduced a bill on the abolition of the family-head system in 2003,

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[7] The crude divorce rate was 0.6 in 1977 but reached 2.5 in 1998.

Source: Korean Statistical Information Service (KOSIS). 2018. [Dynamic Statistics of Population]. Available from
http://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1B8000F&conn_path=I3

followed by a government proposal with similar contents in November. The bills were referred to relevant standing committees but discarded without being processed as the 16th National Assembly ended in May 2004.

In September 2004, a woman National Assembly member Kyung-sook Lee and 155 other members introduced a bill on the abolition of the family-head system, and a National Assembly member Hoe-chan Roh and 9 other members also proposed another bill in a few days. The government proposal was already submitted to the National Assembly at the beginning of the 17th National Assembly[8]. This time, the bills passed the relevant standing committees by February 2005, and in March 2, the provisional plenary session finally passed a bill on the abolition of the family-head system.

Conditions for the Abolition of the Family-head System

As the Korean case demonstrates, legislating controversial gender equality bills is highly difficult because the elected officials are afraid of the cost of supporting the agenda—the backlash from the opponents that may negatively affect their chances in election. Despite the difficulties, however, women's movements in Korea eventually found enough number of National Assembly members to introduce a bill on the abolition of the family-head system in the 16th National Assembly, and a similar bill finally passed in the plenary session in the 17th National Assembly.

What could explain the successful legislation of the abolition of the family-head system in the 17th National Assembly? Established factors noted to be important in the literature certainly played a role in women's policymaking in Korea. The changes in

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[8] Several bills proposed in the 16th and 17th National Assembly all aim to delete articles related to the family-head system from the Civil Act. What differentiated the bills were whether a new definition of family to replace the old one is included or not, and allowing the coupe to decide the baby's surnames or the baby assumes the father's surname in principle unless the couple agrees otherwise.

political opportunity structure, such as the government policy goal and democratization, and women's movements crystalizing women's interests into policy agendas and pressuring the government, were driving forces behind the family law reforms prior to 2005. The establishment of Ministry of Gender Equality in 2001 also opened up channels for femocrats to more actively participate in gender equality policymaking.

Importantly, the presence of and the interactions between political opportunity structure, women's movements, and femocrats failed to bring out the legislation of the abolition of the family-head system until two conditions were finally met in the 16th and 17th National Assembly: The significant increase in the number of women members and the replacement of the National Assembly majority party to the left-leaning Uri Party.

As the scene of the bill passage described at the beginning of this chapter illustrates, the vocal supporters of the abolition of the family-head system in the party and the National Assembly were women elected officials. The support from women members agrees with the findings of the previous studies that women representatives are more likely to vote for women's interests than their male colleagues (Caiazza, 2004; Childs & Withey, 2004; Lovenduski & Norris, 2003; Saint-German, 1989; Swers, 1998, 2001, 2002; Thomas, 1991; Thomas & Welch, 1991; Thomas & Wilcox, 2014; Wangnerud, 2000). However, aside from their interests in women's issues, the role of women elected officials and their impact on the abolition of the family-head system require more scrutiny. Although few in numbers, there always had been some women members in Korean National Assemblies prior to the 16th. But sometime women members refused to support feminist agendas, like when women members of the National Assembly refused to (co)sponsor a women's organizations' proposal on family law reform in 1984. Why, then, were women members in the 16th and 17th National Assemblies more active in advocating the controversial gender equality bill? In other

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words, when do women elected officials represent women's interests despite the expectable backlash?

The conditions under which the controversial gender equality bill received majority support also require a close examination. Even though there were large increases in the number of women members in the 16th and 17th National Assemblies, women only took up 5.9 percent (16th) and 13 percent (17th) of the seats. How, then, did a bill advocated largely by a small group of women members in the 16th National Assembly gain a majority support a year later in the 17th National Assembly? In Korea, what significantly increased the support for the bill in the 17th National Assembly was the party issue position of the major parties started to shift from the end of the 16th National Assembly. What, then, could explain the changes in party issue positions when the parties had long been not in favor of the abolition of the family-head system before the 17th National Assembly?

In the following chapters, I will examine how the controversial bill on the abolition of the family-head system was legislated in Korea by answering these questions. To understand when and how the election of women influenced the dynamics of legislative process and when and how the bill eventually received partisan supports and passed in the plenary session, this study traces and compares the legislative processes for bills on the abolition of the family-head system in the 16th and 17th National Assemblies, during which similar bills were introduced but resulted to the opposite outcomes. The 16th and 17th National Assemblies also vary in the percentage of women elected officials and the National Assembly majority party, which allow the researcher to study the impact of women and political parties on the legislation of the controversial gender equality bill, while the small time-frame of the comparison controls for the impact of long-term societal changes that gradually reshape people's view on gender

equality. To explain the conditions for the introduction of the bill, in which the 16th and 17th National Assembly do not vary, several moments in the history of family law reform will also be observed.

Outline of the Chapters

This study examines a controversial gender equality legislation in Korea by conducting a case study based on within country observations of different National Assemblies. Within country case study could have weaknesses in distinguishing the effect of country specific factors from more generalizable factors compared to cross-country comparison. Yet, compared to cross-country comparison, a case study has a strength in making causal processes of the phenomenon (George, 2005; Gerring, 2007).

To reduce the weakness of a case study, this study aims to analyze the Korean case with a solid theoretical frame built from the previous studies to see the comparability of the Korean case with the feminist policymaking in other countries. At the same time, this study aims to reap the advantage of a case study by examining not just what factor, but when and how the presence of a certain factor or a set of factors, contributed to the policymaking and giving a full picture of the legislative process, in which these factors led to gender equality legislation in Korea. For this study traces legislative processes and observes each legislative stage at different time points, this project uses the methods of process tracing, although less rigorous in giving a precise causal mechanism than the process tracing method aims to be (Bennett & Checkel, 2015).

In chapter 2, I will discuss a theory of gender equality policymaking. I roughly divide the legislative process into bill introduction stage, committee considerations, and plenary session, and examine 1) when a bill is introduced, 2) when the bill gets passed in

committee and plenary session, and 3) how the distribution of the bargaining power between the proponents and opponents of the bill lead to different outcome of the bill: Pass with minimum amendment, pass with considerable amendment, in pending, and failure.

I suggest that the features of the legislative process differently shape the impact of an actor for each stage of policymaking. In the bill initiation stage that requires the presence of a small number of the National Assembly members to introduce a bill, women elected officials may serve a vital role as they are more likely to introduce feminist bills than their male colleagues. This study argues that 1) the characteristics of women in the National Assembly, 2) strong women's movement mobilized for the issue, and 3) party ideology that influence resources and constraints for feminist policymaking inside the party, shape how active women elected officials will be in advocating controversial gender equality agendas.

In the later stages of policymaking, however, the impact of small number of women members is offset by the impact of political parties. To explain the shape and reshape of party issue position, this study underlines 1) public opinion, decline in the party system cleavage that contributes to 2) the emergence of new voters, 3) the entry of new party, and 4) women in party and party leadership.

The support from the majority party and the election of women help the proponents of the gender equality legislation have strong allies in the National Assembly, and the opposition from a party gives leverage to the opponents to the bill to stall the process of the bill. Depending on the distribution of the bargaining power between the proponents and opponents of the bill, the success or failure of the legislation and the degree of amendment needed to pass the bill are differently shaped. The categories and the cases fit into each category will be discussed in the chapter.

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Chapter 3 gives a general overview of the case. The contents of the family-head system and why it was central issue for the Korean women's movements will first be explained. The party system in Korea and the features of legislative process will also be introduced, and the legislative contexts in the 16th and 17th National Assemblies will be briefly compared. Following a common distinction of ideology in Korea, the term progressive and conservative will be sometimes used in this study to describe party and voter ideology. Those terms encompass one's attitudes on security, economy, and social values. The progressives are relatively dovish toward North Korea, supportive of economic redistribution, and socially liberal, while the conservatives are the opposite.

Chapter 4 examines the conditions under which a bill on controversial gender equality issue is legislated by comparing the bill introduction in the 16th and the 17th National Assemblies, while also refer to earlier National Assemblies in which a family law reform bill was introduced. In most cases, a bill was introduced when women members worked as allies to women's movements inside the party and the National Assembly by (co)sponsoring the bill and persuade other members and the parties to support the legislation. Still, the women members' choice of representing controversial gender equality bills is conditional. I suggest that the election of women with women's movements background, the presence of strong women's movements that influence women members' policy priorities, and party ideology that provides women with resources and constraints for feminist policy advocacy inside the party greatly contribute to women members' advocacy of the abolition of the family-head system.

In chapter 5, the later stages of the policymaking process will be analyzed. I will largely compare the 16th and 17th National Assemblies, and how the party issue position and the election of women mattered for the bargaining power of the proponents and the opponents of the bill. In the Korean case, a controversial gender equality bill passed with

minimum amendment when both the majority and the largest minority party supported the bill (17th). When the parties were largely passive to the legislation, then the bill failed to be legislated despite the presence of some allies among individual policymakers (16th).

To explain party position shape and reshape, the impact of public opinion in giving a cue to the parties to reconsider the party position, the decline in party system cleavage that motivated the parties to appeal to newly emerging voter groups and facilitated the entry of new party supporting the new agendas that the established parties had been largely neglected. Those changes may lead to party issue position (re)shape, especially when women in the party successfully persuade the party leadership and the leader yield autonomous leadership in determining party platform.

The data used in chapters 4 and 5 is mainly collected from official government document, including the National Assembly minutes and examination report, records and publications of women's movement organizations, secondary literature, and news articles from three major national daily news. In selecting national daily news, I first categorized newspapers into three ideological categories—conservative, centrist, and progressive— and then choose the one with most subscribers in each category. The three major daily news include *The Chosun Ilbo*, *JoongAng Daily*, and *The Hankyoreh*. *The Chosun Ilbo* is the right-wing newspaper company with the most readers established in 1920. *JoongAng Daily* is generally considered as centrist or right-centrist newspaper first published in 1965. Lastly, *The Hankyoreh* was first found in 1988, after democratization. Because the freedom of press was severely restricted under the authoritarian rule, the leftist Hankyoreh has a short history compared to the others. I collected all articles including the keyword "the family-head system (*Hoju-je*)" from the year of establishment to March 10th, 2005. For *The Hankyoreh*, the data was collected

from 1991. In addition to major daily news, I also collected news articles from *The Women's News*, first published in 1988 to represent women's perspectives, to trace the agendas and activities of women's movements in Korea.

In addition to searching for the archives, I interviewed three key women members from the 16th and 17th National Assembly, two from the MDP and the Uri Party and one from the Grand National Party, and also had unofficial communication with secretaries of two members in summer 2017. Two legislators from the Millennium Democratic Party (MDP) and the Uri Party were the chief authors of the bill in the 16th and 17th National Assemblies, and one from the GNP was the most frequently quoted member of the party in news articles on the family-head system. The communication with the secretaries and the archives confirms that those women members took a leading role in the debate over the abolition of the family-head system in the parties and the National Assemblies.

By studying the Korean case, this study aims to contribute to the fields of comparative politics and women and politics. First, this study emphasizes the impact of opposition on feminist policymaking, which had not attracted much scholarly attention in the literature. By examining when and how the opposition has a strong impact on stalling feminist policymaking and when their impact gets weaker, this study aims to make a more nuanced argument on feminist policymaking and explain why the presence of favorable factors for feminist policymaking oftentimes fails to legislate feminist policy.

Second, in relation to the first, taking an advantage of a case study, this study gives explanations on when and how the favorable factors for feminist policymaking—the election of more women, strong women's movements, left party in power—have the most or little impact on feminist policymaking. By examining when and how the favorable

factors make a great contribution to the feminist policymaking or offset by unfavorable factors and do not have noticeable influence over the policymaking, this study aims to offer a more nuanced argument on the impact of the election of women, women's movements, and party ideology on feminist policymaking.

Third, for comparative perspectives, feminist policymaking in the East-Asian countries had not been received much scholarly attention. As a country in which social conservatism is strong, but the moral influence of religion is weak, the feminist policymaking in South Korea makes a good comparison to the Western democracies and Latin American countries in terms of the sources of the organized advocacy and opposition to the feminist policymaking. In this sense, a case study of South Korea provides resource to the field that a comparativist interested in cross-country comparison of feminist policymaking across different social and institutional contexts could make use of.

CHAPTER 2

THEORY

Previous studies on women's policymaking generally agree that women's policymaking is influenced by multiple factors. Among them, women representatives, women's movements, political opportunity structure, femocrats, and party in power have been found to be highly relevant.

A vast amount of studies agree that the election of women contributes to the introduction and legislation of women's interest bills. Women legislators have a distinct policy preference on women's issues, the term commonly refers to bills related to women's traditional role as a caregiver as well as feminist bills that aim to achieve equality between women and men in society (Erickson, 1997; Lovenduski & Norris, 2003; Thomas & Welch, 1991; Wangnerud, 2000). This gender gap in policy priorities leads women to introduce and sponsor more bills on women's issues than their male colleagues (Saint-German, 1989; Swers, 2002; Swers & Larson, 2005; Tamerius, 1995), which results to increasing women's issues policy adoption (Bratton & Haynie, 1999; Bratton & Ray, 2002; Caiazza, 2004; Cowell-Meyers & Langbein, 2009).

The presence of strong women's movements are another factor that increase the likelihood of women's policies adoption (Htun & Weldon, 2012; A. J. Kang, 2015). Women's movements provide a venue for women's interests to be articulated and represented (Weldon, 2002, 2011), raise the awareness of women voters and legislators of the presence of distinctive women's issues (Dodson, 2005), and greatly contribute to setting agendas for women's issues policies (Htun & Weldon, 2012; A. J. Kang, 2015; Soule & King, 2006). The impact of women's movements is amplified under favorable political opportunity structure, commonly identified with features of political institutions that provide the openings for women's movements to infiltrate (Kitschelt, 1986;

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McAdam, Tarrow, & Tilly, 2009; Tarrow, 2011), gendered opportunity structure, the societal changes that challenge the prevailing understanding of gender roles (McCammon et al., 2001), and by their choice of effective strategies (Banaszak, 1996).

The presence of femocrats and state machineries for gender equality also helps the adoption of gender equality bills by setting women's issues agendas inside the government and assisting women legislators' and women's movements organizations' efforts to propose and advocate gender equality policies (Friedman, 2000; McBride & Mazur, 2010; Stetson & Mazur, 1995).

Lastly, the ideology of the party in power supposedly has an impact on the gender equality policy adoption. A number of studies find positive relationships between left parties and women's representation. Left parties recruit more women than conservative parties (Caul, 1999; Reynolds, 1999), and they are more supportive to feminist agendas such as gender quotas (Caul, 2001). Yet, studies also find that the connection between left parties and women's policy adoption is feeble (Caiazza, 2004; Htun & Weldon, 2012) or being trumped by other factors, such as religious conservatism (Blofield, 2013; Morgan, 2003). Still, studies on individual legislators' voting behavior consistently find that members from leftist parties vote more for gender equality bills than conservative party members. Democratic men vote more for gender equality bills than Republican men (Swers, 1998), sometimes even more than Republican women (Hogan, 2008). All things taken together, although the direct impact of left party on gender equality policies adoption is latent at best, leftist party in power may have positive impact on policy adoption because they are more interested in electing more women members and have more men who are willing to support women's issues.

Legislative Process and Key Actors

While women elected officials, women's movements, political opportunity structure, femocrats, and party in power are highly relevant to women's policies adoption, the presence of those factors is oftentimes insufficient for the policymaking. This study suggests that the impact of these factors is mediated by the institutions of the policymaking process, in which an actor's impact is shaped by the features of each policymaking stage and offset by other actors (Burstein, 1999; Soule & King, 2006; Soule & Olzak, 2004; Tamerius, 1995). For example, in their study of the ratification of the Equal Rights Amendment, Soule and King (2006) note that the impact of women's movements is the greatest in agenda setting-stage but decreases in the later stage of policymaking. Because the bill eventually needs to gain a majority support, and the consequence of supporting the bill becomes more tangible as the bill moves toward the final stage, the impact of social movements is curbed by public opinion in the later stage of policymaking. In a similar vein, Tamerius(1995) argues that the impact of women elected officials decreases in the later stage of policymaking for the majority men's opinion has more impact than the few women's in the later stages.

Building on previous studies, this study underlines that legislative process consists of a series of stages, and the impacts of actors are not consistent throughout the process. For the impact of an actor is largely mediated by the features of each stage of legislative process, I argue that different actors serve a key role in each stage of policymaking process. In this study, I approach the puzzle of a controversial gender equality legislation in Korea by identifying key actors for each legislative stage and the conditions under which these actors serve their key roles. I will argue that two factors added in the 17th National Assembly, the increase of women members and the change of the majority party, substantially changed the dynamics of legislative process for the bills

on the abolition of the family-head system because women members serve a vital role in the earlier stage of policymaking and the political parties are key actors in the later stages of policymaking. Figure 1 summarizes the necessary conditions, potential key actor(s) for each stage of legislative process this study suggests.

	Simplified Legislative Process			
Stage	Agenda Setting →	Bill Introduction →	Committee Review →	Plenary Session
Necessary Conditions	Issue articulation Advocacy	Having allies among policymakers Having a few allies is oftentimes sufficient	Support from majority party Non-opposition from minority parties	Majority support
Key Actors	Women's movements	Women elected officials	Political parties	Political parties Individual elected officials

Figure 1. Stages of Legislative Process and Key Actors

Among different stages of legislation, this study focuses on formal legislative process. In particular, this study aims to explain when women's interests articulated by women's movements outside the institutional politics are included in the legislative agendas of the parties and policymakers and successfully legislated.

In the early stage of legislative process, having few representatives who are willing to support the feminist agenda is necessary and also sufficient for the bill introduction. For controversial gender equality issues that are likely to face more

opposition, finding allies might be difficult but critical to start the wheels turning to legislative process (Giugni, 2004). The election of women could significantly increases the chances of bill introduction because women elected officials are more likely to be allies to women's movements as they prioritize and introduce more bills on the women's issue compared to their male colleagues (Saint-German, 1989; Swers, 2002; Swers & Larson, 2005; Tamerius, 1995; Thomas & Welch, 1991). Although women do not work in vacuum and their activities are influenced by other factors, such as party issue position, the impact of gender on policy preference is significant even where the party discipline is strong (Lovenduski & Norris, 2003). Building on previous studies, this study suggests that women representatives may serve a vital role in bill introduction stage. Examining how and when women representatives overtly advocate controversial gender equality issues is one main task of this study.

Other actors to be considered in the bill introduction stage are the executive leadership (the president in Korea) and femocrats. In Korea, where the executive is also eligible to propose a bill, the will of the president and the presence of femocrats who help writing the bill open up an alternative path to bill introduction. However, in the Korean case, it was women in party who brought the women's movements agenda of the abolition of the family-head system into political parties, and it was also women members of the National Assembly who urged the presidential candidates and the president to include the abolition of the family-head system in the government policy agenda. Thus, even though the will of the president and the presence of femocrats combined provided another path to the bill initiation in the 16th and 17th National Assemblies, the election and advocacy of women were crucial to the path, which gives another reason to emphasize the role of women elected officials for the bill introduction.

Once a bill is introduced, the bill needs to obtain a majority support to pass, and the impact of few advocates is curbed by the majority's position toward the issue. Therefore, the influence of electing women members is supposed to be greatest in the bill introduction stage (Tamerius, 1995) but mediated in the later stages, in which the contents of the bill is discussed and negotiated by the committee members and finally required to receive the majority support. Instead, the political parties' positions on the issue become highly important in two ways. For an individual legislator's position on the bill is closely tied to the party's platform, especially where the party discipline is strong, winning the support of the majority party increases the chances of majority support to the bill. Also, for the parties have influence over the standing committee, in which members from each party review and negotiate the contents of the bill, party position influences the committee review process.

One thing that this study underscores in this stage is the negative impact of having opponents among the policymakers. In relation to it, I argue that minority parties, not just the majority party, play an important role in the later stage, as the partisan opposition indicates having a good number of opponents to the bill in the committees and the floor.

While previous studies generally focused on factors that may increase the chances of policy adoption, few studies looked into how the opposition to a progressive policy agenda mars the chance of policy adoption (Andrews, 2002; Blofield, 2013; A. J. Kang, 2015; D. S. Meyer & Staggenborg, 1996). In her research of the laws on divorce and abortion in Chile, Spain, and Argentina, Blofield (2013) shows how women's issues conflicting with religious doctrines are opposed by the Church and resourceful conservative actors in civil society, and how political parties' capacities to advocate or oppose the issues are shaped by them. Kang (2015)'s study on women's policy adoption

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in Niger also emphasizes how the opposition hampers the legislation of gender equality policies when the opponents have resources to mobilize and pressure the government.

The history of family law reform in Korea further justifies the need to take the impact of the opposition seriously. In several foiled attempts of the abolition of the family-head system, the opponents of the agenda had weakened the bargaining power of the advocates by also having allies among policymakers. When the bargaining power of the advocates is curbed, then there is an increasing chance that the agenda is off the table or the contents of the bill are negotiated to exclude controversial clauses of the bill, or the bill becomes a subject of policy barters between the parties, which makes the fate of the bill more contingent.

The formal and informal institutions of the Korean National Assembly of Korea give another reason to consider the impact of opposition. The standing committees in Korea prefer to make unanimous decision, which necessitates negotiations and consensus amongst the members from different parties. Also, if an opponent of a bill is chairing the committee, then the chair could use the chair's authorities to delay the process of the bill. For these reasons, the institutions of the later stages give leverage to the opponents to veto or delay the process of the bill. Thus, I argue that non-opposition from the minority parties could be as much important as gaining support from the majority party. All things taken together, political parties, including both majority and minority parties, serve a vital role in the later stages of legislative process.

Shaping the Choices of Key Actors

Identifying key actors of each stage does not mean that the impacts of other factors are negligible in the stage. By distinguishing key actors from other relevant actors, I aim to provide a focal point for analyzing each stage of legislative process, in which multiple actors are interwind. This study argues that it is necessary for a gender

equality legislation that key actors serve their role for the policy adoption, but their choice of support or disregard, or even opposition, is shaped by multiple factors. Explaining the conditions under which the key actors serve their role is one major task of this study.

When do women elected officials act for women? This study identifies women elected officials as key actors in the bill initiation stage. However, the election of women does not always lead to better representation of women's interests (Htun, 2016). As Pitkin (1967) keenly distinguishes, having representatives resembles the represented (descriptive representation) does not bind the representatives to 'act for' the interests of the represented (substantive representation).

Women representatives' activities are influenced by multiple factors, and it is plausible to expect that controversial gender equality issues are less likely to receive support from women because the political cost of supporting the issues is more expensive than other bills with little or no opposition. Then, when do women act for women's interests on controversial gender equality issues? Building on previous studies, this study suggests proportion or characteristics of women in the National Assembly, strong women's movement mobilized for the issue, and party ideology that is related to resources available to women in party as the most influential factors shaping women elected officials' choices.

Proportion or characteristics of women in the National Assembly. A vast of literature of women and politics have studied conditions under which the election of women per se has an impact on women's policymaking. In particular, studies have suggested two different, partly conflicting, conditions under which the election of women leads to better representation of women's interest—the proportion of women and the characteristics of those who elected.

In her classic work, Kanter (1977) notes that the proportion of women in a group differently shapes the pattern of interactions between women and men. In a highly skewed group with less than 15 percent women, women tend to keep a low profile to avoid pressures from high visibility, are isolated from informal circles, or become an insider by "defining themselves as exceptions and turning against their own social category" (p. 980). When the ratio of women to men reaches 35:65, then the changes in the pattern of the interaction between women and men appears, and women become "potentially allies, can form coalitions, and can affect the culture of the group" (p. 966).

Scholars of women and politics developed Kanter's theory into 'critical mass theory', suggesting that the descriptive representation of women will be translated into substantive representation when the proportion of women is above a certain threshold. Although scholars generally do not agree with the existence of a magic number that translates individual women into allies (Beckwith, 2007; Bratton, 2005; Crowley, 2004; Dahlerup, 1988; Studlar & McAllister, 2002), studies find that the impact of electing women becomes visible when women take up at least around 10 percent of the seats (Gay, 2002; Thomas, 1991).

Alternative to critical mass theory, some scholars argue that it is not the proportion of women that matters but electing those who will act for women that is principal to substantive representation of women. Building on Dahlerup (1988)'s emphasis on critical act, Childs and Krook (2006, 2009) argue that what is important for substantive representation of women is having the right type of representatives who are likely to become critical actors defined as "legislators who initiate policy proposals on their own and/or embolden others to take steps to promote policies for women, regardless of the numbers of female representatives" (2009, p. 138).

By definition, critical actors are not necessarily women. Yet, gender matters for the critical act because women representatives' life experiences as women shape their preferences and the way of thinking (Phillips, 1995), and women often find women elected officials who share similarities with them more comfortable and trustworthy (Atkeson & Carrillo, 2007; Mansbridge, 1999). Among women representatives, those who identify herself as a feminist (Tremblay & Pelletier, 2000), have background for being active in women's organization in and out of the parties (Chaney, 2006, 2012), and have ties to multiple subgroup of women—such as race, sexuality, and economic class—(Dovi, 2002) are more likely to act for women's interests.

Strong women's movement mobilized for the issue. Women elected officials not only prioritize women's issues agendas but also tend to feel obliged to represent women's interests (Carroll, 2002). However, there are numerous issues fall under the category of women's issues, and women representatives may have different list of women's policy priorities. In addition, there are reasons to expect that controversial gender equality policies are less likely to be prioritized. For one thing, advocating a controversial gender equality bill is a costly choice. The expected opposition in and outside the party could impact the advocates' chances of reelection. And considering that the increase of the number of women members in the National Assembly also means that the increase in the number of the newly elected members to the party and the National Assembly, the disadvantages of being newly elected should also be considered. Newly elected members are likely to have limited networks with other members compared to the incumbents, which could put some limits on the information and legislative know-hows they could obtain communicating with the inner circles. Also, they are less likely to hold high-raking positions in a party and the National Assembly committees that have more influence over legislations (Beckwith, 2007; Norton, 1995, 1999). It means that it is

more challenging for women members to distant themselves from the party line and press an issue of her own compared to the incumbent men.

When, then, does a controversial gender equality issue obtain a high priority over the others among women members? This study suggests that the presence of strong women's movement mobilized for an issue renders the issue highly prioritized for those who are willing to represent women's interests. For women that have long been underrepresented in the institutional politics, women's movements have provided one central venue through which women's interests are articulated and women emerge as an identity group with distinct interests (Weldon, 2002, 2011). Once women's movements successfully frame an issue as a prime women's concern and mobilize for it, then their collective activities may influence policy priorities of the policymakers. For a woman representative who has some background in women's movements, the presence of strong women's movements could further justify her advocacy for the issue. And those who have a good will to represent women but do not have particular agendas in priority could take a cue from the sizeable collective action (Lohmann, 1993). In this way, strong women's movements influence women representatives' list of women's policy priorities and help the controversial gender equality issue take a priority.

   Party ideology. Although bill introduction only requires the presence of a few representatives who are willing to sponsor the bill, the history of the Korean family law reform shows that finding a few could be frustratingly difficult. While women's commitment to feminist issues and the issue priority are important conditions for the introduction of a controversial gender equality bill, women's choice of representing an issue is also shaped by her party.

   While studies note that feminist issues are one of the new issues that do not fit into the existing party system very well (Haas, 2010; Inglehart, 1990; Kriesi, Koopmans,

Duyvendak, & Giugni, 1995), party ideology is one indicator of a party's general attitude toward women's issues (Caul, 1999, 2001; Dubrow, 2011). For parties have different voter support base, parties that are supported by the conservative voters find it more difficult to make policies deviating from the constituency's general social conservatism. Also, leftist parties tend to have organizational features that are more inviting to women to be included and have influence in the party (Kittilson, 2006), including their ties to progressive actors in civil society. In the Korean case, the parties in the democratic bloc grew out of democratic movements and had built ties to progressive civil society organizations that emphasize human rights and equality, including women's rights. In addition, men in the left party support women's issues legislation, oftentimes as much as women from the same party (Hogan, 2008; Swers, 1998), providing more welcoming environment for women members to raise feminist issues inside the party.

All things put together, party ideology differently shapes the constraints and resources in party for advocating feminist issues. In general, women in leftist parties have more resources for bill introductions because the party's connection to progressive social movements organizations and the NGOs in civil society makes a comfortable setting for women in the party bring feminist issues into the party. Also, the presence of women-friendly men in the party increases women's chances of finding enough number of cosponsors needed for a bill introduction even when the number of the women elected officials are very few. In addition, considering that the elected officials are influenced by the party issue position and the strength of party discipline (Lovenduski & Norris, 2003), especially when they are newly elected women members (Beckwith, 2007), the most costly act of advocating an issue—being a chief author or the sponsor of a bill—is most likely taken by women from the leftist parties.

What do shape and reshape the party's position? In discussing the role of political parties for women's policymaking, studies generally identify party ideology as one important factor that influences the party's position on the issue. In general, leftist parties are more likely to be in favor of feminist agendas when conservative parties, especially the ones that have ties to religious groups, are more likely to oppose feminist agendas that challenge traditional or religious concepts of femininity (Blofield, 2013; Haas, 2010).

Yet, the parties' implicit or explicit platform on feminist agenda is subject to change, and the Korean case is one example in which major parties' issue positions had shifted over time. Given that party ideology of an established party is rather a static variable, what factors could explain the change? This study draws on the party literature that the parties are creatures of office-seekers and thereby are not primarily committed to achieving ideological policy goals (Aldrich, 2011; Downs, 1957; Schlesinger, 1991) to understand party issue position (re)shape. Simply put, conservative parties may withdraw their opposition when they think adjusting party issue position is benefitial to their electoral chances than being conservative ideologues, and the leftist parties may give support to the agenda when they think being liberal ideologues does not noticeably undermine or even increase their chances in the elections.

Building on the previous studies, this study argues that party competition is influenced by public opinion, shifts in the party system cleavage due to the emergence of new voter groups, the entrance of a new party encompassing new agendas. These factors motivate parties to readjust their issue position. And women in party and party leadership greatly contribute to the party issue position change as women could serve a key role in persuading the members and the leadership the benefits of supporting

feminist agendas, and the leadership could effectively rout the opposition inside the party.

Public opinion. Studies on public opinion generally agree that that policymaking is highly likely to be influenced by public opinion because making a policy that are against majority voters' preferences would decrease support for the party and the members. In his studies on the influence of social movements on public policy, Burstein (1999, 2003) suggests that politicians whose prime goal is reelection yield to the public opinion over social movements when the issue is salient, and that interest groups and social movements may influence the policy that the public cares less. In a similar vein, Soul and King (2006) and Soul and Olzak (2004) noted that the impact of public opinion appears to be significant in the later stages of policy process. According to Soule and Olzak, favorable public opinion increases the likelihood of successful policy outcome of social movements when electoral competition is low.

The impact of public opinion is particularly pronounced for salient issues (Gormley, 1986; Haider-Markel & Meier, 1996; Mooney & Lee, 1995; Mooney & Lee, 2000; Norrander & Wilcox, 1999; Page & Shapiro, 1983). In their study on the US policy making between 1935 to 1979, Page and Shapiro (1983) find that large and stable shifts of public opinion increase the chance of policy change when the issue is salient. Among different types of issues, morality policies, such as abortion, LGBT rights, and death penalty, are likely to obtain high saliency because they are not complex to understand (Gormley, 1986) and difficult to compromise between different views (Norrander & Wilcox, 1999). In turn, morality issues policies tend to be influenced by public opinion (Mooney & Lee, 1995; Norrander & Wilcox, 1999).

From the previous study, it is plausible to expect that the changes in public opinion increase the chances of a party position shift. And in the Korean case, the

influence of public opinion is expected to appear in the early 2000s, as women's movements mobilized for the abolition of the family-head system in the late 1990s succeeded in making the issue highly salient near the presidential election in 2002.

Shifts in party system cleavages. Studies on the political consequence of social movements agree that social movements have more chances of leading to policy change when the political system, including the number of parties, factions in parties, and electoral system, provides the openings to the new demands and actors to infiltrate into the institutionalized politics (Amenta, Caren, Chiarello, & Su, 2010; Kitschelt, 1986; McAdam et al., 2009).

For women's interests, proportional representation electoral system and the adoption of gender quotas increase the number of women in the party. In turn, this provides openings to women's demands to enter into the party, especially when the parties recruit women with high policy priorities in women's issues and promote them to high-rank positions (Caul, 2001). More importantly, parties turn their attention to new demands and actors when they see the benefit of supporting them, most notably, more voter support. In motivating parties to turn their attention to the new groups, studies have noted the importance of two conditions: the decline of the existing party system cleavages and the emergence of new voter groups.

First, parties are more likely to become more inclusive to new demands when the mobilization power of the party system cleavages is in decline. Societal changes bring up groups with new demands that do not well fit into the existing unidimensional left-right scale on which parties had been competing, which may lead to the decline of the party system cleavage. Post-materialism (Inglehart, 1990), left-libertarian (Kitschelt, 1988, 1994), and new social movements (Kriesi et al., 1995; Offe, 1985) are among the newer demands that are adding additional dimension of social values into the space of party

competition (Albright, 2010; Kriesi, 1998). Yet, party's responsiveness to the new demands are conditioned by the mobilization power of the current party system cleavages and that of the new demands. For instance, Kriesi (1995)'s study on the Western European countries shows that where the old cleavage of economic class still has a strong mobilization capacity, left parties give less attention to the new social movements. In a similar vein, left-libertarian demands are more likely to be accepted by socialist parties when the parties do not have strong organization holding old left values inside the party (Kitschelt, 1994). In turn, parties are motivated to compete in the new dimension of values or for a particular issue (Green-Pedersen, 2007), when those issue could separate the party from others and bring more votes to the party.

Next, the emergence of a new voter group is what makes the party more responsive to the new groups and new policy demands. The most notable new voter group that parties have appealed to in the recent decades was women (Campbell, Childs, & Lovenduski, 2006; Childs & Webb, 2011). In the past, women voters in the United States and the Western European countries were known to vote for conservative parties more and less interested in politics in general (Duverger, 1955; Inglehart, 2015). But the increase in the women's education level and the labor force participation rate generated more issues that are particularly women's, and women voters started to vote more for left parties than men since the 1980s (Inglehart & Norris, 2000; Norris, 1986, 1999), emerging as a group with different perspectives than men that led to a gender gap in voting behavior (Campbell, 2004; Studlar, McAllister, & Hayes, 1998). Changes in women's policies, such as childcare policies adoption and the incorporation of more women to the party were gestures made by the parties to attract women voters as they became a distinct voter group (Morgan, 2013).

Entry of new party and party ideology. The decline of party system

cleavages and the emergence of new voter groups could bring changes to the established

parties' issue positions on the new demands when the party see the electoral benefits of

supporting the agenda. But the party competition on the value dimension could be also

triggered by the entry of new party that are open to new demands and new voter groups.

One may observe the entry of new parties to the party system when the cost of

entry is low and the elites have a positive expectation on the electability of the new party

(Tavits, 2006). Among major factors that will raise the prospects of the party's chance in

the election is the emergence of new issues (Tavits, 2006) that have little chance of being

seriously considered by the established parties (Kitschelt, 1988). In this sense, the new

parties are likely to include the new policy demands in their party platform.

In addition, party competition also makes it reasonable for new parties to invest

in value dimension, which considered secondary to the right-left dimension where the

established parties compete. Niche parties are the examples of new parties attracting

voters by focusing on small range of issues that are neglected by the established parties

(Meguid, 2005; T. M. Meyer & Miller, 2015). But even the larger new parties that mainly

compete on the left-right scale have incentives to attract voters by adding the secondary

dimension issues to their party platform, and the lack of the established interest groups

and voter groups that are historically attached to party makes it easier for them to

emphasize the secondary dimension that the existing parties find it difficult to

incorporate (Kriesi, 1998), which might in turn also nudge the established parties to

reconsider their strategies on secondary dimension issues (Elias, Szöcsik, & Zuber, 2015;

Rovny, 2012).

If the discussion above is presuming the emergence of the secondary dimension

added to the existing center-right dimension as an important precondition for the new

party entry, new parties not just passively respond to the new demands, but also actively engage in making a particular issue that the established parties have been neglected or unsatisfactorily dealt with more salient, hoping that the party earns the issue ownership and dominates party competition on the issue when other parties start to respond to it (Green-Pedersen, 2007; Meguid, 2005). All things combined, the entry of new party is likely to increase the chances of party issue position change on the issues that the established parties have been neglected, which may bode well for the inclusion of feminist issues.

As discussed in the previous section, party ideology is closely related to the new party's general stance and the degree of openness to feminist agendas. When the new party is established expecting to gain votes on the progressive social issue area, then the party is expected to be more open to the feminist actors and agendas. Also, their attempt of finding a niche could bring out changes to the mainstream parties' issue position (Meguid, 2005). Either way, the advocates of feminist agendas will have better chances to enter their demand into the party.

Women in the party and party leadership. Women's influence over the party platform is likely to be restrained as women are still minorities in most political parties, and many of them do not have the seniorities in parties to hold high-ranking positions that have more influence on party platform. Still, studies have shown that women in parties could serve an important role in shaping a party's issue position on women's issues when the windows of opportunity are open. As discussed in the previous sections, the decline of social cleavages that previously sustained the party system motivates parties to find new voter groups (Albright, 2010; Inglehart, 1990; Kitschelt, 1988; Kriesi et al., 1995). And the increase in women's education levels and women's participation in labor force help develop distinctive interests of women, making women a

new voter group that parties need to appeal to (McCammon et al., 2001; Morgan, 2006, 2013). When these new opportunities are open, women in the party could become critical actors by bringing women's policies to the party agenda and persuading the members and the leadership in particular to support the issues (Kittilson, 2006, 2011; Morgan, 2013).

The opportunities opened up for women are better exploited when the parties have internal features that provide wider openings for women. Parties are more responsive to new groups when they do not have strong ties to social organizations that are not hospitable to new demands (Kitschelt, 1994). Also, the presence of women's organization in party gives women a space to articulate women's agendas and persuade and lobby for the issue, helping women's activities of women's issues advocacy (Thomas, 1991). The presence of women in high-ranked party positions also increases the chances of the gender quota adoption (Caul, 2001), which in turn increases the number of women in party, at least some of whom are likely to advocate feminist agendas.

Importantly, the windows of opportunity opened up for women is most effectively appreciated when the party operates under an autonomous leadership that renders the party more adaptive to the changes in political opportunity structure (Kitschelt, 1994). Women can become critical actors when they can persuade the party leadership of the need to support gender equality policies, usually by emphasizing their impacts on drawing women's votes to the party (Kittilson, 2006; Morgan, 2013), and their attempts are most likely to be effective when the leader has considerable influence over directing the party platforms and is able to subside the intraparty opposition (Wilson, 1994). In a similar vein, the change of leadership and the dominant faction inside the party into those who are more open to new issues (Harmel, Heo, Tan, &

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Janda, 1995; Harmel & Janda, 1994) also increase the impact of women in the party on reshaping the party issue position.

Paths to Policy Adoption and Non-Adoption.

In the later stages of policy process, parties' platforms on the issue heavily influence the bargaining power of the advocates and opponents of the bill. Depending on the bargaining power of each side, a bill results to different outcomes.

Figure 2 summarizes paths to policy adoption and non-adoption.
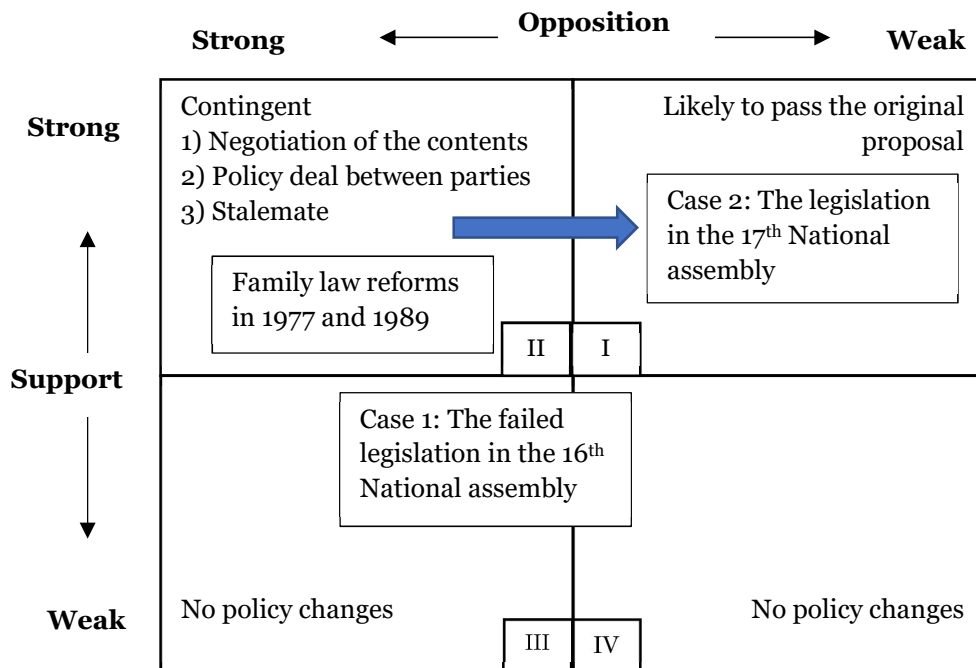
Figure 2. Possible Outcomes of the Bill and the Examples from the Korean Cases

Figure *2* helps us clarify between different paths to success and failure of legislating a gender equality issue. In many cases, such as family law reforms in 1979 and 1989 in Korea, the advocates of gender equality legislation sometimes win a part of their

demands, and it is identified as a success or a failure depending on the focus of the research. This study suggests that policy adoption could happen in different levels—Non-adoption (III, IV), a partial adoption (possibly happen in Quadrant II), and a full adoption (I), and examines when the advocates of the bill get the most of what they want (I), in our case, the abolition of the family-head system.

When the support for the bill is weak and the opposition is strong (III) and when both the support and opposition are rather weak (IV), then the bill is highly unlikely to pass. The failed legislation of the bills on the abolition of the family-head system in the 16th National Assembly was a product of a mediocre support and a relatively strong opposition. Two bills aiming to abolish the family-head system were introduced in May and November 2003. While there were some advocates of the bills across the parties, and the Roh administration supported the abolition, political parties avoided processing the bills, worrying about the consequences of supporting or opposing the bill on the upcoming general election in April 2004. Most members of the majority Grand National Party and the second largest minority United Liberal Democrats opposed the bill, and the largest minority Millennium Democratic Party also did not support the bill, although the parties refrained from taking a clear party position worrying about the backfire from women or conservative voters. The bills were sent to the legislative and judiciary committee but never had a chance of review.

When a bill receives both strong support and strong opposition at the same time (II), the fate of the bill becomes highly contingent. Most commonly, the bill is being in a stalemate until the current balance of bargaining power between the proponents and opponents among the policymakers shifts. For instance, when the bills on the family law reform were proposed in 1975, 1988, and 2004, the proponents and the opponents of the

bills failed to make an agreement for the first few months or years[9], leaving the bill in a gridlock.

A possible scenario to break the stalemate is a negotiation of the contents that makes the bill more agreeable to the opponents. In a similar vein, the bill could be included in a policy barter among the governing and the opposition parties that allows each side to pass the policy that it prioritizes. Aforementioned family law reform in 1977 and 1989 are examples of the former. A family law reform bill including the abolition of the family-head system was proposed in 1977. The bill was in pending in the legislative and judiciary committee until the governing Democratic Republic Party (DRP) under the authoritarian rule decided to delete the controversial contents of the bill including the abolition of the family-head system and finally passed the bill.

The abolition of the family-head system was also included in the original bill proposed in 1988, right after the democratization. Party for Peace and Democracy (PPD) and Reunification Democratic Party (RDP) were in favor of the original reform bill. Democratic Justice Party (DJP) and New Democratic Republican Party (NDRP) also agreed on the needs for the reform but wanted the abolition of the family-head system be off the table. The result of the negotiation was a comprehensive family law reform including amendment of the family-head system, while keeping the core articles of the family-head system intact.

When the support to the bill is strong and the opposition is weak (I), there is a high likelihood that the original bill is legislated. The main case of this study, the

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[9] The bills proposed in the 16th National Assembly are classified differently as a mediocre support and opposition because there were no specific efforts among the parties to discuss the contents of the bill, thereby no activities of support or opposition was appeared in the later stages of the policy process.

abolition of the family-head system 17th National Assembly, is an example in which the balance of power between the proponents and the opponents had moved from the Quadrant II toward the Quadrant I as the parties had changed its position on the bill overtime. When the bill on the abolition of the family-head system was proposed in the 17th National Assembly, the members from the GNP were generally against the bill, while the majority Uri Party supported the bill. However, the GNP eventually took a party position in favor of the abolition, and the bill eventually passed without significant changes to the original contents. To be fair, there was a minor negotiation in the legislative and judiciary committee over several articles. But the advocates of the bill succeeded in their main goal—deleting remaining articles on the family-head system from the Civil Act, which they failed to do so in 1989. Examining when the majority party openly advocated the controversial gender equality issue and the minority party changed its position on the issue is a main task of the case study.

CHAPTER 3

POLITICAL PARTIES AND LEGISLATION IN SOUTH KOREA

In this chapter, I will first explain what the family-head system is and why the abolition of the family-head system was such an important issue for Korean women's rights activists. Next, I will briefly explain party system and legislative process that provide institutional contexts for the legislation of gender equality policies. Finally, the political contexts of the 16th and 17th National Assembly will be compared.

The Family-head System and the Challenge of Women's Movements

The family-head system was a unique component of the Korean family law. In legal debates, the term family-head system refers to several articles in the part 4 (Relatives) and 5 (Inheritance) of the Civil Act that defines the succession, responsibilities, and authorities of the head of family and the family members' entry into family register. Yet, the term carries a symbolic meaning as well; from the establishment of the New Civil Act of Korea in 1958, women's rights activists treated the family-head system as a symbol of patriarchy in Korean law and society. On the contrary, it was a symbol of tradition and the value of family recognized by law for the opponents of the abolition, the most prominent one was Sungkyunkwan, the national organization of Confucian scholars. The abolition of family-head system was thereby conceived as a conflict between gender equality and the value of family, and it rendered debates over the abolition of family-head system highly divisive.

The family-head system first implemented in 1912 under Japanese colonial rule and included in the New Civil Act of Korea (1958) with a minor revision. The bare bones of the family-head system is an institutionalized patrilineality in which a man succeeds a family or sets up a branch family when he gets married and becomes the head of the family. When the head of the family dies, the eldest son succeeds the family. If he does

not have a son, then his daughter succeeds the family. If he does not have a child or once the daughter gets married, then the wife becomes the head of the family. If the head of the family is a woman, then the family lineage is extinguished when she gets married or dies without adopting a son to carry on with the family line.

According to the original version of the New Civil Act, the family-head has authorities, responsibilities, and privileges over family members, and the eldest son is also granted some legal privileges as a successor. As for women, a woman is entered into her husband's family register by marriage and re-entered to her original register, which is usually her father's, by divorce (Article 779, 787)[10]. A child shall assume the father's surname and be entered into the father's family register as long as the father is

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[10] Civil Act Articles mentioned in this study are based on Civil Act reflecting revisions made before the abolition of the family-head system (Enforcement Date: January 14. 2002).

The English version of the Korean Civil Act is obtained from National Law Information Center. Available from
http://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&section=lawNm&query=civil+act&x=24&y=27#liBgcolor28

Article 779 (Scope of Family Members): The spouse and blood relative of the head of a family, and the spouses of the blood relative, and any other person who has his or her name entered in the family register in accordance with the provisions of this Act, shall become members of the family.

Article 787 (Re-entry into Family Register of Wife, etc. and Establishment of New Family): (1) A wife and her lineal descendants who are not her husband's blood relatives shall be re-entered into her native family register or establish a new family by the effect of annulment of marriage or divorce.

(2) A wife and her lineal descendants who are not her husband's blood relatives may, if her husband has died, be re-entered into her native family register or establish a new Family.

(3) If, in the cases mentioned in paragraphs (1) and (2), the wife's original family has become extinct or no successor to the lineage of such family exists, or it is impossible for the wife and her lineal descendants to return to her native family register for any other reason, she may restore her native family.

recognized (Article 781)[11]. If a man gives birth to a child from an extramarital relationship, he could enter the child into his family register without a consent of the wife (Article 782)[12]. If a woman has a child from a previous marriage or an extramarital relationship, the child could be entered into the husband's family register if both her husband and the baby's father consent (Article 784)[13]. When a man dies, the wife and unmarried daughters inherit a half of, and married daughters a quarter of, what sons inherit. The legal heir of the family-head, in most cases the eldest son, inherits a fifty percent more than the other sons. The father has parental rights to his children, and the mother exercises parental rights only in an absence of or for incapability of the father.

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[11] Article 781 (Entry into Family Register and Surname and Origin of Surname, of Child) (1) A child shall assume its father's surname and the origin of surname and shall have the name entered in its father's family register.

(2) A child whose father is not recognizable shall assume its mother's surname and the origin of surname, and shall have the name entered in the mother's family register.

(3) A child whose father and mother are not recognizable shall, with the approval of the court, establish a new surname and the origin of surname, and shall establish a new family: Provided, That if the father or mother of a child becomes recognizable after a child has established a new surname and the origin of surname, the child shall assume its father's or mother's surname and the origin of surname.

[12] Article 782 (Entry into Family Register for Child Born out of Wedlock): (1) If a member of a family gives birth to a child out of wedlock, he may have the child's name entered in their family register.

(2) If it is impossible for a child born out of wedlock to have its name entered in its father's family register, the child's name may be entered into its mother's family register, and if it is impossible for the child to have its name entered in its mother's family register, the child shall establish a new family.

[13] Article 784 (Entry into Family Register for Wife's Lineal Descendants Who are not her Husband's Blood Relatives) (1) If a wife has lineal descendants who are not husband's blood relatives, she may, upon the consent of her husband, have their names entered in her husband's family register.

(2) If, in the cases mentioned in paragraph (1), the wife's lineal descendants are members of another family, their entry into her husband's register shall be subject to the consent of the head of such family.

When a couple divorces and fails to make an agreement on custody, the father gets the custody.

As the enumerated articles demonstrate, the family-head system provides legal ground for patrilineality in which women are considered secondary to men for they cannot carry on with the family line. And the inability to succeed the family line gave enough reasons for daughters to be less preferred to and discriminated against sons. Growing up listening to a Confucian wisdom of "the three pieties of women" as to obey her father before she gets married, the husband after the marriage, and the son once the husband dies, and a Korean old saying that "daughters become strangers to the family once they get married (*Chulgaoein*)", women were expected to be obedient to men and take it for granted that sons receive more care and resources than daughters.

On the top of that, the family-head system put serious pressure on married women to give a birth to a boy. The failure to giving a birth to a son was one of "the seven vices of women", the seven valid reasons for a man to divorce his wife in the old Confucian tradition. Although not having a son is not a valid cause to file a divorce in modern Korea, women were much too often maltreated in family for not having a boy. This preference of sons over daughters was one major reason for the high birth rate of Korea, and it led to a serious imbalance in the sex ratio at birth when abortion became a more readily available option in the mid-1980s[14].

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[14] Abortion is illegal in Korea with a few exceptional conditions, but the law was not strictly applied as the government pushed through birth control until the late 1980.
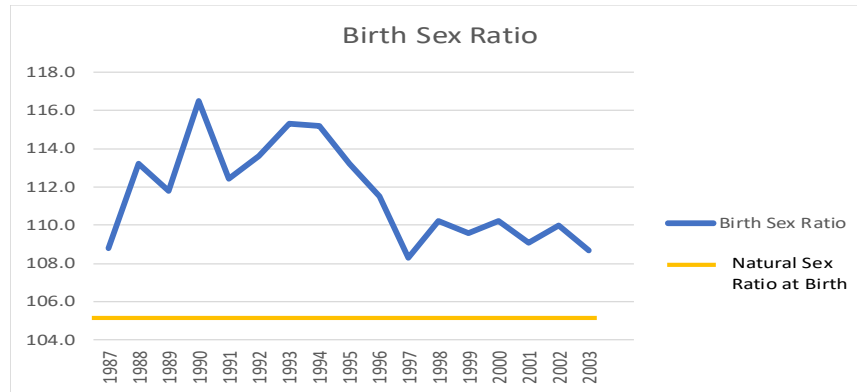
Birth Sex Ratio

*** Data: Korean Statistical Information Service (KOSIS). (2018). [Population Dynamics and Trend]. Available from
http://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1B8000F&conn_path=I3

Figure 3. Sex Ratio at Birth in Korea Between 1987-2003

Figure 3 shows the sex ratio at birth from 1987 to 2003. Due to selective abortion, the sex ratio at birth reached its peak of 116.5 boys to 100 girls in 1990. The gap was even wider for the third babies, the highest was 205.6 boys to 100 girls in 1993[15]. Stopping selective abortion and promoting gender equality were pressing goals of the Korean government, and women's rights activists argued that the first step for the gender equality was deleting the family-head system from the Korean family law.

There had been several family law reforms before 2005 aiming to limit the authority of family-head and grant a wife and daughters equal status with men. The reform in 1977 granted a wife a right to inherit the same amount of her husband's estate as the eldest son, and unmarried daughters to inherit the same amount as other sons. A

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[15] Source: Korean Statistical Information Service (KOSIS). (2018). [Sex Ratio at Birth by Birth Order for Provinces]. Available from
http://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1B81A19&vw_cd=MT_ETITLE&list_id=A21&scrId=&seqNo=&language=en&obj_var_id=&itm_id=&conn_path=A6&path=%252Feng%252Fsearch%252FsearchList.do

more comprehensive reform was made in 1989, after democratization. The family-head was deprived of his rights to designate the residence of his children and the wife, and the privilege of the eldest son over inheritance was also deleted. The reform also granted the married daughters equal rights to inheritance, and a wife a right to claim for division of property in divorce. The dispute over parental rights and custody in divorce was set to be decided by the family court, instead of granting them to father.

Despite the reforms, however, the core articles of the family-head system remained. The order of the succession of family-head, which prioritizes men so that a baby boy, instead of his grandmother, mother, and older sisters, become a head of family upon his father's death, remained intact (Article 984)[16]. Although the head of the family no longer had authorities over the members of the family, the article was criticized for symbolizing the secondary status of women in family. The articles defining the entry of family register and the surname of child also caused much trouble to divorced women and the child (Article 781). Although more women got the custody in a divorce after the family law reform in 1989, the child could not change his surname or enter into the stepfather's family register even if the child had lost the contact with the biological father. For the child has a different surname than the stepfather and siblings, a child from a divorced family was easily recognized and stigmatized in conservative Korea.

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[16] Article 984 (Order of Succession to Family Headship): With respect to succession to the family headship, it shall be given to a person in the following order:

1. A male who is a lineal descendant of the person to be succeeded;

2. A female lineal descendant who is a member of the family of the person to be succeeded;

3. A wife of the person to be succeeded;

4. A female lineal ascendant who is a member of the family of the person to be succeeded; and

5. A wife of a lineal descendant who is a member of the family of the person to be succeeded.

Deleting the remaining articles in the Civil Act was the prime purpose of the bills on the abolition of the family-head system introduced in the 16th and 17th National Assembly.

Party System and Legislative Process in Korea

Party system in Korea. South Korea has a presidential system with a unicameral legislature. The president is directly elected by plurality vote for a single term of five years. The legislative election (also called the general election) is held every four years to elect all members of the National Assembly at once. There are currently 300 members in the 20th National Assembly, but the number of the members is subject to change. Between the 15th and 17th National Assembly, the number of the members of the National Assembly was 299 (15th), 273 (16th), and 299 (17th).

Korea has a mixed electoral system, in which about 80% of the members in the National Assembly are elected in single member districts by plurality vote and the rest of the members are elected in party-list proportional representation. Although the country has a multi-party system, two political parties have dominated the National Assembly since the 1990s. The two largest parties in Korea are ideologically divided along their party platforms on two major issues: Their stance toward North Korea and economic policies.

Korean political parties may seem confusing to researchers who are not familiar with Korean politics because parties have undergone several mergers and divisions, and they sometimes change their names to make a fresh start without significant changes in the members and platforms. Despite the frequent changes in the names of parties, the ideological division among Korean parties have remained relatively stable.

The largest conservative party in Korea is hawkish toward North Korea and supportive to pro-market economic policies. They are social conservatives, but it is not because the party has a religious background for social conservatism, but because the

party is popular among conservative senior voters, and the party members share social conservatism with their core voters. Between the 15th to 17th National Assembly, the name of the party changed from New Korea Party (1995-1997) to Grand National Party (1997-2012).

The center-left party in Korea is dovish toward North Korea and more in favor of welfare policies while also pro-market. Many members of the party are former student activists or labor activists during the democratic movements in the 1980s. The center-left party went through several divisions and mergers between 1996 and 2005. Democratic Party (1991-1995, 1995-1997) and National Congress for New Politics (1995-2000) merged into Millennial Democratic Party (2000-2005), and later divided into Uri Party (2003-2007)[17] and Democratic Party (2005-2007). Among them, Uri party is most left-leaning than the others in terms of economic and social policies.

Owing to the introduction of party-list proportional representation in 2004, the pro-labor and social progressive leftist Democratic Labor Party entered the 17th National Assembly, first time for a leftist party[18]. Both the Uri party and Democratic Labor Party were social progressives, but Democratic Labor Party was more leftist than Uri Party on economic policies. For there were ideological differences between two parties, this study categorizes Uri Party as left-leaning and Democratic Labor Party leftist.

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[17] Uri Party is established mainly by the younger members of National Congress for New Politics with a few members from the conservative Grand National Party and a leftist party.

[18] Prior to the 17th general election, voters in Korea casted only one vote for a candidate in SMD, and PR seats were distributed according to the total votes that a party received in SMD. The reform in 2003 introduced one person two ballots system, in which a voter casts one vote for a candidate in SMD and another for a party.

The Legislative process in Korea. The legislation of gender equality issue is influenced by the formal and informal institutions of the legislative process. Figure 4 summarizes legislative process for family law reform bills.
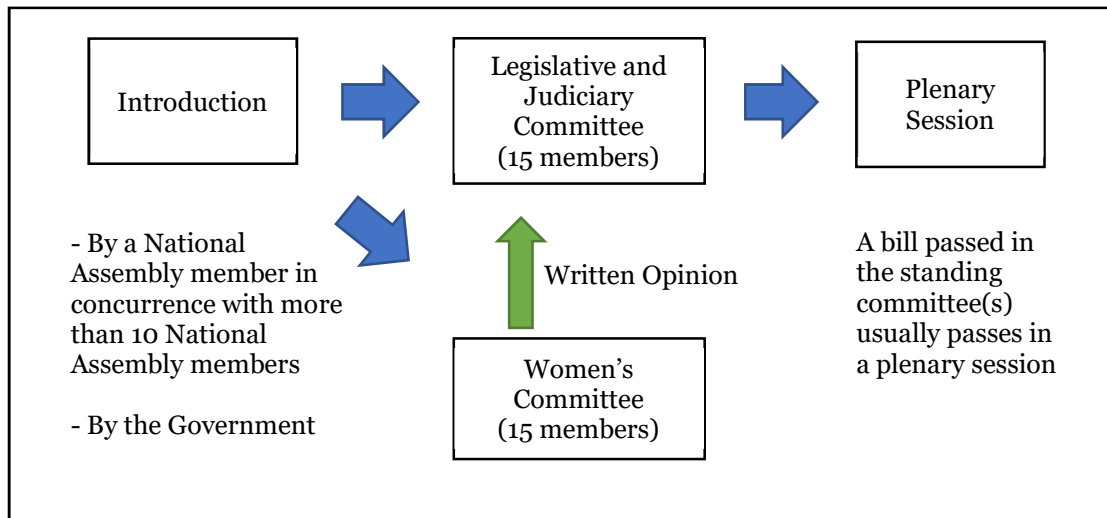
Figure 4. Legislative Process for Bills on the Abolition of Family-head System

In Korea, a National Assembly member could introduce a bill in concurrence with more than 10 members of the National Assembly. Before 2003, a bill should be sponsored by more than 20 members to be introduced. This requirement was one reason why a bill on the abolition of the family-head system had hard time in initiation. In 1984, women's movements activists succeeded in persuading seven National Assembly members to sponsor a petition on family law reform, including the abolition of the family-head system. It was a big step forward for women's movements, but they failed to introduce a bill because they could not find more sponsors.

Once a bill is introduced, it is sent to relevant standing committees for review. In most cases, a women's bill is first sent to legislative and judiciary committee and women's Committee (now named gender equality and family committee). The women's

committee reviews the bill and send their opinion to the legislative and judiciary committee. The legislative and judiciary committee usually send the bill to a subcommittee for an in-depth review first, and then discuss the bill in the general meeting of the committee. The bill passed in the legislative and judiciary committee is voted in the plenary session.

Among the National Assembly standing committees, the women's committee is a concurrent committee, meaning that the members voluntarily join the committee to review women related bills and petitions while also serving in another standing committee. In the 16th and the 17th National Assembly, the committee consisted of 15 members, and the majority of them were women. In both National Assemblies, bills on the abolition of the family-head system passed women's committee without difficulty.

The legislative and judiciary committee consists of 15 members, and a member from the conservative GNP chaired the committee in both 16th and 17th National Assembly. For bills should pass the legislative and judiciary committee to be voted in a plenary session[19], and the decision is mostly made unanimously to make it difficult for the majority party to pass a bill without negotiating with minority parties, the contents of bills are oftentimes negotiated by the members of the committee. For bills that pass the committee are the ones that committee members from different parties agree to pass, they get passed in the plenary session most of the time.

The legislative and judiciary committee could postpone the review of a bill, and there is no practical deadline for a review. For this reason, many bills are in pending state until the end of the National Assembly term and discarded. In the 16th National

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[19] The chairperson of the National Assembly has an authority to put a bill to the vote when standing committees postpone or fail to pass the bill.

Assembly, a bill on the abolition of the family-head system did not get a chance for a subcommittee review and discarded at the end of the term.

Comparing the 16th and 17th National Assemblies. Table 1 summaries political landscape of the 15th, 16th, and 17th National Assembly. The political contexts of the 15th National Assembly was included as a reference point. Prior to the 16th National Assembly, the political landscape was similar to the 15th.

Table 1

Political Landscape of the 15th, 16th and 17th National Assemblies

	The 15th National Assembly (1996-2000)	The 16th National Assembly (2000-2004)	The 17th National Assembly (2004-2008)
% Women (number)	3% (9 out of 299)	5.9% (16 out of 273)	13% (39 out of 300)
Legislative Context			
Party of the President (ID)	Pres. Young-sam Kim (Feb. 1993- Feb. 1998) New Korea Party (Conservative)	Pres. Dae-jung Kim (Feb. 1998- Feb.2003) Millennium Democratic Party (Center-left)	Pres. Moo-hyun Roh (Feb. 2003- Feb. 2008) Uri Party (Left-leaning)
	Pres. Kim, Dae-jung (Feb. 1998- Feb.2002) Millennium Democratic Party (Center-left)	Pres. Roh, Moo-hyun (Feb. 2003- Feb. 2008) Millennium Democratic Party (Center-left)	
Majority in the National Assembly (% seats) (ID)	New Korea Party (46.5%) (Conservative)	Grand National Party (48.7%) (Conservative)	Uri Party (50.8%) (Left-leaning)
Minorities in the National Assembly (% seats) (ID)	National Congress for New Politics (26.5%) (Center-left)	Millennium Democratic Party (42.1%) (Center-left)	Grand National Party (40.4%) (Conservative)
	United Liberal Democrats (16.7%) (Conservative)	United Liberal Democrats (6.2%) (Conservative)	Democratic Labour Party (3.3%) (Leftist)
Bills on the Abolition of Family-head System			
Initiation	X	O	O
Pass	X	X	O

Women National Assembly members. A major difference between the three

National Assembly is the percentage of women members of the National Assembly.

Between the 13th and 15th National Assembly, the percentage of women ranged from 1 to

3 percent. Political parties in general were not particularly interested in recruiting women candidates, although they also did not want to be a no women party. To elect women, parties included a few women in their national district party list. Between the 13th and 14th National Assembly, no women were elected in local districts[20].
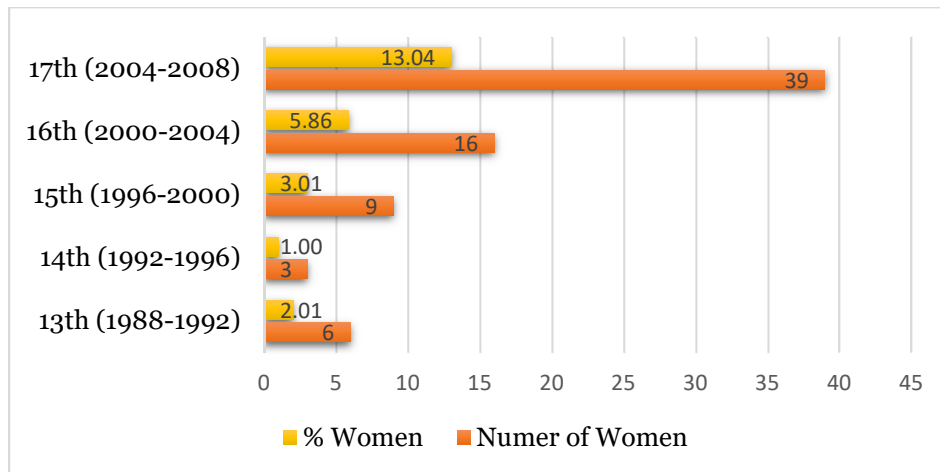
*** Data: Collected from National Election Commission (NEC). (http://info.nec.go.kr/)

Figure 5. Women Members of the National Assembly between the 13th and 17th

Figure 5 shows the percentage and the number of women representatives from the 13th to 17th National Assembly. There was a noticeable increase of the number of women in the 16th National Assembly. The direct cause was the introduction of gender quotas. The Political Parties Act reform in 2000 introduced 30 percent quota for women in the national district party list, although the law did not define the rank orders of

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[20] Between the 13th to 15th National Assembly the total number of women candidates run for SMD ranged between 14 to 21, which is about 1.3 to 1.5 percent. Two women candidates were elected in SMD in the 15th National Assembly.

women in the list. 16 women members entered into the 16th National Assembly, doubling the percentage of women to 5.9 percent[21].

The percentage of women increased even further in the 17th National Assembly. In the 17th National Assembly, the percentage of women members leaped to 13 percent. The prime reason for the significant increase of women members was the adoption of voluntary party gender quotas by the major parties. Before the 17th general election, women's movement organizations and NGOs asked political parties to fill the half of the closed party list with women and assign them electable order in the list. Four parties including the GNP and the Uri Party accepted the demand and assigned odd numbers to women candidates[22]. As a result, 39 women were elected for the 17th National Assembly, including 29 members elected in party-list proportional representation[23].

Legislative contexts. Along with the percentage of women representatives, the 16th and 17th National Assembly also vary in legislative contexts. In Korea, the presidential term is 5 years and the National Assembly term is 4 years. Thus, the party of the president could be a minority in the National Assembly, and it restrains the president's ability to pursue the administrative policy agenda. During the entire term of the president Dae-jung Kim and a first half of the president Moo-hyun Roh from the center-left MDP, the majority in the National Assembly was a conservative New Korea Party and its successor GNP. The 17th National Assembly was the first National Assembly

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[21] The number of women is counted at the moment of the election.

[22] The party list of most parties included less than 50 percent of women. But parties alternated between men and women candidates for about the first 20 candidates in the list.

[23] Before the 17th general election, another Political Party Act reform was made and recommended a 30 percent quota for women candidates in single member districts. However, the reform did not have much impact. The percentage of women candidates for SMD was 5.6 percent, which was little higher than 3.2 percent in the 16th National Assembly.

in which both the president and the National Assembly majority were elected from the pan-democratic bloc[24].

Another important change in legislative contexts is the replacement of the National Assembly majority party. *** Data: Collected from National Election Commission (NEC). (http://info.nec.go.kr/)

Figure 6 shows the number of seats in the National Assembly taken by each party between the 15th to 17th National Assembly. Parties in orange are social conservatives and blue are center-lefts or leftists.
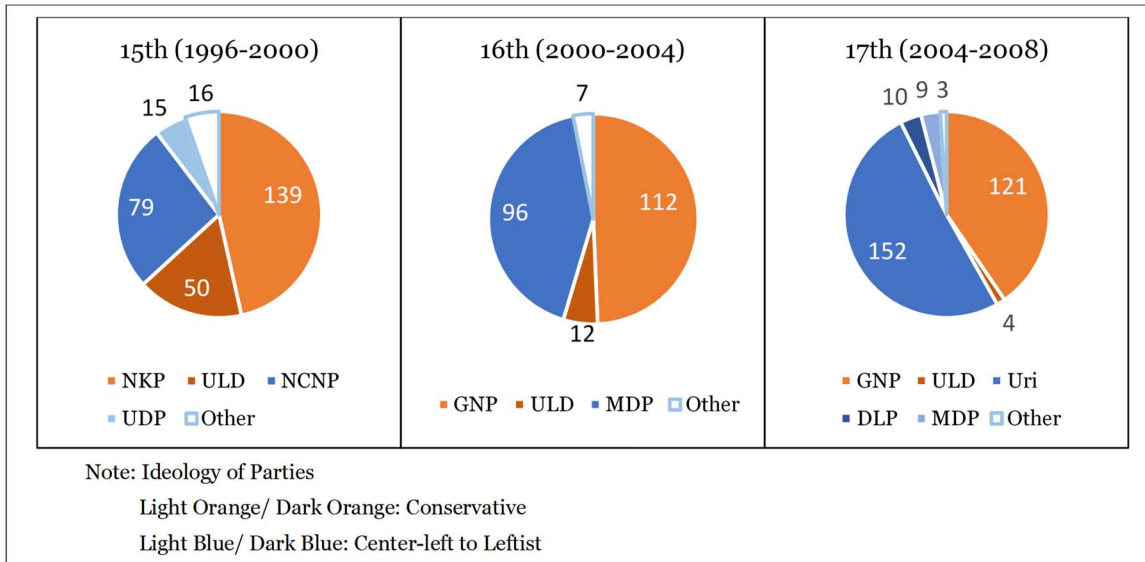
*** Data: Collected from National Election Commission (NEC). (http://info.nec.go.kr/)

Figure 6. Seats in the 15th to 17th National Assembly by party and Ideology

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[24] While there were huge conflicts and animosity between Millennium Democratic party and Uri party, they both belong to the pan-democratic bloc distinguished from the conservative bloc and the leftist bloc. President Roh was a presidential candidate of Millennium Democratic Party, and many members of Uri Party were also former Millennium Democratic Party members.

As it appears in Figure 6, the 17th National Assembly was the first Assembly that the conservative party lost majority. Between the 13th to 16th National Assembly, a conservative party or conservative parties combined took a majority seats. In the 17th general election, a left-leaning Uri Party won 50.8 percent of the seats, and it was the first time the conservative bloc lost majority in the National Assembly.

Prior to the 17th, the largest minority party in the National Assembly was a center-left MDP (with a few different names) and the second largest minority party was a conservative ULD[25]. In the 17th National Assembly, the conservative GNP became the largest minority party with 40.4% of seats. One thing to note is the replacement of the second largest minority party to the leftist DLP. Combined, the left-leaning Uri Party and the leftist DLP took up 54.1 percent of the seats in the 17th National Assembly.

Bills on the abolition of the family-head system. Similar bills aiming to abolish the family-head system were introduced in the 16th and 17th National Assembly. All five bills include the abolition of the family-head system but differ in deletion and revision of relevant articles. The differences between the bills will be explained in chapter 4.

Figure 7 is a brief timeline of the legislative process for the bills.

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[25] Both Grand National Party and United Liberal Democrats are social and economic conservatives but have different regional support bases.

	Bills			Events
17th	Passed in the National Assembly	2005.3.2		
	Passed Legislative and Judiciary Committee	2005.2.28		
			2005.2.3	Constitutional Court ruled the Family-head System Incompatible with the Constitution
	Passed Legislative and Judiciary Subcommittee	2004.12.27		
	Introduction (Hoe-chan Roh)	2004.9.14		
	Introduction (Kyung-sook Lee)	2004.9.9		
	Introduction (Government)	2004.6.4		
16th	Bill Discarded	2004.5.29		
	Introduction (Government)	2003.11.6		
	Introduction (Mi-kyung Lee)	2003.5.27		
			2003.5.16	The Roh Administration Organized the Special Planning Group for the Abolition of the Family-head System
			2003.2.25	President Roh Inaugurated
			1997.3.1	Women's Movements Reignited

Figure 7. Timeline of the Legislation of the Abolition of the Family-head System

After the family law reform in 1989, the women's movements for the abolition of family-head system had subsided until the mid-1990s. In 1997, women's movements

resumed collected activities for another family law reform. However, the 15th National

Assembly only showed lukewarm interests to the agenda.

The abolition of the family-head system received more attention in the 16th

National Assembly. In May 2003, a Member of the National Assembly Mi-kyung Lee (F.

MDP) and 51 other members introduced a bill on the Civil Act Amendment including the

abolition of the family-head system. By that time, the executive was also preparing for a

government proposal. After president Roh inaugurated in February 2003, the Roh

administration organized the Special Planning Group for the Abolition of the Family-

head System that consists of the relevant government ministries and civil society actors

to collaborate for the abolish the family-head system. In November 2003, the

government proposal is submitted to the National Assembly. Two bills were referred to

legislative and judiciary committee, but the committee delayed the review and the bills

were discarded as the 16th National Assembly ended in May 2004.

Three similar bills on the Civil Act Amendment were submitted at the beginning

of the 17th National Assembly. The government submitted a government proposal in June

2004, and a Member of the National Assembly Kyung-sook Lee (F. Uri) and 155 other

members introduced a bill on September 9th. A couple of days later, a Member of the

National Assembly Hoe-chan Roh (M. DLP) and 9 other members introduced another

bill. The bills referred to legislative and judiciary committee by the first day of December

2004. To pass the bill during the regular session of the National Assembly, the bill

should be reviewed and passed promptly. However, the subcommittee review was in

pending until the end of December. On December 27, the subcommittee decided to refer

the bills to the general committee meeting. On February 28, 2005, in the last general

meeting of the committee, the members passed the alternative bill that the

subcommittee wrote by combining the three bills. In March 2nd, the bill passed in the plenary session.

One important event in February 2005 should be noted. In 2000 and 2002, Citizen United for the Abolition of the Family-head System and the Lawyers for a Democratic Society filed a Constitutional Court case on the constitutionality of the family-head system. On February 3, 2005, the court ruled that the family-head system in Civil Act is incompatible with the Constitution and declared that the family-head system remains effective until the Family Registration Act is amended in the National Assembly.

Before we proceed to the case study, one thing should be discussed. Does the Constitutional Court ruling undermine this study's argument for the importance of the role of women members and political parties in legislating controversial gender equality bills? In other words, without the court ruling, would the bill on the abolition of the family-head system either have remained in a deadlock in the committee or failed to get a majority support?

The constitutional court ruling was surely a momentous event in the history of the Korean family law reform. However, its influence of the legislation of the bill is limited. For one thing, regardless of the court ruling, the bills on the abolition of the family-head system were already proposed and parties' positions on the issue were already changed by February 2005. And in the end of 2004, the parties agree that they are going to pass a legislation on the abolition of the family-head system in the provisional plenary session in February 2005. For another, the Constitutional Court ruling does not determine the timing of the legislation. In 1997, the Constitutional Court made another historic decision for the women's movement in Korea. The court ruled that Article 809 of the Civil Act that prohibits marriage between relatives is unconstitutional

for the legal definition of blood relatives was far too wide[26]. The article no longer had effect, but the National Assembly did not legislate a bill to replace the article until 2005, worrying about the opposition from the Confucians. The same thing could have happened to the family-head system as well. The conservative members of legislative and judiciary committee still tried to postpone the passage of the bill even after the court ruling. But this time, their attempt was unsuccessful. How the bill on the abolition of the family-head system broke the deadlock in committee and legislated will be explained in the case study.

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[26] Article 809 (Prohibition of Marriage between Parties Whose Surname and its Origin are Common) (1) A marriage may not be allowed between blood relatives, if both surname and its origin are common to the parties.

(2) A marriage may not be allowed to the parties if either of them is or was the spouse of a male line blood relative, husband's blood relative or any other relative by affinity within the eighth degree of relationship.

It is the clause that prohibits marriage of a couple that has a same origin of surname that ruled unconstitutional.

CHAPTER 4

INTRODUCING THE BILL TO THE NATIONAL ASSEMBLY

In the history of family-law reform in Korea, the bills were always sponsored and cosponsored by women elected officials. In all four cases of successful introduction of the bills on family law reforms in the 9th (1974), 13th (1988), 16th (2003), and 17th (2004) National Assemblies, the bills were introduced when women elected officials sponsored and cosponsored the bills, and when the advocates also could find enough number of male members of the National Assemblies willing to cosponsor the bill. But in any case, the sponsor(s) of the bills were always women members.

However, analyzing only the successful bill initiations have a problem of missing out several occasions in which the presence of women in the National Assembly failed to lead to a bill introduction. A prime example is a failed attempt of women's movements in 1984. At the time, women's activists could persuade only seven members to sponsor or cosponsor the bill when they needed twenty. Among them was only one woman. Six other women members at first showed their sympathy to the bill but later refused to cosponsor or withdrew their offer of being a cosponsor[27]. The National Assemblies also did not respond to the collective activities of women's movements started in the late 1990s until 2003, although there were nine women members in the 15th National Assembly (May 1996-May 2000).

In sum, the history of the Korean family law reform underlines the positive impact of having women elected officials to the introduction of controversial gender equality

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[27] For the detailed explanation on the event, see Chapter 3 of Korea Legal Aid Center for Family Relations (2009)

bills. Yet, having women elected officials do not always lead to an introduction of the bill because their actions on the matter are shaped by multiple factors.

In this chapter, I will examine when a controversial gender equality bill is most likely to be introduced by focusing on when women are most likely to the act for the bill and when their intentions are successfully translated into bill introduction. For this purpose, I will first examine when women elected officials were most likely to act for the introduction of the bills on the abolition of the family-head system by considering three favorable factors, including 1) the number or characteristics of women representatives, 2) strong women's movements mobilized for the issue, and 3) the party ideology of women members. Next, I will give an account for the successful bill introduction in the 16th and 17th National Assembly by examining how the presence of the favorable factors trumped the unfavorable conditions, including most women members being newly elected officials and about a half of them being members of the conservative GNP that opposed the abolition.

Women Acting for Feminist Bills

Shaping women members' commitment: characteristics of the elected. In explaining when women elected officials are most likely to represent women's interests, scholars have been suggested two different conditions under which women elected officials become more aware of their identity as women and their awareness leads to their activities of advocating women's interests—having critical mass or critical actors.

Building on Kanter (1977)'s argument that the proportion of women in a given group shapes the patterns of interactions between men and women, scholars have theorized the impact of 'critical mass' on women's policymaking, expecting that the percentage of women elected officials should reach above 15 to see a visible increase in

women acting for women's interests, commonly measured by the number of women's policies proposed or/and passed. In terms of bill introduction, however, the Korean case does not provide a support for critical mass theory. The National Assemblies in which bills on family law reform were introduced were highly skewed or slightly skewed, with the percentage of women between 2 to 13 percent. Regardless of the percentage of women, however, the support for the family law reform bills among women members was generally consistent. Table 2 summarizes the number of women who sponsored or cosponsored the bills in four successful introductions of family-law reform bills.

Table 2

Number of Women Elected Officials (co)sponsored bills on Family Law Reform

Year	Total Number of Women Members (%)	Number of (Co)sponsors	
		Women	Total (Co)sponsors
9th (1974)[28]	11 (4.6%)	10 (including 1 sponsor)	48
	10**[29]	9 (1 sponsor)	19
13th (1988)	6 (2%)	6 (6 sponsors)	153
16th (2003)	16 (5.9%)	13 (1 sponsor)	52
17th (2004)**	39 (13%)	19 (1 sponsor)	156

*** Data: Collected from Bill Information. (http://likms.assembly.go.kr/bill/main.do#)

Table 2 presents women members' consistent support for the family-law reform bills across different percentage of women in the National Assembly. It should be noted that the bill in the 17th National Assembly was proposed as a partisan bill of Uri Party, and therefore women members of the Uri Party who led the bill introduction did not try to look for cosponsors outside the party. Again, the bill received an overt support from women across parties. In the survey of the 36 women members done right after the 17th general election, 34 women answered that they support the abolition of the family-head

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[28] Two bills on the family law reform were introduced in the 9th National Assembly. The first bill was a modified version of women's movement organizations' petition that did not include the abolition of the family-head system. After the introduction, the sponsor of the bill was severely criticized by women's movements activists for amending the contents of the bill without consulting them. Eventually, the bill was withdrawn, and the original petition of women's movements organizations was introduced.

[29] Moo-in Heo (Yusin, F) passed away in Dec. 1974.

system[30]. From the Table 2, it is clear that bills on the family law reform had received overwhelming support from women members even in highly skewed National Assemblies. In every successful introduction of a bill, there a woman member willing to sponsor the bill and the rest of women offered to be cosponsors.

In the successful bill introductions, gender trumped the party ideology. Table 3 shows the number of the members who (co)sponsored the bill by party and gender.

Table 3

Number of Members (Co)sponsored the Bill by in the 16th National Assembly by Party and Gender

Party Ideology	Party	Num. of Men (%)	Num. of Women (%)	Total
Conservative	Grand National Party (GNP)	11 /127 (8.7%)	6 /6 (100%)	17 /133 (12.8%)
	United Liberal Democrats (ULD)	1 /17 (5.9%)	0	1 /17 (5.9%)
Center-Left	Millennium Democratic Party (MDP)	25 / 106 (23.6%)	6 /9 (66.6%)	31 /115 (27%)
Others	Others	2 /7 (28.5%)	1 /1 (100%)	3 /8 (37.5%)
Total		39 / 257 (15.1%)	13 /16 (81.3%)	52 / 273 (19%)

*** Data: Collected from Bill Information. (http://likms.assembly.go.kr/bill/main.do#)

Table 3 presents the impact of gender over party ideology. The bill on the abolition of the family-head system introduced by Mi-kyung Lee (MDP, F) in 2003 (co)sponsored by about 80 percent of the women in the National Assembly, making a

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[30] Kim, S. (2005, May 3). Overwhelming Support to "Prompt Passage of the Bill in the Abolition of the Family-head System" by Women Elected. *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

stark comparison to men, only 15 percent of them cosponsored the bill. Considering that the abolition of the family-head system was a major social policy goal of the Roh administration, that the tension between the GNP and the Roh administration was intense, and that the majority GNP members and the leadership were against the bill, the support of the GNP women members is solid evidence showing the impact of gender on the issue.

For the men's support for the feminist agendas, party ideology and personal ideology appear to be important. Most of 11 GNP men cosponsors to the bill in the 16th National Assembly were ideologically liberal members in the party, including four who became the founding members of the progressive Uri party.

To sum, the Korean case contradicts the hypothesis of critical mass theory that women in a skewed group would be confined not to express their distinct identity as women. Korean women members vocally supported family law reforms even with less than 2 percent of women, except for 1984. In explaining success and failure of bill introduction in Korea, critical mass theory does not provide meaningful insight.

Criticizing critical mass theory's assumption on the impact of the proportion of women, critical actors theory emphasizes the importance of electing the right type of women who will represent women's interests regardless of the number of women (Childs & Krook, 2006, 2009). While critical actors do not necessarily be women, women with feminist identity (Tremblay & Pelletier, 2000) and women with ties to women's organizations (Chaney, 2006, 2012) have found to be active in advocating women's interests.

Critical actors theory has more explanatory power to the Korean case. In the successful introduction of the family law reform bills, the sponsors of the bill whom

women's movements organizations had frequently worked with were those with the women's organizations background. In the 9th National Assembly, Sook-jong Lee sponsored two bills introduced to the National Assembly. She was a former chair of the KNCW, the largest professional women's organization in Korea. In the 13th National Assembly, a bill was sponsored by all six women members in the National Assembly. Four of them participated in major women's organizations before they started political career. Mi-kyung Lee, the sponsor of the bill in the 16th National Assembly, was a well-known women's rights activist and a former co-chair of Korean Women's Association United (KWAU), a union of progressive women's movements organizations with the most membership among women's organizations. Kyung-sook Lee, the sponsor of a bill in the 17th National Assembly, was also a former co-chair of the KWAU.

Why, then, do the Korean National Assemblies so frequently had women with women's movements background when there were only few women in the National Assemblies? The key is the party's candidate selection. In Korea, proportional representation—or national district before the 17th general election—in which party has a great control over candidate selection, has been a prime route for women's election. Table 4 summarizes the number of women elected in single member districts and closed party-list proportional representation between the 13th to 17th National Assembly.

Table 4

Women's Paths to the National Assembly (13th to 17th)

	13th	14th	15th	16th	17th
SMD (%)	0 (0)	0 (0)	2 (22.2)	5 (27.3)	10 (23.3)
PR (%)	6 (100)	3 (100)	7 (77.8)	11 (72.7)	29 (76.7)
Total	6	3	9	16	39

*** Data: Collected from National Election Commission (NEC). (http://info.nec.go.kr/)

Table 4 shows that more than 70 percent of women were elected from the national district between the 13th to 17th National Assembly. The number of women greatly increased as gender quotas were introduced and expanded for the party list between the 15th and the 17th National Assemblies. In recruiting women candidates for the party list, parties tried to include women with ties to women's organizations as a symbolic gesture of the party's concerning for women's interests, especially before the 15th when parties recruited only a few women. Table 5 summarizes the background of women elected officials in the National Assemblies.

Table 5

Background of Women Members in the National Assemblies (9th, 13th to 17th)[31]

Background	Party ID	9th**[32]	13th	14th	15th	16th	17th	Total[33] (13th-17th)
WMOs	Conservative	1	-	-	-	1	1	2
	Democratic Bloc	-	1	1	1	5	4	12
	Others	-	-	-	-	-	-	-
Professionals with WO participation	Conservative	2	3	-	1	1	-	5
	Democratic Bloc	-	-	-	1	-	4	5
	Others	-	-	-	-	-	-	-
Professionals	Conservative	5	1	2	1	2	7	13
	Democratic Bloc	-	-	-	-	2	11	13
	Others	-	-	-	-	-	-	-
Etc.		3	1	-	5	5	12	23
Total		11	6	3	9	16	39	73

*** Data: The background of the members are collected from The Parliamentarians' Society of the Republic of Korea. (http://www.rokps.or.kr/index.asp) and National Election Commission (http://info.nec.go.kr/)

[31] Only the ones elected at the moment of election were included.

Categorizing criteria:

- Background

1) WMOs: Members with four major women's movements organizations background, including Korea National Council of Women, Korea Women's Hot Line, YWCA, Korean Women's Association United.

2) Professionals with women's organizations participation: Women work for women's organization other than the four major ones, and professional women who had frequently worked with women's organizations, or public officials worked in women's ministries.

3) Professionals: Women who were recruited by party due to their professions. Most common professions include the legal, the media, and academia.

4) Etc.: Women included in the party list due to their activities inside the party and women who elected from SMD without women's movement organizations (1) background.

- Party Ideology

Table 5 shows that parties in Korea had recruited a number of women who were either active in women's movements or had ties to women's organizations for each National Assembly. Each National Assembly had more than one woman who had participated in the four major women's movements organizations in Korea. While most of women with women's movements background were elected from the parties in the democratic bloc, conservative party in Korea also has recruited well-known women's rights activists in the 16th and 17th National Assemblies and routinely selected women candidates from ideologically neutral or centrist women's organizations[34].

Between 16th and 17th, the number of women rapidly increased, and parties started to recruit women with different backgrounds than women's movements, such as law professionals and university professors. Yet, the table shows that the absolute number of women with women's movements background increased in the two National Assemblies as the overall number of women significantly rose. Parties continuously recruited women with women's movements background to show the party's commitment

1) Conservative: Yusinjungwoohoe (9th), Democratic Justice Party (13th), Democratic Liberal Party (14th), New Korea Party (15th), Grand National Party (15th, 16th)

2) Democratic Bloc: New Democratic Party (9th), Peace Democratic Party (13th), Democratic Party (14th), United Democratic Party (15th), Millennium Democratic Party (16th, 17th), Uri Party (17th)

[32] Seven members out of nine in the 9th National Assembly were technically not recruited by party nor elected by the people. They were members of Yusinjungwooheo, a parliamentary group whose members are recommended by the president Jung-hee Park and elected in an indirect election in the National Assembly. Yusinjungwoohoe was set after the emergency martial law that Park had declared in October 1972.

[33] Women who served multiple terms were counted separately for each National Assembly.

[34] Such as Korean League of Women Voters, Korea National Council of Consumer Organizations (consumer rights have been major concerns of women's movements), and local women's associations.

to women's interests, while gender quotas also pushed them to look for women candidates who could represent different professions.

In terms of the critical actors' commitment to women's interests that critical actors theory emphasizes, the Korean case confirms the findings of previous studies that women with ties to women's movements tend to be more active in advocating women's interests. From Young-sook Park (13th), a named women's activists who joined PDP in 1987 because she "did not 100 percent believe the party leader's promise that he will include women's policies in the party's policy agenda but in a hope that he will,"[35] to Mi-kyung Lee (15th, 16th, 17th), Kyung-sook Lee (17th), and Kye-kyung Lee (17th), accepted party's contact for candidacy expecting that they could make changes for women by working in the National Assembly[36]. Importantly, although conservative parties tend to recruit women from ideologically moderate professional women's associations, family law reform was a shared policy goal of women's organizations in Korea, including the moderate professional women's organizations. It explains why Sook-jong Lee in the 9th National Assembly, a former president of the ideologically moderate KNCW and a member indirectly elected by the authoritarian government thereby had more reason to abide by the party leadership, introduced a bill on the family law reform.

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[35] Kim, C. (1990, July 26). Park, Young-sook, the vice-president of Peace Democratic Party. *Sisapress*, Retrieved from https://www.sisapress.com

[36] From interview with A former Member of the National Assembly Mi-kyung Lee (15th, DP; 16th MDP; 17th Uri; 18th DP; 19th DP). (2017, July 27). Personal interview; A former Member of the National Assembly Kyung-sook Lee (17th Uri). (2017, August 1). Personal interview; A former Member of the National Assembly Kye-kyung Lee (17th GNP). (2017, August 7). Personal interview.

*** All interviews are proceeded in Korean, and all the quotes from the interviews included in this study are translated by the author.

To sum, the Korean case gives support to critical actors theory at least in the bill initiation stage. In the bill initiation stage in which having few members is sufficient, critical actors may serve a key role in starting the small dynamics needed for the bill introduction. Unlike to the Kanter's reasoning that women will express distinct identity of women when their proportion reaches to a certain number, the skewed Korean National Assemblies had women acting for women's interests because parties selected women candidates who are highly likely to have priorities in women's issues and expected them to represent women's interests inside the party and the National Assembly. Although the party's symbolic gestures to recruit women with ties to women's movements organizations do not necessarily indicate the party's commitment to women's interests, women members did their job by sponsoring and cosponsoring bills on the family law reform in four successful bill initiations.

Shaping women's policy priorities: The role of women's movements. In the 16th and 17th National Assembly, the number of women increased, and the backgrounds of women became more diverse. As parties start to include more women, they started to recruit women candidates not just as those who will represent women's interests but also as the ones who are specialized in different policy areas (see Table 5). The diversity among women members, however, is not necessarily good for the unity of women members. Women have different life experiences, ideologies, and identities other than gender that lead to the different levels of commitment to and policy priorities among women's issues (Carroll, 2002; Childs & Krook, 2008; Childs & Krook, 2009; Young, 2002).

Despite the diversified background, however, women in the 16th and the 17th National Assembly almost univocally supported the abolition of the family law reform. In fact, women's commitment to the abolition was far more pronounced in the 17th National

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Assembly in which the expanded gender quota diversified the background of women members. Women in the 17th National assembly engaged in cross-partisan collective activities throughout the entire legislative process for the bills on the abolition of the family-head system. A cross-partisan women's network was organized at the beginning of the first regular plenary session by 37 out of 39 women members. Their statement emphasizes the group's commitment to a fair and clean National Assembly and the abolition of the family-head system[37]. They showed their persistent commitment to the abolition of the family-head system by working with women's movements organizations outside to pressure the members who did give an overt support to the bill and sitting in the legislative and judiciary committee meetings keeping an eye on the committee members.

What could explain the univocal support and priority of the abolition of the family-head system women showed when the backgrounds of women became more diverse? One thing to note, the gender gap among the members of the National Assembly should be noted. Women in the 17th National Assembly did prioritize women's issues and introduced more bills on women than men. Women had different policy priorities than men (W. Kim, Lee, & Kim, 2007), and women introduced more bills on women's issues

[37] The statement writes, "We, women representatives, commit ourselves to prioritize and take a leading role in abolishing family head system that had been a long-cherished desire of women for half a century".

From Kwan-Park, H. (2004, September 5). Women are the one even though came from different party. The formation of the 17th female National Assembly members. *OhmyNews,* Retrieved from http://www.ohmynews.com

See also Hwang, S. (2004, September 3). Will there be 'women's party' inside the National Assembly? *The Chosun Ilbo,* Retrieved from http://news.chosun.com

and more frequently mentioned women's issues in the committee meetings than men (W. Kim, Yoon, & Choi, 2008).

Yet, this general gender gap among the members do not explain why the particular issue of the abolition of the family-head system acquired a policy priority of the most women members. Besides, the diversity between women did seem to weaken the tie between them. Although the cross-partisan network of women was established at the beginning of the 17th National Assembly elevated by having a large number of women entered into the National Assembly for the first time, the representatives of each party's women members only agree on one specific issue—the prompt abolition of the family-head system[38]. Women in the National Assembly had different perspectives, and the conflicts between the parties raised tensions between women members from different parties[39]. In consequence, legislation on women's issues other than the abolition of the family-head system led by individual members, and there was no attempt to bring women in different parties together for a shared goal.

To explain what made women elected officials prioritize the abolition of the family-head system in common regardless of party affiliation, ideology, and background, this study highlights the role of women's movements. In particular, I argue that when strong women's movements mobilized for an issue successfully frame the issue as the prime concern of women, then there are increasing chances for the National Assembly members to prioritize the issue, especially when they are interested in women's issues legislation and/or need to appeal to women.

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[38] Kyung-sook Lee. (2017, August 1). Personal interview

[39] Kyung-sook Lee. (2017, August 1). Personal interview; Mi-kyung Lee. (2017, July 27). Personal interview.

In feminist policymaking in Korea, women's movements have been the main the locus of interest articulation. The enactment of the act on the equal employment opportunity for both sexes (1987), the act on the prevention of domestic violence and protection of victims (1997), the act on the prevention of sexual traffic and protection of victims (2004), the major feminist policies first raised by women's movements mobilized for the issue for years, signaling the elected officials the saliency of the issue.

In the case of the abolition of the family-head system, women's movements mobilized for the issue in the late 1990s soon successfully made the issue salient both among the public and in civil society. Importantly, women's movements networked with civil society actors and gradually overwhelmed the counter-movements that used to be so strong by networking with civil society actors.

Figure 8 presents the issue saliency among the public using the number of articles in three major national newspapers representing different ideologies (conservative, centrist, leftist) mentioning the term "the family-head system" as an indicator of the saliency.
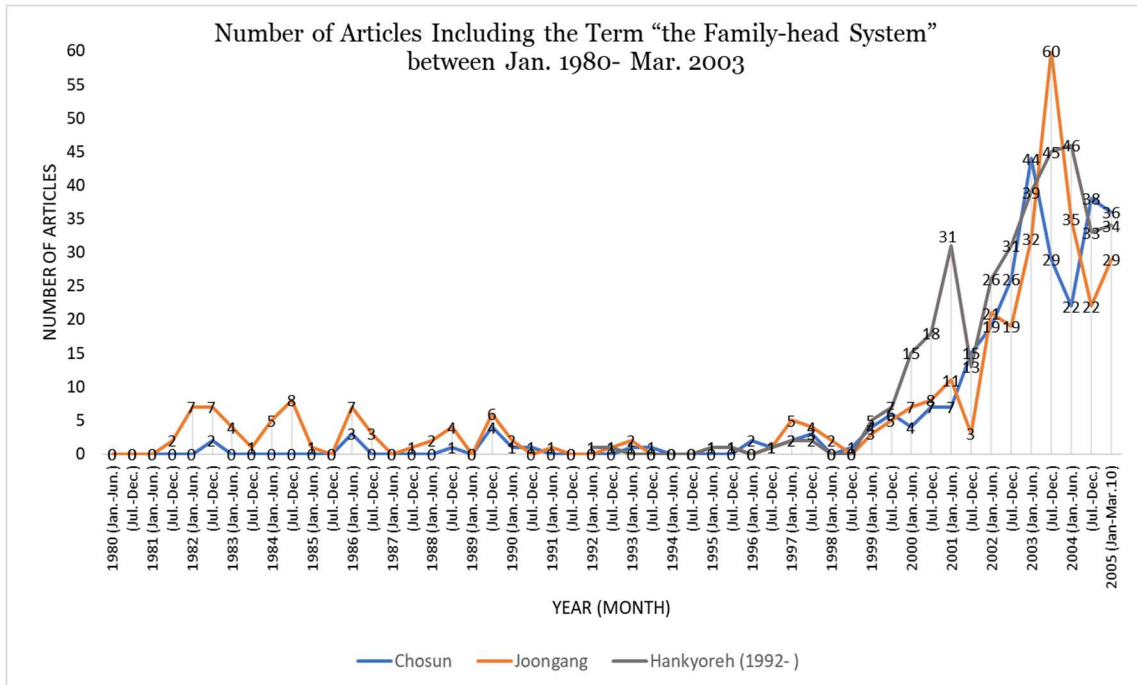
Figure 8. Number of Articles Including the Term "the Family-head System" between 1980-2005.3 in Three National Newspapers[40]

In the figure, years in 1980s with few articles discussing the issue are mostly the years during which women's movements made attempts to pursue a family law reform. Still, the number of articles mentioning the family-head system are small, indicating the limited influence of women's movements on the public attention to the issue. What first sparked the sudden leap of the media coverage in the early 2000s was women's movements. In 1997, women's movements organizations in Korea resumed collective activities for the abolition of the family-head system, starting with "the propagation of

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[40] A series of news articles reported one day are counted as one. For instance, when a paper reports public survey results on variety of issues in one day and the search keyword "the family-head system" was mentioned in several articles reporting the survey result in different sections, then the articles were counted as one. If several articles published the same day mentioning the search keyword wrote about different things (e.g. one article wrote about women's movements and the other counter-movements) then the articles were counted separately.

using both mother's and father's surname" as a protest to the family-head system that only allows the child to take the father's surname[41]. This time, women's movements successfully increased issue saliency among the public that contributed to the increasing attention from policymakers to the issue.

The response to the issue from the parties and politicians started to appear in 2002 as the presidential election in December was approaching. The issue continued to be salient as the newly elected president Roh reaffirmed his commitment to the abolition of the family-head system and organized the Special Planning Group for the Abolition of the Family-head System in May 2003. The media attention to the issue had maintained as two bills were introduced that year and the parties and politicians started to prepare for the general election in April 2004. The electoral victory of Uri Party that led to the bill introduction plus the vigorous efforts of women members and women's movements to pass the bill explain the media coverage in 2004 and 2005.

Unlike to the 1980s, women's movements in the late 1990s successfully triggered the issue saliency, which in turn led to the parties and members' engagement to the issue. How, then, women's movements in the late 1990s so successful in making the issue publicly salient, outside the circle of women's movement organizations? And how did the saliency of issue have women members to place the abolition of the family-head system on the top of their list of priorities in common?

The successful issue mainstreaming of women's movements can be largely explained by the increased mobilizing capacity of women's movements. Since the

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[41] Kim, G. (1997, March 3). Let's give the mother's surname, too. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

establishment of the Korean Women's Association (KWAU) in 1987, the mobilization power of women's movements rapidly grew, especially in the 1990s when democratization brought the expansion of civil society. With higher organizational resources, women's movements in the late 1990s could use multiple strategies to make their voice heard. Korea Legal Aid Center for Family Relations, an organization with decades of dedication to the abolition of the family-head system, led writing of a bill on the abolition of the family-head system and a Constitutional Court appeal[42]. During the time, the KWAU led the mobilization of women's organizations for the issue and also strategically formed a common front with other civil society actors to show that the issue is not only a concern of women's movements but also a major societal issue to be solved.

 As the issue became more salient, the shifts in public opinion on the issue started to appear, but the change was rather slow (see the first section of chapter 5). However, women's movements rapidly gained support from civil society actors and successfully formed a common front encompassing different women's movements organizations and the NGOs in different issue areas in the early 2000s. During the time, the mobilization capacity of the counter-movements was in decline.

In September 2000, the Citizen United for the Abolition of the Family-head System was established by 113 NGOs encompassing women's movement organizations and major civil society organizations such as labor unions, Lawyers for a Democratic Society (Min-byun), and People's Solidarity for Participatory Democracy (Chamyeo-yeondae). In the late 2002, the abolition of the family-head system selected as one of three major civil society demands to the new president selected by United Voters of the

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[42] Kim, G. (1997, March 3). Let's give the mother's surname, too. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

2002 Presidential Election, a union of 399 civil society organizations[43], proving the saliency of and the support to the issue in civil society.

In a stark contrast, the Confucians were losing battles in civil society. Civil society in the 1990s was largely led by progressive organizations, and conservative organizations in general showed little mobilization capacity. Exacerbating the situation were conservative organizations starting to give a support to the abolition as a way to refresh the organizations' image as a reactive old men's organization. In February 2004, Korea Freedom Federation, the largest conservative organization in Korea, and Korea Saemaul Undong Center, a major national conservative organization announced their support to the abolition of the family-head system[44]. Over time, the counter-movement was losing its mobilization capacities in civil society, relying mostly on their influence in conservative South-East Gyeongsang Province to hold the parties and politicians seeking for winning a seat from the region from supporting the bill.

I argue that the success of women's movements in civil society in making allies in civil society plus the lack of conservative women's counter-movements greatly justified their claim that the abolition of the family-head system is a pressing concern of the society and that *all women* are anticipating the abolition. The Confucian organization was largely male dominant, and they had hard time finding women's organizations that support the status quo. On the contrary, the long-term commitment of women's movements to the abolition of the family-head system had brought most women's organizations to their side. The rhetoric of women's movements that the policy change is

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[43] 100 policies suggestion to the new administration. (2002, November 15). *JoongAng Daily*, Retrieved from https://news.joins.com

[44] Kim, S. (2004, February 19). Conservative organizations support the abolition of the family-head system. *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

all women's wish itself is nothing new. But the saliency of the issue that made the elected officials more responsive to the issue plus the successful framing of the issue as the most pressing concern of all women combined shaped policy priorities of the women members who already had some degree of commitment to women's issues and are interested in appealing to women voters. The almost univocal policy priority of the abolition of the family-head system among the women elected officials can be best understood in this context.

Shaping the feasibility of bill introduction: Party ideology. Electing women members who are likely to be critical actors and having strong women's movements that increase the saliency of an issue for women are the factors that contribute to women members' choice of advocating the controversial abolition of the family-head system. In addition to them, the constraints and resources in party for feminist agendas shaped largely by the party ideology are also critical in turning women's commitment and policy priority into a bill introduction.

One major resource for feminist policymaking that parties have a great influence over is the selection of women candidates. Parties act as a gatekeeper (Aldrich, 2011; Lovenduski & Norris, 2003; Norris, 1995), and can control the number of women candidates, their placement on the party list, and assigning them to a winnable electoral district. In Korea, where most women had been elected in the closed party-list proportional representation, the parties have a great control over the types of women the party recruit. As Table 5 shows, parties in the democratic bloc in Korea have been more actively elected women with women's movements background. While the GNP also recruited women with women's organizations background as well, the MDP and the Uri Party clearly elected more women from progressive women's movements organizations. As discussed in the previous section, women with women's movements background are

more likely to be committed to women's issues. And their commitment could more easily turn into the advocacy of the feminist issues when they are elected from resourceful parties for women's policymaking.

Also, parties provide different resources and constraints for feminist policymaking. In terms of resources available to women in party and the constraints to women, parties from the pan-democratic bloc and the GNP differed significantly. In particular, a party's ties to the civil society actors and the general attitudes of men in the party on feminist policies provide women in party with different constrains and resources for advocating feminist agendas.

Arguably, the party's historical ties to the civil society organizations are closely connected to party ideology. Parties in the democratic bloc that grew out of democratic movements have built strong relationship with progressive civil society organizations also rooted in democratic movements. The KWAU is one example. Unlike to other major women's organizations such as Korea Legal Aid Center for Family Relations (family laws), KNCW (organization of professional women's), YWCA (association of Christian women), and Korea Women's Hot Line (domestic violence) that are devoted to particular women's issues from the beginning and participated largely by educated middle-class women, the KWAU were established by women's movements organizations and activists who actively participated in democratic movements. With this background, the progressive women's movements had strong ties to progressive civil society organizations and parties from the democratic bloc. The following quote is taken from an interview with the former MDP and Uri member Mi-kyung Lee[45].

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[45] Mi-kyung Lee. (2017, July 27). Personal interview.

There was a women's committee inside the party [DP, MDP]. However, the committee's efforts to actively find women's movements agendas and women's rights agendas were quite weak. But as former women's movement activists entered the party, they were provided with these [women's movements] issues [from women's movements], and they were also willing to [act for women's interests], so women's movements outside and women inside the party were central to advocating those issues, and they were expected to do so. (A former Member Mi-kyung Lee, July 27, 2017, personal interview)

The quote demonstrates how the tie between the MDP and women's movements influenced the party's choice of recruiting women with women's movements background, and how those women advocated women's movements agendas inside the party. The parties in the democratic bloc provided a channel for women's rights activists to enter, and these women in turn advocated women's movement agendas in the party. Before the 17th general election, the Uri Party recruited Kyung-sook Lee, a co-president of the KWAU, and placed her on the 5th of the party-list. In the interview, she mentioned the abolition of the family-head system was one reason why she accepted the Uri Party's offer to join them[46].

When I was in an NGO [KWAU]… … we were mobilized for the abolition outside and we sat in the legislative and judiciary committee meeting. we needed to abolish the family-head system, but there were no women [in the legislative and judiciary committee]. So, I thought more women should enter. (A former Member Kyung-sook Lee, August 1, 2017, personal interview)

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[46] Kyung-sook Lee. (2017, August 1). Personal interview.

As expected, she sponsored the bill on the abolition of the family-head system introduced in the beginning of the 17th National Assembly. With the party's ties to progressive women's movements and the party's general support to progressive social agendas, women in the MDP and the Uri Party could serve a critical role in introducing gender equality bills.

Compared to the MDP, the GNP did not have noticeable ties to women's movements. While the GNP had recruited a few women with women's movements background, such as Yeon-sook Lee (16th) and Kye-kyung Lee (17th), the sporadic recruitment of women's rights activists and the conservatism in the party only provided women members with sparse resources for advocating feminist issues inside the party. One noticeable difference between two parties is the presence of a functioning women's committee. The quote from the former MDP member tells that the party's general interests in progressive social agendas and the recruitment women's rights activists help building a functioning women's committee inside the party, in which women, a numerical minority in the party, could take a lead and bring women's movement agendas to the party. But the GNP women largely lacked the party's supports and the devoted women members that the MDP women employed in build a functioning women's committee.

> Our [GNP] women's committee did not serve the role [that the women's committee in the MDP served in making women's policies] …… The members who are aware of gender issues prepared for the bill initiation by herself or together with few others. The women's committee was not that active[47]. (A former Member Kye-kyung Lee, August 7, 2017, personal interview)

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[47] Kye-kyung Lee. (2017, August 7). Personal interview.

Without a centralized locus of women's policymaking in which different women's agendas are suggested and discussed by the members of the party, the GNP's women's policymaking was highly individualized, lacking a reliable institutional channel opened for the women's movements demands that the parties from the democratic bloc had.

Next, party ideology is an indicator of the general attitudes of men in the party on women's issues. A number of studies note the correlation between party ideology and men's voting behavior, finding that the Democratic men are more supportive to women's issues than their republican counterparts and as much as the Republican women (Hogan, 2008; Swers, 1998). It is plausible to expect that women will more comfortably advocate feminist agendas in the leftist parties where men are generally hospitable to women's issues and that the presence of women-friendly men help women to find enough number of cosponsors to introduce a bill.

In the 16th National Assembly, there were 16 women members in total when a bill introduction required 20 (co)sponsors until 2003. It means that women needed to find cosponsors among men[48]. Expectedly, the party ideology made it easier for the MDP women find allies among men. As it appears in the Table 2, 25 out of 39 men who cosponsored the bill in the 16th National Assembly were the MDP members. In the 17th National Assembly, the bill was proposed as a partisan bill of the Uri Party, indicating support from most men in the party, again highlighting the importance of party ideology in men's support for the feminist issues.

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[48] Mi-kyung Lee's bill introduced after the number of required (co)sponsor were reduced from 20 to 10 in February 2003.

The general attitudes of men in the party on feminist issues also create different ambience for women's advocacy of feminist agendas. Again, the MDP and the Uri Party provided women with more comfortable environment to raise women's issues than the GNP did. The following quote is from an interview with the former MDP member.

> When we suggest a women's agenda inside the party, most women, even though she is not from women's movements, are willing to sign … … For men, there are a few who are readily sign, a fewer who do not know the issue very well but are willing to sign … … And for men who oppose, they kind of feel uncomfortable to avidly oppose. So, it is not very difficult to discuss the issue in the party. (A former Member Mi-kyung Lee, July 27, 2017, personal interview)

The quote describes the hospitable environment that the MDP provided for the discussion of feminist agendas. Although having some feminist allies among the men does not have a big influence over the party issue position shaped by multiple factors (see Chapter 5), the presence of the potential allies bodes well for the introduction of a controversial gender equality bill that requires a small number of cosponsors. In comparison, the limited functioning of the GNP's women's committee as well as the general conservatism inside the party were likely to restrain women's capacities to raise the issue and find enough number of allies inside the party.

To sum, party ideology differently shapes the resources and constraints in party for feminist bill introduction. By recruiting more women with women's movements backgrounds, having ties to progressive civil society actors, and electing more men who are supportive to women' policies, the MDP and the Uri Party provided more resourceful environment to women in the party to introduce a bill on the abolition of the family-head system than the GNP did.

Bill Introduction in the 16ᵗʰ and the 17ᵗʰ National Assemblies

The previous section discussed favorable conditions under which women elected officials serve a key role for the gender equality bill introduction. The Korean case provides evidence for the positive impacts of the election of women with women's movements background that may lead to more members with strong commitment to women's interests, the presence of strong women's movements that influences the policy priorities of women especially when they successfully frame the issue at hand as the prime women's concern, and party ideology closely connected to the resources and constraints to feminist policy advocacy inside the party on the introduction of a controversial gender equality bill. And the election of more women and the increased mobilization capacities of women's movements strengthened the favorable factors in the 16ᵗʰ and 17ᵗʰ National Assemblies.

However, along with the favorable factors, the two National Assemblies also had the factors that previous studies have shown to be potentially unfavorable for translating women's concerns for women's interests into the acts of advocacy—the new comer status of women and the party's majority/minority status in the National Assembly. For women members are the key actors in the earlier stage of policymaking, the factors that constrains women's advocacy of women's interests would reduce the chance of the bill introduction.

In this section, I will first consider the factors that possibly restrain the advocacy of gender equality issue in the National Assembly and then explain the bill introduction in the 16ᵗʰ and 17ᵗʰ National Assemblies by showing how the favorable conditions effectively predominated the unfavorable ones.

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The possibility that women's newcomer status could mediate the impact of having women on feminist policymaking is considered in the several studies on the British parliaments (Beckwith, 2007; Childs & Withey, 2004; Cowley & Childs, 2003; Lovenduski & Norris, 2003). The UK observed women members of parliament from Labor Party conforming more to the party's policy preferences including those against women's interests than the rest of the Labor MPs after the steep increase of women in Labor Party under the Blair's leadership. Although those women supported feminist issues, such as affirmative action and equal opportunity policies for women (Lovenduski & Norris, 2003), and successfully translated their interests in women's policymaking into the parliamentary votes in some occasions (Childs & Withey, 2004), they less frequently deviated from the party position than the rest of the Labor MPs. In explaining women's compliance to the party, women's newcomer status had been pointed as one major reason (Beckwith, 2007; Childs & Cowley, 2011)

The impact of newcomer status also found in the Korean 17th National Assembly. Lee and Lee (K. Lee & Lee, 2011) find that the newly elected members are more likely to vote with the party leadership, and their votes present wider gap between personal ideology score and the voting score then the incumbents. The impact of the new comer status appears to be stronger in the minority party as the votes of the majority party is generally highly cohesive (K. Lee & Lee, 2011; Moon, 2011). The newly elected women's general compliance to the party comes from their inexperience to some extent. In my interviews with the former women members, a former senior woman member mentioned that as she gained the seniority, she could have more influence on persuading other members and learned the legislative know-hows[49]. Another woman also mentioned

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[49] Mi-kyung Lee. (2017, July 27). Personal interview

women's lack of informal resources of women such as network and information that the incumbents have had more time to develop as one disadvantage she faced as a newly elected woman[50]. The lack of practical knowledge and network could make women's attempt to pursue policies on her own more difficult when she is not familiar with the issue.

In addition to women's newcomer status, the party's minority and majority status also influence women's activities of representing women's interests that the party do not agree on. Swers (2002) compares the 103rd and 104th U.S. Congress and finds that women are more likely to sponsor women's issues bills across different categories of women's issues, but their sponsorship is mediated by their party's majority status and political contexts. This trend is especially pronounced for moderate Republican women who are more likely to sponsor feminist bills when the party is minority but turn their attention to less contentious women's issues of welfare policies when the party becomes majority. Because the majority Republican party imposes a strong discipline to pass the bills that the party wants and reject the bills they oppose, and women in Republican party are more pressured to be responsive to conservative voters especially when the party is majority and therefor has more power to set congressional agendas, moderate Republican women are more sensitive to the party's majority status and political contexts (also Swers & Larson, 2005).

Studies on the Uri Party majority 17th and the GNP majority 18th National Assemblies find that the majority party members' plenary session votes were more cohesive than the minority parties, indicating the stronger party discipline of the majority party (K. Lee & Lee, 2011; Moon, 2011). In the Korean case, the GNP was the

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[50] The interview with Kyung-sook Lee in August 2017

majority in the 16th National Assembly and the largest minority in the 17th. Given the party's majority status, that the all six GNP women cosponsoring the bill on the abolition of the family-head system in the 16th National Assembly needs explanation.

Considering that there were only 16 women (5.86%) in the 16th National Assembly, that 13 of them were newly elected, and that six of them were from the majority GNP, women in the 16th National Assembly were supposed to have more difficulties in supporting the abolition of the family-head system than women in the 17th as both unfavorable conditions—the new comer status of women and the conservative majority—presented. In the 17th National Assemblies, although the women's newcomer status was significant (32 out of 39 were newly elected), the number of women significantly increased, and the GNP was minority. Despite the presence of unfavorable conditions, five bills aiming to abolish the family-head system were introduced to the 16th and 17th National Assemblies by the government and Mi-kyung Lee (F. MDP) and 51 members, and three bills were introduced to the 17th National Assembly by the government, Kyung-sook Lee (F. Uri) and 155 members, and Hoi-chan Roh (M. DLP) and 9 members.

The remaining chapter explains how the five bills proposed in two National Assemblies successfully introduced by focusing on how the favorable factors trumped the unfavorable ones for the bill introduction. Before we move on, a brief explanation of the differences among the five bills will help us understand why there had proposed several similar bills. In the 16th National Assembly, both the government proposal and Mi-kyung Lee's bill include the deletion of the family-head system, but there were minor differences between them. Being aware of the argument of opponents that the abolition of the family-head system would increase the family breakdown and confuse the family lineage by allowing the child to take the mother's surname, the government included an

article replacing the definition of family in Civil Act without the concept of the family-head and clarified that the child may assume the father's surname in principle but could also assume the mother's surname when the couple agree on.

In comparison, Mi-kyung Lee's bill deleted the definition of the family and let the couple chose the surname of the child. In the 17th National Assembly, the government slightly modified the proposal by giving a more refined definition of family. Kyung-sook Lee's bill and Hoi-chan Roh's bill were very similar to the Mi-kyung Lee's bill, except that Kyung-sook Lee included a clause that the child may assume the father's surname in principle but could also assume the mother's surname when the couple agree on. Despite the small differences, all five bills put an end to the family-head system by deleting the remaining articles on the family-head system and allowing the child to assume the mother's surname and change their surname upon the court approval when it serves their good.

Bill introduction in the 16th National Assembly. The government proposal in the 16th National Assembly is the case in which the advocates of the bill were benefited from the favorable conditions and bypassed the unfavorable conditions as the government has an independent authority to submit a government proposal to the National Assembly. In this path of bill introduction, the will of the president and the role of the femocrats are highly important.

The government proposal started to be discussed after the president Roh from the MDP came to the office in 2003. As it will be explained with more details in chapter 5, the president Roh consistently gave a support to the abolition of the family-head system before the election. The efforts of women in party persuading the Roh's camp and the strong women's movements obtaining issue saliency near the presidential election

were among the major driving forces behind the Roh's adamant support for the abolition, along with his and his core supporters' ideology.

Yet, the path to the government proposal also has several hurdles to clear. Before the election of the Roh, the Ministry of Justice was a veto point to the abolition of the family-head system inside the government. As a Ministry that is in charge of proposing an alternative population register system to the family-head system, the Ministry of Justice is an essential actor to the abolition but had been skeptical to the abolition of the family-head system. In 2001, the Constitutional Court that started to review the unconstitutionality of the family-head system asked for the Ministry's written opinion, and the Ministry responded that the family-head system is constitutional.

The Roh administration cleared the hurdle inside the government by appointing femocrats to the relevant Ministries. In February 2002, the president Roh appointed Geum-sil Kang to the Minister of Justice and Eun-hee Ji to the Ministry of Gender Equlity. Minister Kang was a vice-president of the Lawyers for a Democratic Society that filed the constitutional court case on the family-head system with a women's movements organization in 2000, and Minister Ji was a former president of the KWAU. After Kang came to the office, the Ministry of Justice started to positively consider the abolition of the family-head system, and the Ministry of Gender Equality led the writing of the proposal. In addition, the organization of the Special Planning Group for the Abolition of the Family-head System in May 2003 consisting of relevant government departments and the NGOs further facilitated the writing of the bill.

In November 2003, the government submitted a bill on the abolition of the family-head system to the National Assembly, highlighting the importance of strong women's movements, women in party, the will of the presidents, and the femocrats to writing a government proposal.

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Another bill on the abolition of the family-head system was introduced by Mi-kyung Lee and 51 members in May 2003. In this case, the favorable conditions for women's advocacy successfully outweighed the unfavorable ones. Both of the unfavorable conditions presented in the 16th National Assembly. Although the number of women significantly increased in the 16th National Assembly, there were still only 16 women members, including 13 newly elected ones. Also, the majority GNP did not support most of the president Roh's policy agendas, including the abolition of the family-head system. In May 2003, commenting on the Roh administration's organization of the Special Planning Group, the head of the GNP policy committee Sang-bae Lee stated that "the abolition of the family-head system deserves scrutiny" and that "the family-head system should be gradually abolished and we are against the hurried abolition of the traditional family system"[51], indicating the party's objection to the abolition.

Despite the unfavorable conditions, a bill on the abolition of the family-head system was introduced in May 27 with 13 out of 16 women (co)sponsors, including all six women (five newly elected) from the GNP. The favorable conditions presented in the 16th National Assembly—the election of more women with women's movements background and the presence of strong women's movements that successfully framed the issue as the prime women's concern—presented contributed to overcoming the impact of unfavorable conditions. Along with the presence of the favorable conditions, women members also benefited from resourceful women's movements. In particular, women's

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[51] Son, M. (2003, May 06). No minister objected the abolition of the family-head system. *JoongAng Daily*, Retrieved from https://news.joins.com

movements provided women with legislative resources that compensated the newly elected members' deficiency of resources.

The previous section discussed how women's movements became more resourceful since the early 2000s by gaining support from civil society actors. By working with women's movements, members could easily overcome the disadvantages of being a newly elected, such as weaker network and lesser legislative know-how than the incumbents. By 2000, the Korea Legal Aid Center for Family Relations collaborated with the Lawyers for a Democratic Society and few law professors to file a constitutional court case and write a bill proposal on the abolition of the family-head system, as well as the suggestions for the alternative population register system. And this proposal written by the women's movements and civil society actors turned into a bill with some modification made by the sponsor of the bill in 2003 and 2004.

On April 22, 2003, the women's movements organizations held a meeting with the members of the National Assemblies and the NGOs to discuss the introduction of a bill. It was decided in the meeting that Mi-kyung Lee (MDP) is sponsoring the bill, and that a document asking for cosponsoring will be sent to the members of the National Assembly in the name of the Citizen United for the Abolition of the Family-head System. In return, 51 members offered to be cosponsors, and the bill on the Civil Act Amendment mainly aiming for the abolition of the family-head system was introduced on May 27.

The presence of the strong women's movements directed women's attention to the abolition of the family-head system, and their resources facilitated bill introduction by complementing the limited legislative know-hows and networks of the newly elected women. On the top of that, as discussed in this chapter, the support of the GNP women to the bill cannot be explained without referring to the women's movements' successful framing of the issue as the prime women's concern that outweighed the newly elected

GNP women's inclination to be responsive to the party position and the conservative voters.

To sum, the election of women, especially those with women's movements background, women's movements, and the MDP's general supportive atmosphere to feminist agendas were strong enough to overcome the unfavorable conditions for bill initiation presented in the 16th National Assembly. And the resources of women's movements available to women members further contributed to overcome the disadvantage of women's newly elected status. Yet, the presence of women's movements, the increase in women elected officials, and the center-left party in the National Assembly failed to spark a dynamic for the legislation in the later stages of policy making. In the 16th National Assembly, the bills were referred to the legislative and judiciary subcommittee and remained in pending until the end of the term.

Bill introduction in the 17th National Assembly. Compared to the 16th, women in the 17th National Assembly were in more favorable conditions for the bill introduction. The number of women increased over two times, women's movements were gaining even more support in the civil society, and the National Assembly majority was replaced by the left-leaning Uri Party. Importantly, the electoral victory of the Uri Party and the entry of the DLP gave women excellent opportunity to obtain broad support for the abolition of the family-heady system in the National Assembly. At the same time, the unfavorable conditions became weaker in the 17th National Assembly. Although 32 out of 39 women were newly elected, there were still seven women who were gaining seniority, and the conservative GNP became minority, theoretically putting the GNP women under the lesser pressure to deviate from the party position.

In June 2004, the government resubmitted the government proposal for the abolition of the family-head system to the 17th National Assembly. On September 9,

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Kyung-sook Lee (Uri) and 155 members introduced another bill. This time, the bill was proposed as a partisan bill of the governing Uri Party by having all Uri Party members as (co)sponsors. The abolition of the family-head system was an electoral promise of the Uri Party, established mainly by the younger and progressive former MDP members. The entry of Uri Party added significant weigh on the favorable conditions for feminist bill introduction. The party recruited number of women members with women's movements background before the 17th general election, including Kyung-sook Lee. Also, the MDP incumbent women with women's movement background also joined the Uri Party, including Mi-kyung Lee who proposed the bill in the 16th National Assembly and Myung-sook Han, a former women's rights activists and a former Minister of Gender Equality. By recruiting feminist women and as some women gained seniority and promoted to high-rank positions inside the party, women in the party could have more leverage on the party's women's policymaking. Plus, Uri Party men's social liberalism, as well as the president Roh's commitment to the abolition of the family-head system further facilitated the governing Uri Party to agree on introducing a partisan bill on the abolition of the family-head system.

For two bills sponsored by two women members in the 16th and 17th National Assemblies, the election of women, party ideology, and women's movements all combined were critical. In comparison, Hoi-chan Roh's bill is largely driven by women's movements and party ideology. The DLP had been the largest leftist party in Korea that had failed to win a seat before the introduction of the party-list proportional representation in the 17th general election. While the DLP largely represented labor interests, the party called themselves a progressive party, which encompass economic leftism and social liberalism, and appealed to progressive younger voters. Before the 17th general election, the party included the abolition of the family-head system in their

electoral pledge in response to the broad support to the agenda from the civil society. The DLP won 10 seats in the 17th general election, meeting the minimum number of (co)sponsors to introduce a bill. On September 4, the DLP introduced a partisan bill on the abolition of the family-head system, having Hoi-chan Roh as the sponsor. The Hoi-chan Roh's bill was almost identical to the proposal written by the women's movements organizations, indicating the importance of strong and resourceful women's movements and party ideology for the DLP bill introduction.

The five bills proposed in the 16th and the 17th National Assemblies followed two different paths: Government proposal and the member introduction. For the government proposal, the president and the femocrats served critical roles. Still, the election of women members, strong women's movements, and party ideology provided important conditions that shaped the president's commitment to the abolition of the family-head system.

In the alternative path, women members played a key role by (co)sponsoring the bill and actively persuading other members to support the bill. In this path, the election of women members, strong women's movements, and party ideology increase the likelihood of women members' choice of advocating the family-head system. Women members are more likely to succeed to introduce a bill when the favorable factors outweigh the disadvantages coming from women's new comer status and the conservative majority party's strong discipline. In both National Assemblies, the resourceful women's movements provided women with additional resources for bill introduction, complementing women's weak informal resources inside the party and the National Assembly. In addition, the successful women's movements seem to give the

GNP women more confidence in deviating from the party's general opposition to the abolition of the family-head system and cosponsoring the bill.

As in the case of the Hoi-chan Roh's bill, party's strong social liberalism combined with strong women's movements could also lead to bill introduction without the significant role of women inside the party. As a small party expecting to win seats through proportional representation and had little chance in single member districts, the DLP had appealed to leftist voters while the majority parties primarily cared for winning the single-member districts. For the labor unions and progressive civil society actors were already supporting the abolition of the family-head system by early 2000s, the DLP had little difficulty in supporting feminist agenda against conservative voters. Considering that Hoi-chan Roh, the sponsor of the bill, was a well-acknowledged feminist man who was highly interested in improving women's rights, the DLP also had a critical actor for women's substantive representation inside the party. But, overall, the party ideology and the saliency of the issue were stronger driving forces for the introduction of the Hoi-chan Roh's bill. Nonetheless, considering that the leftist party in Korea hardly win enough number of seats to propose its own bill except for the 17th general election, the combination of all three factors—women's movements, the election of women, and the party ideology—that are strong enough to trump the unfavorable conditions, had been providing more reliable path to the controversial gender equality bill introduction in Korea.

CHAPTER 5

PASSING THE BILL IN THE COMMITTEES AND PLENARY SESSION

In the bill initiation stage, the presence of the women elected officials is crucial, especially when these women have close ties to women's movements, are elected from leftist parties, and women's movements have successfully mobilized and framed the issue as the most important women's concern. In the later stages of legislative process, however, the direct impact of women members presented in the earlier stage decreases. Apparently, women's direct impact on roll-call voting is limited because a small number of women only guarantee small number of yes votes. Not only that, women also have limited impact in standing committees. By being small in number, the number of women in each relevant committee for women's policymaking are oftentimes too few, and their lone voices do not resonate enough to bring out changes to other members' preferences. Also, for major committees and chairs are usually filled with senior members, women's newcomer status excludes them from important committees and chairmanship (Norton, 1995; Swers, 2002).

Instead of women elected officials, the role of political parties becomes highly important to the outcome of the bill in the later stages. Certainly, as parties more or less bind individual members' preferences especially when the party discipline is strong, the support from majority party greatly increases the likelihood of obtaining majority yes votes. But the impact of the party is not limited to the final stage of voting. Importantly, parties influence standing committees, in which the members advocate, oppose, and negotiated the bills. Cox and McCubbins (2005, 2007) argue that parties have great influences over the committee members' preferences and are willing to use the formal and informal institutions of standing committees to pass the bills the party advocate and veto the bills that are against their partisan interests. The committee members'

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incentives to pursue her own agenda against the party position diminish considering that the voters' evaluations of the elected officials are heavily influenced by the policies that their party adopted (Cox & McCubbins, 2005, 2007) and that the Korean party leadership yields strong authority over nominating candidates and assigning them to highly electable electoral districts, making it costly for a member to diverge from the party position.

This study highlights two ways in which parties serve critical roles in the later stages of legislative process. First, a majority party's support sharply increases the chances that the bill is considered in the committees due to the majority party's positive agenda control in committees (Cox & McCubbins, 2005, 2007; Gailmard & Jenkins, 2007). For the committee member distribution among parties resembles the distribution of seats in the National Assembly, the support from the majority party is usually translated into the support from a good number of committee members who are able to set agendas in the committee. In the 17th National Assembly, the legislative and judiciary committee processed only 159 out of 636 bills (25%) referred to the committee (E. Kwon & Lee, 2012). By having majority party on their side, the advocates of the bill could avoid the worst-case scenario, in which the bill remaining in pending status until the end of the term without any attempts to move the bill forward.

Second, formal and informal institutions of the committees give minority parties degrees of negative agenda-setting power, meaning the ability to hamper the bill's chance of getting floor consideration (Cox & McCubbins, 2005; Evans & Lipinski, 2005; Gailmard & Jenkins, 2007, 2008; Smith, 2005). In the Korean National Assembly committees, unanimous decisions among the committee members are preferred and far more in common than voting, allowing the opposing members practical power to refuse the passage of the bill until agreeable amendments are made. In the 17th National

Assembly plenary sessions, only 2.43 percent of bills that the majority of the Uri Party members voted for were voted against by the majority of the GNP members (Moon, 2011), indicating that the absolute majority of the bills passed the committee are debated and negotiated among the committee members from different parties until they reach consensus. Additionally, in both the 16th and 17th National Assemblies, the members from the GNP chaired both the women's committee and the legislative and judiciary committee. For the chair of the committee has authorities over scheduling for general meetings and selecting bills to be reviewed in the meetings, the GNP in both national assemblies had the ability to delay the process of the bill, adding one more measure to hamper the passage of the bill that the majority party supports but the GNP opposes.

In this chapter, I will explain when a bill on a controversial gender equality is legislated by highlighting the role of political parties. In particular, I will argue that both the majority and minority parties issue position shifts between the 16th and the 17th National Assemblies are key to understand the different outcomes of the similar bills in the two National Assemblies. To make the argument, I will first examine when the parties shifted their position on the abolition of the family-head system. I will discuss 1) the changes in the public opinion gave parties a reason to reconsider their issue position, 2) the declining mobilization power of the party system cleavages led parties to appeal to new voter groups and 3) facilitated the entrance of new party supportive to progressive social agendas, and 4) the critical act of women in party in persuading the party leadership in the middle of the changing public opinion and increasing party competition for new voter groups, and the party leadership's capacities to overcome the opposition inside the party as the factors that contribute to party issue position shift.

Next, I will explain the opposite outcome of bills introduced in the 16th and the 17th by highlighting the impact of party issue position shifts. In particular, I will show

how critical the party issue positions were in shaping the bargaining power of the proponents and opponents of the bill in the National Assembly, and how the support from the majority party and the minority party each differently contributed to the passage of the bill.

(Re)shaping Party Issue Position

  Change in public opinion. Public opinion is expected to be an important factor that influence the outcome of controversial gender equality bills in the later stages of policy making because politicians care about the consequence of their support for a particular issue on their electoral chances (Burstein, 1999, 2003), and salient morality issues are more likely to be influenced by public opinion in comparison to less salient issues or technical issues that require some degree of knowledge to make a judgment (Mooney & Lee, 2000; Norrander & Wilcox, 1999). Thus, for controversial gender equality issues, social movements or interest groups are expected to yield to majority's opinion in the later stages of policymaking (Soule & Olzak, 2004).

  Despite the saliency of the issue, well-controlled public opinion surveys on the family-head system are sparse. But surveys show that, overtime, public opinion slowly moved toward the abolition or major revision of the family-head system. Table 6 summarizes the changes in public opinion since the mid-1990s.

Table 6

Changes in Public Opinion on the Family-head System between 1995-2005

Year/% support	Abolition		Reform (Degree)		Status Quo		No Opinion	
	Men	Women	Men	Women	Men	Women	Men	Women
1995.2	29.5	38.8	NA	NA	67.6	58.1	NA	NA
2000.10	19.1	29.6	NA	NA	65.9	48.8	15.0	21.6
2001.10	31.2	47.5	5.8	7	61	43.6	2	1.9
2002.5	13.8		68.9 Major 16 Partial 52.9		14.9		2.5	
2002.12	21.2		47.2 Major 16.9 Partial 30.3		22.2		9.4	
2003.5	12.5		67.5		19		NA	
2003.6	17.2		60.6 Major 14.9 Partial 45.7		20.1		2.1	
2003.9	39.1	51.6	NA	NA	54.5	38.2	8.4	
2004.12	22		56 Major 24 Partial 32		22		0	
2005.1	49.6		NA		48		NA	

*** Source:
1995.2 JoongAng Daily[52]
2000.10 Korean Women's Development Institute (2001)
2001.10 Department of Gender Equality (2001)
2002.5 East Asia Institute (2005)
2002.12 Korean Social Science Data Center (KSDC) from Song and Jung (2007)
2003.5 JoongAng Daily[53]
2003.6 Hankook Ilbo[54]
2003.9 Gallup[55]
2004.12 East Asia Institute and Hankook Ilbo[56]
2005.1 JoongAng Daily[57]
*** While there are slight differences between the surveys, partial reform refers to the change of the order of succession for the family-head in a way that the wife, instead of the son, succeed the family-headship upon her husband's death while maintaining rest of the articles.
*** Dates indicate to survey date when the information is available.

Table 6 shows that public opinion on the abolition of the family-head system had slowly shifted toward progressive direction, especially since the early 2000s. The survey in 2000 and 2001 are highly comparable as they were parts of two projects funded by the Department of Gender Equality (2001) and its former body the Special Committee for Women (2000) with over two thousand sample size for each, selected from the 1999 census. Between 2000 and 2001, the percentage support for the abolition increased by 12.1 percent among men and 17.9 percent among women. Considering that 2000 survey did not survey the age groups of 60s or older, who are more conservative than younger generations (see Table 8), the increase in the support for the abolition in a year is remarkable. Interestingly, the differences between two surveys are largely explained by the stark decrease in the percentage respondents who did not answer or did not have an opinion a year before. When tracking the changes in the percentage respondents who support the abolition or a major reform and a partial revision and status quo, the former was gradually increasing from 29.8 percent (May 2002) to 32.1 percent (June 2003) and 46 percent (December 2004) while the later decreasing from 67.8 (May 2002) percent to 65.8 percent (June 2003) and 54 percent (December 2004). On the whole, the public

52 Kim, H. (1995, March 1). Graphic forum: Controversial law articles. *JoongAng Daily*, Retrieved from https://news.joins.com

53 An, B. (2003, May 11). "The family-head system revision or abolition" 80%. *JoongAng Daily*, Retrieved from https://news.joins.com

54 Bae, S. (2003, June 9). The 49th anniversary special: 2003 politics and society poll. *Hankoon Ilbo,* Retrieved from http://www.hankookilbo.com/

55 Hong, Y. (2003, November 2). Poll: For and against the abolition of the family-head system. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

56 Jung, H. et al. (2005, January 27). The 60th anniversary of independence special poll: Politics and society. *Hankoon Ilbo,* Retrieved from http://www.hankookilbo.com/

57 Shin, C. (2005, January 26). 'Mixed 1 person 1 register system' preferred by 53% of the public. *JoongAng Daily*, Retrieved from https://news.joins.com

opinion had been changed to liberal direction, but the support for the abolition and status quo tied until January 2005, when the public finally gave more support to the abolition than status quo.

Two trends in public opinion are worth noting: The gender gap and generation gap. First, women had been more supportive to the abolition than men, and the gender gap had widened overtime. Table 7 shows the changes in the gender gap in public opinion.

Table 7

Percentage Gender Gap in Public Opinion

Year/ % Gender Gap	Support for Abolition	Support for Status Quo
1995.2	+ 9.3	- 9.5
2000.10	+ 10.5	- 17.1
2001.10	+ 16.3	- 17.4
2005.1	NA	- 32

*** % Gender gap calculation: % Women - % Men
*** Source:
1995.2 JoongAng Daily[58]
2000.10 Korean Women's Development Institute (2001)
2001.10 Department of Gender Equality (2001)
2005.1 JoongAng Daily[59]

Table 7 presents the widening gender gap in support and objection for the abolition of the family-head system. From Table 6, it is clear that although the support

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[58] Kim, H. (1995, March 1). Graphic forum: Controversial law articles. *JoongAng Daily*, Retrieved from https://news.joins.com

[59] Shin, C. (2005, January 26). 'Mixed 1 person 1 register system' preferred by 53% of the public. *JoongAng Daily*, Retrieved from https://news.joins.com

for the abolition of the family-head system from men were increasing, the percentage

was below 50 percent until 2005. In comparison, women started to give more support to

abolition than status quo since 2001. And by 2003, majority women supported the

abolition or major reform. The gender gap is consistent in all survey questions asking

opinions on the different components of the family-head system (see 2001.10 and

2002.10 surveys).

Next, the generation gap is noticeable. Table 8 presents the percentage support

and opposition to the abolition of the family-head system by generations.

Table 8

Support/Opposition to the Abolition of the Family-head System by Generations

Yr	2000.10				2001.10				2003.6		2005.1
%	Support		Opposition		Support		Opposition		Support + Major Reform	Opposition + Minor Reform	Opposition
Age	Men	Women	Men	Women	Men	Women	Men	Women	--	--	--
20s	20.8	36.6	59.1	35.2	39.6	63.5	55.0	31.2	46.4	NA	29
30s	20.7	34.3	64.1	42.3	38.6	56.6	53.9	34.8	42.4	NA	31
40s	18.1	23.6	70.2	60.3	26.3	44.6	66.1	45.5	NA	NA	51
50s	13.3	13.5	78.7	75.4	16.9	22.4	80.5	72.9	NA	75.6	75
60s	NA	NA	NA	NA					NA	85.8	

*** Source:
2000.10 Korean Women's Development Institute (2001) (Table III-Ga-19)
2001.10 Department of Gender Equality (2001) (Table V-3-69)
2003.6 Hankook Ilbo[60]
2005.1 JoongAng Daily[61]

Table 8 shows that public opinion on the issue is highly divided across the age groups. In January 2005, 75 percent of the survey respondents in their 50s or older opposed the abolition of the family-head system, while majority respondents in their 20s and 30s supported the abolition. The percentage opposition to the abolition among the 50s or older, especially among men, did not noticeably changed between October 2000 and January 2005, suggesting that changes in public opinion was largely led by younger generations who entered in their 20s after women's movements mobilized for the issue

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[60] Bae, S. (2003, June 9). The 49th anniversary special: 2003 politics and pociety poll. *Hankoon Ilbo,* Retrieved from http://www.hankookilbo.com/

[61] Shin, C. (2005, January 26). 'Mixed 1 person 1 register system' preferred by 53% of the public. *JoongAng Daily*, Retrieved from https://news.joins.com

in the late 1990s. From the table, the generation gap is wider between women than men. It is due to the high level of support for the abolition among young women in their 20s and 30s. While women in all generations are more supportive to the abolition than men in the same age group, young women are already giving a majority support to the abolition in 2001, widening both the gender gap and generation gap.

How much did the shift in majority voters' opinion matter for the party issue position? The major parties in Korea did not take a clear party position on the abolition of the family-head system before the newly established Uri Party supported the abolition in November 2003. Although the presidential candidates Roh from the MDP gave a definite support to the abolition of the family-head system and started process for writing the governmental proposal after the inauguration in February 2003, and the presidential candidate Lee from the GNP also promised the reform of the family-head system as a first step for the abolition happening later in his term, parties did not reaffirmed the party issue position after the presidential election, even the governing MDP.

For the Uri Party, party position was made in the late 2003, when the majority public preferred some degree of reform than the abolition[62]. The survey in June 2003 (see Table 6) shows that the support for the abolition or a major reform only rates 32 percent while 66 percent of the public prefer partial reform or status quo. While the gradual increase in the support for the abolition of the family-head system could have been one reason why the party considered giving a support to the agenda, electoral

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[62] Moon, K. (2003, November 23). The National Assembly members sparing themselves the trouble of the abolition of the family-head system. *JoongAng Daily*, Retrieved from https://news.joins.com

competition and party ideology that will be discussed in the later sections seem to have more impact on the Uri Party's decision. What might have a bigger impact on Uri party's decision is the support for the abolition from younger voters, rather than the majority voters. As a newly established party making its image as new and reformative, Uri party had reasons to occupy new social agendas to distinguish themselves from the GNP and appeal to younger and women voter groups who are supportive to progressive social agendas. In that context, the gradual change in public opinion into progressive direction and changes of opinion among younger generations may have had contributed to party's issue position making.

Compared to the Uri Party, the GNP's party position had been ambiguous and swayed near the elections. In May 2001, the party leader Hoi-chang Lee, who later became the presidential candidate of the party, during the lunch with the Confucian scholars briefly answered to the Confucian's firm objection to the abolition of the family-head system, saying that he will try to defend the custom although there are also demands for social change such as family issues to consider[63]. Between 2001 and 2002, being aware of the presidential election in December 2002, the GNP gradually moved toward the support for the abolition. The GNP first promised to revise the family-head system but not the abolition[64], and then later promised the abolition during the

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[63] Ko, K. (2001, May 30). Hoi-chang Lee visited the Confucians and the garlic farm. *JoongAng Daily*, Retrieved from https://news.joins.com

[64] Lee mentioned that "Considering the symbolic meaning of the family-head system rooted in people's general sentiment, culture, and tradition, the abolition is premature."

From Kim, C. (2002, June 16). Evaluating the presidential candidates: Education and women. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

presidential term[65]. But after the election, the party again turned back to the delicate position of 'implicit objection while leaving a room for partial revision'[66] until the early 2004 and avoiding commenting on the issue. The GNP finally reached a general consensus inside the party to support the abolition of the family-head system in September 2004[67] and the party leader Park clarified party position in January 2005[68] that the party supports the abolition and allows conscience voting for the members.

In general, the GNP's issue position closely followed the changes in the public opinion, except the election period during which the party gave a promise that it did not have much commitment. The party reluctantly accepted a partial reform around the beginning of 2002 when majority public also supported a partial reform than a major reform or the abolition (see 2002.5 survey) and maintained the party position in 2003. In 2004, even though the majority GNP members supported the abolition by the early September, the party did not make a meaningful move to process the bills on the abolition of the family-head system in pending in the legislative and judiciary committee, watching the GNP committee members delaying the committee review process. The party's support became more visible toward the end of 2004 when the party agreed to

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[65] Kim, C. (2002, December 1). Evaluating electoral pledges 1. policy ideologies on major issues. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

[66] The new party leader Byung-ryeol Choi mentioned that "the family-head system is not something that you could just flip over. But it needs a gradual process of abolition by first allowing the wife to succeed the family-headship upon the husband's death".

From Park, S. (2003, July 24). Party leader Choi in Kwanhun debate: Will expand women's entrance to politics by increasing the number of the total seats. *JoongAng Daily*, Retrieved from https://news.joins.com

[67] Lee, G. (2004, September 2). The family-head system possibly abolished this year. *JoongAng Daily*, Retrieved from https://news.joins.com

[68] Yonhap News Agency. (2005, January 19). The GNP leader Park "the party advise its members to support the abolition". *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

review and process the bills in the next plenary session in February 2005, which followed by the party leader Park's confirmation that the party decided to support the abolition and allow conscience voting in January 2005. Considering that a noticeable increase in the public support to the abolition appeared toward the end of 2004, the overview of the GNP's issue position shifts resembles the contour of the public opinion change, until the party supported the abolition, rather than a majority reform that the public preferred.

What could explain the similar trajectory of changes between the GNP party position and the public opinion? Although there is no solid evidence showing the impact of the public opinion, two things are noticeable. First, the GNP members' preference over the issue closely resembles the public opinion, especially in the 16th National Assembly. According to the survey of the National Assembly members in January 2002, the average preference score of the GNP members on the abolition of the family-head system was similar to the average public who were also surveyed using the same questionnaires. The average preference score of the public on the abolition was 5.7 (0: progressive and 10: conservative), leaning slightly toward conservative position, and the GNP scored 5.7. The MDP was more liberal, scoring 4.1[69].

Next, the survey also notes that compared to other parties, the responses of the GNP members on the issue are more dispersed, reporting that 19.7 percent of the members support the abolition, 39.5 percent major reform, 35.1 percent a partial reform,

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[69] The survey asked the respondent to choose between four choices from *a. Aboltion, b. Major reform including allowing the child could assume the mother's surname, c. Partial reform allowing the wife to succeed the family-headship upon her husband's death, d. Status quo*, and gave 10 points to a, 6.7 points to b, 3.3 to c, and 0 to d.

From Party Studies. (2002, February 1). This is how we evaluated. *JoongAng Daily*, Retrieved from https://news.joins.com

Political Desk. (2002, February 4). Comparison of the ideology of the people and the parties pt. 3. *JoongAng Daily*, Retrieved from https://news.joins.com

and 20.2 percent status quo, comparing to the MDP in which 69.2 Percent of the members choose either the abolition or a major reform[70]. The dispersion of the members' preferences was maintained in the early 17th National Assembly. According to the survey of the National Assembly members between June and August 2004, 16.5 percent of the GNP members supported the abolition, 43.3 percent a major reform, 32 percent a partial reform, and 8.2 percent status quo. In comparison, 45 percent Uri Party members supported the abolition and 42 percent a major reform and 12 percent a partial reform[71]. But the GNP members' preference shifted a bit in a month finally giving a majority support to the abolition in September 2004[72].

From the surveys that show the gradual shifts of the GNP members' preferences between 2002 and 2004, a cautious inference could be made. Possibly, the internal division of the members' preferences over the issue made it difficult for the party to settle in a position, giving advantages to members preferring the status quo, considering that senior members who tend to be more conservative[73] and hold high-ranked positions have more influence inside the party. It explains why the party gave only a reluctant support to partial reform for a long time when there was considerable percentage of members supporting abolition or major reform. At the same time, the shifts in the party position from time to time indicate that a majority members' preferences on the issue was not as

[70] Political Desk. (2002, February 2). Analysis of major parties' policies and ideologies pt. 4. *JoongAng Daily*, Retrieved from https://news.joins.com

[71] Korean Political Science Association and Lee et al. (2004, August 31). Distribution of answers to the major policies by parties. *JoongAng Daily*, Retrieved from https://news.joins.com

[72] Kim, M. (2004, September 2) The GNP considering taking a party position on the abolition of the family-head system. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

[73] Members serving higher terms are more conservative than the newly elected members in average. See, Political Desk. (2002, February 1). Average policies and ideology stance by the number of terms in office. *JoongAng Daily*, Retrieved from https://news.joins.com

determined as to prevent them from adjusting their policy preference responding to the changes in the public opinion and political contexts, contributing to the gradual party's position shifts with the public opinion and the fluctuations of the party position near the elections.

Considering that major parties did not give a partisan support to the abolition of the family-head system until the public opinion started to shift, the Korean case agrees with the findings of previous studies that parties are aware of public opinion and not willing to pursue an issue as long as the public is leaning toward the opposition (Burstein, 1999), and that public opinion has more influence when the issue becomes salient. And the gradual shifts of the GNP's issue position give some support to Adams et al. (2004)'s finding that parties are responsive to public opinion when it moves toward opposing direction to the party while the change in the same direction with the party (e.g. public opinion become more liberal when the party was taking a liberal position) does not have an influence.

To sum, changes in public opinion seem to give a cue to party to reconsider the degree of support and opposition that the party had maintained. Both parties started to consider policy change, although to different degrees, as public opinion started to shift toward the liberal direction. Yet, the degree of change—the abolition—that both parties finally landed on does not closely reflect the majority voter's choice. While public opinion is one factor that gives a cue to parties to reconsider their previous positions on the issue, the timing and the degree of party's position change are also influenced by other factors.

Emergence of new voter groups and party competition. After democratization, the most salient party system cleavage in Korea was regionalism, particularly strong in the two populous provinces, South-East Gyeongsang Province and

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South-West Jeolla Province (Moon, 2005; Sonn, 2003). While ideological divisions, specifically party platforms on the relationship with North Korea and economic redistribution, as well as social issues, is also significant for the party system in Korea (W. Kang, 2005), the major cleavage has been regionalism.

Regional voting in Korea is closely tied to the unequal level of industrialization and infrastructure building during the authoritarian rules and the special forces shooting the protestants in Gwang-ju, the largest city in Jeolla Province in 1980. After the democratization, the political mobilization led by popular regional leaders and the change of electoral system to single-member district rapidly translated the regionalism into party system cleavage. Since the grand merger of the three conservative parties in 1990, voters in Gyeongsang Province have voted for the conservative party, and voters in Jeolla Province have casted their votes to the democratic party in Korea. However, the dominant party system cleavage of regionalism stared to show signs of decline since the 16th presidential election in 2002. Table 9 presents the regional voting in the presidential elections after democratization.

Table 9

Regional Voting in the Presidential Elections (14th-16th)

Term (Date)	14th (1994-1998)		15th (1998-2002)		16th (2003-2008)	
Candidate (Party)	Young-sam Kim	Dae-jung Kim	Hoi-chang Lee	Dae-jung Kim	Hoi-chang Lee	Moo-hyun Roh
Region/ % Support	(DLP)	(DP)	(GNP)	(NCNP)	(GNP)	(MDP)
Gyeongsang						
Pusan	73.34	12.52	53.33	15.28	66.74	29.85
Daegu	59.59	7.82	72.65	12.53	77.75	18.67
Ulsan			51.35	15.41	52.87	35.27
North Gyeongsang	64.72	9.62	61.92	13.66	73.46	21.65
South Gyeongsang	72.31	9.23	55.14	11.04	67.52	27.08
Jeolla						
Gwangju	2.13	95.84	1.71	97.28	3.57	95.17
North Jeolla	5.67	89.13	4.54	92.28	6.19	91.58
South Jeolla	4.2	92.15	3.19	94.61	4.62	93.38
Nationwide	41.96	33.82	38.74	40.27	46.58	48.91

*** Data: Collected from National Election Commission (NEC). (http://info.nec.go.kr/)

Table 9 shows the strong regional voting in the presidential elections. Young-sam Kim, the regional leader of Gyeongsang Province, and Dae-jung Kim, the regional leader of Jeolla Province, had received far more than majority votes in each province. After DJP, RDP, and NDRP merged in 1990, the regional voting pattern became stronger. The impact of regionalism is even greater in the general elections due to single-member district electoral system. Table 10 presents regional voting in the general elections.

Table 10

SMD Seats Won by Region (14th-17th General Election)

Party/ Region	14th (1992-1996)			15th (1996-2000)			16th (2000-2004)			17th (2004-2008)		
	Seats Total	DLP	DP	*Total*	NKP	NCNP	*Seats Total*	GNP	MDP	*Seats Total*	GNP	Uri
Gyeongsang (Youngnam)	*71*	53	0	*76*	51	0	*65*	64	0	*68*	60	4
Jeolla (Honam)	*39*	2	37	*37*	1	36	*29*	0	25	*31*	0	25
Other Provinces	*127*	61	38	*140*	69	30	*133*	48	71	*144*	40	100
Total	*237*	116	75	*253*	121	66	*227*	112	96	*243*	100	129

*** Data: Collected from National Election Commission (NEC). (http://info.nec.go.kr/)
*** Seats total refers to the total number of electoral districts assigned to the Provinces
*** Youngnam includes North and South Gyeongsang-do and the neighboring metropolitan cities (Pusan, Daegu, Ulsan). Honam includes North and South Jeolla-do and a neighboring metropolitan city Gwangju.

Between the 14th and 16th National Assemblies, the conservative party in Korea took an advantage from regional voting partly due to the number of seats assigned to Gyeongsang Province compared to Jeolla Province.

However, the influence of regional voting started to decline from the 16th presidential election, after the retirement of the strong regional leaders (Moon, 2005). In the 16th presidential election, the MDP candidate Roh received between 20 to 30 percent supports in most part of Gyeongsang Province, which were more than twice as much as the democratic party (with different names) had received in the previous elections. On the top of that, the failed attempt to impeach the president Roh in the early 2004 that led to a major backfire to the GNP and MDP added additional push for the weakening of regional voting in the 17th general election. In the 17th National Assembly, Uri Party won

four seats in Gyeongsang Province, which was the first time that a party from the democratic bloc won a seat in the province.

When regional voting was strong, the parties had less motives to invest in the competition over ideology because regionalism trumped the effect of ideology in voting. However, as regionalism started to show the signs of decline, ideology became a more pronounced factor in explaining the voter alignment. In addition, the introduction of the party list proportional representation before the 17th general election also gave parties reasons to invest in ideological dimension to distinguish itself from other parties (J. Cho & Choi, 2006).

It is important to note that ideological competition in Korean politics is best described as a competition on the 'progressive-conservative' scale that encompasses security (Dove-hawk attitude on the North Korea), economy (left-right), and social value issues (social liberal-conservative) (Hix & Jun, 2009; W. Kang, 2005). The impact of ideology and the ideological gap between the voters were more pronounced in the 16th presidential election and the 17th general election, even compared to the presidential elections in 2007 and 2012 (Roh, Song, & Kang, 2013). Particularly, the so-called 386 generations who were in their 30s and went to university in the 1980s during the heyday of student activism led the ideological turn by presenting progressive ideology that sharply separate them from the older generations (Hwang, 2009a, 2009b; Roh et al., 2013).

According to Lee (2002)'s study on the generation gap in political ideology, voter ideology surveyed in 1996 and 1997 show little generation gap. In the 1996 survey of self-reported ideology score using 5-point scale—from 1 (very conservative) to 5 (very progressive)—the average score of those in their 20s were 3.0, 30s 3.0, 40s 2.8, 50s 2.7,

60s 2.7. The survey in 1997 also shows little difference in ideology across the age groups. But in 2002 survey of self-reported ideology score using 10-point scale—from 1 (very progressive) to 10 (very conservative)—presents noticeable generation gap. In 2002, the average ideology score of those in their 20s was 4.82, 30s 5.08, 40s 5.75, 50s 7.08, 60s or above 7.98. Apparently, the generation gap in ideology was widening. Especially, the 386 generations in their 30s were clearly more progressive than the age cohorts before them.

All things put together, the decline of the regional cleavage and the growing importance of ideology motivated parties to engage more into ideological competition and find new voter groups that will compensate the declining regional supports. In particular, the Uri Party appealed more on the basis of ideology and renovation of old politics than regionalism and brought number of issues that the established parties had avoided to discuss into the National Assembly, further pressing the GNP to take positions on the growing number of issues and clarify the party ideology. Importantly, the intensified ideological competition and the needs for finding new voter groups caused by the decline of party system cleavage opened up opportunities to women, who were growingly politicizing over years, to enter their demands into the parties, corresponding to the findings in previous studies (Kitschelt, 1986; McAdam et al., 2009; Morgan, 2013).

In the Korean politics, women voters had not been a distinct voter group until the early 2000s. The voter turnout of women and men had not been noticeably different. Still, studies in gender gap in political participation in Korea in the 1980s had noted that women are less likely to share democratic attitudes than men (Namyoung Lee, 1985). Voter surveys in the early 1990s also show that women are less interested in politics, less

likely to discuss politics or read a newspaper, and have less political efficacy than men (S.

Lee, 1993), and their votes are more likely to be influenced by other people's opinion, the

husband for instance, then men's votes are (Hyunhee Kim, 1999).

However, women's political attitudes started to change since the mid-1990s. The

general wisdom that women vote more for the conservative party than men did not

appear in the elections held between 1992 and 2000 (K. Cho, 2002), and the gender gap

in political interests, and women's tendency of being influenced by the other's opinion is

getting narrower (Hyunhee Kim, 1999), signaling for the gender dealignment (Norris,

1999). In general, the labor force participation (S. Lee, 1993), generation, and education

level (K. Cho, 2002; Hyunhee Kim, 2006) in particular had contributed to narrowing or

removing gender gap.

Despite the decreasing effect of gender on political attitudes, Korean women had

been a bit more conservative than men in most issue areas (K. Cho, 2002; M. Kim, Kim,

Lee, & Kim, 2003). But there was one growing issue area in which women were

significantly more progressive than men—women's issues including feminist issues.

Combined with women's increasing education level and labor force participation as well

as women's movements' efforts for gender mainstreaming in the 1990s, the number of

salient women's issues were growing. And in support for women's issues, the gender gap

was consistent.

Table 7 in the previous section shows the significant gender gap in the support for

the abolition of the family-head system. Not only that, women give more support to

women's rights issues than men. In Kim et al. (M. Kim et al., 2003)'s study using the

voter survey after the 16th presidential election suggests that while women are generally

more conservative on security and economic policies, women are more liberal than men

in their support for gender quotas, women's entry to political organizations, changing

gender roles, and the abolition of the family-head system. The national public survey in 2000 (Y. Kim et al., 2001) also reports the gender gap in the support for women's entry in the National Assembly, holding high-rank position in the executive, the adoption of mandatory gender quotas, as well as the abolition of the family-head system.

In addition, interacting with the growing generation gap in ideology, younger women are distinctively progressive on women's issues than men as well as older women, and their voter turnouts in the 16th and the 17th general election were higher than men in the same age group. In the 16th presidential election and the 17th general election, women in her late 20s to 30s voted 3 to 8 percent more than their male counterparts (NEC, 2008), adding more reasons for the parties to consider women's issue more seriously to win the elections.

For the Uri Party that was established mainly by young reformative members of the MDP, the party's appeal to younger and women voters did not face strong opposition inside the party. But the GNP that were supported by the conservative constituents and also voters in North Gyeongsang Province—the home of the Confucians—had more difficulties in making party position on the abolition of the family-head system. Even after the GNP decided to support the bill, the members elected from the conservative districts did not vote for the bill in the plenary session voting[74].

Eventually, the GNP confirmed that the party agrees to process the bill in the plenary session in February 2005 and reaffirmed that the party supports for the

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[74] "North Gyeongsang Province, the province is the most conservative province as you know, so the members from the districts couldn't vote. Because people were checking who was voting for and against. You know, the display in the plenary chamber shows who voted for and against. So, some had to vote against the bill because of the screen, really". From Kye-kyung Lee. (2017, August 7). Personal interview.

abolition of the family-head system. The GNP's position on the issue shifted when the party was in a desperate need for renovation. For the GNP, the decrease in the mobilizing capacity of the issues that had brought electoral victories to the party, the departure of women voters from the party as they became more politicized, the defeats in two consecutive presidential elections and the general election, clearly signaling that the party needs to renovate and appeals to new voter groups in the beginning of the 17th National Assembly. The final decision of the party to support the abolition was one response of the GNP to the declining party system cleavage and intensifying ideological competition among the parties, plus women's emergence as a distinct voter group, who are particularly distinguishable from the men in their support for the gender equality agendas.

Entry of new party encompassing new agendas. As much as the shifts of party system cleavage and the emergence of new voter group pressured the GNP to adjust to new political environment, the MDP was also in need for party renovation. For the MDP, the election of the president Roh in 2002 was a critical moment for the party's renovation.

Roh was a human rights lawyer during the authoritarian rule who started political career after democratization and had advocated progressive social and economy policies inside the party. Before the DMP presidential primaries, Roh was not the party's expected presidential candidate. But before the primaries, the MDP decided to assign 50 percent of the vote to the public, in a way to deal with the unpopularity of the party. The underdog Roh rapidly became the most popular choice of the public. Roh, who grew up in Pusan, the largest city in Gyeongsang Province, and then joined the parties in the democratic bloc, was conceived as a reformative politician who broke away from regionalism and old politics tangled with corruption and conflicts, and his core

supporters were younger generation voters, especially the progressive age cohort, so-called 386 generations. Eventually, Roh won the party's presidential candidacy and the presidential election in the end of 2002.

After the election of Roh, the MDP went through intra-party conflict between senior members, who argued for a gradual reform and were in power, and junior members, who were ideologically close to Roh arguing for the comprehensive renovation of the party. Eventually, the junior members defected from the MDP and established Uri Party in November 2003. The Uri Party was established mainly by socially and economically more leftist members of the MDP who were supportive to president Roh's vision and joined by younger politicians, many of who participated in student activism, labor movement, and democratic movements in 1980s. Compared to major parties before the Uri Party, the party had little appeal to regionalism and was more cohesively progressive in ideology. Due to party ideology and the backgrounds of many members, the party was keen to newly articulated interests and peripheral issues that the established parties had cared less, such as women, labor, and the environment.

In comparison to the GNP, the Uri Party was in more favorable condition to make a party issue position on the abolition of the family-head system. First, the party's core supporters were younger generations who became distinctively more progressive than the older generations in the early 2000s. In the public survey right after the 17th general election, about 40 to 48 percent of the respondents between the age of 20 and 44 answered that they support Uri Party. The support for the GNP among the age groups ranged between 12.7 percent to 26.6 percent. The Uri Party was particularly popular
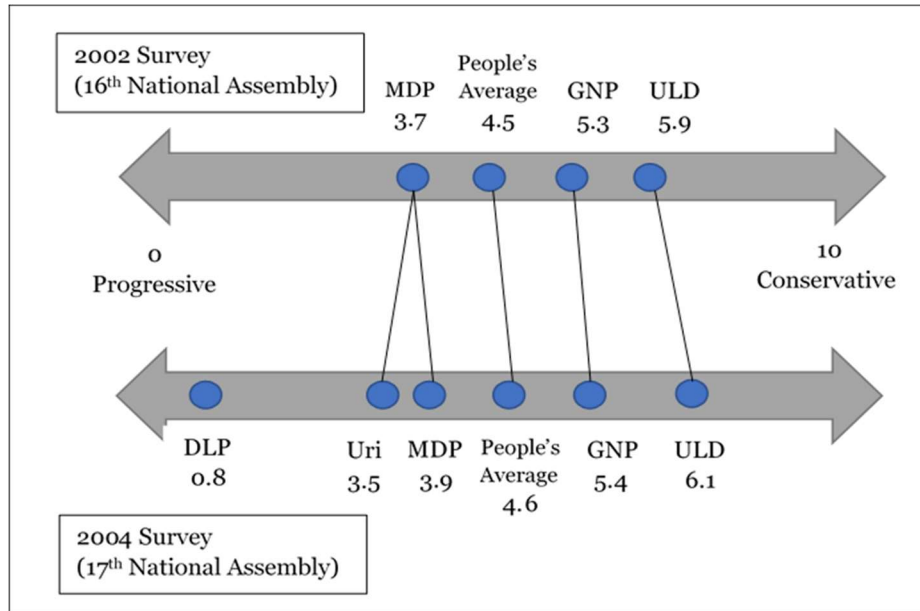
among the age group of 30 to 34, among them only 12.7 percent supported the GNP[75]. As it appears in the Table 8 in the previous section, the support for the abolition of the family-head system shows the same generation gap as voter ideology. The core supporters' general progressive attitudes plus voters' strong desire for a different, renovative politics[76] made it easier for Uri Party to pursue progressive social agendas in the beginning of the 17th National Assembly.

Next, the party's overt support to the abolition of the family-head system largely reflects the member's progressive ideology and general intimacy with progressive social agendas articulated in rapidly growing civil society in the 1990s. In the 17th National Assembly, 108 out of 152 members of the Uri Party were the newly elected members, many of whom were young progressive members who had participated in student activism, democratic movements, and labor movements in the late 1970s to 1980s. The ideology and the background of the members translated into wider ideology gap between the GNP and the Uri Party.

Figure 9 compares the ideology score of parties in the 16th and the 17th National Assemblies.

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[75] Surveyed by The Hankyoreh and Media Research on April 16, 2004, From Park (2004).

[76] A political renovation was the second most frequently mentioned issue among the issues that voters of the 17th general election identified as important in Park's study (2004)

Figure 9. The Shifts in the Parties' and the Voter's Ideology between the 16th and the 17th

Figure 9 shows that Uri Party was more progressive than the MDP and the GNP in the 16th and the 17th National Assembly. Importantly, the ideological differences between the GNP and the Uri Party appears to be considerably wider in social issue, including the environment, education, the family-head system, death penalty[77].

[77] The member and the public surveys in 2002 and 2004 used very similar set of questions to observe the changes over time.

Table 11

Comparison of Party Ideology by Issue Area (16th and 17th National Assemblies)

Issue Area	Party	The 16th	The 17th
Political (the North Korea/ Diplomacy) Ideology Score	GNP	5.83	5.72
	MDP/Uri	3.26	3.21
Economic Ideology Score	GNP	5.33	5.82
	MDP/Uri	4.20	4.10
Social Issues Ideology Score	GNP	5.30	4.85
	MDP/Uri	3.76	3.13

*** Note: Partial Reproduction of Ka (2016), Table 2[78]

       The ideology score by issue area in the Table 11 presents two notable trends. First, while the MDP and Uri were consistently more progressive than the GNP across the issue areas, the gap is wider in the social policy area. Second, the ideological differences between the MDP and the Uri Party appear in

       Figure 9 is largely caused by the parties' attitudes on social policies. Although the GNP became noticeably liberal in social policy area in the 17th National Assembly, the gap between the two major parties remained consistent as the Uri party became far more liberal than the MDP in the 16th National Assembly.

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[78] Ka used the same survey that

Figure 9 used.

As a new party broke away from the MDP, the Uri Party differentiated themselves from the established parties by framing itself as a party that aims for the reformation of the old politics built on regionalism. Instead of regionalism, the Uri Party appealed to the voters with a package of progressive policies. The Uri party supported the abolition of the family-head system since the establishment of party. Although the party was a small minority that did not have an agenda control power in the 16th National Assembly, the party introduced the bill on the abolition of the family-head system as a partisan bill in the beginning of the 17th National Assembly. And in the second half of 2004 in which the bill was in pending in legislative and judiciary committee due to the GNP members' opposition, the party included the bill into the top 100 reformation agenda that the party should pass, classifying the bill into 'the bills that fit into the party ideology'[79].

On the whole, for the parties in the democratic bloc, the weakening of the party system cleavage in the late 1990s that led to the entry of a new party carrying the up-to-date progressive social agendas articulated in civil society after democratization into the party politics was a critical factor for the party position shape and reshape. Taking into account of the previous studies on the new party entry (Green-Pedersen, 2007; Meguid, 2005; T. M. Meyer & Miller, 2015; Tavits, 2006), as a newly established party, Uri Party had reasons to invest in the areas that were less salient in the existing party system. The party's invest in ideology, especially their liberal stance on social issues, was one way to find a dimension that they have advantage in the competition against the established parties.

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[79] Kim, U. (2004, August 30). Uri, considering putting salient bills on votes. *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

From when the party was a small minority party in the late 16th National

Assembly, Uri Party advocated progressive agendas and engaged in ideological

dimension that the existing parties have less invested in. The momentous electoral

victory of Uri Party of course cannot be explained without the unexpected event of the

impeachment attempt and even more unexpected huge backfire from the voters to the

established parties (J. Cho & Choi, 2006; Hyungjun Kim, 2004; Park, 2004). Yet, the

growing generation gap in ideology and the increasing political activism of younger

generations increased the electability of the party. And as parties started to take

ideological dimensions more seriously and look for new voter groups, they had more

reasons to take a party position on the women's demands for the abolition of the family-

head system to receive women's votes.

Following the Uri Party, the MDP also included the abolition of the family-head

system in the electoral pledge before the 17th general election. On the top of that, the

entrance of the DLP in the 17th National Assembly, the leftist labor party that already

integrated liberal social agendas in their party platform, further increased the number of

parties supporting the abolition of the family-head system in the National Assembly,

contributing to the abolition in 2005.

Women in party and party leadership. The change in public opinion and

the party's need for attracting new voter groups open up the opportunities to the

advocates of controversial gender equality agendas. In exploiting these opportunities on

the women's side, women in party could become critical actors who urge party to support

particular women's agendas and persuade the members and the party leadership the

benefits of giving a partisan support to the issues (Kittilson, 2006, 2011; Morgan, 2013).

As expected, the intra-party opposition to giving a partisan support to the abolition of

the family-head system was far stronger in the GNP where conservative senior members

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were included in the party leadership and have been supported by conservative voters who were against the abolition of the family-head system. In overcoming the opposition, studies have been emphasizing women's ability to persuade the party leader and the leader's capacity to subside the opposition that makes the party more adaptive to the changes in political contexts (Harmel et al., 1995; Harmel & Janda, 1994; Kitschelt, 1994; Kittilson, 2006; Wilson, 1994).

Overall, the Korean case supports the findings of the previous studies. As it was also discussed in the previous chapter, women's influence inside the party was greater in the MDP and the Uri than in the GNP. In the MDP and Uri Party, the election of women led to opening of a channel for women's movements demands to infiltrate to party because women members with women's movements background brought the issues with her. Although having women who bring women's movements agendas to the party does not necessarily result to party's support to the agenda, the women in the MDP and Uri Party could successfully persuade the party to support the issue when the windows of the opportunity were open.

In exploiting the shifts in political opportunity structure, women in the Uri Party were in a more favorable position than those in the GNP because of the resources they had in the party. The party had ties to the progressive civil society actors that were supportive to the abolition of the family-head system or already allied with women's movements for the cause. Also, there were a considerable number of men inside the party and in the party leadership who were supportive of feminist agendas.

Before the 16th presidential election in 2002, the abolition of the family-head system was already a major policy goal of women's movements, and most women members in parties were eager to persuade the presidential candidacies to include the

issue in the election pledges. While women in the GNP struggled to earn the support from their presidential candidates, women in the MDP succeeded in persuading the candidate Moo-hyun Roh to promise the abolition of the family-head system. Behind the women's success was favorable political opportunity structure opened before the 16th presidential election—the former human rights lawyer Roh's victory in the MDP presidential primaries, the media framing of the presidential race as a contest between the old conservative and the young progressive, and the emergence of the progressive 386 generations as the core supporters of the candidate Roh. In response, the Roh's election campaign team included several reformative socio-economic policies in the electoral pledges, and women in the MDP could exploit this opportunity to persuade Roh's camp to support the abolition of the family-head system. In February 2002, Roh, along with Park from the GNP, made two out of nine potential presidential candidates who gave a support to the abolition of the family-head system[80]. Roh consistently gave a firm support to the abolition until the election in December[81].

The party realignment before the 17th general election was another window of opportunity opened up for women in party. As discussed in the previous section, the establishment of the left-leaning Uri party in 2003 provided opportunities for women's movements demands to be included in the party platform. Before the 17th general election, younger and more progressive members of the MDP joined Uri party, and the party also recruited a number of candidates with ties to social movements and the

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[80] Political Desk. (2002, February 1). The ideology and policy preferences of the members of the National Assembly. *JoongAng Daily*, Retrieved from https://news.joins.com

[81] Kim, C. (2002, December 1). Evaluating election pledges 1. policy ideologies on major issues. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

progressive NGOs. Still, Uri party was a minority in the 16th National Assembly to have an agenda-setting power in committees.

What changed the situation was the momentous victory of Uri party in the 17th general election. Before the 17th general election, the number of seats assigned to the proportional representation increased and parties voluntarily adopted 50 percent quotas to women in the party list. The Uri Party's victory led to the inclusion of more women members with women's movements background and progressive members to the party and the National Assembly. And those women successfully persuaded the party members to make the abolition of the family-head system a party platform before the election and kept the party loyal to its pledge in the 17th National Assembly. Although some members elected from the conservative districts find it nettlesome to make a party platform, the support of the president Roh and the general atmosphere inside the party on feminist agendas helped the party to take a party position on the abolition without much difficulties[82].

Compared to women in the MDP and Uri party, women in the GNP had relatively narrow openings of windows of opportunity. During the 16th presidential campaign, women in the GNP also tried to persuade the candidate Hoi-chang Lee to promise the abolition of the family-head system. But Lee, who was conservative himself and supported by the conservative constituents only signaled for a partial reform but not an abolition. At first, polls consistently predicted the victory of the candidate Lee. But gradually, the election became a neck-and-neck race. As the gap between the two

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[82] Kyung-sook Lee. (2017, August 1). Personal interview.

candidates got narrower, the GNP women could persuade the Lee's camp to promise the abolition of the family-head system to receive women's votes.

In my interview with a former GNP member, she mentioned that Hoi-chang Lee himself was not much in favor of the abolition, but women in party continuously urged until the TV debate that "you really have to support the abolition. If you do not promise the abolition when all women want it, then it is not a progressive attitude on women as a presidential candidates"[83]. Eventually, Hoi-chang Lee practically gave a support to the abolition commenting that he was going to prepare for the alternative system to the family-head system during the TV debate[84].

Another important phase for the GNP women opened after the 17th general election. As discussed in the previous section, the defeat in two consecutive presidential elections and a general election called for a comprehensive renovation of the GNP. While multiple factors discussed in this chapter combined account for the change of the GNP's issue position, the GNP women's continuous effort to bring out the issue in the party's general meetings and persuade members and the party leadership to agree on the abolition of the family-head system was one vital factor contributed to the party's final support to the bill.

Importantly, the GNP women's efforts contributed to the party position change after having a party leader who was also supportive to the abolition. Unlike to the Uri party in which the members were generally supportive to the abolition, the issue faced

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[83] Kye-kyung Lee. (2017, August 7). Personal interview.

[84] The TV debate was held between November 21-26, 2002. From Kim, S. (2002, December 6). Moo-hyun Roh smiled and Hoi-chang Lee cried. *Women's News*, Retrieved from http://www.womennews.co.kr

strong oppositions inside the GNP for many of the members were elected from conservative electoral districts in which the Confucians still had some influence. One possible way to pacify the opponents is scaling down the degree of reform by proposing an amendment. But in the 17th National Assembly, the GNP eventually agreed on a full-scale abolition despite the internal opposition from some senior members. In making the final decision over the issues inside the party, the autonomous party leadership that allows the party leader to yield considerable influence over major decisions of party indeed helped the party to agree on the abolition. And fortunately for the GNP women, women could save their efforts on persuading the party leader because the party leader had changed to Geun-hye Park in 2004, who has shown her support to the abolition of the family-head system since the early 2000s.

In March 2004, during the huge backfire of the failed impeachment of the President Roh from the public, Geun-hye Park was elected as a new leader of the GNP, expected to retrieve the situation and muster as many seats as possible in the upcoming election. Before Park, the GNP was under the leadership of Byung-ryeol Choi. While the GNP under Choi's leadership gave a signal that the party could accept a partial reform by having Choi said that "It does not make a sense that an infant boy succeeds the family-head because he is a son. But the abolition of the family-head system is better to be a gradual process, step by step adding supplementary measures to the current system"[85]. In the same interview, Choi also mentioned his personal view that "the choice of family name is largely cultural, and the boy preference won't be disappear even we abolish the

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[85] Park, S. (2003, August 26). Parties "what should we do with the bill on the abolition of the family-head system". *JoongAng Daily*, Retrieved from https://news.joins.com

family-head system. The family-head system is related to the life-style, rather than logic", which is a well-worded way of insinuating his opposition.

Unlike to Choi, Park was a proponent of the abolition. As one of few incumbent women members of the National Assembly, Park had been a reliable supporter of the abolition of the family-head system. She was one of three members who introduced the women's movements organizations' petition of the abolition of the family-head system in 2000[86], and also cosponsored the bill proposed in the 16th National Assembly. After being elected as the party leader, Park tried to include the abolition of the family-head system in the electoral pledge of the GNP for the 17th general election by saying that "the abolition of the family-head system is my personal belief, and gender equality is the zeitgeist… Given that even those who support status quo admit that there are some problems with the family-head system, I am thinking about including the abolition in the party pledge for the general election"[87]. But her suggestion faced strong opposition inside the party largely by members competing in the conservative districts and eventually ruled out.

In the beginning of the 17th National Assembly, the GNP's position on the abolition of the family-head system was still ambivalent. For the first several months, the GNP did not make a clear statement on the party position on the abolition of the family-head system[88]. During the time, the GNP members in the legislative and judiciary

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[86] Petition was introduced by three women members, Mi-kyung Lee (MDP), Myung-sook Han (MDP), and Geun-hye Park (GNP).

[87] Jung, J. (2004, March 25). The GNP leader Geun-hye Park, 'considering including the Constitutional amendment to the four-year, two-term presidential system in the electoral pledge. *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

[88] Kim, M. (2004, August 12). National security law, the abolition of the family-head system…the GNP remaining silence for controversial issues. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

committee were obstructing the process, preventing the bill from being included in the committee agenda. However, women members and women's movements vigorously pushed forward the issue, and Uri Party members in committee were also urging to resume the review process, and the GNP's obstruction of the bill was being severely criticized by the advocates of the bill inside and outside the National Assembly.

While the surrounding political landscape was pressuring the GNP to make a clear position on the issue, the party was having hard time reaching a consensus among the members. Even though the majority members supported a major reform or abolition by early September[89], the strong opponents of the bill were senior members who have more influence in the party than junior members. In resolving the conflicts of interests and fixing the timing of party's position change, the party leader Park's support to the issue was one important driving force that kept the issue being discussed in the party, and she and women members' efforts to persuade the party leadership to support the abolition should be recognized. After all, "the leader's opinion on the party platform matters one way and another"[90].

Overall, although being few in numbers, women could become critical actors when the windows of opportunity are open. And the case of the GNP is also in line with the previous studies that found the autonomous leadership makes it relatively easier for a party to support a feminist agenda when the leader sees the benefit of supporting the issue (Harmel et al., 1995; Harmel & Janda, 1994; Kitschelt, 1994; Wilson, 1994). Although the leader's personal commitment to the issue does not always turn into the

[89] Kim, M. (2004, September 2). The GNP considering taking a party position on the abolition of the family-head system. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

[90] Kye-kyung Lee. (2017, August 7). Personal interview.

party position, having a leader who is willing to carry on the issue and persuade opponents inside the party increases the likelihood of policy change when the favorable political contexts for the change come.

The Abolition of the Family-head System in Korea

The previous section finds that in shaping and reshaping party issue position, 1) public opinion gives a cue to party to reconsider the position, 2) party competition is highly important to shaping the timing and the degree of reform, especially for the conservative party that has reasons to be responsive to conservative voters, 3) the entry of new party encompassing new issues gives the advocates to enter their demands into the party agenda, and 4) favorable political opportunity structure increases women's persuasion power especially when the leader is supportive to the agenda.

In the remainder of this chapter, I will examine how the party issue position matters for the outcome of the bill in the later stages of legislative process by comparting mainly the 16th and the 17th National Assemblies focusing on the committee meetings, in which the outcome of the bill is largely determined. For the bills on the abolition of the family-head system, a bill first referred to the legislative and judiciary committee and sent to a subcommittee for a review. During the time women's committee send its written opinion on the bill to the legislative and judiciary committee. After the bill is reviewed in the subcommittee, the bill is discussed in the general meeting of the legislative and judiciary committee before the committee passes or rejects the bill. By analyzing the National Assembly minutes and news articles, this chapter will examine how the party issue position served a critical role in directing the bills proposed in the two National Assemblies to be landed on the opposite outcomes.

The Failed Legislation in the 16th National Assembly. As it was explained in the previous sections, the bargaining power of the proponents of the abolition of the

family-head system was in gradual increase since the late 1990s as the women's movements obtained higher mobilization power and built allies with major civil society actors, and the public opinion started to move toward the reform or abolition of the family-head system. The setup of the Citizen United for the Abolition of the Family-head System by 113 NGOs in September 2000 and the inclusion of the abolition of the family-head system in the three major civil society demands before the presidential election in 2002 were among the events that show the increasing bargaining power of the proponents of the abolition. During the time, the organized opposition led by the Confucians struggled in broadening support base in civil society and persuading the public to support the status quo.

Nonetheless, the increasing bargaining power of the proponents of the abolition of the family-head system outside the National Assembly did not lead to significant shifts in the distribution of the bargaining power between the proponents and the opponents of the abolition among the policymakers in the early 2000s. For sure, the election of more women members, especially those with women's movements background, to the 16th National Assembly, and the election of the president Roh from the MDP opened up wider channels for the proponents to find allies among the policymakers. In 2003, women members were giving a cross-partisan support to the abolition, and some men also concurred. Still, the Confucians and the social conservatives had political influences in rural electoral districts, and the Confucians were quite well organized in North Gyeongsang Province, where the GNP had been reaping most of the seats. Concerning the opposition from the Confucians and the conservative voters, the GNP retreated from its presidential electoral pledge to support the abolition of the family-head system after the presidential election and only gave an ambiguous sign that the party might consider some revision. In a similar manner, the MDP also did not give an overt support to the

abolition of the family-head system even after the president from the party made a start to write a government proposal for the abolition.

It was against this background that two bills on the abolition of the family-head system were introduced to the National Assembly in 2003. On May 27, Mi-kyung Lee's bill was introduced to the National Assembly. In the same month, the government set up the Special Planning Group and started to prepare for the government proposal. In their comment to the government's plan, the GNP's policy committee chair Sang-bae Lee stated that "we cannot rush into the abolition of the family-head system without discussing it with the people" and that "we need to gradually abolish the family-head system and do not support abolishing the traditional family system in a rush"[91], followed by the party leader Choi's mentioning of the needs for the gradual abolition in July[92].

On August 11, Mi-kyung Lee's bill was referred to the general meeting of the legislative and judiciary committee. The purpose of the meeting was sending a bill to the proper subcommittee for an in-depth review. Table 12 shows the constitution of the legislative and judiciary committee in August 2003.

[91] Son, M. (2003, May 6). No minister opposed the abolition of the family-head system. *JoongAng Daily*, Retrieved from https://news.joins.com

[92] Park, S. (2003, July 24). Party leader Choi in Kwanhun debate: Will expand women's entrance to politics by increasing the number of the total seats. *JoongAng Daily*, Retrieved from https://news.joins.com.

Table 12

The 16th National Assembly Legislative and Judiciary Committee Members (August 2003)

Name	Party	Gender	Terms in Office	Electoral Districts (Region only)	Bill (Co)sponsor
Gi-chun Kim	GNP (Chair)	M	2nd	South Gyeongsang	
Young-kyun Kim	GNP	M	1st	South Gyeongsang	
Hak-won Kim	ULD	M	2nd	South Chungcheong	
Kyu-chul Sim	GNP	M	1st	North Chungcheong	
Hee-Ryoung Won	GNP	M	1st	Seoul	
Soon-hyung Cho	MDP	M	5th	Seoul	
Jung-bae Chun	MDP (Uri)	M	2nd	Gyeonggi	Cosponsor
Byeong-guk Choi	GNP	M	1st	Ulsan	
Yeon-hee Choi	GNP	M	2nd	Gangwon	
Young-gyu Choi	MDP (Uri)	M	1st	Incheon	
Suk-jae Ham	ULD	M	3rd	South Chungcheong	
Seung-hee Ham	MDP	M	1st	Seoul	
Sang-su Lee	MDP	M	3rd	Seoul	
Bae-sook Cho	MDP	F	1st	National	Cosponsor
Sa-deok Hong	GNP	M	5th	Seoul	

***Data: National Assembly Minutes (http://likms.assembly.go.kr/record/) to collect list of the members, Bill Information (http://likms.assembly.go.kr/bill/main.do) to identify (co)sponsors, and The Parliamentarians' Society of the Republic of Korea (http://www.rokps.or.kr/index.asp) to identify the party, electoral district, and the terms in office.

Among the 15 members, 7 members were from the GNP, including the chair, and two members from the ULD, and six members from the MDP. Among them, only one member was woman, and two members from the MDP cosponsored Mi-kyung Lee's bill. Most of the GNP and ULD members were elected in southern cities and sub-urbans, while the MDP members were elected in Seoul and Gyeonggi area. Between the 16th and

the 17th National Assembly, the ULD consistently opposed the abolition of the family-head system. Considering that the GNP also did not support the bill, the opponents of the bill outnumbered the potential proponents from the MDP in the committee.

Expectedly, the GNP and UDP members were not in favor of the bill. The components of the family-head system that only allows the child to assume the father's surname were argued for several times during the meeting. Kyu-chul Sim (GNP) stated his view that giving father's surname to the child is not about gender inequality but about deciding a principle of society, like we decided to keep left instead of right, without intending to discriminate someone. Hak-won Kim (ULD) also commented that the change of the order of the succession for the family-head system should be revised but allowing the child to assume mother's surname or the stepfather's surname could only be detrimental as it confuses the child as well as the traditional records of the family line. Yeon-hee Choi (GNP) also commented that there are also some Confucian women who support the status quo and there is not yet a general agreement of the public on the abolition of the family-head system, while he gave a support to allowing a child to assume the stepfather's surname. During the meeting, the MDP members did not commented or asked questions, including Jung-bae Chun, one of two cosponsors of the Mi-kyung Lee's bill in the committee. The other cosponsor was absent. The bill was referred to the subcommittee for a further review[93].

On November 6, the government submitted its proposal on the abolition of the family-head system to the National Assembly. Between August and November, there was no noticeable change in the party positions from the GNP and the MDP. To the

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[93] Legislative and Judiciary Committee (2003). Item 7. A Bill on a Civil Act Amendment. In *Minutes of the First Meeting of Legislative and Judiciary Committee of the 242nd Session of National Assembly on August 11, 2003,* Retrieved from http://likms.assembly.go.kr/record/

government proposal scheduled for the National Assembly submission, both the GNP

and the MDP commented that the party will listen to the members and the public before

they make a party issue position[94]. And on November 19 and 21, the women's committee

reviewed two bills in the general meeting.

Table 13 shows the constitution of the women's committee.

[94] Jung, U. and Kim, S. (2003, October 29). The government proposal for the abolition of the family-head system passed in the cabinet meeting." *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

Table 13

The 16th National Assembly Women's Committee Members (November 2003)

Name	Party	Gender	Terms in Office	Electoral Districts (Region only)	Bill (Co)sponsor
Jin-chul Lim	GNP (Chair)	F	2nd	National	(Co)sponsor
Gyeong-cheon Kim	MDP	F	1st	Gwangju	(Co)sponsor
Yong-gyun Kim	GNP	M	1st	South Gyeongsang	
Jeong-sook Kim	GNP	F	3rd	National	(Co)sponsor
Kyung-pil Nam	GNP	M	2nd	Gyeonggi	
Hee-jung Son	GNP	F	1st	National	(Co)sponsor
Sang-hyun An[95]	MDP	F	1st	National	
Seung-chul Lee	GNP	M	1st	Seoul	
Jong-suk Lim	Uri	M	1st	Seoul	(Co)sponsor
Jae-hee Chun	GNP	F	1st	National/Gyeonggi	(Co)sponsor
Gye-ryun Shin	MDP	M	2nd	Seoul	
Yeon-sook Lee	GNP	F	1st	National	(Co)sponsor
Gap-gil Chun	MDP	M	1st	Gwangju	
Geun-hye Park	GNP	F	2nd	Daegu	(Co)sponsor
Young-hee Choi	MDP	F	1st	National	(Co)sponsor

***Data: National Assembly Minutes (http://likms.assembly.go.kr/record/) to collect list of the members, Bill Information (http://likms.assembly.go.kr/bill/main.do) to identify (co)sponsors, and The Parliamentarians' Society of the Republic of Korea (http://www.rokps.or.kr/index.asp) to identify the party, electoral district, and the terms in office.

The same as the legislative and judiciary committee, the GNP members outnumbers the MDP members in the women's committee. However, unlike to the legislative and judiciary committee members, most members of the women's committee were newly elected members, and many of them were women members elected in

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[95] Sang-hyun An succeeded the seat in October 2003, thereby not included in the bill sponsor.

national district. Among the 15 members, 9 (8 women and a man) cosponsored Mi-kyung Lee's bill. The amicable member constitution of the women's committee for the passage of the bills is partly due to the fact that the committee is a concurrent committee. For the members join a concurrent committee while they are serving in other standing committee, members who are willing to serve in women's committee have a good amount of interests in legislating women's issues.

The different constitution of members in two committees resulted to different ambience of the meetings. Both the GNP and the MDP members agreed that although some articles of the bill, such as the timing of deciding whose surname the child may assume, need further discussion, what is in priority is passing the bill in the committee and doing their best to help the bill be reviewed in the legislative and judiciary committee.

> Jeong-sook Kim (GNP): I know the propensities of the legislative and judiciary committee. So, we should send a strong and univocal opinion to the legislative and judiciary committee… …It should be strong and univocal. If we write that it was the majority opinion, then [they will make an excuse saying that], "oh see, there are other opinions, too".
>
> … …
>
> Jin-chul Lim (GNP, Chair): In my opinion, it is important to get the bill passed. If there are things to be supplemented, then I wish you all be reelected and make a revision in the 17th National Assembly. (Women's Committee Minutes on November 21, 2003[96])

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[96] Women's Committee (2003). Item 3. A Bill on a Civil Act Amendment (Sponsor Mi-kyung Lee) and Item 4. A Bill on a Civil Act Amendment (Government Proposal) Continued. In *Minutes of*

The above quotes taken from the minutes demonstrate the will of the women's committee members to give the bill a chance to be considered in the legislative and judiciary committee. Jeong-sook Kim was serving her 3rd term in the office, thereby has gained some knowledge on how the legislative and judiciary committee deals with the bills that they are not willing to pass, and the chair from the GNP concurred. Without an opponent to the bill inside the committee and with nine members who cosponsored the Mi-kyung Lee's bill, the committee reached to a unanimous opinion in favor of the bill without a struggle.

On December 11, the government proposal was referred to the general meeting of the legislative and judiciary committee[97]. As the term of the 16th National Assembly was reaching to the end, women's movements were making their best to pressure the members of the National Assembly by protesting and holding one-on-one meeting with every member. By the time, two members of the legislative and judiciary committee joined the newly established Uri Party. Given the party issue position of the Uri Party and individual committee members' preferences, it was estimated that three to five members of the committee will support the bill while three members from the GNP and ULD had clearly expressed their opposition[98].

Crushing the wishful thinking of the women's movements, the meeting was dominated by the opponents' questions and the comments to the government proposal.

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the 8th Meeting of Women's Committee of the 243rd Session of National Assembly on November 21, 2003, Retrieved from http://likms.assembly.go.kr/record/

[97] The member constitution was the same as August except that Sang-soo Lee (MDP) was replaced by Seung-bu Yang (MDP).

[98] Moon, K. (2003, November 23). The National Assembly members sparing themselves the trouble of the abolition of the family-head system. *JoongAng Daily*, Retrieved from https://news.joins.com

Byeong-guk Choi (GNP) commented that allowing a couple to choose to take the mother's surname will damage the traditional concept of the family, and it will do harm to the society. Suk-jae Ham (GNP) also presented his reluctance to the proposal. The uncontrolled oppositions were also expressed by a few members.

> Seung-hee Ham (MDP): The reason that you [Minister of Justice Kang] gave [in favor of the abolition] are not somethings that recently created… …But now there is a woman minister, and a bill is introduced not by a member but as a government proposal… …Did you lead the proposal because you are a woman? Did the men in the Department of Justice also agreed? You are not saying anything, so it was you who led the proposal.
>
> … …
>
> Young-kyun Kim (GNP): I think the bill will add more confusion to the society by shaking the range and concept of the family and the family-head… …The first thing that the communist do is breaking down the family. Il-sung Kim made people call him the father leader and ban the kids from calling their father using the term… (Legislative and Judiciary Committee Minutes on December 11, 2003[99])

One activist from a women's movements organization criticized the inactivity of the proponents of the bill in the first committee meeting in August by saying that, "I was angry at the members who disappeared when the discussion started than those who

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[99] Legislative and Judiciary Committee (2003). Item 6. A Bill on a Civil Act Amendment. In *Minutes of the First Meeting of Legislative and Judiciary Committee of the 244th Session of National Assembly on December 11, 2003*, Retrieved from http://likms.assembly.go.kr/record/

opposed the abolition"[100]. And the proponents' inactivity sustained in the meeting in December. When the Minister was facing hostile questions, the MDP and Uri Party members remained silence most of the time. During the meeting, only Bae-sook Cho (F. MDP) asked a question. In the end, the bill was referred to the subcommittee and no further action was made to process two bills.

Although there were a few advocates of the abolition of the family-head system in the legislative and judiciary committee, they were outnumbered by the opponents and did not have a measure to check the negative agenda control of the majority GNP members. Plus, the relative inactivity of the proponents in the committee also raises a question about how much commitment they had for the abolition of the family-head system. Even though the member constitution of the legislative and judiciary committee had provided the proponents with uncomfortable setting to advocate the bills, the weak advocacy in the legislative and judiciary committee made a sharp contrast to the commitment that the women's committee members demonstrated.

In sum, although there were increasing number of the proponents to the bill in the National Assembly that led to Mi-kyung Lee's bill introduction in the 16th National Assembly, the advocates of the bills in civil society did not receive a partisan support when the opponents of the bill maintained their tie with the conservative GNP members, especially those who are elected in the Southern suburban and rural districts. The three committee meetings in 2003 demonstrate that the presence of some allies among the policymakers without the partisan support makes the strength of advocacy to the bill in

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[100] Lee, J. (2003, August). Members who 'cannot reveal' their opinion." *The Hankyoreh 21* (Issue 474), Retrieved from http://h21.hani.co.kr/

the committees highly contingent to the member constitution and the degree of commitment of the proponents to the issue. To conclude, the two bills 16th National Assembly are the cases in which the weak bargaining power of the advocates relative to the opponents in the National Assembly translated into the weak support and strong opposition in the committee, resulting to the failure of legislation.

The Abolition of the Family-head System in the 17th National Assembly. Between 2003 and the early 2004, the bargaining power of the proponents of the abolition steadily increased as women's movements maintained their mobilizing capacity while some allies of the Confucians in civil society defected and gave support to the abolition of the family-head system. And the 17th general election opened a critical window for the distribution of the bargaining power between the proponents and the opponents outside the institutional politics to be better reflected in the National Assembly as the number of women were more than doubled, the Uri Party won the majority seats, and the DLP entered the National Assembly winning 10 seats.

Importantly, the proponents of the abolition of the family-head system gained more bargaining power in the National Assembly as the majority Uri Party supported the abolition. In April 2004, the Uri Party that was expecting to win a majority seat in the upcoming election included the abolition of the family-head system in the party's list of major public policies in the 17th National Assembly[101]. The election of the DLP also added weight to the proponents as one member from the party was assigned to the legislative and judiciary committee. Nonetheless, the largest minority GNP did not take a clear issue position on the abolition of the family-head system after the election. Although

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[101] Kim, S. (2004, April 9). Fair trade commission's access to bank accounts and other bills will be prioritized in the 17th National Assembly. *JoongAng Daily*, Retrieved from https://news.joins.com

there were some signal that the party might soon take a position as 61 percent of the party's policy committee members agreed to abolish the family-head system in July,[102] the majority members supported the abolition in early September[103], and the party leader Park also gave a personal support to the abolition, the party was still maintaining an ambiguous stance.

Against this background, the government proposal was submitted to the National Assembly on June 4 and referred to the legislation and judiciary committee meeting on September 8. Table 14 is the list of members of the legislative and judiciary committee.

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[102] Kim, M. (2004, July 26). 61% GNP members support the abolition of the family-head system. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

[103] Kim, M. (2004, September 2). The GNP considering taking a party position on the abolition of the family-head system. *The Chosun Ilbo*, Retrieved from http://news.chosun.com

Table 14

The 17ᵗʰ National Assembly Legislative and Judiciary Committee Members (September 2004)

Name	Party	Gender	Terms in Office	Electoral Districts (Region only)
Yeon-hee Choi	GNP (Chair)	M	3rd	Gangwon
Sung-jo Kim	GNP	M	2nd	North Gyeongsang
Jae-kyung Kim	GNP	M	1st	South Gyeongsang
Hoi-chan Roh	DLP	M	1st	PR
Seung-jo Yang	Uri	M	1st	South Chungcheong
Yun-geun Woo	Uri	M	1st	South Jeolla
Won-young Lee	Uri	M	1st	Gyeonggi
Eun-young Lee	Uri	F	1st	PR
Yun-seok Jang	GNP	M	1st	North Gyeongsang
Sung-ho Jung	Uri	M	1st	Gyeonggi
Sung-Young Joo	GNP	M	1st	Daegu
Ho-young Joo	GNP	M	1st	North Gyeongsang
Young-gyu Choi	Uri	M	2nd	Incheon
Jae-chun Choi	Uri	M	1st	Seoul
Jung-bae Chun	Uri	M	3rd	Gyeonggi

***Data: National Assembly Minutes (http://likms.assembly.go.kr/record/) to collect list of the members and The Parliamentarians' Society of the Republic of Korea (http://www.rokps.or.kr/index.asp) to identify the party, electoral district, and the terms in office.

The constitution of the legislative and judiciary committee reflects changes in the distribution of the seats among the parties in the National Assembly. Compared to the 16ᵗʰ National Assembly in which the GNP and ULD members were majority, the Uri Party and the DLP members took 9 seats out of 15. The same as the 16ᵗʰ National Assembly, most GNP members were elected from conservative districts. Despite the

increase in the number of women, only one member of the committee was woman. It is largely due to the fact that the legislative and judiciary committee is filled with those who have background in law professions. Although the background of women was diversified, only a few of them were legal experts.

The partisan support of the Uri Party and the DLP to the abolition of the family-head system led to the presence of a good number of proponents of the abolition of the family-head system in the committee. Among them, Eun-young Lee (F. Uri) and Hoi-chan Roh (DLP) were strong advocates of the abolition. Hoi-chan Roh is the sponsor of the bill on the abolition of the family-head system introduced in September 2004. And Eun-young Lee held a strong commitment to the abolition and was also entrusted by the women members of the Uri Party to fight for the abolition inside the conservative legislative and judiciary committee[104].

The legislative and judiciary committee meeting on September 8 reflected the changing atmosphere to the abolition of the family-head system among the members of the National Assembly. Compared to the committee meetings in 16th National Assembly, in which ethical criticism of the bill were dominant, the questions from the GNP members revolved around technical issues, rather than the ethical aspects of the abolition. The difficulty of identifying marriage between near relations when the family-head system is abolished, and the plan for the alternative population register to the

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[104] "In the 17th National Assembly, the Uri Party assigned a legal expert Eun-young Lee to the legislative and judiciary committee hoping that she will be a warrior for the abolition of the family-head system." From the interview with Kyung-sook Lee (Uri, 17th)

family-head system were main subjects of the questions. The meeting sent the bill to the subcommittee for an in-depth review[105].

A few days later, two bills on the abolition of the family-head system were initiated by Kyung-sook Lee (Uri) and 155 other members and Hoi-chan Roh (DLP) and 9 other members. Between September and October, the Uri Party reaffirmed the party's support to the abolition of the family-head system by including the bill to the list of bills that should pass in the regular session of the National Assembly starting in September[106], and the party's floor leader Chun, who was also a member of the legislative and judiciary committee, stated the party's support to the abolition of the family-head system in his speech at the National Assembly[107]. The three bills on the abolition of the family-head system were referred to the women's committee meeting on November 26.

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[105] Legislative and Judiciary Committee (2004). Item 14. A Bill on a Civil Act Amendment. In *Minutes of the Second Meeting of Legislative and Judiciary Committee of the 250th Session of National Assembly on September 8, 2004*, Retrieved from http://likms.assembly.go.kr/record/

[106] Kim, U. (2004, August 30). Uri, considering putting salient bills on votes. *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

[107] Chun, J. (2004, October 26). The script of the speech of the Uri floor leader Jeong-bae Chun at the National Assembly. *JoongAng Daily*, Retrieved from https://news.joins.com

Table 15

The 17th National Assembly Women's Committee Members (November 2004)

Name	Party	Gender	Terms in Office	Electoral Districts (Region only)
Ae-sil Kim	GNP (Chair)	F	1st	PR
Hyun-mi Kim	Uri	F	1st	PR
Hee-jung Kim	GNP	F	1st	Busan
Se-hwan Park	GNP	M	1st	Gangwon
Bong-sook Son	MDP	F	1st	PR
Seung-hee Yu	Uri	F	1st	PR
Kyung-sook Lee	Uri	F	1st	PR
Kye-kyung Lee	GNP	F	1st	PR
Kye-ahn Lee	Uri	M	1st	Seoul
Jae-oh Lee	GNP	M	3rd	Seoul
Soo-hee Jin	GNP	F	1st	PR
Soon-young Choi	DLP	F	1st	PR
Mi-young Hong	Uri	F	1st	PR
Soon-ja Park	GNP	F	1st	PR
Soo-chan Chae	Uri	M	1st	North Jeolla

***Data: National Assembly Minutes (http://likms.assembly.go.kr/record/) to collect list of the members and The Parliamentarians' Society of the Republic of Korea (http://www.rokps.or.kr/index.asp) to identify the party, electoral district, and the terms in office.

Table 15 presents the constitution of the women's committee. The committee consists of 7 GNP members, 6 Uri Party members, 1 MDP member, and 1 DLP member. Among them, 11 were women, mostly newly elected in proportional representation. Considering that most women members supported the abolition of the family-head system from the beginning of the 17th National Assembly and that the Uri Party and DLP were giving a partisan support to the bill, the advocacy of the members for the abolition

of the family-head system was expected to be strong. Similar to the women's committee meeting held in the 16th National Assembly, the primary goal of the committee meeting on November 26 was doing their best to help the bill get passed in the legislative and judiciary committee. While the members had different views on whether or not the Civil Act needs to include a definition of the family, they agree that sending a univocal opinion of the committee is necessary not to give an excuse for the legislative and judiciary committee to postpone the review of the bill.

> Soo-hee Jin (GNP): Maybe I am worrying about it too much, but if we send the current review document to the legislative and judiciary committee, then they will use it as an excuse not to refer the bills to the meeting, saying that "see, there are different opinions in the women's committee".
>
> … …
>
> Kye-kyung Kim (GNP): What is most important is saving time… …so we should send the opinion discussed [today] to the legislative and judiciary committee as soon as possible. (Women's Committee Minutes on November 25, 2004[108])

The above quotes were taken from the minutes of the meeting. Similar to the meeting in the previous National Assembly, the members of the women's committee were highly interested in sending a single opinion of the women's committee to the legislative and judiciary committee as quickly as possible so that the bill could be considered during the regular session of the National Assembly. After discussing between sending a committee

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[108] Women's Committee (2004). Item 4. A Bill on a Civil Act Amendment (Government Proposal), Item 5. A Bill on a Civil Act Amendment (Sponsor Kyung-sook Lee), and Item 6. A Bill on a Civil Act Amendment (Sponsor Hoi-chan Roh). In *Minutes of the 4th Meeting of Women's Committee of the 250th Session of National Assembly on November 25, 2004,* Retrieved from http://likms.assembly.go.kr/record/

bill or an agreed opinion on the bills, the committee agreed to send their stated opinion to the legislative and judiciary committee.

On December 1, two bills sponsored by Kyung-sook Lee (Uri) and Hoi-chan Roh (DLP) referred to the general meeting of the legislative and judiciary committee, and the public hearing was held by the committee on December 3, by inviting the relevant officials in the government, the experts in academia, and the actors in civil society that represent different opinions. Similar to the earlier meeting in September, the question of the GNP members centered around technical issues, including the alternative population register to the family-head system (Jae-kyung Kim, GNP) and the confusion to the family line that are likely be caused by allowing individuals to change their surname (Ho-young Joo, GNP). In addition, a question that why the government cannot wait until the Constitutional Court ruling on the constitutionality of the family-head system before it proceed the bill was raised (Yun-suk Jang, GNP)[109].

The alternative population register and the Constitutional Court case were the reasons that the GNP members started to give to delay the process of the bills. Because there is two-year grace period after the abolition of the family-head system, the government and the sponsors of the bill intentionally did not introduced bills on the alternative population register yet, because making a decision between different options for the alternative population register requires gathering of opinions and the discussion in the National Assembly, giving the opponents more reason to delay or veto the abolition of the family-head system. To the question, the official of the Department of

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[109] Legislative and Judiciary Committee (2004). Item 1. Public Hearing on the Civil Act Amendment. In *Minutes of the Fourteenth Meeting of Legislative and Judiciary Committee of the 250th Session of National Assembly on December 3, 2004,* Retrieved from http://likms.assembly.go.kr/record/

Justice answered that the department is preparing for the alternative population register, and Hoi-chan Roh (DLP) commented that he has been working with the NGOs to devise an alternative population register and is ready to propose a bill when the family-head system is abolished[110].

Unlike to the committee meetings in the 16th National Assembly, the proponents of the bill engaged more into the question and answer. Along with the technical issues related to the bills, the members asked the Minister of Justice whether the abolition of the family-head system has influences over the record of the family line or the customs of each family (Eun-young Lee, Uri) and what the Department's answer to the argument that the family-head system corresponds to the Customary Constitution (Jae-chun Choi, Uri), providing the Minister chances to respond to the popular concerns on the abolition[111].

On December 1, two bills were referred to the subcommittee to be reviewed with the government proposal and the subcommittee meeting was held on December 27. The chair of the subcommittee was Jae-chun Choi (Uri). To pressure the members to pass the bill until the end of the year, women's movements activists and a few women members also attended the meeting. Again, the GNP members raised technical issues on the timing of deciding whose surname the child may assume and the alternative population register. The meeting was prolonged, and the GNP members Yun-suk Jang, Sung-yeong

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[110] Legislative and Judiciary Committee (2004). Item 1. Public Hearing on the Civil Act Amendment. In *Minutes of the Fourteenth Meeting of Legislative and Judiciary Committee of the 250th Session of National Assembly on December 3, 2004*, Retrieved from http://likms.assembly.go.kr/record/

[111] Legislative and Judiciary Committee (2004). Item 3. A Bill on a Civil Act Amendment (Sponsor Kyung-sook Lee), and Item 4. A Bill on a Civil Act Amendment (Sponsor Hoi-chan Roh). In *Minutes of the Thirteenth Meeting of Legislative and Judiciary Committee of the 250th Session of National Assembly on December 1, 2004*, Retrieved from http://likms.assembly.go.kr/record/

Joo, Ho-young Joo suggested to continue discussing the bills in the next subcommittee meeting. The suggestion faced a strong opposition from the Uri Party and the DLP members. Hoi-chan Roh (DLP) suggested to reschedule the review of other bills that he proposed and continue and finish the discussion on the Civil Act Amendment, and Eun-young Lee (Uri) strongly urged to send the bill to the general meeting to process the bill until the end of the year.

> Eun-Young Lee (Uri): Let's refer the bills to the general meeting of the committee. We, women, had been waiting so long. Let's modify some wordings of the bills and refer them to the general meeting.
>
> … …
>
> Ho-young Joo (GNP): So far, we accepted most of the demands of women's movements and women's committee. Can't you give us a bit more time? … … There are some women members outside in case we change the articles of the bills, but didn't they get what they wanted today? (Legislative and Judiciary Subcommittee Minutes on December 27, 2004[112])

The GNP members' attempts to postpone the process of the bill was unsuccessful as the strong advocates to the bills presented in the committee and the proponents outnumber the opponents. Eventually, the chair Jae-chun Choi indicated that he might use the chair's purview to send the bill to the general meeting.

> Jae-chun Choi (Uri): As a suggestion of the subcommittee chair, let's move the bill to the general meeting and discuss it where the entire committee members

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[112] Legislative and Judiciary Subcommittee (2004). Item 1. A Bill on a Civil Act Amendment (Government Proposal), Item 2 A Bill on a Civil Act Amendment (Sponsor Kyung-sook Lee), and Item 3. A Bill on a Civil Act Amendment (Sponsor Hoi-chan Roh). In *Minutes of the Fourth Meeting of Legislative and Judiciary Committee Subcommittee of the 251th Session of National Assembly on December 27, 2004*, Retrieved from http://likms.assembly.go.kr/record/

present. I promised that we [Uri Party] won't press ahead the bill in the meeting.

We will discuss the problems we found today.

... ...

Hoi-chan Roh (DLP): It's an ardent demand of the women's committee. The GNP

leader Park also supports the abolition. So, we are not playing politics. So, don't

see it [sending the bill] as pursuing partisan interests. (Legislative and Judiciary

Subcommittee Minutes on December 27, 2004)

During the debate, the Uri Party and the DLP members did not retreat from the parties'

plan that they will process that bill until the end of the year. After the heated debate that

did not go anywhere, the committee decided to have a closed-door discussion. Three

hours later, the meeting was ended, and the subcommittee made a decision to have a

public hearing on the alternative population register system and process the bills in the

provisional plenary session on February 2005 no matter what.

Between December 2004 and January 2005, the collective activities of the

proponents of the bill became even more active. On December 27, women's movements

and women members helped setting up a press conference of the 152 men from four

parties (Uri, GNP, DLP, MDP) to urge the abolition of the family-head system before the

year end[113]. And on January 19, 2005, the GNP leader Park confirmed that the party took

a position to support the abolition[114]. Importantly, eliminating one excuse of the GNP

members for delaying the process of the bill, the Constitutional Court ruled that the

family-head system is incompatible with the Constitution, and the law is valid until the

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[113] Moon, K. (2004, December 28). The governing and the opposition Parties agreed to abolish the family-head system. *JoongAng Daily*, Retrieved from https://news.joins.com

[114] Yonhap News Agency. (2005, January 19). The GNP leader Park "The party advise the members to support the abolition". *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

Family Registration Act is amended. As it was discussed in the Chapter 3, the Constitutional Court ruling is not a determinant of the abolition because the parties already agreed to process the bill, and the National Assembly had a history of postponing introducing a bill to replace the act on the prohibition of marriage between the near relation (Article 809) that was ruled unconstitutional in 1997 until 2005[115].

The public hearing on the alternative population register was hosted by the legislative and judiciary committee on February 21. The members asked few technical questions to the experts and civil society actors. The subcommittee made a committee bill that combined three bills on the Civil Act Amendment, and finally the bill was discussed in the general meeting of the legislative and judiciary committee on February 28.

The anecdote in the opening of this study describes the atmosphere of the committee meeting. In and outside the meeting room, women's movements activists, women members of the National Assembly, and the officials from the Ministry of Gender Equality were anxiously waiting for the momentous decision of the committee. The meeting started at 11:20 in the morning. Although the GNP members agreed to abolish the family-head system, a few members still suggested to introduce a bill on the alternative population register and process the bill on the Civil Act Amendment together with the bill (Sung-jo Kim and Ho-young Joo, GNP). Considering the schedule of the plenary session, the GNP members were suggesting at least four months delay of the process. Against the suggestion, Hoi-chan Roh (DLP) and Jae-chun Choi (Uri) urged to process the bill. Eventually, the committee chair Yeon-hee Choi (GNP) decided to hold

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[115] The Civil Act Amendment bills include the deletion of the article and the proposal for the alternative articles regulating the marriage between the close relatives.

off the bill until later in the day so that the representatives of the parties for the committee could exchange opinions on the matter before the review is continued.

Around 10pm, the discussion of the bill was resumed. Again, a few GNP members stuck to their suggestion to process the bill with a bill on the alternative population register, and the proponents urged the GNP members to keep the promise that they made in December. Among the GNP members, Sung-young Joo and Yeon-hee Choi agreed to process two bills separately and pass the bill on the Civil Act Amendment the day. In the end, Ho-young Joo (GNP) who had asked for the postpone accepted the majority's opinion but demanded to take a vote, saying that "For each member has different opinion on the abolition of the family-head system, we should leave the records of our opinion on the minutes. I think it is wrong to pass the bill as a unanimous decision so that people do not know who are for and against the bill"[116].

For the Korean standing committees prefer unanimous decision, the chair hold off the meeting again and had a discussion with the representatives of the parties for the committee. Ten minutes later, the meeting resumed, and the members took a vote. The bill on the Civil Act Amendment passed with 11 in favor, 3 against, and one abstention. The nay vote came from three GNP members, Sung-jo Kim, Yun-seok Jang, and Ho-young Joo, and Yeon-hee Choi abstained. Two GNP members voted for the bill along with the rest of the members. Women in and outside the meeting room who were waiting for the decision all day celebrated crying and hugging each other.

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[116] Legislative and Judiciary Committee (2005). Item 1. A Bill on a Civil Act Amendment (Government Proposal), Item 2. A Bill on a Civil Act Amendment (Sponsor Kyung-sook Lee), Item 3. A Bill on a Civil Act Amendment (Sponsor Hoi-chan Roh), and Item 4. A Bill on a Civil Act Amendment (Committee Alternative). In *Minutes of the Sixth Meeting of Legislative and Judiciary Committee of the 252th Session of National Assembly on February 28, 2005*, Retrieved from http://likms.assembly.go.kr/record/

On March 2, the bill on the Civil Act Amendment was voted in the last plenary session of the provisional session of the National Assembly convened in February. Before the voting, Young-gap Kim (GNP) and Hak-won Kim (ULD) came out to give debate speeches against the bill. The two members were listed as the second and the third most conservative members of the 17th National Assembly on the member survey[117]. In response, two women members, Bong-sook Son (MDP) and Kyung-sook Lee (Uri) gave debate speech in favor of the bill.

> Young-gap Kim (GNP): The family-head system is a traditional family system, sentiment, culture, and the basic order of people's living… …Some women in our society raise their voice for the abolition of the family-head system like it is a panacea [for the gender inequality]… …Shame on you, men members. Even the members who are against the bill at their heart are spinelessly dragged by some women's insistence…
>
> … …
>
> Kyung-sook Lee (Uri): The abolition of the family-head system is not just the issue of women and the Confucians. I think it is a matter of reestablishing the family relations that are at the base of the society to reflect equality in values and customs or not. (The National Assembly Plenary Session Minutes on March 2, 2005[118])

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[117] Korean Political Science Association and Lee et al. (2004, August 31). The Ideology Score of the Members of the 17th National Assembly. *JoongAng Daily*, Retrieved from https://news.joins.com

[118] National Assembly (2005). Item 4. A Bill on a Civil Act Amendment (Alternative Bill). In *Minutes of the Eighth Plenary Session of the 252th Session of National Assembly on March 2, 2005*, Retrieved from http://likms.assembly.go.kr/record/

The above quotes summarize the main arguments for and against the abolition of the family-head system prolonged for more than 50 years. The debate between the family value and tradition versus equality was now putting an end. Among the 235 members who attended the plenary session, 161 members casted yes vote, 58 nay, and 16 abstained. Table 16 summarizes the plenary session voting record by party and gender.

Table 16

Plenary Session Voting Record on the Bill on the Civil Act Amendment

Party/ Num. of Votes	For	Against	Abstention
Uri	110 (14 women)	2	5
GNP	37 (12 women)	47	11 (2 women)
DLP	10 (4 women)	0	0
MDP	3 (2 women)	3	0
ULD	0	4	0
ETC.	1	2	0
Total	161	58	16

***Data: National Assembly Minutes (http://likms.assembly.go.kr/record/) to collect voting result and The Parliamentarians' Society of the Republic of Korea (http://www.rokps.or.kr/index.asp) and National Election Commission (http://www.nec.go.kr/portal/main.do)to identify the party and electoral district.

Given that the bill received a partisan support of three largest parties in the 17th National Assembly, the number of dissenting votes were quite high. Most of the dissenting vote came from the GNP men elected in Gyeongsang province and close metropolitan cities. Considering the fact that the GNP won most of the party's seats from the provinces and the cities and that the average constituents in the provinces are conservative, the GNP men's dissenting votes largely reflect the social conservatism of

the local constituents. Still, the party issue position seems to greatly help some GNP members cast a yes vote. In my interview with the former member of the GNP, she mentioned that some members elected in Gyeongsang province said that they support the abolition of the family-head system, but they can't say it because of the constituency, but they will cast yes vote if the party takes a position on the bill[119]. Although the party position has less influence on a member's plenary session vote when the preferences of the district constituents conflict with the party position, the party position still gives excuse to the members to cast a yes vote. Also, the party position has more binding force on those who are elected in larger metropolitan cities, in which constituents are more evenly divided between the abolition and the status quo, or in the proportional representation. Most of the GNP yes votes were casted by those elected in the larger cities or in the proportional representation.

For the Uri Party members, the party position had a strong binding force on the members. Although the Uri Party appealed less to regionalism than the MDP in the 16th National Assembly, the party won a good number of seats in the conservative rural districts in Jeolla province. Still, 110 out of 117 members attended the plenary session voted yes, while a few choose to abstain, rather than casting a dissenting vote, showing the impact of party position on the majority party members. Expectedly, all ten DLP members also voted for the bill, helping the bill receive a majority support.

Compared to the 16th National Assembly, in the 17th, the proponents of the bill outside the National Assembly successfully translated their bargaining power in relation to that of the opponents into the National Assembly by winning partisan supports. The

[119] Kye-kyung Lee. (2017, August 7). Personal interview.

majority party's support to the bill greatly facilitated the bill to be discussed and processed in the standing committees. The constitution of the women's committee was similar to that in the 16th National Assembly. Majority of the members were women, and men were also supportive to the bill. This time again, the women's committee tried their best to help the bill get reviewed in the legislative and judiciary committee.

Despite the majority party's support, however, passing the bill in the legislative and judiciary committee was agonizing because the formal and informal institutions of the committee give the opponents of the bill some negative agenda control. Still, the majority party's support kept the bill in the committee agenda. The proponents of the bill outnumbered the opponents by 9 to 6, and they yielded the positive agenda control of the majority whenever the GNP members tried to delay the process of the bill.

Importantly, having key allies in the committee was essential to translating the partisan support into speeches and debates in favor of the bill inside the committee. Although there were two cosponsors of the bill from the MDP in the legislative and judiciary committee in the 16th National Assembly, they hardly engaged in the committee discussions. However, the Uri Party's assignment of Eun-young Lee, a law professor who had been actively working with the NGOs and deeply committed to the abolition of the family-head system, to the legislative and judiciary committee, led to the strong advocacy for the bill in the committee meetings. Also, the presence of the sponsor of the DLP bill Hoi-chan Roh added more weight to the proponents. Those two members and the subcommittee chair Jae-chun Choi exerted positive agenda control inside the committee and argued against the GNP members' attempts to delay the process of the bill, and their activities were backed up by the Uri Party committee members.

On the contrary, the negative agenda control that the GNP members yielded in the 16th National Assembly diminished in the 17th. There were several occasions during

the committee meetings in which the GNP members tried to postpone the process of the bill by raising issues that take time to reach agreement. But this time, their suggestions faced strong opposition from the majority committee members, and the GNP's decision to support the bill and process the bill in the provisionary plenary session in February 2005 further narrowed down their latitude in vetoing the process of the bill. The Constitutional Court ruling in February 2005 was another blow landed on the opponents of the bill. Eventually, the opponents gave in to take a vote, so that they could leave a record of their opposition but allowing the bill to be processed at the same time.

The successful abolition of the family-head system in the 17th National Assembly is the case in which the strong bargaining power of the proponents of the bill in the National Assembly led to the strong bargaining power of the proponents in committee while the bargaining power of the opponents inside the committee gets weaker as the GNP decided to give a partisan support to the bill. In the end, the strong advocacy and weak opposition led to the passage of the bill with a minimum revision of the original contents of the bill.

In terms of the degree of success, the case of the 17th National Assembly is comparable to the family law reform in the 13th National Assembly. A comprehensive family law reform bill including the abolition of the family-head system was introduced by 6 women sponsors and 147 cosponsors in November 1988. Despite the number of (co)sponsors, however, the bill was in pending in the legislative and judiciary committee until December 1989. The bill faced a strong opposition from the Confucians, and 31 cosponsors withdrew during a year.

By December 1989, the major parties decided internal party position on the bill. The governing DJP decided to process the bill during the regular plenary session but

reserve the abolition of the family-head system. The RDP and NDRP also inclined to

reserve the family-head system. Only party that supported the abolition of the family-

head system was the PPD[120].

Table 17

The Seats Distribution among Parties in the 13th National Assembly

Party	Num. of Seats	% Seats
Democratic Justice Party (DJP)	125	41.8
Party for Peace and Democracy (PPD)	70	23.4
Reunification Democratic Party (RDP)	59	19.7
New Democratic Republican Party (NDRP)	35	11.7
Others	10	3.3
Total	299	

***Source: Inter-Parliamentary Union. [Historical Archive of Parliamentary Election Result: Republic of Korea Kuk Hoe (National Assembly) 1988]. Available from (http://archive.ipu.org/parline-e/reports/2259_arc.htm)

Table 17 shows the seat distribution in the 13th National Assembly. The governing

DJP, and RDP and NDRP that wanted to exclude the abolition of the family-head system

from the bill took up 73 percent of the seats. Besides, even though a large number of men

cosponsored the bill, they did not have much commitment on the legislation and delayed

the process of the bill in the legislative and judiciary committee. The family-law reform

bill found a breakthrough when the governing DJP decided to process the bill during the

regular plenary session and the PPD leader Dae-jung Kim asked the PPD members to

process the bill and assigned Seung-hyung Cho (PPD) to the chair of the legislative and

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[120] Family law reform. core issues will be reserved. (1989, December 1). *The Chosun Ilbo*, Retrieved from http://news.chosun.com

judiciary subcommittee in charge of the family law reform bill[121]. The subcommittee made revisions to the bill by reserving several controversial components including the family-head system, which "satisfied both the Confucians and women's organizations as the Confucians kept face and women' organization won practical interests"[122]. The bill passed the plenary session on December 19.

Compared to the 17th National Assembly, the bill on the family law reform introduced in the 13th National Assembly met with moderate to strong opposition and moderate support. As it was discussed in the theory chapter, the possible outcomes of the bill in this situation are negotiation of the contents, policy barter between the parties, and stalemate. In the Korean case, the bill finally rescued from the stalemate by the DJP eventually took an issue position, the PPD urged to process the bill, and the parties agreed to negotiate the contents of the bill. The fact that the bill itself was quite comprehensive that the proponents and opponents of the bill could find a spot that both could settle on was another reason how the bill avoided the stalemate.

To conclude, although the partisan support is not a necessary condition for the feminist policymaking, the successful abolition of the family-head system in Korea shows

[121] According to an anecdote, the chair of the subcommittee was taken in turns between the parties, and the PPD chaired the subcommittee in 1989. However, the former subcommittee chair did not refer the bill to the meeting because of the opposition from men inside and outside the National Assembly. Eventually, Dae-jung Kim assigned Seung-hyung Cho, a former chief secretary of him, to chair the subcommittee and asked to process the family law reform.

Lee, H. (2016, June 5). I watched the passage of the family law reform bill in the Session gallery. *The Hankyoreh*, Retrieved from http://www.hani.co.kr/

[122] National Assembly (1989). Item 8. A Bill on a Civil Act Amendment (Alternative Bill). In *Minutes of the Eighteenth Plenary Session of the 147th Session of National Assembly on December 19, 1989*, Retrieved from http://likms.assembly.go.kr/record/

that political parties serve a pivotal role in the later stages of legislative process for the controversial gender equality legislation. In the Korean cases, the legislation of gender equality policies was most successful when the advocates of the bill had parties on their side and strong allies in the committees, and minority parties also retreated from opposition and gave support (17th). When there is a party(s) opposing the legislation, then the bill has more chances of avoiding stalemate when there is a party that supports the legislation and the key allies present in the National Assembly (13th). The non-exist of partisan support and (implicit or explicit) opposition of a party(s) significantly decrease the chance of legislation (16th).

For sure, the shifts in the balance of power between the proponents and the opponents outside the National Assembly was a prerequisite for the controversial gender equality bills to attract parties to give a second look on the issue. But in translating the shifts in the bargaining power between the proponents and opponents into that in the National Assembly, political parties serve a key role. Partisan support is a highly reliable guarantee of a majority support. Also, parties directly and indirectly influence standing committee decision by having authorities over member assignment and committee agenda control, which will spur the committee members' activities to set an agenda or put down the agenda from the table, especially when the party's interests is affined with the members' interests.

Thus, partisan supports may not a be a necessary condition for a legislation, but they are critical to the legislation of controversial gender equality issues considering that the issue is already expecting to face some degree of opposition among the policymakers because partisan support greatly helps the advocates of the bill in securing enough allies and reducing the level of opposition among the policymakers.

CHAPTER 6

CONCLUSION

Controversy, Opposition, and Gender Equality Policymaking

This study examined what shape the timing of a controversial gender equality legislation by conducting a case study of the abolition of the family-head system in South Korea. In studying the controversial gender equality issue, this study emphasized one factor that previous studies on feminist policymaking, and women's policymaking in general, paid less attention to—the strength of the opposition and the opponents' ties to the policymakers.

Studies on women's policymaking distinguish women's issues and feminist issues by defining feminist issues as the ones that challenge the prevailing understanding of the gender role in society and aim to give women equal rights to men (Haas, 2010; Lovenduski & Norris, 2003; Saint-German, 1989; Swers, 2002). Feminist issues are likely to face more opposition as they challenge the prevailing gender norms (Htun & Weldon, 2010). Building on previous studies, the focus of this study was explaining the timing of gender equality legislations that are expecting to face strong opposition. By doing so, I am confining the generalizability of the study to the cases that are likely to face opposition and open to the possibility that there could be several different ways in which feminist issues, and women's issues in general, fail to be legislated. The lack of advocacy with or without the opposition amongst policymakers, for instance, are two possible ways that lead to the failure of policymaking that this study did not consider.

This study approached the puzzle of the timing and conditions for the legislation of a controversial feminist issue by focusing on two things: 1) When the proponents of the bill receive a strong support from the policymakers, qualitatively (the presence of key allies to the proponents and their influence over the introduction and the passage of the

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bill) and quantitatively (the number of the proponents among the policymakers), and 2) when the opposition from the policymakers is weakened in quality (the presence of key allies to the opponents and their capacity to veto the bill) and quantity (the number of opponents among the policymakers).

Because the impact of the proponents and the opponents to the bill among the policymakers are mediated by the formal and informal institutions of the legislative process, this study emphasized 1) the presence of the key allies to women's movements among the policymakers as a prime condition for the bill introduction and identified women members as the key actors in bill introduction stage, and suggested 2) the proponents having more bargaining power than the opponents as a prime condition for the passage of the bill and underlined partisan supports as the surest guarantee of the increase in the bargaining power of the key allies and the subsidence in that of the opponents.

The Path to the Abolition of the Family-head System

The main finding of this study is summarized in Table 18.

Table 18

The Path to the Abolition of the Family-head System

Factors Matter for Each Stage of Policymaking/ National Assembly		15th	16th	17th
Bill Introduction				
Women Members' Advocacy		X	O	O
Government Support		X	O	O
Committee/Plenary Session				
Party Issue Position				
Majority Party Issue Position		X	Ambiguous	Support
Minority Party Issue Position		X	Ambiguous (leaning to opposition)	Ambiguous → Support
Individual Members				
Proponents among Policymakers		X	Small	Many
Opponents among Policymakers		X	Many	Some
Outcome	*Bill Introduction*	X	O	O
	Legislation	N/A	X	O

The findings of this study suggest two ways in which a bill on the abolition of the family-head system is successfully proposed—1) women's movements having key allies among the policymakers (highly likely to be women members) who advocate the issue and lead the bill introduction, and 2) receiving government support that leads to the submission of a government proposal. For the conditions for the government proposal overlap with the conditions for women members' advocacy, this study focused on explaining the conditions under which women members of the National Assembly successfully introduced a bill.

This study finds that in translating women members' general concern for women's interests into activities of advocacy, including bill introduction, 1) the characteristics of women members, 2) strong women's movements, and 3) resources and constraints in party for women's policymaking shaped by party ideology are highly important. In the Korean case, the combination of all three greatly contributed to the bill introduction as each mainly conduced to the presence of key allies, policy priorities of women members, and the resources for feminist policymaking inside the party available to women.

First, electing women with women's movements background contributes to opening up channels for the women's movements agendas to enter and having key allies among the policymakers who are highly committed to gender equality legislation. Although this study is open to the possibility that women members without women's movements background can also become key allies, the Korean case shows that the background of women members is a reliable indicator of her commitment to women's rights, and women's movements agendas in particular.

Second, strong women's movements greatly contribute to issue saliency, which in turn increases the chances to draw attention from the policymakers. In particular, when women's movements win a battle in civil society against the counter-movements and receive broad support among civil society actors, they have more resources to carry on and justify their claim, which motivate the policymakers to advocate the agenda to represent women's interests and/or receive women's votes.

Finally, women's advocacy of a controversial gender equality agenda is influenced by the resources and constraints inside the party for feminist policymaking. Party ideology is a good indicator of the resources and constraints in two manners. For one, party ideology is related to the civil society actors and organizations that the party had

frequently collaborated with. In the Korean case, parties from the democratic bloc had ties to progressive civil society organizations that are also rooted in democratic movements, including the KWAU. The party's ties to progressive civil society organizations open up a channel for persons and ideas from the organizations to enter the party. On the top of that, party ideology is a good indicator of the general attitudes of men in the party toward feminist agendas that provide women with different ambience to advocate feminist agendas and different degrees of support women receive inside the party.

In the policymaking process, the bar set up for bill introduction is relatively low as a bill introduction only requires a small number of (co)sponsors. Plus, the opponents to the bill among the policymakers do not have a direct impact on bill introduction. What matters in this stage is finding enough number of the (co)sponsors. However, the bar set up for the passage of the bill is much higher than bill introduction, and the opponents of the bill among policymakers have institutional leverage to hamper the process of the bill. In the Korean cases of the family law reforms, bills sometimes (co)sponsored by a relatively small number of members (9th, 16th), and sometimes introduced by almost a majority of members (13th, 17th). But regardless of the number of (co)sponsors, the bill struggled in the later stages of policymaking largely due to the formal and informal institutions of the later stages. For the committees prefer the consensus among the members, having a good number of opponents in the National Assembly easily translated into the presence of the opponents in the committees who could practically veto or delay the process of the bill until an agreeable compromise is made.

In this study, I underscored the role of political parties, party issue position in particular, to explain the conditions under which a bill receives enough support to pass

the later stages of the policy process, and the opponents' capacities to hamper the passage of the bill are weakened. In the 17th National Assemblies, the number of key allies to women's movements who are deeply committed to the abolition of the family-head system increased largely due to the election of more women and the entry of the progressive Uri Party and the DLP. As the number of key actors increase, there were more chance for some of them to are assigned to the key committees for women's policymaking.

What reinforced the impact of the key allies in the committee was the majority Uri Party's support to the bill. The majority party's positive agenda control greatly helped the bill to be processed in the legislative and judiciary committee. Considering that the cosponsors of the bill on the abolition of the family-head system in the committee did not engage in advocacy debates during the committee meetings in the 16th National Assembly,

the presence of the key allies in the committee who are highly committed to the abolition in the 17th National Assembly was essential for the advocacy of the bill in the discussions. And their advocacy greatly contributed to the process of the bill when the majority party members in the committee backed them up.

The opponents of the abolition of the family-head system presented in the legislative and judiciary committee in both the 16th and the 17th National Assemblies. Most of them were GNP men elected in conservative districts, and the ideology of the member himself was conservative. In the 16th National Assembly, the opponents of the bill could successfully veto the passage of the bill as there was neither the key nor the majority members support allies in the committee. On the contrary, the opponents' attempt to delay the process of the bill turned unsuccessful in the 17th National Assembly, after the GNP took a party position.

After the minority GNP decided to give support to the abolition of the family-head system toward the end of 2004, the GNP members in committee were divided into those who (reluctantly) agreed to pass the bill and who still wanted to delay the process of the bill. Before the GNP took a clear party position, it was the party that was criticized for opposing and delaying the process of the bill. But now the party gave support to the bill, the blame for the stalled legislation solely fell on to the opposing members in the committee, making strenuous opposition more costly. Exacerbating situation, the reasons that the opponents were giving to delay the process of the bill were running out. The Constitutional Court ruled the family-head system incompatible with the Constitution in February, and the Department of Justice promptly prepared for the alternative population register to the family-head system, cornering the opposing members even further.

In the Korean case of the abolition of the family-head system, the partisan support of the GNP diminished the opponents' negative agenda control and contributed to the passage of the bill in both the committee and the plenary session. Drawing from the Korean case, this study highlights the impact of the party issue position on the controversial gender equality legislation. For a controversial issue that is likely to face strong opposition, broadening support in the National Assembly and routing the opposition are keys to the legislation. The partisan supports to the issue from the majority and minority parties are hard to get, but they efficiently amplify the impact of the key allies and weaken the institutional leverage of the opponents.

The Abolition of the Family-head System in Context

This study examined how the timing of a controversial gender equality legislation is shaped. Before giving a concluding remark, how much the findings of this case study

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correspond to the previous studies would help the readers gauge how generalizable this case study is.

In terms of the major actors for women's policymaking, this study corresponds to the previous studies of women and politics that emphasize the positive impact of women elected officials (Bratton & Ray, 2002; Kittilson, 2008; Saint-German, 1989; Swers, 2002; Swers & Larson, 2005; Thomas, 1991; Thomas & Welch, 1991) and women's movements (Banaszak, 1996; Htun & Weldon, 2012; Weldon, 2011) for feminist policymaking and/or women's policymaking. What differentiate this study from the others is the more nuanced argument this study made for the impact of women elected officials and women's movements. This study showed that the direct impact of women members and women's movements are mediated in the later stage (Tamerius, 1995), and that the presence of a set of factors (the characteristics of women members, women's movements, resources available for women in party) combined contributed to the bill introduction by reinforcing the impact of one another.

More distinctive findings of this study are the role of political parties for the legislation of a controversial gender equality issue. The importance of political parties and party ideology for women's policymaking are explicitly and implicitly noted in the literature (Blofield, 2013; Caul, 2001; Kittilson, 2006; Swers, 2002), and the change of the National Assembly majority from the conservative GNP to the progressive Uri Party suggested as the critical factor that shaped the timing of the abolition of the family-head system by helping the progress women's policy bill to be introduced and pass the committees (S. Kwon, 2015). This study differs from the previous studies mainly in two ways. First, this study underlines that the non-opposition, and more favorably support, from the minority party is as important as the support from the majority party. Second, in relation to it, instead of emphasizing party ideology that is a more static variable, this

study highlighted party issue position that is more susceptible of change. By focusing on party issue position rather than ideology, this study could propose a dynamic model of a gender equality policymaking stimulated by party issue position (re)shape.

In explaining party issue position (re)shape, the findings of this study generally agree with party literature. One factor that shows a little distance from the previous studies is the impact of the public opinion. While this study agrees with the literature that highlight the impact of public opinion on morality politics to a certain extent, the Korean case did not give evidence for the strong impact of the public opinion as suggested in some literature (Burstein, 2003; Mooney & Lee, 2000). This study notes that it is the direction of the change in the public opinion and the opinion of the groups that the party has more appeal to that give a cue to party to reconsider the party position and therefore have some influence on the party position (re)shape.

What had more impact on party issue position (re)shape was the decline of party system cleavage that stimulated parties to look for new voter groups and new party to enter. These findings well correspond to party literature as well as studies on women's policymaking that examined when the parties are most likely to respond to new demands (Green-Pedersen, 2007; Kitschelt, 1988, 1994; Kittilson, 2006; Kriesi et al., 1995; Morgan, 2013; Tavits, 2006). And in exploiting these windows of opportunity, this study highlighted the role of women in party and the party leadership, again agreeing with the general findings in the field (Harmel et al., 1995; Harmel & Janda, 1994; Kittilson, 2006; Morgan, 2013; Wilson, 1994).

On the whole, the findings of this study are generally in line with the previous studies on women's policymaking and party politics. Yet, this study took advantages of a case study and made more nuanced arguments on the impact of favorable factors—such

as women representatives and women's movements—and a more complex argument on the legislative process for feminist policymaking by considering the institutions of each stage.

The Korean case notes that while long-term social changes on women's education level and labor force participation provide women with openings of opportunity for feminist policymaking (McCammon et al., 2001), short-term shifts in political contexts also greatly matter for shaping the timing of openings for critical window of feminist policymaking. The conditions for a controversial gender equality policymaking are hard to meet. But the historical achievement of the Korean women's movements in 2005 proves that policy change is possible, and sometimes it happens in a short time window.

Even though the changes in political opportunities are largely external to women, there are factors that parties, policymakers, and the advocates of gender equality legislations could influence. The election of women members who are likely to be key allies to women's movements, making parties more responsive to civil society agendas, and the presence of resourceful women's movements, are the example of the factors that are essential to exploit the opportunity when the window is open, and the political institution could reinforce.

As a final remark, because the focus of this study was the legislative progress, this study did not do justice to the remarkable commitment of the women's movements activists in Korea. The more I became familiar with the case, the more I was in awe of women's movements activists' devotion to the abolition of the family-head system continued for fifty years, generation after generation. When Tae-young Lee, the first woman lawyer and a pioneering women's rights activists in South Korea, first argued for the comprehensive family law reform in the 1950s, the Chief Justice of the Supreme

Court Byeong-ro Kim, a progressive man for his time and one of the drafters of New Civil Act, rejected her claim with a disdainful remark that there are 15milion women who have no complain with the law and she dared to ask for a revision and make a trouble because she think she studied some law[123]. After 50 years, women's movements activists watched the final piece of Lee's demands passing in the plenary session.

Even when women could find only a handful of allies and faced gigantic opposition inside and outside the National Assembly, their commitment to family law reform did not subsided and continued until it came to fruition. The gradual family law reform and the momentous abolition of the family-head system in 2005 were the achievements of the women's movements in South Korea that they truly deserved.

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[123] Yu, S. et al. (2005, March 30). The record of the democratic movements: Tae-young Lee and family law reform. *The Kyunghyang Shinmun*, Retrieved from http://www.khan.co.kr/

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