

# LGBTQ+ Families, Welfare, and Same-sex Marriage Legalisation in Taiwan: A Social Policy Perspective

Iris Po Yee Lo 

The Hong Kong Polytechnic University, Hong Kong

Email: [iris-py.lo@polyu.edu.hk](mailto:iris-py.lo@polyu.edu.hk)

*This article examines whether and to what extent legalised same-sex marriage can assist lesbian, gay, bisexual, trans, and queer (LGBTQ+) people to develop family life and protect them from defamilisation and familisation risks. It focuses on the provision of and gaps in welfare for LGBTQ+ people since Taiwan's same-sex marriage legalisation in 2019. A content analysis of online community discussions since marriage equality shows that local LGBTQ+ community discussions were filled with concerns about the lack of familial status for cross-border couples, lack of legal parental status and rights for same-sex parents, and questions about heteronormative values and kinship ties. This article reveals how heteronormative assumptions embedded in the policy system and in the wider society adversely influence LGBTQ+ people's welfare, and identifies supplementary and alternative measures. It highlights the importance of providing universal basic services free from heteronormative biases and prioritising the well-being and rights of all citizens.*

**Keywords:** Familisation, LGBTQ+, same-sex marriage, welfare, social policy.

## Introduction

Legal recognition of same-sex marriage has been at the forefront of societal debates in Asia in recent years. In 2019, Taiwan became the first in Asia to legalise same-sex marriage. This is a crucial policy, having implications for how families are formed, whether an individual is legally recognised as a family member (e.g., as a spouse and/or a parent), and the degree to which individuals can access family welfare as citizens. Building a constructive dialogue between social policy research and LGBTQ+<sup>1</sup> studies, I argue that it is important to analyse whether and to what extent legalised same-sex marriage can enable LGBTQ+ people to form a family as they want. More importantly, this article goes beyond the legalisation of same-sex marriage and identifies supplementary and alternative measures that need to be introduced to enhance LGBTQ+ people's welfare and their status as citizens.

Same-sex marriage legalisation can be considered revolutionary, especially within the family-centred context of Taiwan, where deep-rooted Confucianism governing the institution of heterosexual marriage and family life persists (Chin, 2020; Tang *et al.*, 2020). Previous research has primarily focused on debates about same-sex marriage, discussing opposing viewpoints in Taiwan and other contexts (Lee and Lin, 2022; Tang *et al.*, 2020). However, there is a lack of discussion from a social policy perspective about whether and to what extent legalised same-sex marriage can enable couples to make use of family

policies to reduce defamilisation and familisation risks and access universal basic services as citizens. As I discuss below, defamilisation risks refer to a lack of opportunities to secure an acceptable standard of living independently of participation in the family; familisation risks refer to a lack of opportunities to choose to perform a certain role within the family while simultaneously maintaining a socially acceptable standard of living (Chau and Yu, 2021; Yu *et al.*, 2022; Yu and Lo, 2023). Focusing on discussions and requests within the Taiwanese LGBTQ+ community in the wake of same-sex marriage legalisation, I ask: what kind(s) of requests do LGBTQ+ communities have beyond legalised same-sex marriage in Taiwan? To what extent can legalised same-sex marriage enable LGBTQ+ people to form a family as they want, protect them from defamilisation and familisation risks, and improve their access to universal basic services as equal citizens?

This study aims to tackle these unresolved questions, generating fresh empirical and theoretical insights into the relationship between social policy and LGBTQ+ issues. By engaging with these two bodies of literature, this study challenges the heteronormative focus of social policy research, most of which has primarily placed the welfare needs and wants of heterosexual families at the centre of policy analysis without paying much attention to LGBTQ+ citizens' experiences of welfare provision (Gregory and Matthews, 2022). To address this blind spot, I take the inquiry one step further and explore the welfare needs of Taiwanese LGBTQ+ communities, which may not have been met through legalised same-sex marriage as a single policy measure. I argue that these unmet welfare needs enable us to reflect upon the limitations of legalised same-sex marriage and consider how and under what circumstances heteronormativity is reinforced and/or challenged in the framing of marriage equality and associated policy measures.

### *Queer politics and debates on same-sex marriage in Taiwan*

Globally, scholars analysing same-sex marriage have demonstrated that legislation is not simply concerned with same-sex partnerships and the recognition of LGBTQ+ rights (Winter *et al.*, 2018). Rather, it raises important questions about how traditional citizenship regimes, which are largely heteronormative and designed around heterosexual family relations, are constructed, reinforced, and potentially queered/questioned (Winter *et al.*, 2018). Heteronormativity refers to a set of norms regarding gender and sexuality that privileges heterosexuality, presents it as a normality standard, and situates those who deviate from that norm as 'others' (Berlant and Warner, 1998). It is crucial to acknowledge that questioning heteronormativity embedded in existing citizenship systems and reforming these systems require us to think about how the definition and acquisition of universal basic services are shaped. As discussed below, universal basic services are based on the premise that every citizen should be granted access to a wide range of free public services (Institute for Global Prosperity, 2017). The provision and distribution of universal basic services can be the battleground where advocates and opponents of LGBTQ+ rights confront each other. In Taiwan, debates on same-sex marriage have particularly important implications at both the symbolic and substantive levels, due to the heteronormative and family-centred culture. Three issues are worth highlighting here.

Firstly, the fight for legalised same-sex marriage has been placed centre stage in Taiwanese queer politics because this form of marriage transgresses the boundaries of the traditional institution of heterosexual marriage. Similarly to other Chinese societies, such

as Hong Kong and Mainland China, Taiwan's long patriarchal tradition is rooted in Confucianism, which attaches great importance to the (heterosexual) family and the continuity of family lines through biological offspring (Tang *et al.*, 2020). It is within this family-centred context that legalised same-sex marriage has been celebrated as a victory for global LGBTQ+ rights and local LGBTQ+ people in particular (Wang and Sun, 2023). Recent empirical research focusing on LGB people's well-being has also shown that legalised same-sex marriage has facilitated their self-acceptance and disclosure, prospects of romantic relationships, and closeness with parents, and enhanced public understanding of LGBTQ+ communities (Huang and Hang, 2024). At the societal level, legalised same-sex marriage is framed by activists as a testament to Taiwan's democratic progress (Wang and Sun, 2023) and generally considered a beacon of East Asian democratisation (Kong, 2019).

Secondly, despite the progress made, it is noteworthy that queer politics in Taiwan, especially its advocacy for diverse ways of forming families, continue to face opposition. As one of the major driving forces behind marriage equality, the Taiwan Alliance to Promote Civil Partnership Rights (TAPCPR) has proposed three separate bills under the umbrella concept of 'Diversified Family Formation': marriage equality, civil partnership, and multiple-person families. While these three bills emphasise the diversity of local LGBTQ+ communities' preferences for how to form and live their family lives, only the bill on marriage equality received political support, being proposed to the Legislative Yuan in 2013. On 24 May 2017, the Taiwanese Constitutional Court ruled that the denial of same-sex couples' rights to marriage is a violation of their constitutional rights and granted a two-year period to enact legislation ending this violation. However, in November 2018, conservative groups proposed referendum votes, and the result was that the majority of voters backed the traditional definition of marriage as the union of a man and woman. Consequently, the Legislative Yuan passed a special law in 2019 legalising marriage for same-sex couples, without amending the Civil Code. The fact that the proposals raised by TAPCPR on civil partnership and multiple-person families have not obtained enough support from politicians and legislators and have not been passed to the Legislative Yuan for discussion suggests that the cultural ideal of a monogamous relationship within the institution of marriage still strikes a chord among the public. In particular, the proposal for 'multiple-person families', which is intended to protect the welfare of families composed of members sharing similar life goals and interests, has been attacked for promoting promiscuity (Tang *et al.*, 2020). These incidents reflect the persistent hold of traditional familial values in Taiwanese society (Chin, 2020).

Thirdly, debates on the legislation of same-sex marriage offer an opportunity to raise awareness of the significance of providing universal basic services that are free from the influence of heteronormativity. The idea of universal basic services was originally developed by the Institute for Global Prosperity in 2017. 'Universal' implies that every individual, regardless of their ability to pay, is entitled to services that cater to their needs. 'Basic' means essential and sufficient rather than minimal, enabling every individual to participate and thrive in society. 'Services' refer to need satisfiers – collectively generated activities and provisions that serve the public interest (Coote and Percy, 2020). To ensure the availability of these need satisfiers, the government, with a focus on collective provision, may employ various intervention methods, including regulation, establishing standards, implementing taxation, and offering subsidies (Gough, 2019). Gough (2019)

emphasises collective responsibilities to meet basic needs, which are key to ensuring people's health, autonomy, and effective participation in social life. Notably, the advancement of universal basic services is intricately linked to the promotion of citizen rights. As exemplified by the rapid expansion of welfare states in the Western world following World War II, universal needs have served as a vital foundation for advocating citizen rights (Gough, 2019). There is often a distinction between 'negative' civil and political rights, which require providing protection and prohibiting certain actions (e.g., freedom of expression and protection against discrimination), and 'positive' socio-economic rights, which encompass duties to assist and provide (e.g., the right to education or healthcare) (Gough, 2019). Legislation defending the 'negative' civil and political rights and services supporting the 'positive' socio-economic rights can serve as universal need satisfiers to meet people's basic needs. When it comes to the promotion of LGBTQ+ rights, legalising same-sex marriage can have a dual impact on the development of universal basic services. It has the potential to reform citizenship systems dominated by heteronormative ideas, recognising collective responsibilities to improve the welfare of minority groups. It empowers LGBTQ+ individuals to access need satisfiers to address their basic needs as equal citizens. Additionally, it makes these need satisfiers closer to becoming universal means for enhancing people's well-being.

This article raises important questions about whether and how policies, including but not limited to same-sex marriage legalisation, can challenge the hegemony of heteronormative assumptions about marriage, family, and welfare. Queer critics of same-sex marriage have alerted us to the normalising nature of marriage, suggesting that it may channel LGBTQ+ people towards more normative forms of relational life and 'obscure difference in the pursuit of equality' (Gregory and Matthews, 2022: 598). While the queer lens sensitises us to the different ways in which normalisation plays out (Yarbrough *et al.*, 2018), more work is needed to develop the queer critiques raised during the marriage debates into ongoing critical evaluations of social policies. Previous studies in Taiwan and other Chinese societies have consistently found that, when it comes to family building, LGBTQ+ people still place great emphasis on maintaining respectability and close ties with their families of origin while developing new family ties with their partners within the monogamous couple model (Pai, 2017; Brainer, 2019; Lo, 2023, 2024). Same-sex unions in these contexts, therefore, cannot be fully understood without attending to heteronormative ideals and the pressure to conform to social norms, especially the Confucian ideology of family interdependence and respect for parents as an essential aspect of filial piety (Lo, 2022; Su, 2023). The real question, thus, is not whether heteronormativity persists, but rather under what conditions it persists, its consequences, and the cultural and policy changes needed to support LGBTQ+ people. This study breaks new ground by adopting a social policy perspective to examine the effects of legalised same-sex marriage on LGBTQ+ individuals and families. It highlights the persistent gaps in welfare provision that require attention and emphasises the importance of addressing them.

### **Queering social policy research: Defamilisation and familisation risks confronting LGBTQ+ people**

This section introduces a theoretical framework for examining LGBTQ+ community discussions and requests connected to legalised same-sex marriage in Taiwan. In

analysing family policies concerned with the division of care responsibilities between the state, the market, and the family, namely parental leave and childcare policies, scholars often conceptualise and empirically classify these policies by analysing their levels of defamilisation and familisation (Bambra, 2007; Kröger, 2011; Lohmann and Zagel, 2016). From a gender perspective, these studies address how policies affect gender equality and suggest that people's welfare (especially women's) can be undermined, not only by risks associated with the labour market, but also by defamilisation and familisation risks. To reduce these risks, analysts suggest defamilisation measures (such as formal childcare services) and familisation measures (such as carers' allowances and parental leave benefits) (Chau and Yu, 2022; Lohmann and Zagel, 2016). The former support people in choosing to organise their lives independently of their family relationships, whereas the latter assist people who want to provide care within the family to secure a reasonable standard of living.

While this body of literature provides important insights into how the design and combination of policies may support progress towards gender equality, it fails to sufficiently address the risks confronting LGBTQ+ communities. Examples of familisation risks are difficulties in forming a same-sex union, especially in contexts where same-sex relationships are not yet legally recognised (Lo, 2020), and difficulties in raising children due to denied or limited access to parental rights, adoption, or assisted reproductive technology (Evertsson *et al.*, 2020; Yu and Lo, 2023). Defamilisation risks include difficulties in outsourcing care responsibilities to the formal sector due to the stigma attached to non-normative families, and denied or limited access to parental leave benefits, which have primarily been designed around the heterosexual family model, assuming one male and one female as partners in households raising children (Wong *et al.*, 2020; Yu *et al.*, 2018). To date, no defamilisation/familisation studies have empirically explored these risks. Addressing this gap, the author and collaborators have developed a themed section with a focus on the relationship between defamilisation/familisation studies and same-sex marriage in *Social Policy and Society*.

This article, along with others in the themed section, aims to bridge LGBTQ+ studies with the existing literature on defamilisation and familisation. As suggested by Warner (1991: 3), queer politics should extend beyond attempting to 'carve out a buffer zone for a minoritised and protected subculture' and 'challenge the pervasive and often invisible heteronormativity of modern societies'. As further illustrated in the findings, the continued requests for equal rights to family formation and parenthood, despite the legalisation of same-sex marriage, reveal that LGBTQ+ people are still vulnerable to different kinds of defamilisation and familisation risks. They alert us to heteronormative assumptions embedded in the policy system and in the wider society and the importance of identifying supplementary and alternative measures in addition to same-sex marriage legalisation.

## Methods

The data analysed here is drawn from the official online platforms of three key LGBTQ+ organisations: the Taiwan Alliance to Promote Civil Partnership Rights (TAPCPR), Taiwan Tongzhi Hotline Association (Hotline), and Taiwan LGBTQ Family Rights Advocacy (TLFRA). These online platforms were selected for two reasons. Firstly, they represent the

best-known public channels for advocating equal marriage rights and welfare for LGBTQ+ individuals, couples, and families. As mentioned above, TAPCPR has been one of the driving forces advocating marriage equality for same-sex couples, with one of its proposed bills on same-sex marriage successfully brought to the Legislative Yuan. Hotline is the oldest and largest LGBTQ+ organisation in Taiwan, dedicated to providing support networks and services and promoting public education about equality and LGBTQ+ issues. TLFRA is one of the longest-running organisations addressing the needs and welfare of LGBTQ+ families with adopted and/or biological children. Secondly, all the materials on these platforms, including articles, reports, records of public events, transcripts of speeches and public hearings, are fully accessible to the public. Notably, the online platforms of these three NGOs, while not encompassing the entire spectrum of views for or against same-sex marriage, are important yet often overlooked research sites because they have contributed significantly to campaigns for marriage equality by publishing collective statements, launching public speeches and press conferences, and offering legal support for LGBTQ+ individuals (Wang and Sun, 2023). Scholars have called for further attention to NGO data because it can enable researchers to conduct relevant and timely secondary research with the potential to enhance the sensitivity of policies to meet the needs of the community and reveal inequitable access to policies and services (Masefield *et al.*, 2020). Responding to this call, this study utilises the largely untapped but highly relevant data sources from the online platforms. These materials were regarded as authored, culturally produced texts (Bassett and O’Riordan, 2002), allowing us to see what was at the forefront of queer politics in Taiwan and reflect upon the progress, priorities, and limitations of community advocacy for marriage equality.

Between May 2019 and December 2022, there were 144 articles published by TAPCPR, 257 by Hotline, and 143 by TLFRA. For data analysis, fifty-nine articles published by TAPCPR, sixteen by Hotline, and sixty one by TLFRA were selected. Guided by the research questions, I selected these articles for their relevance to the legalisation of same-sex marriage and rights to family formation. The goal of the content analysis was to identify different requests raised by Taiwanese LGBTQ+ communities since same-sex marriage legalisation in May 2019, the limitations of this policy, and ways of improving LGBTQ+ rights and welfare from a community perspective.

A summative qualitative content analysis was conducted based on Hsieh and Shannon’s (2005) guidelines. It focused on exploring keywords and content relevant to ‘same-sex marriage’, ‘family’, and ‘parenthood’ and the underlying meanings of that content. Of the 136 selected articles, the majority explored rights to family formation ( $n = 79$ ; 58.1 per cent), parenthood ( $n = 89$ ; 65.4 per cent), and marriage equality ( $n = 129$ ; 94.9 per cent). Regarding the rights to family formation, cross-border partnership was a major concern, noted 511 times among the selected articles. Regarding the topic of parenthood, the most prevalent keywords were adoption (1065 mentions), assisted reproduction (303), and recognition of parental status/rights (609). Regarding the topic of marriage equality, some of the most frequently mentioned keywords were equal rights (333), same-sex marriage legislation (225), and kinship ties (155). While the frequency of these keywords demonstrates the importance attached to these topics, the following section illustrates their contextual meaning. Pseudonyms were created for individuals sharing their views via the websites.



## Findings

### *Cross-border partnerships: Familial and financial constraints faced by cross-border couples*

After same-sex marriage legalisation in Taiwan in May 2019, local LGBTQ+ organisations and communities actively fought for the ‘equal right to family union’ for cross-border couples. Of particular concern were the familial and financial constraints faced by cross-border couples because the same-sex marriage legislation prohibited marriages involving foreign partners from countries/regions not recognising same-sex unions – a restriction that heterosexual couples do not face. Such concern was witnessed in the majority of articles across the platforms of TAPCPR, TLFRA, and Hotline between 2019 and 2022. In particular, with its legal professionals, TAPCPR represented five cross-border same-sex couples in court to push for extending marriage rights to all. The Taipei Administrative High Court ruled in favour of the organisation in all five cases. However, it was only in January 2023 that the law officially changed to allow cross-border couples<sup>2</sup> to enter same-sex marriage in Taiwan.

It was not uncommon to see foreign partners sacrifice their career development to unite with their partners and develop the family life they preferred in Taiwan. For instance, an article published by TAPCPR documented a court case in which its lawyers represented a same-sex couple, one member from Taiwan and the other from Hong Kong, where same-sex marriage has not yet been legalised. Despite the final success of this case in December 2022, Wang, the Taiwanese citizen, recounted the bitter struggles she and her spouse had experienced:

Even when the epidemic was severe, we were still separated from each other, worrying about each other's safety ... Eventually, for family reunion, my wife had no choice but to quit her stable job and come to Taiwan on a student visa, as a student in her thirties.

This example shows that cross-border couples without the right to marriage are vulnerable to defamilisation risks – a lack of opportunities to secure an acceptable standard of living independently of participation in the family. Echoing this view, Hotline's online posts about the importance of recognising cross-border same-sex marriage stressed that foreign partners tended to face difficulties in seeking jobs and securing medical insurance in Taiwan due to the lack of legal partnership status. They could only resort to individual strategies, such as applying for short-term travel or work visas, to achieve family union, despite huge financial costs (e.g., those of constantly travelling or settling for a lower-paid job). The COVID-19 pandemic intensified the struggles faced by cross-border couples and highlighted the inequalities involved. Closed borders and travel restrictions forced many couples into long-distance relationships. For LGBTQ+ individuals in particular, the restrictive measures prevented many, especially those who were not out to their family of origin, from meeting their partners, and forced them to move back into homes that were potentially unsafe (e.g., natal homes with unsupportive parents) (Salerno *et al.*, 2020; Pistella *et al.*, 2022).

While Wang's partner decided to circumvent the restrictive measures and institutional barriers to marriage by applying for a student visa at the expense of her career, this strategy may not be available to others, who cannot afford the cost of quitting their jobs

and migrating to Taiwan to be a full-time student/family carer. Such familisation risks can be alleviated if their rights to marriage are protected – so that their partnerships are legally recognised in Taiwan and they can enjoy better access to local job opportunities and welfare. Without such legal protection, same-sex couples face long-term unequal economic consequences because they are not entitled to the same spousal protection as heterosexual couples, such as tax reduction, medical benefits from a spouse's employer, and inheritance of the spouse's property (Erdley *et al.*, 2014). Ellen, a Taiwanese woman who wanted to marry her Japanese partner and was raising a child with her, shared her experience in a press release co-hosted by TAPCPR, TLFRA, and other organisations after a Taiwanese-Japanese gay couple won their lawsuit validating their marriage registration in July 2022:

Because Taiwanese-Japanese same-sex marriage was not allowed, there were many challenges for our family to live in Taiwan ... It's not easy for foreigners to find a job. And there's a visa deadline. So no one can tell if there'll be a job transfer or even an unemployment risk. This means that our family may be separated at any time.

This remark from Ellen illustrates the potential familisation risks faced by cross-border same-sex couples – a lack of opportunities to choose to perform a certain role in the family while maintaining a socially acceptable standard of living. Although Ellen's partner wanted to move to Taiwan and become the carer for their child, the prospect of family union and childcare was jeopardised by uncertainties in the labour market, including difficulties in finding a job and the risk of unemployment. For cross-border same-sex parents who have children or intend to do so, the lack of marital/partnership status further complicates the challenges confronting them, to which I now turn.

*Pathways to parenthood: Challenges in adoption, assisted reproduction, and access to family policies*

Concern over the lack of legal parental status and rights for both members of same-sex couples was widely discussed across the three platforms. Despite same-sex marriage legalisation in Taiwan, same-sex couples are still not entitled to use assisted reproductive technology (ART), which is only available to infertile married heterosexual couples. Also, it was only in May 2023 that the government passed an amendment allowing same-sex couples to jointly adopt children. Before this, same-sex married couples were not granted the right to adopt, other than the biological child(ren) of one of the parties to the marriage, while any married heterosexual couple can apply to jointly adopt a child.

This legal change needs to be understood against the backdrop of continued advocacy efforts by local LGBTQ+ communities. The previous ban on co-adoption not only imposed a restriction on the parental status and rights of same-sex couples, but also generated additional defamilisation and familisation risks for same-sex parents. As discussed by TLFRA, the restriction on adoption limited the ways in which same-sex couples could build their family life and access family-based welfare benefits. In a press



release entitled 'Inclusive childcare system – reform is urgent' in May 2021, a representative from TLFRA stated:

If a biological child is involved, the other parent can only establish a legal parent-child relationship through 'step-parent adoption'. But the court process may take four to eight months. Although the child has been cared for by both parents at birth, one parent must wait about half a year before being eligible to take parental leave, missing the stage when the child most needs intensive care.

This remark illustrates that same-sex parents faced difficulties not only in gaining legal parental status but also in making use of family leave policies. It exposes the defamilisation and familisation risks faced by intended same-sex parents. As reported by TLFRA, for married same-sex couples who wanted to co-adopt a child before the legal amendment allowing joint adoption in May 2023, the only option was to get divorced so that one of the couple could then adopt as a single person. They could then remarry, but could not both be legal parents unless the child was one partner's biological offspring. These policy restrictions highlighted the dilemma faced by intended same-sex parents, who were forced to choose between forming a legal tie with their child and with their spouse, between adoption and marriage.

Additionally, several posts published by TLFRA discussed the societal challenges confronting same-sex couples who sought ART overseas. In a talk entitled 'the crossover between work and family life (about gay fathers)' hosted by TLFRA in February 2020, it was reported that same-sex parents still experienced dilemmas regarding whether and how to come out to family members and colleagues. These may also discourage them from applying for parental leave even when they were entitled to it, given the still heteronormative environment in Taiwan. The data reveals that heteronormative values in workplaces and society may still hold same-sex couples back and prevent them from claiming family-based welfare.

One key arena of queer politics in Taiwan has been the legal battlefield, where LGBTQ+ organisations provide legal support for individuals and families to fight for their rights to family formation and parenthood. An example is TLFRA's efforts to negotiate with the Ministry of Labour for parental leave benefits for same-sex adoptive parents. The result was presented in an article entitled: 'Same-sex adoptive families applying for parental leave – The Ministry of Labour: "Proof of cohabitation" is allowed', published in April 2022. The Ministry allows same-sex adoptive parents, one of whom has not yet completed the legal procedures to attain parental status, to be entitled to parental leave based on proof of cohabitation with family members, and consequently be able to take up the childcaring role in the family, thereby reducing familisation risks. These lobbying efforts demonstrate the need for supplementary measures to enhance the welfare of LGBTQ+ families beyond same-sex marriage legalisation.

#### *Not 'full equality' yet: Contesting heteronormative values and kinship ties*

The government's decision to pass a special law allowing same-sex couples to marry, rather than changing the definition of (opposite-sex) marriage as stipulated in the Civil Code, was seen across the three platforms as a 'discriminatory' and 'unfair' measure that

failed to realise ‘full marriage equality’. As shown in an article entitled: ‘The government says that I can get married, but my parents disagree’, published by TAPCPR, it was not uncommon for LGBTQ+ individuals wanting to marry their same-sex partner to refrain from doing so due to the fear of coming out to their family of origin or colleagues. Additionally, some married couples might pretend to be single and hide their marital/family status due to societal stigma attached to homosexuality. These findings show that the legalisation of same-sex marriage as a single policy measure cannot guarantee the removal of familisation and defamilisation risks for same-sex couples. This is also why TAPCPR only regarded the legalisation of same-sex marriage as a ‘midway booster’, rather than the ‘termination of LGBTQ+ movement’. In an article entitled: ‘The missing pieces in marriage equality’, published in May 2019, TAPCPR continued to advocate for the right to civil partnership, which is currently unavailable, and hoped that such a right ‘could be extended to heterosexual partners and partners who do not want marriage’. This represents an alternative policy measure that could challenge traditional beliefs about marriage and family and offer individuals more autonomy to decide whether and how to participate in family life. Although many Taiwanese LGBTQ+ people still take account of heteronormative family values and the Confucian ideology of filial piety when developing their intimate and family lives (Tang *et al.*, 2020; Su, 2023), one should not rule out the possibility that some may challenge family norms and prefer to build relational ties in ways that do not necessarily fit the married-couple model.

The difference between same-sex and opposite-sex marriage in terms of the recognition of kinship ties was another key subject of debate. Among heterosexual married couples in Taiwan, the policy system stipulates caring obligations and entitlements between the couple, and between the couple and their extended families. In contrast, the special law legalising same-sex marriage describes it as a union between two individuals, with no legal connection to any kinship ties with families of origin. This means that individuals entering same-sex marriage have no legal obligation to care for their partners’ parents, whereas heterosexual married men and women are legally obliged to care for parents-in-law living with them. A TAPCPR article entitled: ‘The terminator of kinship units?’ highlights the contradiction in the anti-LGBTQ+ camp:

They insist on not recognising that same-sex couples can marry... They pressurised the Ministry of Justice that same-sex couples should not have any [legal] relationships with their in-laws. Because only marriage relationships entail relationships with in-laws... But this might mean that same-sex married couples have no obligation to practise filial piety and take care of their partners’ parents... the anti-LGBTQ+ camp claims that they want to protect traditional family moral values, but are they aware that they are actually undermining those values?

While acknowledging the problem that the heteronormative definition of marriage still remains unchallenged in the Civil Code, this article draws attention to the queer possibilities of same-sex marriage in Taiwan, which represents a new form of family arrangement devoid of any legal obligations associated with wider kinship networks or care responsibilities. Without such obligations, the burden of unpaid care work confronting same-sex couples and defamilisation risks may be reduced. Meanwhile, several articles published by TAPCPR and TLFRA emphasise the pitfalls of the lack of legal recognition of kinship ties with in-laws. For example, if LGBTQ+ people entering

same-sex marriage encounter violence from in-laws, such as being barred from visiting their partner's biological/adopted child, there is no avenue for them to take legal action under the domestic violence law. This can increase the familisation risks confronting same-sex couples, creating obstacles to family formation and parenthood.

## Discussion and conclusion

By exploring community discussions and requests following same-sex marriage legalisation in Taiwan, this article has shown that LGBTQ+ people's rights to family formation and parenthood were frequently discussed across the online platforms. The community discussions were filled with concerns about the lack of familial status for cross-border couples, the lack of legal parental status and rights for same-sex (intended) parents, and questions about persistent heteronormative values and kinship ties. Such concerns reveal that, despite the legalisation of same-sex marriage, the policy system continues to deprive LGBTQ+ people of the autonomy to decide whether and how to develop their family lives. These findings have important implications for advancing the dialogue between social policy research and LGBTQ+ studies in two ways.

Firstly, this study shows that the legalisation of same-sex marriage as a single policy measure cannot guarantee the removal of familisation and defamilisation risks for LGBTQ+ individuals and families. It adopts a social policy perspective on same-sex marriage that extends beyond debates about the binary of assimilation/challenge to the established institution of marriage, and focuses on LGBTQ+ people's experiences of welfare provision. The legalisation of same-sex marriage can be considered an important policy measure supporting familisation. It is intended to give same-sex couples equal opportunities to form family relationships in the way they prefer and access equal spousal benefits provided to heterosexual married couples, such as tax reduction and inheritance of estates. Nevertheless, the heteronormative social environment may discourage LGBTQ+ individuals from actively seeking legal recognition of their family units and/or making use of family policies (e.g., parental leave benefits). Without legal parental status or equal access to family-based welfare, the decision to become the full-time carer for a child may come at the cost of one's income and/or career. These obstacles to same-sex parenthood echo previous research showing that, in Western contexts where same-sex marriage/partnership is legally recognised, LGBTQ+ people continue to suffer from unequal access to parental and familial rights (Evertsson *et al.*, 2020). When studying patterns of policies concerning the legal recognition of same-sex couples in European countries, Waaldijk (2020) found that parental rights (e.g., legal parental status, access to assisted reproduction, and parental leave) were generally among the last to be gained in the ongoing process of legal campaigns. While an increasing number of countries and regions in Asia and beyond have engaged in debates on same-sex marriage, both within society and through legal channels, further steps need to be taken to extend policies supporting different forms of families, facilitating shared caregiving, especially among same-sex couples who want to have children, and potentially helping to reduce familisation and defamilisation risks. To effectively implement these measures, it is crucial to recognise and support family-oriented policies that ensure LGBTQ+ individuals have the freedom to form diverse family relationships. By acknowledging these choices as fundamental needs deserving the support of universal need satisfiers, we can create an environment that

fosters favourable conditions for LGBTQ+ individuals' well-being, autonomy, and effective participation in society.

Secondly, the insights generated from queer experiences of welfare provision are useful not only in improving the welfare of LGBTQ+ people but also in rethinking the inherent heteronormative bias in the welfare system. In Taiwan, the separation of the new same-sex marriage bill from the Civil Code reflects the persistence of heteronormative values, in society and the policy system. As the findings show, the extent to which LGBTQ+ people can realise their ideal ways of forming families and caring for family members, and whether same-sex parents can be legally recognised as 'parents', is still confined by policies favouring the heterosexual family model. Also, the continued community advocacy for civil partnership and diversified ways of forming families, which have yet to be recognised by the Taiwanese government, reveals that the existing citizenship regime is still primarily structured around the conventional married-couple model. Notably, these issues are not unique to Taiwan; previous Western research has shown that same-sex marriage legalisation has been accompanied in some countries by the retraction of legal recognition of civil partnership and other non-marital family forms, while some countries have retained both options – marriage and/or registered partnership – for same-sex couples (Yarbrough *et al.*, 2018). Set against the backdrop of family-centred culture with Confucian roots, this study highlights the complex socio-cultural factors, such as close relationships with families of origin and conceptions of kinship ties and obligations, shaping queer politics and policy design. As various local LGBTQ+ NGOs and communities struggle for key rights, they may need policy suggestions that echo more normative ways of being and prioritise marriage to gain wider societal support. This echoes previous research suggesting that global LGBTQ+ movements have favoured collaborating with political institutions, which overshadows their subversive critique of established norms and institutions (Garwood, 2016; Friedman and Chen, 2023). This study's findings call attention to the ways in which existing policies may marginalise different groups who fall outside the traditional, heterosexual family ideal, including heterosexual/same-sex couples who do not want to marry and multi-parent families.

#### *Implications for social policy, practice, and further research*

By revealing the familisation and defamilisation risks faced by LGBTQ+ people in Taiwan, this study highlights that same-sex marriage legalisation does not operate in a vacuum but constantly interacts with the social environment and needs to be complemented by other family policies. The data points us towards supplementary policy measures, such as those supporting cross-border partners and intended same-sex parents seeking ART, inclusive parental leave policies, and alternative policy measures, such as amendments to the Civil Code redefining 'marriage' and legal recognition of civil partnership, which need to be considered in addition to same-sex marriage legalisation. Considering these supplementary and alternative measures provides a valuable opportunity to explore the connection between advocating for LGBTQ+ rights and promoting universal basic services. It highlights the need for ongoing endeavours to raise public awareness of the basic needs of LGBTQ+ communities and ensure their access to various need satisfiers on equal terms with other citizens in the same country/region. Given many LGBTQ+ people's continuing fear of coming out and difficulties in handling relationships in their family and at work,

public education is also needed to reduce the stigma attached to LGBTQ+ identities and relationships. These suggestions urge us to recognise diversity of family forms and, more importantly, to critically rethink the normative assumptions about family, marriage, and parenthood.

Additionally, this study calls for further attention to the role of collective action in challenging the heteronormative assumptions embedded in social policies and facilitating inclusive policy design. Designing effective policy should be an adaptive process of adjustments emerging from complex social and political forces and in response to changing conditions (Feldman and Lowe, 2018). It is thus important to heed the voices of social and political actors and engage people from diverse backgrounds in the policy design process – from identifying problems and challenges, setting the policy agenda, and searching for suitable policy measures, to policy evaluation. This is in line with the principles of universal basic services, which emphasise the importance of collectively identifying need satisfiers to meet basic needs and advocate for citizen involvement and collective responsibilities to meet these needs (Gough, 2019; Coote and Percy, 2020). Policymakers should be sensitised to the ways in which policy can or cannot accommodate changing individual and family trajectories by attending to different channels, namely the advocacy role of civil society and activists, the opinion-shaping role of the media, and the voices of individuals expressed online or offline (Winter *et al.*, 2018). For example, policymakers should consider hosting public forums to collect LGBTQ+ people's opinions and concerns and map not only different individual preferences and welfare needs but also domestic dynamics and advocacy coalitions. The goal of these actions is to strengthen the citizenship system by establishing universal basic services that prioritise the well-being and rights of all citizens. By doing so, we will not only deepen our understanding of the specific needs of LGBTQ+ individuals, but we will also advance the discussion and development of inclusive social policies that address the risks and problems faced by different individuals and groups.

Several limitations of the current study warrant attention. Given that the data was drawn from online platforms, I do not intend to generalise the findings to local LGBTQ+ people. As mentioned in the methods section, the aim of focusing on the platforms of three prominent LGBTQ+ organisations was to collect insights into what further requests were central to local LGBTQ+ communities beyond marriage equality. This helped to develop a timely picture of the landscape of queer politics in Taiwan and, more specifically, both online and in-person political participation among different actors immediately after same-sex marriage legalisation. However, further research is needed, including qualitative and quantitative empirical studies, to investigate individuals' perceptions and experiences of social policies and familisation and defamilisation risks and the choices and compromises they make that are shaped by policies and other factors. The analysis of social discourses regarding marriage and family in the public arena would also benefit from the inclusion of materials from advocacy groups who oppose same-sex marriage/partnerships to evaluate policies taking account of both supporting and opposing camps.

To conclude, this article highlights the familisation and defamilisation risks confronting LGBTQ+ people despite same-sex marriage legalisation in Taiwan. LGBTQ+ people continue to encounter different challenges, ranging from societal stigma to difficulties in gaining equal access to familial and parental rights. Identifying supplementary and alternative measures to same-sex marriage presents a valuable opportunity to connect

the advocacy for LGBTQ+ rights with the promotion of universal basic services. Such efforts have the potential to challenge heteronormative assumptions embedded in existing citizenship systems and promote collective responsibilities to improve the welfare of minority groups. Going beyond marriage equality, this study calls for more attention to relevant family policies, including parental leave, adoption and ART, and policies related to cross-border partnerships, to ensure that families outside of the heteronormative family ideal, both within and beyond Taiwan, can make use of and benefit from more inclusive, equitable policies.

## Notes

1 'LGBTQ+' is an umbrella term referring to a wide range of gender and sexual minorities, including lesbian, gay, bisexual, trans, and queer people, and issues and studies related to these communities. With its focus on same-sex marriage and family policy, this article uses this term to refer to any LGBTQ+ parties who may or may not want to enter a same-sex marriage and explores the implications of the legalisation of same-sex marriage for their welfare.

2 The modification of the 2019 same-sex marriage bill, however, does not apply to Taiwanese-Mainland Chinese couples, according to Taiwan's Ministry of the Interior.

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