THE QUALITY OF DEMOCRACY IN KOREA

THREE DECADES AFTER DEMOCRATIZATION

Edited by Hannes B. Mosler,
Eun-Jeung Lee and Hak-Jae Kim

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The Quality of Democracy in Korea

Three Decades after Democratization

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CONTENTS

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List of Figures

List of Tables

Introduction: The Quality of Democracy in Korea

Hannes B. Mosler, Eun-Jeung Lee, and Hak-Jae Kim

As of this year, three decades have passed since South Korea (hereafter Korea) transitioned to a formal democracy in 1987. Following this historic conversion, the country has drawn consistent praise for its double achievement: the continued successful development of both its economy and democracy. Korea has experienced two peaceful, democratic changes in government to the opposite camp, and even recurrent economic crises seem to have been unable to stop its steady economic growth. Recently, however, both Korea's economy and democracy have shown signs of regression, or at least of strong fluctuations, and media reports of these turbulences, as well as the academic treatment of the same, point to yet another chapter in Korea's story. A number of works have examined Korea's *democratization* up to the 1990s, to be followed by research on the country's *democratization after democratization* through the early

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2000s. In addition, Korea has often been included in comparative studies on Asian democracies as both an example of the Third Wave and a reference for comparable cases. However—owed perhaps to its considerable topicality—there remains as yet a void in terms of examining the issue of the *quality of democracy* in Korea. Political scientists have developed various frameworks, models, and indices for analyzing democracies, thereby providing a rich diversity of instruments, most of which have already been applied to the Korean case. However, while valuable in their own right, these approaches were often developed to conduct comparative analyses, ultimately serving the purpose of *explaining* variance. They, accordingly, have a tendency to neglect a deeper *understanding* of the particularity of any individual case (i.e., its particular quality). It is in the hope of adding to the existing literature that this book, which represents one of the first endeavors to examine the latest chapter in the development of Korean democracy, takes on the challenge of examining the quality of democracy in Korea three decades after democratization.

Three Decades of Democracy

Korea's transition to a formal democracy in the year 1987 was marked by the June 29 Declaration of Roh Tae-woo, the designated successor of the incumbent president, Chun Doo-hwan, and the constitutional amendment on October 26 of that same year. Following its killings of several hundreds, if not thousands, of protesters in the south-eastern city of Kwangju in 1980, the authoritarian Chun Doo-hwan administration could not repeat its use of violence when mass demonstrations in the streets of Seoul and throughout the country demanded the ultimate end of authoritarian rule in the summer of 1987. The protesters called for the reintroduction of direct presidential elections, fair general elections, and regional self-governance. Following two consecutive conservative governments under Roh Tae-woo (1987–1993) and Kim Young-sam (1993–1998) respectively, the inauguration of President Kim Dae-jung (1998–2003) marked the first turnover from a conservative government to a liberal one. While Kim was succeeded by another liberal president, Roh Moo-hyun (2003–2008), government power was to once again return to a conservative administration, namely that of Lee Myung-bak (2008–2013); finally, in 2013, it was conservative Park Geun-hye that assumed power. It has been widely argued that the two turnovers of power in the years 1998 and 2008 are proof of Korean democracy having successfully consolidated. Recent developments, however, show signs of retreat and erosion, prompting concerns that Korea's "contentious

democracy" (Kim 2012) is "deteriorating" (cf. Mosler 2015) and becoming yet another instance of what has recently been diagnosed as a more general trend of "democratic deconsolidation" (cf. Foa and Mounk 2016). Researchers have developed different standards for defining democratic consolidation. Besides Huntington's minimalist postulation that a democracy can be considered reasonably consolidated after it has undergone two peaceful and orderly turnovers of power by democratic means (Huntington 1991, 266–267), there is Linz and Stepan's approach (1996) that defines a *consolidated democracy* as a political system in which democratic elections and constitutional processes are "the only game in town" for resolving conflicts over power and policy (1996, 14). Schmitter (2010) has suggested parliamentarianism, decentralization (federalism), and checks and balances (horizontal accountability) as preconditions for successful consolidation (2010, 24), all the while admitting that the application of any one single standard to each and every individual case will be problematic in itself. In the same vein, understanding Korean democracy and its consolidation or deconsolidation is only fully possible in the context of its specific circumstances.

Assessing Korean Democracy

One strand of the wide array of academic works on Korean democracy aims to explain the historical process of the country's democratization as it has occurred since 1987, and to evaluate the positive and negative aspects of the consolidation of Korean democracy. Diamond and Kim (2000) examined the nature of party politics and the strength of civil society, the activities of labor organizations, and the process of electoral politics. On the question of the key challenges to consolidating and improving democracy in Korea, the authors pointed out several factors: a low degree of institutionalization of political society, a weak constitutionalism, an underdeveloped civil society, the delay in creating a welfare democracy, and the autonomy of global firms. In another approach used to evaluate the status of the consolidation of Korean democracy (Kim 2003), researchers touched upon the dimensions of civil society, women's representation, the role of nationalism, regional politics, security, and the legacies of the developmental state. A recent study provided a more skeptical evaluation of the degree of consolidation of democracy by pointing out a crisis in participation and representation and worsening social conditions (Choi 2012). By defining Korean democracy as a "conservative democracy," Choi (2012) systemically analyzed how the strong state continues to prevent the healthy growth

of civil society and how the weak social base of the opposition party found itself unable to improve the country's system of representation. Above all, Choi (2012) argues, it is the concentration of power in the president's hands that constitutes an obstacle to further democratic consolidation.

Another strand of literature is based on a more comparative perspective that encompasses the entire East Asian region. In one example, Japan, Korea, and Taiwan are defined as relatively developed liberal democracies, while other Asian countries are classified as electoral democracies or electoral authoritarian states (Diamond and Plattner 2013). According to this understanding, Korea and Taiwan crossed further democratic thresholds when opposition parties succeeded in winning free and fair national elections, resulting in a historic turnover in power in 1998 in the Korean and in 2000 in the Taiwanese case (Diamond and Plattner 2013). Providing comparative data on political rights, civil liberties, and the quality of governance, the authors also point out that the democracies could become stronger and more liberal by further enhancing the rule of law and civil liberties, and by improving mechanisms of accountability and transparency to control corruption and political favoritism. They conclude with the optimistic assumption that East Asian countries would follow global trends and exhibit a growing desire for democracy and accountability. Other assessments, however, have painted a more pessimistic picture, arguing that democracy in Asia is incomplete in that it is as yet immature (Dore et al. 2014). Their research is based on surveys revealing that positive evaluations of democracy do not necessarily produce a greater demand for democratic forms of accountability. A study on Korea and Taiwan that examines factors such as political parties, new media, economic changes, social welfare, and the issue of North Korean defectors and concludes that the maturation of these two democracies faces many challenges (Diamond and Shin 2014).

Research on Korean democracy relies on—and sometimes even develops—a number of methods or indices for assessing the state of a democracy or for comparing it with other democracies. These include databases and indices such as the *Bertelsmann Transformation Index (BTI)*, the *Democracy Barometer (DBM)*, the Economist Intelligence Unit's *Democracy Index (EDI)*, *Freedom House (FH)*, the *Polity Project (Polity IV)*, *Varieties of Democracy (V-Dem)*, and the *World Wide Governance Indicators (WGI)*, all of which draw on each other's data to a certain extent. All of these approaches are designed to comparatively assess a

large-N series of democracies in relation to each other and thus gauge democracy in numerical terms (e.g. scores and ranks). Other approaches, such as the *Good Democracy Index (GDI)* or the *Multidimensional Approach to Quality of Neodemocracy (MAN)*, claim to focus more explicitly on the quality of democracy by adding or highlighting features such as social integration, social welfare, and socioeconomic equality (i.e. Cho 2014, 92; Yang 2011, 91); however, they, too, are limited to assessing democracy in quantitative terms. Other approaches, such as the *Asian Barometer Survey* (ABS), the *Asia Democracy Index* (ADI), and the *Korea Democracy Barometer* (KDB), attempt to assess the quality of selected democracies based on qualitative factors. The last of these three, which is based on the evaluation of the quality of democracy by lay people, is an important index for assessing how well democracy actually works (see for example Cho 2014). However, looking only at how people think about the democratic system in which they live may not produce a well-balanced assessment. Only if people's opinions are combined with or compared to assessments by experts can one obtain insights into where the strengths and weaknesses of a particular democracy lie. For example, it is instructive when the quality of a democracy as evident from citizens' perceptions in the KDB or the ABS is contrasted with experts' evaluations in indices such as the FH, Polity IV, or BTI (cf. Park 2014). Though one should not overrate the increasing political disaffection of Korea's citizens, it is important to look at the relevant discrepancies and why they emerged. Through its definition of democracy as an evolving process of emancipation from monopolies in politics, the economy, and society, the *ADI*—developed by the multi-national Consortium for the Asian Democracy Index (CADI) in 2011—provides yet another perspective on the question of democratic quality (CADI 2012, 39). The consortium contends that democracy must be understood as a "relational formation of complex conflicts of the different fields […] as well as a historical formation which has a path dependency in a certain society" (CADI 2012, 44). It identifies "liberalization (*chajuhwa*)" and "equalization (*p'yŏngdŭnghwa*)" as basic democratic principles that are each divided into two subcategories, respectively,[1] on the basis of which politics, economics, and civil society are scrutinized. The ADI also differs from the majority of other approaches in that it focuses on the aim of unearthing one specific country's characteristics (CADI 2012, 46) rather than comparing with a view to ranking (CADI 2012, 36). Its additional objective is to present the current status of the democratic quality of a certain country against its historical trajectory.

The data set of V-Dem is one of the most comprehensive, with almost 200 indicators gathered by at least five country experts per polity based on about 400 detailed questions (Coppedge et al. 2016, 581). The V-Dem framework is designed to approximate the complexity of the concept of democracy that is covered in its five components and enables the choice of one or more of the varieties of democracy described in the literature (cf. Lindberg et al. 2014, 159–162). Aside from the classic electoral component, the V-Dem grid takes into account the liberal, participatory, deliberative, and egalitarian components (Coppedge et al. 2016, 582), which in turn are subdivided into a myriad of detailed criteria.

Based on the V-Dem dataset, the development of Korea's democracy can be assessed for the period beginning in 1988 and continuing to the present (see Fig. 1.1). The core components represented in the above graphs clearly show a strong surge in development from 1988 until the first government turnover in 1998. The period comprising the two liberal governments of Presidents Kim Dae-jung and Roh Moo-hyun is characterized by maximum scores that plummet for the first time with the inauguration of President Lee Myung-bak and again with Park Geun-hye's takeover. These depictions confirm the general assumption that the quality of Korea's democracy had been improving significantly following the country's formal democratization in 1987–1988 up to the first civil government
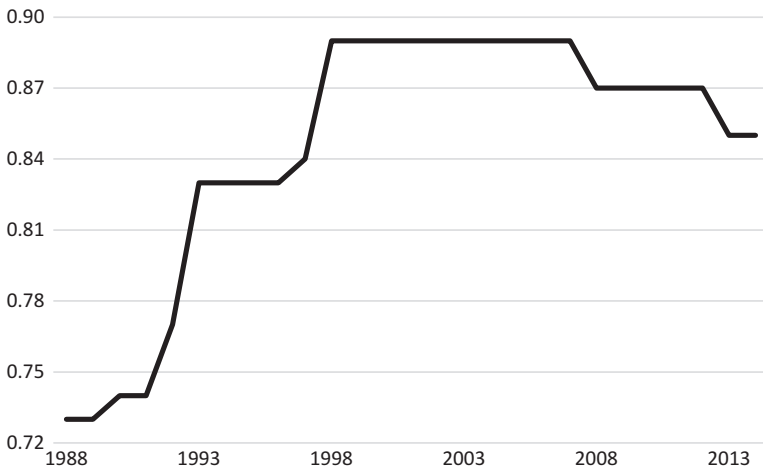
Fig. 1.1   Development of liberal democracy in Korea (1987–2014)

under President Kim Young-sam (1993–1998) and received another boost during the ten years of liberal rule between 1998 and 2007, only to start abruptly deteriorating in 2008 with the beginning of two consecutive conservative governments. The overall picture that is drawn by the V-Dem data suggests a development of Korea's democracy in the shape of an arc lamp (see Fig. 1.1), an assessment that closely resembles the general conclusion reached by the authors of this book.

The Quality of Democracy

This book offers a qualitative assessment of democratic quality in specifically selected fields—such as the role of the state, the legal system, human rights, the media system, growing inequality and social welfare, and inter-Korean relations—that are closely connected to each other and thereby, taken as a whole, provide a detailed overall picture of the quality of democracy in Korea. In doing so, it contributes to an understanding of the general changes in Korean democracy and the specific obstacles to its consolidation as well as of the specific mechanisms of current trends in Korean democracy and its quality. Against this backdrop, it asks "Where does Korean democracy stand today in terms of democratic quality?" In other words, the main endeavor of this book is to assess the quality of democracy in Korea three decades after the country's formal democratization in 1987.

The question of democratic quality has recently attracted significant academic attention (Diamond 1999; Diamond and Morlino 2004, 2005; Dressel et al. 2011; Morlino 2003, 2010, 2011). Recent studies on democratic quality emphasize that over and beyond the question of whether a country is democratic or not, it is important to inquire into *the degree to which that country is democratic*, and to ask *what kind of democracy it has*. Put differently, recent research has examined the *quality* of democracy rather than the *quantity* of democratic governments in the world. Hence the question has changed from "What makes a democracy?" to "What makes a *good* democracy?". In the case of Korea, democracy has been praised as a miraculous case of late democratization (Diamond and Kim 2000; Diamond and Plattner 2013; Hahm 2008). At the same time, however, newer democracies are perceived as having intrinsic deficits in their regimes (Schmitter 2015, 37).

How then can one assess the quality of democratic politics? Quality can be neutrally defined as the sum of the features of a system or process or normatively as the degree of refinement of the features of that system or process.

Since simply enumerating a given democracy's features would not go beyond mere description, the focus in assessing the quality of a democracy should be on the degree of refinement of its components. Harvey and Green (1993, 11–15), who discuss the concept of quality in relation to higher education, maintain that a certain norm has to be defined that has to be complied with or realized for achieving (high) quality (i.e., refinement). But that is only the basis of the authors' conceptualization of quality. Put differently, with respect to the dimension of *corresponding to a standard*, they presuppose that there must be set standards that determine what is "good" or what is the "right thing" to do and define what it means to do these "right things well" in a given interactive process. The second dimension, the *culture of quality*, requires every unit in a given system to assume responsibility for maintaining quality within the scope of its duty. The third dimension, *fitness for purpose*, concerns the final outcome and stipulates that the results serve the purpose of the service provided. Moreover, drawing on insights from the industrial and marketing sectors, Diamond and Morlino (2004) define *quality* as consisting of three spheres: *procedures* for the production process; *contents* of the product's design, material, and function; and *results* or *outcomes* in the form of customer satisfaction (Diamond and Morlino 2004, 21). "[E]laborat[ing] and refin[ing] the concept of democratic quality" (2004, 20), they conclude that there are eight dimensions of democratic quality (DDQ), or eight qualities of democracy, which are allocated to the above-mentioned three spheres. The eight dimensions they distil from the minimum-versus-maximum democracy debate are as follows: the rule of law, participation, competition, vertical accountability, horizontal accountability, freedom, equality, and responsiveness (Diamond and Morlino 2004, 23–28). In this way, they provide a first basic framework for analyzing the quality of democracy in a systematic and relatively comprehensive manner (see Table 1.1).

Diamond and Morlino's (2004) framework appears to be not too detailed and at the same time is sufficiently open-textured to be able to account for the specificities of time and place. The investigation into the state of Korea's democracy as it is presented in the remainder of this volume is therefore based on the DDQ, with certain aspects of the original framework emphasized over others as applicable in the circumstances. This flexible application of the DDQ can be legitimized by the fact that the perspective adopted here does not, in the first place, aim to *explain* a given democracy's shortcomings and advantages for comparison and ranking but rather intends to provide an *understanding* of the manifestations of the weaknesses and

Table 1.1 Three domains and eight dimensions of democratic quality (cf. Diamond and Morlino 2004)

Domain	Dimension
Procedure	The rule of law
	Electoral (vertical) accountability
	Inter-institutional (horizontal) accountability
	Political participation
	Political competition
Content	Freedom
	Equality/solidarity
Outcome	Responsiveness

strengths, as well as their underlying reasons, in the particular case of Korea. The DDQ still leaves sufficient room for integrating additional approaches or perspectives through which to better grasp the characteristics at hand. Put differently, by loosely adapting this analytical framework's basic grid, the chapters of this book systematically scrutinize the present state of the quality of democracy in Korea.

The Outline of this Book

We selected the *fields* to be covered in the respective chapters based on each author's expertise and their individual judgement on which aspects of Korea's democracy deserve the most attention. We chose to divide this book's chapters by fields because we believe that analyzing the specific configurations of the current conflicts and tensions within Korean democracy requires the consideration of different significant dimensions. Accordingly, the texts at hand address the specificities of various institutions and the process of institutional change that is accompanied by various actors' contestations. Each chapter deals with a certain phenomenon or section within the respective field. Based on their empirical assessment, the authors identify those aspects that are crucial to enhancing or hindering democratic quality in Korea.

Part I: State, Governance, and the Rule of Law

The first part of this book investigates the quality of democracy in Korea from a bird's eye view. The way in which state power should be structured has been contested and passionately debated ever since the

enactment of the Constitution in 1948, when one group of lawmakers and constitutional scholars strongly argued for a parliamentary cabinet system, while another group insisted on a strong presidential system (Suh 2012, 301). As a result, the Republic of Korea was born as a presidential government system, with some remnants of parliamentary concepts that persist to this day. One key point that has been fiercely debated recently with respect to constitutional reform is whether there is a need to change the text of the Constitution or whether it would suffice to interpret the document in a different way. While constitutional reform is not the topic of the contributions in this first part, all three chapters deal with shortcomings in the design or everday workings of the state, governance, and the rule of law.

In chapter 2, Jang-jip Choi addresses developments in Korea's presidency, political parties, and system of organized labor. All three political institutions form part of almost every catalog of criteria for democracy, and all three institutions have been formally guaranteed since long before the democratic transition in 1987. Further, all three institutions share features that have always been strongly contested and have thus been at the heart of political and academic debates over democratic reform. Obviously, these three cases relate to most of the democratic dimensions posited by the quality of democracy framework. With regard to electoral accountability, participation, and competition, there is not much doubt that in Korea, elections have been relatively free, fair, recurrent, and competitive and that the freedom to form a political party and associations, as well as the freedom of their activities, is guaranteed; additionally, the time when only one party dominated the parliament without the potentiality or actuality of government alternation is clearly over. With regard to interinstitutional accountability, Korea's democratic system does, on the surface, maintain legislative–executive relations in which the legislative body plays an effective role, and the Constitutional Court has demonstrated its importance in various landmark decisions. Moreover, a diversity of media outlets provide a variety of information. However, even though these principles are upheld *de jure*, there are, *de facto*, particularly with regard to the presidency, political parties, and organized labor, certain features that belong to the fundamental factors that impede the further development of Korea's democracy. Against this backdrop, Choi, in his chapter, goes beyond political institutions as presented in the literature and critically assesses how they are operated or realized. With regard to state governance, he identifies a highly centralized state vis-à-vis a weak civil society and enquires into the modes and the extent of the decentralization and distribution of (state)

powers (cf. Morlino 2011, 219) in general and scrutinizes the actual interpretation and operation of the presidency by its incumbents in particular. In terms of political parties, Choi elucidates the effectiveness of the conveyer-belt function between civil society and the state by discussing the effectiveness of representing the plural interests and effective participation of citizens as well as the competition between and within political parties. The organization of labor is the third aspect on which Choi places emphasis in his chapter. Besides functioning as channels of participation and competition in the political arena, political parties in general and effective labor associations along with their democratic institutionalization in particular constitute a basic necessity for maintaining synergetic labor–management relations for sustained economic growth in the long term; they are also particularly crucial in Korea's peculiar economic design, which is determined by the relation between the state and the dominating conglomerates (*chaebŏl*). Moreover, organized labor was one of the main issues largely ignored during the democratic reform in 1987, despite the fact that economic democratization became a central innovation in the constitution and has since been identified as a weak point—a constant threat to the consolidation of democracy. In light of the global development of neoliberalization that has led to the flexibilization of the labor market, polarization, and inequality in income distribution, and to particular Korean developments such as the IMF bailout program at the end of the 1990s and the economic crisis at the beginning of the new millennium, the role of sufficiently institutionalized labor–management relations represents an important aspect that is directly related to questions of freedom and equality.

In Chap. 3, Brendan Howe equally examines the quality of democracy from a governance perspective. In contrast to Choi, however, Howe complements his democratic governance perspective with elements of a human security perspective, which allows him to focus on the dimensions of freedom and equality. In a first step, he discusses various perspectives on democracy that allow him to come up with a set of criteria for democratic quality that go beyond mere procedural democracy. In line with the framework of Diamond and Morlino (2004), Howe emphasizes the actual practice of equal rights, opportunities, and the guarantee of the rule of law, accountability, participation, and competition. According to the "human-centered, entitlement rights-based approach" Howe applies, one of the core responsibilities of those in power is to provide for the protection of

the people so that they are free from fear, free from want, and can live in dignity. This is consistent with Morlino's criteria of personal dignity, civil rights, and political rights, and the imperative that "[f]or all of them there is the existence of opportunity in the legal system of the country and the actual guarantee of each one" (Morlino 2011, 219). In the following sections, Howe examines the developments in "achieving at least limited forms of procedural democracy, and good governance in terms of reconciling conflicting interests and generating collective good" during the period between the 1987 democratic transition and the end of the liberal governments of Kim Dae-jung (1998–2003) and Roh Moo-hyun (2003–2008). Howe uses the same approach to scrutinize the conservative government of Lee Myung-bak (2008–2013) and the reign of his successor, Park Geun-hye, up until the year 2015. Guided by the three criteria of freedom from fear, freedom from want, and dignity, he then investigates the qualitative shortcomings in distribution and human-centered challenges in Korea's democracy.

In Chap. 4, Hannes B. Mosler examines the quality of the prosecution in regard to its role in maintaining and developing the rule of law in Korea. The rule of law is a necessary precondition to guaranteeing the quality of democracy. While there is no hierarchy between the five procedural dimensions, the rule of law is said to be "fundamental for any civil order and a basic requirement for democratic consolidation" (Morlino 2011, 23). The core meaning of the principle of the rule of law is the supremacy of law over man. Put more concretely, all individuals and other (political) entities, be they members of the government or government agencies, must submit to the law and be ruled by it (Raz 1979, 212). Only if such rule of law is given can the laws be effective in their five basic social functions (cf. Rehbinder 2009, 92): controlling behavior, solving conflicts, legitimizing and organizing social rule, structuring living conditions, and maintaining the law itself. In other words, only under the rule of law can the legal system protect democratic procedures, secure the civil and political rights of citizens, and strengthen the authority of other agencies with regard to mutual accountability (cf. O'Donnell 2005)—that is, sustain the other qualitative dimensions of democracy. In order for a legal system to perform this crucial role and execute it effectively, its laws must be clear, publicly known, universal, stable, and non-retroactive; they also must be applied consistently and fairly to all citizens by an independent judiciary (Raz 1979, 210). It is only when this basic equality before the law is guaranteed and practically experienced that the people will trust the legal system and submit to its

laws, which in turn will promote the successful application of the laws. This is how the rule of law secures effective participation, competition, and accountability, while the interplay with these dimensions will, in turn, facilitate improvements in the legal system and in the respect for the law (Morlino 2011, 224). A myriad of variables are part and parcel of the concept of the rule of law, all of which could be enumerated here as potentially important when it comes to assessing the quality of democracy in relation to the rule of law. However, due to the fact that there is no doubt about Korea being a democracy in the formal sense of the word, the focus of Chap. 4 will be on some of the more salient aspects of the rule of law as they can be of interest in the present inquiry. Morlino's (2011) list of the most crucial dimensions of the rule of law when it comes to democratic quality includes an independent, professional, and efficient judiciary, an institutional and administrative capacity to enforce the law, an effective fight against the abuse of power by state agencies, security forces that are respectful of citizens' rights, the absence of corruption in the judicial branch, and the complete independence of the judiciary from any political influence (198).

As for the Korean case, there is general consensus that since the transition to a formal democracy in 1987, the public prosecution service has been a source of some of the most serious impediments to the development of democratic quality as measured by the criterion of the rule of law. Aside from the academic literature in the area of legal studies and political science, various indices on democracy and the rule of law unequivocally point to the fact that the Korean public prosecution service constitutes the most problematic parts of state agencies. The main reasons for this include the prosecution's unrivaled authority over the entire criminal process, from investigations and indictments to adjudication and sentencing, and its organizational structure marked by the strictest hierarchy and intricate links with other branches of the state apparatus that are supposed to be held in check by the prosecution. While there is an abundance of literature on the quality of democracy, the rule of law, and the prosecution in the Korea following democratization, research has so far only implicitly touched upon the role of the rule of law in the systematic context of the quality of Korean democracy. Mosler's basic contention is that the proper execution of the tasks of the public prosecution service is crucial to a "democratic rule of law" (O'Donnell 2004); in turn, only a democratic rule of law can ensure a democracy that will be qualitatively sound. In order to analyze the nature of public prosecution and the role it plays in

affecting the quality of democracy, Chap. 3 sets out by explaining how the quality of democracy relates to the rule of law, and how, reversely, the role and function of the prosecution relates to the quality of democracy. In other words, it aims to eluminate the mechanisms by which a flawed and deficient prosecution service will negatively influence the quality of democracy. In a second step, a set of criteria—modeled after Diamond and Morlino's (2004) framework—is introduced and used to examine the state of the quality of public prosecution in Korea. Guided by these newly developed categories, namely discretion, independence, accountability, protection of rights (procedure), appropriateness (content), and performance legitimacy (outcome), Mosler analyzes the prosecution's performance in regard to the following aspects: its capability, authority, and power, internal and external autonomy and impartiality, horizontal and vertical checks and balances, protection of suspects' human and civil rights during investigation, and, finally, the quality of judicial decisions.

Part II: Participation, Freedom, Equality, and Responsiveness

The second part of this book addresses a number of crucial issues with regard to the quality of democracy in Korea. Its contributions deal explicitly with the dimensions of participation, freedom, equality, and responsiveness, which are closely connected to the other dimensions. All four issues discuss phenomena that are at the core of democracies in most countries around the globe, such as labor and democracy, human rights and democracy, welfare and democracy, and elections and democracy.

In Chap. 5, Hyo-Je Cho provides an overview of and presents an argument about the progress of human rights and the quality of democracy in Korea during the last three decades. When dividing the dimension of freedom into political rights and civil rights, the issue of human rights belongs in the latter category. While there is no ultimate definition of all the rights that have to be included, there is general consensus on at least the right to life and the right to freedom from torture, unlawful imprisonment, and execution being included. The same goes for: the right to a fair trial; freedom of speech, thought, conscience, expression, press, and religion; and freedom of assembly, association, and organization. Only when looking at these core rights does it immediately become obvious how these are related to democracy and how the guarantee of their practice is pivotal to democratic quality. The dimension of freedom, to which human rights belong, is one of the two outcome dimensions of the quality of democracy (cf. Morlino 2011, 206).

Put differently, the ultimate aim of pursuing (a qualitatively high) democracy is to achieve, secure, and enjoy freedom and equality. Accordingly, scrutinizing the democratic quality of a country in this regard is crucial in assessing how strongly civil rights are guaranteed and in determining the factors that impede access to these liberties. Following this basic line of argument, Cho examines how civil liberties and the respective legal, institutional, and administrative framework for human rights have developed since 1987, investigates existing interpretations of the current human rights situation, and, based on his findings, discusses a reconceptualization of the "human rights–democracy" nexus in Korea. This chapter takes a historical perspective to produce a comprehensive overview that provides a "bird's-eye view" of the subject. It is intended to offer a critique of the prevailing frameworks to properly understand the human rights–democracy nexus debate in Korea in the context of the question of democratic quality. The analysis provides a structure for readers to use in thinking about the prospect of human rights and democracy in the foreseeable future.

In Chap. 6, Jin-Wook Shin deals with the question of policy responsiveness and electoral accountability as an essential element of assessing the quality of democracy and examines Korea during the period 1997–2012 in terms of the relationship between the trends of public opinion about economic inequality and insecurity on the one hand and, on the other, the decisive issues of the presidential elections. The criterion for the dimension of responsiveness, the "capacity of government to satisfy the governed by executing policies in a way that corresponds to their demands" (Morlino 2011, 208), is closely related to that of the dimension of accountability, which stresses the importance of mechanisms for holding responsible those who govern if they act against the interests and the will of the governed. Assessing responsibility thus has to include the examination of a government's legitimacy, which is reflected in the citizens' perception of the government's performance (Morlino 2011, 209)—that is, how the citizens perceive the government's responses to their demands by looking at attitudes toward political institutions. The people might be disenchanted with political institutions or lack confidence in government for various reasons, such as an inadequate application of the law, leaders seeking to maximize their autonomy, and corruption, as well as other acts of malpractice (cf. Morlino 2011, 221; Diamond and Morlino 2004, 28). Further, it is important to determine whether responsiveness might be subverted through the actions of elites or citizens, consciously or otherwise, for certain personal purposes (cf. Morlino 2011, 211, 215). Sharing these basic assumptions, Shin explores elections as a core institution of

democracy in Korea that may be a crucial channel for politicizing the inequality issues by granting equal political rights to the majority. However, electoral politics may also serve to systematically exclude and misrepresent the majority opinion of the public. The results show that although the majority opinion of the public has consistently considered the alleviation of economic inequality and insecurity to be the first priority of politics, the electoral competitions have been normally dominated by personality or event issues, and that the widespread dissatisfaction of the public has continued after the election. This study demonstrates that if the quality of democracy is low, an election can be a mechanism that prevents inequality issues from being central to the political agenda while maintaining the facade of democratic representation.

In Chap. 7, Hak-Jae Kim examines the nature and trends of economic inequality in Korea in relation to social welfare policy. The equality dimension can be divided into formal and substantive equalities—the former meaning equality in the literature, such as the prohibition of discrimination before the law or based on sex, race, gender, religion, opinions, or social and personal conditions, and for the latter the implementation of social and economic equality, such as a fair distribution of economic resources over the whole population (cf. Morlino 2011, 207–208). Here, one must tackle questions such as how economic, cultural, and social resources are allocated, whether resources are overly concentrated, and whether attempts are being made to redress poverty. Also important is the question of the degree of the welfare state's development as a manifestation of, or a structural precondition for, the realization of social, economic, and cultural rights (cf. Morlino 2011, 220). Within the context of these criteria, the author investigates the three dimensions of Korea's *dualization* trends: the labor market, social welfare, and political power. The chapter first analyzes how the income gap and access to vocational training have changed in the labor market. Secondly, regarding social welfare, it examines differences in pension benefits and other social welfare divides. Finally, to evaluate dualization in respect to political power, this study traces the changes in union membership and the election abstention rate among the different population groups. In conclusion, the author argues that the Korean welfare system originated from a status-oriented design and that liberalization pressure now enhances the welfare system's dualization in comparison to other OECD countries. The labor market is divided into regular and non-regular workers, men and women, and big and small enterprises. The welfare system is also divided into company welfare/public welfare and regular/non-regular workers. These divides are related to the power divide

in union membership, social networks, and political participation. These results show that the developmental design of employment relationships and social policy in the Korean case can be easily converted into neoliberal reform and therefore tends to increase inequality along broader socioeconomic, and even political, dimensions that in turn affect the quality of democracy.

In Chap. 8, Su-Dol Kang discusses the thesis of *democracy without labor* in relation to democratic quality in Korea. With his focus on the part labor plays (or can play) in Korea, the author addresses the dimension of participation, which covers the important condition of persons and groups taking part in democracy. Participation can be divided into activities for identification with a group, instrumentalization for achieving the realization of shared interests (e.g., by partaking in policy decisions and deliberative democracy arenas), and ideational realization promoting an awareness of democratic rights ultimately leading to the formation of political opinions that are in turn brought into deliberation (cf. Morlino 2011, 201). The kind of opportunities for participation that exist in a democracy, and the extent to which they are available, are important to the quality of that democracy. Aside from elections and other forms of conventional participation, involvement in organizations such as political parties and labor unions, and the latter's access to channels for substantial participation in policy making are at the core of this dimension (cf. Morlino 2011, 218–219). Against this backdrop, this chapter deals with the following provoking questions: Why has there been no democracy for workers even after the 1987 democratic transition? And in what way can democracy be brought about for the working people? First, the chapter traces the historical processes in which Korean workers have experienced traumatic collective memories. For example, the developmental state in Korea long suppressed and controlled labor, while treating it as a threat to security. This labor control did not change much under the democratic governments of Kim Dae-jung and Roh Moo-hyun. Rather, many Korean companies recently adopted a new way of controlling workers—by using civil and criminal law rather than labor law in response to labor union strikes. Many private companies are using civil litigation and provisional seizures against labor unions. Under these conditions, many workers have committed suicide, not only as a result of overwhelming despair but also as a final act of resistance. This aggressive labor control was parallel to the tendency of politics to *commercialize* under a liberal democracy. Arguing that this tendency inflicts considerable damage on the quality of democracy, the

author suggests that a democracy with workers should go far beyond workers' entitlements to social rights. Because of the long-lasting consequences of historical and societal trauma experienced by workers, democracy should not be a mere set of institutions but rather a way of social life in which workers are not stigmatized and can take part in the economic process while enjoying more autonomy, solidarity, and spirituality.

Part III: Inter-Korean Policy Issues

The last part of this book includes three chapters dealing with inter-Korean matters from the perspective of inner-Korean difficulties and conflicts. The basic assumption is that these issues are related to all eight dimensions of democratic quality, while each chapter focuses explicitly on one or two. The importance of examining the quality of Korean democracy from this vantage point lies in the fact that Korean politics, society, and economy are strongly influenced by the effects of the inter-Korean conflict. This manifests most prominently in the inner-Korean conflict (*namnamgaldŭng*)—translating into antagonisms at elections, between regions, in policy deliberations, and in highly politicized public debates in the media, on the streets, and on the Internet. Put differently, the division of the Korean peninsula or the inter-Korean conflict is the main source for the inner-Korean antagonism that negatively affects the quality of Korean democracy in the form of highly polarized opinions, discourses, and a pronounced sectarianism, as touched upon in the preceding chapters. Against this backdrop, the following three chapters illuminate three key issues regarding the coupled structure between the two antagonisms and their effects on the democratic quality of Korea.

In Chap. 9, Kevin Gray discusses the relationship between the division of the Korean peninsula and domestic politics in Korea after democratization. Although mainstream analysis has tended to place the blame for the persistence of division squarely on the North's provocations, this chapter suggests that a comprehensive understanding of the vicissitudes of inter-Korean relations requires an analysis of how the South's policy making toward the North reflects the postwar bid for hegemony and how Korea's administrations have differed in how they treat the nexus between inter-Korean policy and national development goals. It argues that inter-Korean relations have been strongly shaped by the domestic politics of Korea. After democratization, the new context of party politics meant that engagement policies quickly became an issue of intense confrontation

between the conservative and liberal/left camps. While the conservative political class has historically been closely aligned with business interests, strong scepticism toward inter-Korean cooperation and the close alignment with the United States have proven conducive neither to the interests of small and medium-sized enterprises nor, more broadly, to inter-Korean reconciliation. The author contends that this disjuncture has become particularly apparent in Park Geun-Hye's Trustpolitik, which has maintained economic sanctions against the North.

In Chap. 10, Eun-Jeung Lee examines the contradictions and difficulties in the discourse on unification as a major obstacle to democratic quality in Korea, with particular focus on "the politics of fear." While participation and competition are crucial dimensions in determining the quality of democracy, this chapter focuses on the dimension of freedom—that is, freedom from fear as a precondition for a meaningful and constructive deliberation of how to deal with the fundamental question of unification on the Korean peninsula. Basic civil rights, such as secrecy of correspondence, freedom of thought and expression, the right to information, and a free press, are preconditions for a democratic discourse (cf. Morlino 2011, 206). Lee's implicit assumption is that the more these liberties are restricted and limited, the more distorted the discourse on unification will become. The concept of the politics of fear is a representative case for the process by which the free exchange of thoughts and ideas may become distorted. Referring to these basic lines of thought on the quality of democracy, the investigation builds around the following two assumptions. First, the politics of fear is an important and characteristic element of Korean debates on the division and unification of the two Korean states. This fear was fostered and instrumentalized by authoritarian regimes and conservative political forces. Second, the political instrumentalization of fear is an obstacle to rational approaches to unification. Of course, the way questions of division and unification have been dealt with in Korea has changed throughout time. Historical developments, such as the South Korean democratization in 1987, German unification in 1990, and North Korea's nuclear tests of more recent years, clearly had a strong impact on the manner in which unification is perceived and discussed. Nevertheless, the strongest impact is probably still reserved to the Korean War (1950–1953). The atrocities of this war, which such large numbers of people fell victim to, form an essential part of Korea's collective memory—not least because the authoritarian governments drew on them in seeking to legitimise their rule. Fear of the North, of Communism, and of these enemies' supposed aggressiveness came to dominate South

Korean public sentiment and political discourse. This culture of fear, which did not disappear with the democratization of Korean society after 1987, continues to play a central role in political discourse and is a serious obstacle to rational discourse on the division and unification of the two countries. Chapter 10 looks into certain aspects of this culture of fear and of its persistence, and provides an analysis of the manner in which it inhibits or even hinders democratic quality in Korea.

In Chap. 11, Eric J. Ballbach addresses the continuities and changes in Korea's policy-making vis-à-vis North Korea. More specifically, the study addresses the question of how democratic these policy-making processes have been since Korea's formal democratization in 1987. The issue of policy making is closely related to the dimension of participation, which requires citizens to effectively influence the process of decision making in their interest, including activities such as "monitoring the conduct of public office-holders" (cf. Diamond and Morlino 2004, 10). In other words, the process of agenda setting, of formulating and making decisions ought to be open in order to first and foremost guarantee participation as well as competition, accountability, and responsiveness. While Korea's North Korea policy is a highly specialised field, this does not exempt its processes and contents from democratic scrutiny. On the contrary, the author argues that because policies on North Korea are so delicate in Korean politics and society, they must explicitly be included in the catalog of issues that fall under democratic rule. While most studies dealing with the subject of Korea's policy toward North Korea focus chiefly on the general alignment of North Korean policies of the various Korean administrations, others assess the relative success of these policies in view of the underlying strategy (engagement versus containment) or analyze particular issues within Korea's relationship to North Korea. While these issues are doubtless important, several aspects of Korea's relations with the North have thus far been largely excluded from analysis. The chapter first touches upon the nexus between national division and democratization, and the following section provides a snapshot of the continuities and changes in Korea's (North Korea) policy-making structure during the Sixth Republic. Building on these discussions, the subsequent section identifies the main actors and institutions involved in this policy-making process and delineates the roles of the president and his personal aides and advisory organs, such as the National Security Council, the Ministry of Unification, and the National Intelligence Service. Thus, a comprehensive discussion of the main democratic deficits in Korea's decision-making process toward North

Korea is made possible. The main argument of the chapter is that while Korea has certainly entered the stage of mature democracy, its policy making with respect to North Korea still does not adhere to the democratic process. While different actors and institutions have been centrally involved in this process, the policy-making structure has remained highly closed, personalized, and informal—thus constituting a serious deficit in democratic quality.

Notes

1. The subunits of the former are "autonomy (*chayul*)" and "competition (*kyŏngjaeng*)," while the subunits of the latter are "pluralization (*tawŏnhwa*)" and "solidarity (*yŏndae*)."

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State, Governance, and the Rule of Law

Korean Democracy in a Hyper-Centralized State

Jang-Jip Choi

INTRODUCTION

More than a quarter of a century has passed since the 1987 democratic transition took place in South Korea. Over the course of this time, the government has changed hands six times by free and fair elections; the major conservative and liberal parties in the country have each taken turns at running the administration. The *undongkwon*, the mostly young pro-democracy activists who played a leading role in the massive pro-democracy movement, have by now become an influential group in the politics, economics, and cultural life of the nation. Constitutional rights grant wide-ranging—although sometimes limited—freedom of press and expression to citizens. Nevertheless, one can hardly say that the institutional aspects of democracy are functioning well in Korea; one can hardly say that a culture of democracy at the level of civil society has taken deep roots in Korea; nor can one say that socio-economic conditions have improved or become fairer during this period of democratic transition. What we witness today, instead, are increased dissatisfaction with, and confusion at, democratic politics. Given these circumstances, how can Korean democracy further entrench its values?

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27

What have we learned from our experience of democracy so far? And what do we have to change? I suggest in this chapter that we need a new frame of references today to address these questions in Korea.

Several years ago, observing the democratic transitions and consolidations that took place at the end of the last century, the eminent political scientist Philippe C. Schmitter commented as follows: "[D]emocratization is much easier to accomplish in the contemporary historical context than I thought initially…. (it) may have been easier, but it has also been less consequential than anticipated." This is not to say that changes have not occurred, that the changes are inconsequential, or that human rights and personal freedoms have not increased. He further notes that "in terms of those factors that are most likely to influence the longer term distribution of power and influence within the polity, recent democratizations have accomplished much less than in the past." (Schmitter 2010) This general assessment of democratic transitions can be aptly applied to the transition in Korea. What are the forces that are constraining the further development of Korean democracy? In my view, one major factor is the "monistic state-centrism," or the concentration of power in the state. It is maintained by a well-developed bureaucracy and supported by entrenched social and cultural traditions. The strongly centralized state is also powerfully aligned with big businesses in the country. To counter the strong alliance between the state and the big private interest groups, political parties need to advocate a wide range of interests and values that have not been represented in the past under authoritarian rule; furthermore, civil society must be able to develop robustly. In post-1987 Korea, however, political parties failed to fully develop and become strongly institutionalized, while, in tandem with this process, civil society also remained weak. These factors are indeed primarily responsible for the weakness of Korean democracy. Such weakness manifests itself in the tendency to revert to the authoritarian era—to the *ancien régime*—whose hallmarks are a strong state and weak civil society, much repressed and limited.

In this chapter, I reflect upon the Korean experience of democracy so far, and examine the conditions necessary to further strengthen it. Toward that goal, I examine the "hyper-centralized state" vis-à-vis a "weak civil society." These are the parameters under which democracy operates in Korea today, and they have hindered its further development. In tandem with this, I also examine the principal institution of democracy, namely, the party system, and how the party system in Korea dealt with the issues of labor relations and national reunification—the two major sources

of political conflict in the country. My ultimate aim in this exercise is to examine the necessity of a new, or second, transition to democracy in Korea.

THE PARADOX OF THE HYPER-CENTRALIZED STATE AND THE STRONG PRESIDENCY

As mentioned before, the most distinctive feature of the Korean political system is the strong and hyper-centralized state. The strength of the Korean state is defined in two dimensions: intensive and extensive. In the intensive dimension, state power is hierarchically organized through a strongly built bureaucratic administrative structure. This is the vertical operation of state power. Decision-making is usually concentrated in small groups composed of the top decision-maker and a handful of government bureaucrats, technocrats, and other civilian experts. These decisions can certainly be implemented by a well-institutionalized government bureaucracy. Nevertheless, this kind of state power should not be confused with state capacity. Actually, this type of decision-making is more similar to the *modus operandi* of the earlier authoritarian regimes than to that of democracy. In the extensive dimension, state power extends beyond the public sphere, and strongly influences the social, economic, and cultural spheres as well. This denotes the horizontal operation of state action and the social scope of state power. In terms of aggregate economic data, the Korean state may not appear to be very large. The portion of public expenditure in the total gross domestic product (GDP) was slightly less than 30% by the middle of the 2000s, with little change throughout the past 15 years (Han et al. 2007, 24). That is, the size of the government sector in relation to total national production is relatively small in international comparison. Therefore, the strength and hyper-centralization of the Korean state does not appear in direct economic production but rather in the power and capability that the state actually exercises over nearly the entire society. One of the main sources of state strength is the state's control over the national economy—a model called "state-guided economy" (*kwanch'i kyŏngje*).[1] This type of economic management had originated from the model of economic development and industrialization pursued under authoritarian rule (1961–1987). The main elements of the state-guided economy were the following: a state-guided growth policy, state intervention in markets, an alliance between the state and the business conglomerates

known as *chaebol*s (including state control over the big corporations through the strategic use of law), and the exclusion of organized labor. These are the features of Korea's "crony capitalism." In this state-guided economy, the state exercises greater influence than in the French *étatiste* or *dirigiste* economy, let alone in the liberal market economy.

The hyper-centralized nature of the Korean state has resulted from a combination of historical, political, and cultural factors. Since pre-colonial Korea had been a traditional society with a highly centralized and bureaucratized monarchy, there were favorable conditions to develop a similarly centralized and bureaucratized modern state—a process reinforced by the formation of antagonistic states in North and South Korea, the fratricidal Korean War, and the subsequent military tension between the two Koreas. State-guided industrialization rendered it possible to build a strong economic administration, combined with a strong authoritarian repressive apparatus. The Korean model of industrialization squares aptly with the concept of the "late-late industrializers," which Albert O. Hirschman elaborated in order to explain Latin American countries as compared with Europe's "late-industrializers" like Germany or Italy (Hirschman 1968). With Korea as a third-generation industrializer, the state played an incomparably more dominant role than in the second-generation industrializers in Europe. Under such circumstances, it is somewhat surprising that a democratic transition was possible in Korea at all. Korean democracy still faces formidable challenges if it is to fully overcome the legacy of the authoritarian regimes. Over ten years ago, when I wrote a number of observations about Korean democracy, I stated that state centralization and a strong state were core features of Korean society and the Korean political system. Now I am not only compelled to repeat the same diagnosis but also to emphasize that state-centrism has further increased in the meantime.

In the attitude, behavior, and customs of Korean citizens, there are numerous signs of a "nationalism- or state-centered culture." That is, they hold the view that the state genuinely represents the common interests, ideals, and goals of the whole population, thereby being superior to the partial and particularistic interests of individuals. Thus, state centrism and state-centered culture are closely interrelated. However, even if state-centrism and nationalist culture retain hegemony even after the democratic transition, the persistence of this cultural and ideological outlook cannot be simply attributed to historical continuity. Korea's state-centered culture is rather a consequence of the specific type of politics and institutionalization

pursued since democratization. To understand this phenomenon, we must examine how people perceived the president and his/her powers as defined by the revised constitution of 1987 (the so-called democratic constitution). What people most desired from democracy was "direct presidential elections," a slogan chanted during the movement for democracy. In other words, the population should be able to directly elect a helmsman who is to carry out a comprehensive reform of authoritarian politics. The new constitution was focused on the question of how to curtail the president's considerable powers. To achieve this aim, legislative powers were slightly expanded, while the power of the judicial branch was greatly enhanced by the creation of two new institutions—the Constitutional Court and the Central Council of Election Management. In brief, the new constitution sought to strengthen the checks and balances among the three branches of government, with a particular emphasis on limiting the hitherto unchecked powers of the president. In contrast, far less attention was paid to the decentralization of state power, including the devolution of powers from the central government to local administrations, the expansion of free associations, and greater autonomy for semipublic corporations. In fact, political and judicial decision-makers did not seem to be fully aware of the importance of such pluralism.

In Korean society, both the strong state and the centralization of state power are anthropomorphized in the figure of the president. Quite paradoxically, however, it is a recurrent phenomenon that presidents are transformed from a strong executive into a surprisingly weak one within a relatively short period. This phenomenon indicates that a strong presidency institutionally endowed with a vast range of powers does not necessarily guarantee actual capability. In Korean society, people often call the chief executive the "imperial president" (a term originally applied to the US president) to express the vastness and potential arbitrariness of presidential powers. In actual post-1987 politics, however, most presidents eventually became rather weak. The cause of this problem is that a politician, once s/he is elected president, usually seeks to be more independent of the political party on whose ticket he was elected—be it because the party is too weak, because his/her authority within the party is too weak, or because his/her authority within the party already appears to be securely established. In any case, the newly elected president is inclined to distance himself/herself from their respective party. This behavior is rendered possible by the fact that the president's power is indeed strong, both in an institutional (*de jure*) and extra-institutional (*de facto*) sense. Taking advantage of these circumstances, the president wants to escape the constraints of his/her

own party, with which he/she would be required to share power through compromise, deliberation, cooperation, persuasion, and co-determination. And indeed, the Korean president is stronger and less constrained than his/her American counterpart. The president is nearly free to make decisions in matters of budgeting and appointing staff in his/her office. S/he controls the well-developed bureaucratic administration, over which the other two branches of government can exercise only a far weaker influence. Thus, the president wields strong power in an intensive sense. In an extensive sense, presidential power is proportionate to the wide scope of state power over all of society and the economy. In economic policy making, market regulations and deregulations, and the maintenance of the state-*chaebol* alliance, the president is at the helm. S/he also commands the powerful prosecutors' office and the national tax office by strategically and selectively making use of the laws. These means and instruments enable him/her to bring big private corporations, including the *chaebol*s, under the control of the state and presidential power. In fact, the president's capability to control big business is nearly equivalent to his/her control over the entire society. In this context, it is particularly necessary to mention a factor that further reinforced presidential power: the partly negative impact that changes in the judiciary have had on the development of democracy. As mentioned before, the so-called democratic constitution drastically expanded the role of the judicial branch, and made it relatively free from political accountability. In practice, this process did not ensure the independence and autonomy of the judicial branch vis-à-vis the president, thereby enabling the latter to maintain his/her supremacy over the former. Therefore, the expanding role of the judiciary seems to aggravate the problem, which is particularly serious in those cases when the most conservative branch of the state institutions interacts with a conservative administration. Such a situation may lead to authoritarian tendencies in the exercise of presidential power.

The president can thus exercise power even if s/he relies only on the power of the state rather than his or her party. Endowed with strong institutional power, he/she has little incentive to either share his/her power with his/her party or broaden his/her support base within society. This is why the current Park Geun-hye administration can freely disregard the promises Park had made as a presidential candidate, to give just one example. One such promise was her public pledge to create a "welfare state" and an "economic democracy," which had raised high expectations among an electorate hoping for economic reforms and substantial social

policy changes. Once elected, the president made little, if any, effort to explain to the public why she did not keep this promise. Nevertheless, presidents, no matter how powerful they may be, are bound to face a completely different political situation, sooner or later. In the later phase of their tenure, their power suddenly weakens. This phenomenon is directly caused by the fact that presidents are legally limited to a single term in office. As the locus of power starts moving from the incumbent to the future president, it also moves from the Presidential Office to the party and its new presidential candidates. At the same time, the accumulated cases of corruption and mismanagement come to be divulged, and at this juncture, the prosecutors, who used to be the president's most formidable power instrument, start to use this information for their own institutional self-interest, in preparation for the incoming government. These changing power relations constitute a backlash against the incumbent president's lack of concern about his/her party and social following. Since the democratic transition, this scenario has been more or less a common experience for every Korean president.

The Deterioration of the Korean Party System

The Korean party system has not been able to properly cope with the new neoliberal economic policy that the International Monetary Fund (IMF) imposed on the Korean government in the late 1990s, nor was it prepared for addressing its highly negative socioeconomic consequences. The parties failed to develop organizational linkages to the social groups that were particularly badly affected by the neoliberal reforms, and thus the voices and interests of the socially weak lower middle strata, including workers and the low-income service sector, were hardly represented in party politics. Such groups could gain a modicum of support only if they were linked to some decision-making channels or government authorities in the form of semi-public or private patron–client relationships. This raises the following question: Whom and which social groups do the Korean parties actually represent? Unfortunately, the parties could not achieve a significant change in the time-honored collusive relationship between the state and the big interest groups. While the Korean ideological spectrum has somewhat broadened since the democratic transition, it is still very narrow. This is one of the main factors that have effectively made the Korean party system a two-party system. Thanks to democratization, the main opposition party, which used to be quite conservative under authoritarian

rule, has become much more reformist and centrist. On the left of the political spectrum, a Democratic Labor Party emerged in the early 2000s, and it managed to win a relatively significant number of seats in the National Assembly. The subsequent marginalization or disappearance of a few small leftist parties was caused by their excessive ideological radicalism, their limited understanding of how democracy is working, and their strategic and tactical mistakes—in short, by their own political immaturity rather than by any external factors per se. Nonetheless, a recent Constitutional Court decision to disband one of the radical leftist parties is likely to produce a negative effect at a time when the ideological spectrum needs to be further broadened for the development of party politics. This court decision reinforced negative attitudes toward political parties in general and toward non-conservative opposition parties in particular. An important characteristic of Korean party politics is the asymmetrical distribution of resources between the two mainstream parties. In terms of organizational and ideological resources, relations with government bureaucracy, recruitment of unelected party personnel, and every other aspect, the conservative camp enjoys a clear advantage over the reformist party. Since 1987, this asymmetry has persisted, or even intensified, because the reformists—both those in power and those in opposition—consistently failed to prove their ability to manage state affairs and to generate public trust. The failures of the reformist opposition party have weakened and debilitated not only this single party but also the entire party system. The dominance of the conservative party has resulted in the decline of party politics as such. On the one hand, the traditionally powerful executive branch and the strong presidency are more concerned with controlling the vast state bureaucracy than party politics; on the other hand, the expanding role of the judiciary has reduced the space in which party politics can take place. While the situation did not greatly differ from the present one under the reformist administrations, the latter did opt for a different mode of government operation and a different manner of politics.

The difference between the two mainstream parties comes from the different ways they build up their political base. While the conservative party creates its political base by retaining the time-honored special relationships between the government bureaucracies and the influential party members, the reformist party seeks to develop its social base outside the purview of bureaucratic administration. Under such circumstances, the only way for the reformist party to overcome its weaknesses is to develop its social base at the grassroots level. However, the reformist party

has failed to do so successfully. This failure is associated with the strongly centralized state, the state's absolute dominance over civil society, and the latter's consequent weakness. The weakness of the civil associations is the most negative aspect of the strong state. The eminent Spanish political scientist Juan Linz, who theoretically distinguished authoritarianism from totalitarianism, defined authoritarian rule as a regime type with three key elements: demobilization, legitimacy based on emotion, and limited pluralism (Linz 1976). Judging by these criteria, how can one assess Korean democracy? Since the democratic transition, the first two elements have been substantially replaced by democratic norms, values, and institutional practices. Nonetheless, limited pluralism has not changed much. That is, the post-1987 Korean state has maintained certain *de jure* and *de facto* limits on freedom of association, thereby controlling the trend toward a full-fledged pluralism-based liberal society. The direct result of this phenomenon is a weak civil society. In other words, the legacy of the authoritarian past in Korean society is still very strong. At the time of the democratic transition, freedom of association was not a key demand of the pro-democracy movement, and even afterward it has never been a top priority for the democratic struggle. People did not recognize the importance of this issue. The political and social conditions responsible for this limited pluralism greatly hindered the reformist, progressive, and leftist parties in building a social base at the grassroots level and thus substantially weakened party organizations. To compensate for their weaknesses, they had no choice but to create alternative linkages to social groups and voters, relying on such new communication networks as mobile phones and the Internet. Unfortunately, however, this new strategy to expand the reformist parties' linkages to potential supporters and to a wider audience in society rather than build a concrete social base has proven counterproductive from the perspective of strengthening these parties' organizational base.

The weakening of the reformist parties is directly interrelated with the weakening of their input function. That is, these parties are utterly unable to ensure that their program of alternative policies actually feeds into the policy-making process. This weakness of reformist parties' input function is a direct result of the weakness of the legislative body vis-à-vis the executive bureaucracies. Not only the policy output function but also the input function tends to move toward the executive power, and particularly toward the president. While representative democracy and the political party system are becoming weaker, there is a trend toward a president-centered plebiscitary democracy. The nationwide general elections bestow a mandate of governing power on the

elected president, including both the input and output functions. The quintessential value of democracy lies in the input function, which should be initiated by citizens' participation, broadly organized in society, and mediated by the political parties. Without the input function, the efficiency of the output function might reinforce authoritarian tendencies. The dilemma of Korean democracy is that while the parties are weakening and their input function is shrinking, the bureaucracy-centered decision-making system under the president's direct control lays stronger emphasis on policy output than on citizens' participation. To a certain extent, Korean democracy resembles the character of the authoritarian system in the sense that the role of parties in the political processes is weakening, while the presidential and executive power is increasing. Since the political parties are rarely based on grassroots associations and specific social strata, they maintain a functioning existence only on their upper level, without a real body. The Korean electoral system is a first-past-the-post electoral system with a single-member legislative districts plurality electoral system, combined with some degree of proportional system, both for presidential and legislative elections. Due to the so-called Duverger's law, the first-past-the-post electoral system tends to create and preserve a two-party system. After an election, the opposition party is alienated not only from the state bureaucratic administration but also from society. This tendency further reinforces the presidential system.

The behaviors of the parties are duplicitous. At one level, in terms of attitude, ideological orientation, and policy alternatives, the ruling Saenuri (previously Hannara) party is conservative, while the opposition Minju Party (formerly New Politics-Democratic Coalition Party, or NPDC) is moderate-reformist. However, neither party represents any specific social strata, specific functional or occupational groups, nor are they much different from each other in terms of their positions on economic policies—led by the state-*chaebol* alliance—and growth-first values. Thus, despite the relative differences between them, at least by European standards, both parties are centrist or moderately conservative. In other words, the two major political parties in Korea are both conservative. At another level, however, the two parties represent the two opposite poles of the ideological spectrum in Korea. Their political rhetoric is extremely antagonistic, aggressive, and noncooperative. Small differences in what they actually say and understand about major issues such as income distribution, labor relations, and inter-Korean relations are defined and identified by a rhetoric of the most extreme differences. Thus, the conservative party

is often called "reactionary," while the reformist opposition party is frequently called "pro-North Korea." The harshness of such political language does not represent any real ideological polarization between the parties; it is simply used as a political tool. Indeed, the ideological polarization in Korean politics lies not in any real policy differences, but only in the ideologically polarized characteristic of political discourse. The ideological polarization that operates only at the level of rhetoric only contributes to obfuscating the real and important social and political issues rather than illuminating and clarifying them. Party politics in Korea achieved peaceful changes of the head of state in the past few decades, but the socioeconomic structure of the country has not changed; in other words, democratic transition in Korea failed to change the fundamental power relations or the basic direction of state policies. Ultimately, the status quo power relations—based as they are on the state-*chaebol* alliance and the alliance of the most powerful among the sociocultural elites—have been maintained as before.

To better understand the party system in Korea, it is necessary to examine its characteristics. Three aspects stand out in particular. First, the ideological spectrum among the parties is extremely narrow. It is very difficult, if not impossible, for any political party to establish itself on the left of the center-left. It helps to remember that Korea was divided after World War II, or at the beginning of the Cold War. South and North Korea represent the Cold War opposites. The narrow ideological spectrum of the party system is not only the effect of this division but also the result of the inter-Korean war that ensued in the wake of the establishment of the separate states. Even after the democratic transition, and even in the post-Cold War era, ideological cords are still high-voltage, emotional hot wires in South Korea.

In December 2014, the Constitutional Court of Korea ordered the United Progressive Party (UPP) to disband on the grounds that it followed a revolutionary nationalist ideology and that its platform was pro-North Korea. The problem was that this court decision not only wiped out the UPP—which held five seats in the 300-seat assembly at the time of this court ruling—but that it also brought dampening effects on politically voicing conflicts more generally, be they socioeconomic or scientific-technological in nature, conflicts such as the widening gap between the rich and the poor and the issues of environmental degradation and securing of energy sources, respectively. Thus, opportunities to democratically participate in the nation's political process declined even after democratization, and

the rate of this decline has accelerated rapidly in recent years under conservative governments. In other words, ideological pluralism is not allowed in the Korean political party system, and this is what makes the development of a multi-party system difficult in South Korea.

Second, political parties exist not only to compete with one another but also to cooperate among themselves to achieve what is good for the greater public. Cooperation among parties is essential to make collective decisions and to deliver results to the public. In a democracy, conflicts and competition usually end when an election ends, and cooperation is what follows for the rest of the time. In Korea, political parties and politicians do not cooperate.

Third, parties and politicians in Korea failed to arrive at a consensus on how to approach the issues of class conflict and inter-Korean relations. This lack of consensus on how to approach the two most pertinent issues of the country—or inability to reach such consensus—makes up a key component of the parameters in which political parties compete in Korea. It causes the ideological spectrum to be very narrow among the parties and there is little room among political parties to maneuver a buffer zone in which they can reduce the intensity of conflict while at the same time competing with each other. Thus, the level of the intensity of conflict between the two major parties in Korea—namely, the Saenuri Party on the relative right and the Minju Party on the relative left of the ideological spectrum—is very high when they confront each other on policy issues concerning the two central issues of conflict in Korea mentioned above. In short, one can say that ideological narrowness, lack of diversity in the representation of voices, political competition based on bickering and on non-substantive issues, and a lack of cooperation among parties and politicians are the key characteristics that prevent a healthy growth of democracy and the party system in Korea.

The Demand for a Democratic Institutionalization of Labor–Management Relations

The most important issue in a democratic transition is that of labor–management relations, because freedom of workers' association is one of the most fundamental tenets of democracy. Western societies have shown that the balance between democracy as a political system on the one hand and market economy on the other is found through "institutionalized class compromise." The freedom to organize labor unions by workers who wish to

protect their rights and interests, and the nature of labor–management relations at industrial and at individual company levels constitute the very core of the socioeconomic characteristics of a democracy. Whether the relationship between labor and management in any particular case is hostile or cooperative is a secondary question. The important question is whether or not the labor union and the management mutually recognize that they need each other for each realizing their benefits, accept each other as legitimate partners for dialog, and institutionalize their relationship. Regardless of how unequal the balance of power may be between an individual trade union representative and the head of a company in advanced capitalist economies of today, in the labor market the labor–management relation as such is institutionalized, whereby workers' wage is determined by collective bargaining. Furthermore, representatives of both labor and management participate in the consulting and decision-making processes for major economic and social policies of the government.

The transition to democracy in Korea has so far failed to institutionalize labor discourse and find ways to address labor–management conflicts. South Korea continued to grow economically even after the democratic transition and today is one of the most advanced countries globally in terms of both GDP and per capita income. However, labor-related indicators point to a very different picture. In terms of labor conditions and issues, we find that Korea has characteristics that are found in both developed and underdeveloped economies. The growth in the economy contrasts sharply with inequality in income distribution, substantial limitation of workers' rights and a high degree of social polarization. Why? For one thing, ironically, the percentage of labor organization, which was as high as 15% during the height of the *Yushin* System in the late 1970s, has dropped to below 10% today, which is one of the lowest among the OECD nations.[2] What such indicators show is that, at least in terms of labor policy, democratization has not made much difference. The low rate of organized labor today is the representative example of the "limited pluralism" discussed above. This is not to say that pluralism does not exist at all. Indeed, one can say that in step with economic growth and social development and the diversification of functional groups thereof, a plethora of associations and societies from all areas of interest came into existence, and pluralism expanded extensively in post-democratization Korea. However, the distinct characteristic of this pluralization is that the lower one's position in terms of class hierarchy or social strata, the more one's freedom of association becomes limited or selective and at times even completely

blocked. Regardless of the functional category of the interest group, if it accumulates resources that potentially pose a threat to the hegemony of the status quo, it becomes the target of exclusion and selective limitation. This explains why civil society—from which the various associations and societies come from—is so weak in Korea, and why movements have replaced associations in Korea. It explains in part why political parties—in particular, the relatively more progressive party in the two-party system, and other political associations that represent labor interests and other progressive social causes—cannot but be very weak.

Some of the major labor-related events in Korea after the democratic transition took place as follows. In March 1997, under the Kim Young-sam government, the first civilian government since the transition, the Labor Standards Act was revised. On February 6, 1998, the Tripartite Accord on Overcoming the Economic Crisis was signed in the wake of the IMF bailout crisis. The IMF made its bailout package contingent upon the government's commitment to following the IMF structural reform regime, which included drastic measures to make the country's labor market more "flexible." With the signing of the "2.6 Social Agreement," as this accord is known in Korea, the IMF demands became statutory law in Korea. Finally, in March 2005, under the Roh Moo-hyun government, the Labor Standards Act was again amended—this time in the name of giving more protections to hitherto disenfranchised contract workers. Each of the above events took place despite fierce resistance from the labor sector. The passage of these laws under three successive "democratic" governments illustrates the strong nature of the state–*chaebol* tie in Korea and the degree of the exclusion of labor in Korea.

The launching of the Korean Confederation of Trade Unions (KCTU) in the mid-1990s was the culmination of the decades-long democratic labor struggles; it was a significant achievement of the Korean democratization movement. However, since its inception, KCTU has been all too ready to fight tooth and nail against the successive government-led anti-labor policies, and in the process organized labor in Korea has been reduced to a mere group of protesters. Today, the conservative Park Geun-hye administration is pursuing radical measures to further "reform" labor laws. KCTU is excluded from the tripartite negotiations involving the government and the business and labor sectors, while the Park administration is trying to pass a law that would make it even easier than it already is for businesses to hire temporary workers, to dismiss "underperforming"

workers, and to reduce the role of the union in labor–management relations. Labor at large has been clashing head-on with the government, as organized labor severely weakened. What is significant here is that in this process the moderate voices within the labor sector—the voices that emphasized the principles of compromise and negotiation—diminished and the labor movement became radicalized. This radicalization isolated the labor movement from the middle class and its values and interest groups.

As a result, workers are even less protected in Korea than in the United States, and Korea is one of the most radically deregulated, neoliberal labor markets in the world. Employers can hire and fire workers almost at will, and their power to do so is becoming more entrenched. In large corporations, labor–management relations are either nonexistent or placed under management control. At the national level, wage increase through the traditional collective bargaining agreement process has all but disappeared. Nearly 90% of all workers in the manufacturing sector in Korea work in small- and medium-sized enterprises, and contract workers comprise approximately half of the entire wage-workforce. It is practically impossible for these workers to organize a union in their workplace. In addition, workers in a wide array of public sector jobs are prohibited by law from forming a union. Under these circumstances, it is not surprising that, on average, temporary workers are paid approximately half of what "regular" employees make doing the same work; there is also a big gap in wages among workers in large corporations and in small- and medium-sized companies.

This near-demise of the labor movement does not mean that all doors for strategic options are closed off for the labor movement. I mentioned earlier the importance of cooperation and negotiation in reference to the ideological polarization in Korean party politics. The same principles apply to the labor movement. While the asymmetry in the balance of power—between labor on the one hand and the state and business/management on the other—is overwhelming, it is necessary for organized labor to find opportunities to compromise; to find a strategy to achieve practical and minimum solutions by recognizing the other side, and to improve tactics in the process. What labor must preserve is the organization, its negotiation power within the system, and the public perception that its demands are basic and reasonable. Labor needs this strategy not only to engage in negations with the state and business sector, but also to form solidarity with sympathetic forces at large in society. The history of labor struggles

and their failures in Korea make clear the simple requirements of a labor movement: it needs to adopt a minimalist approach, not pursue a goal that is based on an abstract ideology, and not follow an all-or-nothing strategy. A political party that is linked to, or is based in, organized labor must have the same attitude, the same ideological flexibility and strategy as organized labor itself. Entrenched restrictions notwithstanding, in democracy there is space for political actors to act. Organized labor must take advantage of those opportunities to the fullest extent possible.

Repression of organized labor is incongruent with both the values and the operation of a democracy. It also hinders sustained economic growth in the long run. The efficacies of the growth-at-all-cost policies—which rely on a close state–*chaebol* cooperation and the exclusion of labor—and state-led extreme neoliberal policies have reached their limits. Today, South Korea faces the problems of a low-growth economy, rapid increase in youth unemployment, growth without employment, growth without income distribution, an increasing gap between the rich and the poor, and the polarization of society coupled with the entrenchment of social disintegration (Yi et al. 2015). Thus in the recent past, economic democratization and alternative understandings of the economy that emphasize providing increased social safety, have become part of the political discourse. For example, in the 2012 presidential election, "economic democratization," with implications for reforming *chaebol* governance, and "welfare state" became key words that framed the election campaign for the then candidate Park Geun-hye. Since becoming President, the fact that she is criticized for having completely reneged on her campaign promises remains a serious political burden for her presidency. It is in this context that, in Korea, there is a greatly increased interest in seeking alternatives to the growth-first policy and the neoliberal market economic system, both of which have been driven by the state since the 1960s and 1990s, respectively. In tandem with this phenomenon, interest in the German model of social market economy (*Soziale Marktwirtschaft*), or the synthesis of a regulated market economy and a welfare state, has increased not only among the members of the non-mainstream progressive political parties but also among the Minju and Saenuri Party politicians. One can say that this is a big change, given that the British/American-style free market system is the dominant economic model in operation in Korea and that the principles of neoliberalism are taken as a textbook for running the country's economy.

The Regression of North–South Korean Relations: The Reversal of the Sunshine Policy and the Return to Heightened Military Tension

The Sunshine Policy, founded on the principles of peaceful coexistence, reconciliation, and cooperation between North and South Korea, was launched by President Kim Dae-jung in the late 1990s.[3] It dramatically changed inter-Korean relations, which, until that point, had been marked by ideological antagonism and military tension. This shift in inter-Korean relations was a major and significant change along with the democratic transition. Unfortunately, the *détente* slid back to hostility since the victory of the conservative Saenuri Party in the 2007 presidential election; today, the level of antagonism between North and South Korea has never been higher since the Cold War era, and the threat of a military clash is more pronounced today than ever before since the end of the Korean War. The Korean peninsula is now the living museum of the Cold War. In short, the Sunshine Policy failed completely. What went wrong?

There are two independent aspects to this question that are nevertheless interrelated. One has to do with the context of international relations and the separate status of North and South Korea in that context. The other has to do with the context of inter-Korean relations within the Korean peninsula, or what Germans would call "intra-Korea" relations. Everyone in South Korea who is involved in the reunification discourse— from the government policy makers to journalists and experts—easily overlooks the distinction between these two levels. However, the two levels cannot be merged into one, nor can one replace the other. The United States sees the inter-Korean relations, or the Korean national issue, from the perspective of a regional balance of power. On the other hand, the South Korean government sees it as a problem of North–South bilateral relations; or it may see it through the US lens, or through the lens of the Korea–United States bilateral relations. Accordingly, the latter is usually for domestic consumption. In order to see this issue from an international perspective, one needs a macro perspective to understand Northeast Asian relations within the international context. If it is a government, it has to have the diplomatic capacity to engage proper players. In this regard, the speech by President Park Geun-hye, "An Initiative for Peaceful Unification on the Korean Peninsula," dubbed by Korean media as the "Dresden Declaration," because it was made in Dresden (March 2014), or her "treaty on unification bonanza," was nothing more than a unilateral

expression of President Park's personal hopes that had nothing to do with the reality of inter-Korean relations. If anything, it could have also been a translation of the unilateral hope for "unification by absorption" into a language of economic profiteering. One cannot say that those words were uttered to have any effect on improving inter-Korean relations or building mutual trust. Instead, they were an open expression of the fact that the administration in Seoul rejects and does not recognize the North Korean regime as a partner for dialogue. This is an example of a crucial government policy caving in to populism, and of how a government follows, rather than leads, the mood of the public and public media. In any case, one can find shortcomings of the Sunshine Policy at both the international and intranational levels. The first is that South Korea does not have the crucially important diplomatic capacity to provide leadership on the issue of inter-Korean relations in the international arena. The other is the lack of a domestic consensus serving as the political foundation for pursuing a North Korea policy independent of international relations, a policy that could be pursued aggressively and in a sustained manner.

To examine the first problem, the lack of diplomatic capacity, more closely, one can look at the status of the Republic of Korea in the context of its relationship to the United States. The Sunshine Policy was initiated by President Kim Dae-jung, and it is very much his vision that is spelled out in it. However, the policy could only be implemented within, and in step with, the overall frame of the US policy on Northeast Asia. The Sunshine Policy embraced the core elements of the "Perry Process," and it was implemented within the Clinton administration's framework on engaging with North Korea. As a result, in 2000, for the first time since the division, a summit meeting took place between the heads of North and South Korea when President Kim Dae-jung visited the North. However, the Sunshine Policy was vulnerable to changes in the US stance toward North Korea. The arrival of George W. Bush and the rise of the influence of "neo-cons" in the White House was an unexpected obstacle for the Sunshine Policy. For the Sunshine Policy to succeed under such circumstances, where its policy objectives were not congruent with those of the United States, it would have needed a strong domestic consensus—a consensus that would have had to transcend the left/right ideological division. In other words, a strong political foundation at home would have been imperative for overcoming such an obstacle in the international arena. Unfortunately, neither the Kim Dae-jung nor the successive Roh Moo-hyun administration had the luxury of such political capital. The conservative

establishment in Korea had formed all throughout the course of the long, authoritarian period of the Cold War era and, even after Korea's transition to democracy, its influence was still dominant in all areas and strata of Korean society. After democratization, the conservatives became somewhat weaker politically, and they became further dispirited with the arrival of two successive liberal governments. Under these circumstances, the arrival of the George W. Bush government was a change in the international relations scene that was enough to fire up the conservatives in Korea. They accordingly began to politicize their popular base. The Roh Moohyun government continued the *détente* policy of the Kim Dae-jung administration in the form of six-party talks, a program of dialogues in which major stakeholders in Northeast Asia participated. However, the Roh administration came across enormous obstacles abroad on account of the Bush administration; domestically, the obstacle took the form of intensified conservative efforts to derail the *détente* program. The nation was divided once again, as sharply as ever, if not sharper, along the left–right ideological fault line. What Koreans call "south–south conflict," or the replication of the North–South ideological conflict played out domestically, deepened during this period.

In 2008, once Lee Myung-bak took the office of presidency, the contour of the reversal of the Sunshine Policy became more clearly defined. Apart from lip services paid to the great cause of national unification, the Lee administration's strategy regarding North Korea can be summarized as waiting for the collapse of the North Korean regime and waiting for an opportunity to take charge by absorption. This was in fact a return to the basic framework of the Cold War/authoritarian-era policy on North Korea. Pursuing hardline policies on North Korea, the conservatives needed to prove to the public that the Sunshine Policy offered nothing but pitfalls and that it had ultimately failed. The conservatives suggested as evidence of their argument that while there had been a heightened sense of reconciliation and relaxation of tensions between North and South Korea during the time of the Sunshine Policy, there had been skirmishes with North Korean patrol ships that crossed the Northern Limit Line on the west sea (Yellow Sea) and that the North had continued to build up nuclear capacities at the same time. They argued that the policy of peaceful coexistence with North Korea was misguided. Indeed, some of the North Korean behaviors during, and subsequently to, the era of Sunshine Policy make the conservatives' argument quite cogent. However, as already mentioned earlier, one cannot understand the aggressive behaviors of North Korea unless one understands

its concern over the preservation of its regime. For North Korea, the heightened mood of reconciliation across the North–South border was quite a separate matter from being recognized by, and receiving assurances over the security of its regime from the part of, the United States. From the North Korean perspective, a few summit meetings with South Korean presidents, the active unthawing of tensions between the two Koreas, and the South's friendly programs of "indiscriminate giving" through civil organizations did not guarantee the security of its regime vis-à-vis the United States. The same logic applies to the North Korean nuclear capability issue. These issues go beyond North–South relations. They must, accordingly, be dealt with at the level of international relations and international diplomacy. Seen from this perspective, the strategic choice of North Korea would change only if there was an agreement on the recognition of its regime, in conjunction with a guarantee of the latter's security, formed among the group of the six stakeholders in Northeast Asia, namely, the two Koreas, the United States, China, Japan, and Russia. North Korea understands the joint US–Republic of Korea military exercises, and the world's largest international maritime warfare exercises, as direct military threats to its regime, which is why it is constantly reminding the world of the heightened level of its military readiness and carrying out attack drills on South Korea. Thus, 60 years after the end of the Korean War, North and South Korea are technically and practically still at war with each other, and there is in fact a real and present chance of a military conflict taking place on the peninsula.

As mentioned above, once Lee Myung-bak came to power, the government began pursuing hardline policies of isolating North Korea and encouraging the collapse of its regime. At the time, some observers in Korea argued that the current winner-takes-all presidential system should be replaced with a coalition-building parliamentary system. To these observers, Germany was the reference point. From the perspective of maintaining the consistency and continuity of a state policy, the advantages of a parliamentary system such as the one in Germany seem clear. The fact that the "Eastern Policy" (*Ostpolitik*) continued through the successive governments of Kiesinger, Brandt, Schmidt, and Kohl, from the mid-1960s up to the late 1990s, is amazing. Also remarkable is the fact that Hans-Dietrich Genscher, the head of the FDP, served as the country's Foreign Minister for 18 years (1974–1992) under a number of different coalition governments—from the SDP–FDP coalition government led by Schmidt to the CDU/CSU–FDP coalition government led by Kohl. Genscher saw through the fall of the Berlin Wall. However, for this writer, what is perhaps even more remarkable than this continuity of policy and personnel is

the fact that the major political parties in Germany were able to form a consensus on how to deal with a major national conflict, that is, the question of East Germany. Korea failed to institutionalize the conflicts surrounding the central issue, that is, the issue of how to deal with North Korea, in the national agenda.

In other words, one can say that there is lack of policy continuity in Korea because Korea has a single-term presidency and because policymakers change policies with each successive government. Germany has a different set of parameters for political competition and party mechanisms. In Germany, the spectrum of conflict is very narrow, while politically parties are at ease to negotiate with one another; thus, continuity of a state policy is achieved relatively easily. In Korea, it is the opposite. The spectrum of the conflict is very wide, and competing parties are extremely antagonistic toward each other on important national issues. They are also extremely contentious and do not recognize each other as equal partners. If the all-important national question of North–South relations had been institutionalized in Korea as the corresponding question had been institutionalized in Germany, I believe policy continuity could have been achieved regardless of changes in government in the South. Unfortunately, in the absence of such institutionalization, what we have witnessed are concerted efforts by two successive conservative governments to reverse everything the two previous liberal governments had tried to achieve. The former liberal presidents are not infrequently accused of having been loyal supporters of North Korea. Thus, the North–South Korea *détente* quickly disappeared and in its place the Korean peninsula re-emerged as one of the hottest zones for potential military conflict in the world.

CONCLUSION: FROM A HYPER-CENTRALIZED STATE TO PLURALISM

There are three basic themes that led the paradigm of polity in Korea from the authoritarian era to the current post-democratization era. The first is a statism that hinders pluralistic development of society in terms of both structures and values. The second is the growth-first developmentalism that excludes labor. The third is a unification agenda based on Cold War-era anti-communism. Korea must now change and embrace pluralism—the universal principle for operating a democracy and for running a political system in an advanced democracy. The hyper-centralized state

and the limited practice of pluralism are political and social obstacles that Korea must now overcome in order to move forward to a higher stage of democracy.

By introducing the concept of "second transition," I have suggested that Korea advance its democracy to a higher level. The premise here is that advanced democracies are not achieved in one sweeping stroke of a historical brush. This is to say that a democracy can further develop itself by adopting good practices based on lessons learned from historical experiences. In this regard, I am critical of any form of cultural determinism, historical particularism, and "path dependency"—the idea that social and political institutions or practices continue because of society's "dependence" on reproducing the history of past experiences.

I suggest that any discussion about changes and further advancement of democracy in Korea begin with a reflection on its late-late-capitalist development and centralized system of state power as well as the legacy of the Cold War anti-communist ideology that buoyed authoritarian rule. Must an old democracy continue to exist despite changing times? Democracy with lack of pluralism continues to survive in Korea, donning a somewhat different overcoat each time the government changes. Is it fate that it must be so? For me, the answer is most emphatically "no." It is my belief that one must fight against such fatalism and have faith that changes are possible. It may be possible to summarize what I think must take place in Korea today as a new cycle of "transition from particularity toward universality." This "second transition" would mean embracing pluralism as the foundation of the very structure and formation of society; it would mean questioning an abstract and predetermined definition of what the most urgent goal in the nation is, or what a national interest is; it would mean embracing the concept of public interest, or the will of the public, whose formation is based on the individual and collective political participation and deliberation of citizens who are endowed with moral autonomy and capacity for rational judgment; it would also mean envisioning a universal democracy—that is, a democracy in the form of a political process and practice that is based on the principles and practices enumerated above. Market competition and growth in capitalism are accompanied by income inequality and alienation and disintegration of the social fabric; the key task of a democracy cradled within a capitalist production system is to secure a level playing field for fair competition, equitable income distribution, and social welfare measures that ease such negative impact.

NOTES

1. For a well-documented book on the *kwanch'i kyŏngje* see Chang (2014).
2. OECD Stat. Trade Union Density.
3. For one of the most credible sources on the Sunshine Policy, see the memoir written by its architect and the principal advisor to President Kim Dae Jung (Kim Tae-chung), Tong-wŏn Im (2012).

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Human-Centered Challenges to Korean Democracy

Brendan Howe

Introduction

In the Republic of Korea (ROK), democracy has expanded in procedural terms and according to such measurements may be considered "a fully functioning modern democracy" (CIA 2008). Yet this chapter argues that democratic governance in Korea has stalled in qualitative terms. Korean society has further displayed reticence in democratic norms and culture (Shin 1999, 2003, 2004; Kihl 2005; Cho and Chung 2012). As a result, Korean democracy has not sufficiently improved the quality of life of many from among the *demos.* Indeed, in terms of the quality of democratic governance—in particular, that experienced by vulnerable groups—South Korea still has a long way to go. This chapter, therefore, examines the shortcomings of South Korean democratic *governance* (not just the procedural elements of democracy) from a human security perspective (freedom from fear, freedom from want, and freedom to live in dignity). Furthermore, this chapter contends that recent conservative administrations have done little to facilitate the evolution of democratic governance in the ROK, and may even have hindered it.

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As such, in terms of the wider study undertaken in this book, this chapter moves on from the simplistic question as to whether South Korea is democratic (accepting that at least superficially democratic consolidation in the ROK is hard to refute) to arguably more important and complex variables concerning what type of democratic governance is exhibited in the country. The lines of investigation here concern qualitative measurements of democratic governance from a contents and outputs perspective related to the human security of the most vulnerable sections of society, and the nature of the democratic society embodied in the system; they are not concerned with quantifiable measurements of procedures or efficiency at the macro level, related to how "democratic" the state is. The key components remain those of liberal democratic theory—freedom and equality—but the chapter takes a more applied approach by asking the following questions: Which freedoms are at stake? Freedom for whom? Across which dimensions? And how equal is life in democratic Korea when measured in terms of freedom from fear, want, and indignity? It is essentially a distributive justice take on contents and outputs that goes far beyond any insights afforded by simplistic measurements of procedures.

Democracy is almost universally proclaimed as the best form of governance. Lucian Pye notes that even the greatest enemies of democracy in practice—authoritarian governments—pay it the compliment of cynically labeling themselves as democracies, some as "people's democracies" and others as "democratic republics" (or, we could add, the combined form of the People's Democratic Republic, which is of particular resonance in the Korean case), and that this fact "is proof that in the modern world the legitimacy of governments depends upon an acknowledgement of the superior virtues of democracy" (2010, 21). He also warns, however, that "while there have been no alternative visions of regime types to compete with democracy, the achievement of sustainable and genuinely liberal democracy has been difficult. The rhetoric of democracy has been easier to master than the practice" (2010, 22). This chapter contends that democratic legitimacy and consolidation is as dependent on the quality of democratic governance as it relates to the practical aspects of human security, distributive justice, and social capital, as it is on procedural democratic credentials.

Democratic governance should function to reconcile the conflicting interests of all, and to generate collective good for them. Governing by elites in the interests of the people is not sufficient, as it denies equal participation to individuals and groups. As pointed out by Acemoglu and

Robinson, because the elite loses under democracy, it naturally has an incentive to oppose or subvert it (2009, xii). If one is not empowered to participate fully, individual and community growth may not only be limited but also no matter how enlightened an elite is put in charge, its members are unlikely to be sufficiently informed and concerned about the basic human needs and wants of the least empowered sections of society. Finally, given the inherent danger of a dictatorship of the majority or the sacrifice of vulnerable groups in the interests of aggregate gain, truly "good" democratic governance would not only represent all sections of society, but would also empower them, and contain elements of distributive justice, whereby the needs of the least well-off are prioritized.

Therefore, this chapter first considers what is meant by the true consolidation of democratic governance. It then addresses the progress made by South Korea, at least at a procedural and aggregate level. This is followed by an examination of the ongoing qualitative challenges faced by those who govern to provide a "good", egalitarian and thus truly democratic life to all the citizens of Korea and in particular to the most vulnerable.

The Nature of Good Democratic Governance

Since the rise of the modern state, there has been a need for a form of collective decision-making that takes into account competing desires in an increasingly complex and interdependent environment. The contemporary consensus is that democracy is the best/only form that this collective decision-making can/should take.

Most commentators start with the assumption that everyone's interests should be protected and everyone's autonomy maximized. As a result, even benevolent dictatorship is automatically rejected. The same goes for the various elite models of government—even if other groups are better placed to look after our interests, they should not be allowed to do so. Rather, it is intrinsic to our development as human beings that we should be allowed to make our own mistakes and (hopefully) learn from them. Furthermore, no matter how enlightened an elite is placed over the common people, it is unlikely that they will give equal consideration to interests that they do not share and which are not represented among their number. This may not be as a result of any callous disregard, but merely due to the pressures of time and the complexities of government. One of the objectives of this chapter, therefore, is to identify the extent to which South Korean democracy facilitates participation and political empowerment.

Yet, while the concept of rule by the people is all very well in theory and perhaps in cases of small political communities administered by direct democracy, it is clear that the complexities of administering modern states require some degree of alienation of administrative power. In fact, expertise is so important in all systems of government that they have sometimes been called a "mixture of democracy and meritocracy" (Dahl 1989, 56–7). Thus, the democratic principle is qualified by the necessity of striving for the maximum participation that is consistent with the degree of efficiency required in practice. Lively has summarized a democratic governance range in which the "people" may loosely be said to "rule":

1. That all should govern, in the sense that all should be involved in legislating, in deciding on general policy, in applying laws and in governmental administration.
2. That all should be personally involved in crucial decision-making, that is to say, in deciding general laws and matters of general policy.
3. That rulers should be accountable to the ruled; they should, in other words, be obliged to justify their actions to the ruled and be removable by the ruled.
4. That rulers should be accountable to the representatives of the ruled.
5. That rulers should be chosen by the ruled.
6. That rulers should be chosen by the representatives of the ruled.
7. That rulers should act in the interests of the ruled (Quoted in Held 1996, 3).

Few would consider governance based on the more limited extreme of this scale to actually be democratic. Even if, however, only the four most participatory of these are considered, we are still left with a broad democratic range.

Schumpeter (2003, 250) notes that modern democracies are representative forms of governance in which voters first elect their representatives, and the representatives then make policy choices as they deem fit. Representatives therefore compete for the votes of the voters like firms compete for customers. Thus, "the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote" (Schumpeter 2003, 269). This is similar to level 4 on Lively's scale

of democracy, wherein rulers are accountable to the representatives of the ruled. At the very least, South Korea would seem to have consolidated this level of democratic governance with successive elections and political changeover of power between competing parties.

For Bruce Cumings, however, Schumpeter was a classical elitist who never cared much about mass democracy, but who valued a democratic system that provided a circulation of elites through periodic elections (2010, 141). Korea suffers from precisely such charges about its governance. This, then, is a "procedural" model of democracy, focusing on the extent to which democratic processes function smoothly and effectively. This vision of good governance is also compatible with that of the major institutions and with the discourse of neoliberalism.

The World Bank, however, while emphasizing the need for governance efficiency in generating overall economic growth, broadens considerations of good governance, noting that it is crucial for generating opportunity, and that market reforms can be central in expanding opportunities for poor people—assuming adequate mechanisms are in place to create new opportunities and compensate the potential losers in transitions. Therefore, good democratic governance is that which is efficient economically, but only benefits the poor and compensates the disadvantaged, while institutions must be responsive and accountable to poor people (World Bank 2000, 7). This recalls level 3 above, according to which rulers should be accountable to the ruled; they should, in other words, be obliged to justify their actions to the ruled and be removable by the ruled. Robert Dahl observes that "a key characteristic of a democracy is the continuing responsiveness of the government to the preferences of its citizens, considered as political equals" (1971, 1). As detailed below, responsiveness, accountability, and compensation for the poor and disadvantaged is a problem for democratic governance in Korea.

Dahl identifies participation and public contestation, or in his words "inclusiveness and liberalization", as two important criteria with which to identify, classify, and evaluate democracies. Good democratic governance, therefore, requires high marks on participation and public contestation (1971, 4–9). Similarly, but perhaps going a stage further, Philippe Schmitter and Terry Karl note that "[m]odern democracy…offers a variety of competitive processes and channels for the expression of interests and values—associational as well as partisan, functional as well as territorial, collective as well as individual. All are integral to its practice" (1996, 52). This corresponds to level 2 above, which states that all should be personally involved in crucial decision-making, and at all levels. Once again, the ability of citizens to express their

preferences through elections and other means is an important component of a democracy, and one which is challenged in the ROK.

Benjamin Barber's "strong democracy" approaches the standard encapsulated in level 1, namely that all should govern, in the sense that all should be involved in legislating, in deciding on general policy, in applying laws and in governmental administration. Barber advocates the role of a robust democratic citizenship over formal constitutional mechanisms (1984). He contends that participatory democracy must function as a continually consensual forum for deciding the basic issues of human life, including reconciling conflicting interests, generating collective good, and resolving collective action problems. While level 1 may generally only be possible in direct democratic governance involving a small *demos* (although perhaps cyber-democracy holds promise in this direction), recent democratic discourse has focused on a broadening of democratic governance responsibilities. At the other extreme of the democratic scale from procedural or minimalist democracy, we have what Aurel Croissant and Marco Bunte call "maximalist" or "substantial" conceptions of democracy that encompass the more demanding terms of equality and social justice (2007, 2).

In terms of policy output, therefore, good democratic governance, at the qualitative level, rejects paternalism and guardianship (no matter how benign), limited procedural democratic participation, as well as all aggregate or collective measurements of "the good". This is a "thick" and human interpretation of democratic rights and governance—it asks for not just the equal right to vote or stand for office, but the equal protection of rights, and the provision of equal opportunity. Inequalities are only justifiable if there is fair competition for each to achieve a greater share, and an unequal distribution of any or all of the basic social primary goods is to the advantage of the least favored (Rawls 1999).

This is where consideration of the elements of human security enters the lexicon of good democratic governance. Human security is a multidisciplinary paradigm for understanding global vulnerabilities at the level of individual human beings, incorporating methodologies and analytical tools from a number of research fields including political science, development studies, human rights, international relations, and the study of international organizations. It can be found at the point where these disciplines converge on the concept of protection. Essentially a human-centered, entitlement rights-based approach, the paradigm also includes concurrent obligations on those with power and authority to provide safe havens for those for whom they have responsibility, where citizens can live free from fear, free

from want, and in dignity. For a country to operate in a truly good democratic way, its governance must provide havens for all its people, but in particular the most vulnerable or least favored.

The next section examines progress made by South Korea in terms of achieving at least the more limited forms of procedural democracy, and good governance in terms of reconciling conflicting interests and generating collective good. The chapter then turns to the limits of this progress when considered in terms of the more comprehensive participatory and distributive justice models of democratic governance.

SOUTH KOREA'S MIRACULOUS DEMOCRACY[1]

The last two decades have seen something of a political "Miracle on the Han River", as a successful transition to democracy was followed by apparent democratic consolidation. Korea has firmly established its place in what has become known as the "Third Wave of Democratization" (Samuel Huntington 1991). Given the unpromising initial political conditions in Korea, this transformation would appear to be every bit as startling as the economic miracle engineered by the Korean developmental state as the country transformed from one of the poorest countries in the world into an East Asian tiger economy and a member of the Organization for Economic Cooperation and Development (OECD), the "rich man's club". Both of these "miracles" are significant milestones along the road toward the consolidation of good democratic governance.

In terms of governing in the interests of those who are governed, reconciling conflicting interests, and generating collective good, the ROK has, apparently, an exemplary record stretching back to the authoritarian developmental state regimes which actually predate political democratic transition. After the Korean War (1950–1953), the ROK was utterly devastated politically, economically, and socially. "Not only did the war render most of the infrastructure and production facilities inoperable, but it also all but decimated the state's capacity to govern", and Korea thus faced the dual challenge encountered by many post-conflict societies of economic reconstruction and governance reconstitution (Suh and Kim 2014, 53). "Unlike most that fall under the weight of the burden, however, Korea successfully rose to the challenge to transform itself from a war-torn to an industrialized country" (ibid).

In terms of freedom from want, if we follow the suggestion of some development scholars to use infant mortality rates as an indicator of

governmental capacity to generate collective public goods, we find an unambiguous improvement. South Korea's infant mortality rate (per 1000 births) fell dramatically from 115.6 in 1944 to 4.1 in 2009 (UN Population Division cited in Suh and Kim 2014, 55). The developmental state led to significant progress in aggregate wellbeing, with GDP per capita rising from $79 in 1960 to $5438.24 in 1989. The $20,000 milestone was reached in 2007.

In terms of freedom from fear and the capacity to reconcile conflicting interests—or political stability and the absence of violence—South Korea has also made significant improvements from well before the transition to democracy until the late 1980s. Like many developing countries, Korea experienced a series of authoritarian regimes, interspersed with social protests and bloody suppression, but during the developmental state period, there was a long period of relative stability and peace that saw no armed conflict, violent demonstrations, or social unrest (Suh and Kim 2014, 57). All in all, it seems safe to conclude that Korea succeeded in enhancing stability under authoritarian rule, which then in turn laid the foundation for the developmental state to take on the challenge of economic development, with further governance progress possible after democratization.

During the period of 1987–1988, the military dictatorship, headed by former general Chun Doo Hwan, was transformed into a democratic state headed by popularly elected president Roh Tae-woo. Roh's party, the Democratic Justice Party, was also that of his friend and mentor, the former dictator Chun Doo Hwan. The two key opposition leaders, Kim Young-sam and Kim Dae-jung, were unable to overcome their differences and split the anti-government vote, enabling Roh to win by a narrow margin and become the country's first democratically elected president. That Roh also had a military background has allowed some commentators to discount this as the point of democratic transition. Instead, many point to the 1992 election of the country's first civilian political leader in more than three decades, President Kim Young-sam, as being the true turning point.

According to James Cotton (1995, 3), "in a political system long dominated by former military elites, Kim's approach to the military was without precedent. In asserting his dominance, Kim underlined the fact that the military and security establishments no longer possessed even the power of veto in Korean politics". But other commentators have pointed to the close links between President Kim and all of the authoritarian regimes that

preceded his administration. For Thomas Kalinowski (2007, 351), Kim Young-sam represented continuity from the military governments of the past and the dominance of big business interests in politics. Thus the period of 1987–1997 is sometimes referred to as the "Chaebol Republic" (Kalinowski 2007, 355).

The 1997 election of Kim Dae-jung, therefore, is sometimes heralded as the true dawn of democracy in Korea, as it was the first time in political history that the leader of an opposition party was elected as the president of the country. With no ties of loyalty, only antagonism, to the old economic and political elites from the period of authoritarian rule, his success showed that elections could actually bring meaningful changes in political leadership (Kalinowski 2007, 351). Yet again, a case can instead be made for the election of President Roh Moo-hyun as Kim Dae-jung's successor in 2002 as representing the true turning point when the political mold was broken. The new President marked a fundamental break with the past in that he did not belong to the old elite, or even come from the sort of regional, social, and educational background traditional for Korea's political leaders. Roh did not attend one of the elite "SKY" (Seoul National, Korea, Yonsei) universities and was in fact largely self-educated, and after passing the bar exam forged a career as a human rights lawyer. His election was widely credited to his popular base founded on a political fan club and a "netizen" campaign of grassroots democracy perhaps only possible in the most wired nation in the world.

Finally, Hahm Chai-bong (2008, 128–9) has hailed the December 2007 election of Lee Myung-bak as constituting "a watershed in the development of South Korean democracy" as "in many ways, [it] symbolize[s] the moment when South Korea's democracy came to full maturation, the moment that it became consolidated". Hahm's (2008, 131) reasoning is that it was only with the return to power of a conservative that Korean democracy completed a cycle of "plurocracy" in which all the major factions, players, and individuals had had a turn at governing. Yet even if President Lee's election did represent the final evolutionary step of South Korea's miraculous transition from authoritarian rule to a mature and pluralistic democracy, this does not mean that democratic consolidation is complete. Larry Diamond and Doh Chull Shin (1999) are correct to warn us that the successful establishment of electoral democracy cannot be equated with the consolidation of Korean democracy and that "it is dangerous to assume that it is impossible for democracy to break down in a country as economically developed as Korea".

Limitations on the participation of those who are governed, and on the accountability of those who govern, can leave democracy unconsolidated in the fullest sense of the word, and subject to authoritarian rollback, or at least to certain deficiencies in the protection of the rights and interests of vulnerable groups. There are fears that this is precisely what has happened in the process of electing President Park Geun-hye, and in her subsequent governance policy making. During the 2012 election, a scandal erupted concerning the involvement of the National Intelligence Service (NIS) in manipulating public opinion against opposition candidates and thus in favor of Park Geun-hye's candidacy. Once elected, with the scandal ongoing, the Park administration appeared able to divert the media and public attention to alleged North Korean sympathies and infiltration among the opposition parties. Curbs on the press and freedom of speech, including the persecution and prosecution of journalists and opposition politicians, have continued.

Furthermore, despite apparent progress in the consolidation of procedural democracy, shortcomings endure with regard to distributive justice and maximalist interpretations of good democratic governance. The question remains, therefore, whether South Korea has actually completed its journey toward good democratic governance consolidation, or whether, alternatively, Korean democracy may actually be in crisis. These challenges and shortcomings are addressed in the following sections.

Conservative Challenges to Participatory Democracy

Policies and actions initiated by the two recent conservative administrations in Seoul have been seen to so go against the spirit if not the letter of the laws of democratic governance that domestic and international commentators have used terms such as democracy being "challenged", "undermined", "eroded", "under threat", or in "crisis" in South Korea (Kim 2015b; Salmon 2015; Lee 2014; The Economist 2014). Likewise, events such as protests and demonstrations, triggered by conservative government initiatives, have also been seen as "threatening" democracy in the ROK, or as themselves representing a crisis of democratic governance (McCormack 2008; Kim 2008). Indeed, "Korean democracy in crisis", is a recurring theme in the literature and policy discourse.

This chapter contends, however, that controversial acts and policies initiated by recent administrations, while regrettable, are not symptomatic of the death throes of the democratic system. Korean democracy per se is not under threat as there is no alternative form of government that would be

able to garner sufficient support from internal constituencies to engineer a regime transformation back toward authoritarianism. Democracy is, therefore, at least in limited forms, robust or "consolidated". Instead, what "undemocratic" practices by the government (of whichever administration) in fact reflect are a lack of depth and internalization among governing elites of the underlying principles of democratic freedom and equality. The protests also demonstrate that the quality or depth of democracy in the ROK is insufficient to satisfy the legitimate interests and demands of the people. Therefore, aspects of democratic life may be threatened—not from the protests themselves, but from the underlying conditions and structural elements which seem to necessitate this form of political participation.

There is growing consensus that freedom of expression has deteriorated under the successive conservative administrations of Lee Myung-bak and Park Geun-hye (Croissant 2015, 3) and that other hard-won democratic freedoms are being rolled back (Salmon 2015). Freedom House downgraded South Korea's "freedom of the press" status from "free" to "partly free" in 2010 and, the following year, reached a similar conclusion with respect to internet freedom (Haggard and You 2015, 167). According to Geoff Cain, of the Open Government Partnership: "We've noticed a rise in censorship and a chill from defamation cases and the National Security Law, and self-censorship in the media is flagrant" (Quoted in Salmon 2015). Indeed, the crackdown on rumors and potential defamation in all forms of media prompted a reported one million South Koreans to ditch local chat apps, including KakaoTalk—the country's biggest—for Telegram, an encrypted service based in Berlin (The Economist 2014). Therefore, Reporters without Borders ranks the level of surveillance of South Korea's Internet as similar to that of Egypt and Thailand, and has downgraded the ROK in the 2014 Press Freedom Index by 18 ranks to 57th from its 2007 report (Salmon 2015).

The government use of defamation cases has also grown exponentially since the transition to democracy in 1987. Fewer than 1000 cases were recorded per annum for the first decade of democratic governance; rising to about 1000 toward the end of the 1990s; 2000–3000 per annum for the two liberal administrations of Kim Dae-jung and Roh Moo-hyun, rising to over 9000 under Lee Myung-bak, before the ever greater explosion under Park Geun-hye (Haggard and You 2015, 170). In 2013, the UN's free-speech envoy said many defamation suits in Korea are filed to "punish statements that are true or in the public interest" (The Economist

2014). Thus in the same year, Freedom House went as far as to downgrade the ROK's "political rights" ranking due to the abuse of power with respect to social media (Haggard and You 2015, 167).

Conservative and/or authoritarian administrations in South Korea have a "long history of wielding anti-communist rhetoric to crack down on progressive political opposition by vilifying the latter as 'pro-North Korea' or as North Korean agents" (Lee 2014). The weapon of choice has usually been the notorious National Security Law (NSL), which survived the transition to democracy despite liberal attempts to have it repealed. The NSL includes measures to restrict expression, association, membership, and travel, and carries punishment of up to seven years in prison (Croissant 2015, 4). Meanwhile, the Act on Assembly and Demonstration requires police permission to be obtained before holding any assembly or demonstration. Without such permission, individuals exercising their constitutional rights are considered to be participating in illegal acts (Ney 2008).

Structural challenges can also be found in the nature of the "Fourth Estate" in South Korea. While, as described above, Korean governments are scarcely reticent in going after independent sources of media, whether broadcast, print, or online, the fact is that the formal role of the state in Korean media remains unusually significant. Korean Broadcasting System (KBS), Munhwa Broadcasting Corporation (MBC), and Educational Broadcasting System (EBS) are all public broadcasters, while only Seoul Broadcasting System is a commercial broadcaster; moreover, under both conservative administrations, there have been increased concerns that the media was becoming little more than a government mouthpiece. The Korea Communications Commission (KCC), established in February 2008 to replace the Ministry of Information and Communication and the Korean Broadcasting Commission, consists of five commissioners, with the president appointing two (including the chairman) and the National Assembly choosing the remainder. This arrangement "allows for the possibility that the KCC will be completely dominated by the party in power and can thus influence the media through a variety of channels, including licensing and personnel decisions" (Haggard and You 2015, 174–5).

Choi See-joong, the first chairman of the KCC and a close associate of President Lee, replaced the heads of various media outlets, including KBS and Yonhap Television Network (YTN), with presidential supporters. "Under the Lee administration, more than 180 journalists were penalized – either through dismissal or other sanctions – for writing critical

reports about government policies or advocating press freedom" while conservative newspaper companies were favored in the licensing of new general-programming cable television channels (Haggard and You 2015, 175). Five new cable television channels—four general-programming channels and one all-news channel—were launched in December 2011, and each of the three major conservative daily newspaper companies has now come to own and operate one of the new general-programming cable TV channels (ibid.). When the CEO of KBS was removed by the government, anti-government candlelit vigils were broken up violently by riot police. Simultaneously, at YTN, journalists protested against the government appointment of an unpopular CEO.

Nevertheless, it must be remembered that both Lee Myung-bak and Park Geun-hye came into power as a result of the democratic process of (mostly) free and fair elections (despite the meddling of the NIS) and as such had as much, if not more, democratic legitimacy as many other contemporary leaders of democratic states. Furthermore, Korean presidents only serve a single five-year term—President Lee stood down at the end of his term, and there is little reason to believe that President Park will not do so at the end of hers.

Lack of support among Korean citizens for the institutions and principles of democracy is potentially a greater threat to democratic consolidation in Korea. Since the euphoria of initial democratic transition, an increasing number of Koreans question whether their country has truly become a better place to live, as they have witnessed substantial rises in alienation, dehumanization, public violence, crime, and environmental pollution (Shin et al. 2003, 5). In addition, the internationalization of the Korean economy has left it far more vulnerable to the tempests of global financial movements, as evidenced by the crises of 1997 and 2008. The most stable and secure democratic legitimacy derives from an intrinsic value commitment rooted in the political culture at all levels of society, but it is also determined, particularly in the early years of transition, by the performance of the democratic regime—both economically and politically (Diamond et al. 1995, 10). Unfortunately, for many Koreans, an expectancy gap has developed as democracy has proven unable to match their (inflated) expectations.

Not surprisingly then, there has been a growing nostalgia for the "good old days" of authoritarian government (at least in economic terms), and this has contributed, at least in part, to the burgeoning political career of Park Geun-hye, daughter of the former dictator Park Chung-hee. Park

Geun-hye came to power against a background of political apathy and disillusionment with the established parties (Croissant 2015, 4). And although left-wing media have criticized the somewhat undemocratic actions of her administration detailed above, Koreans in the street are not up in arms, and a survey of 1000 citizens by the *Joongang Ilbo* newspaper found 64 percent supported the controversial dissolution of the UPP (Salmon 2015). Other Koreans are, however, simply dissatisfied with the form that democracy has taken in Korea.

Nevertheless, no matter how disillusioned groups of Koreans get with their political elites or with the functioning of their democratic institutions, it is hard to see a groundswell of support for any political alternative. Democracy is literally the only game in town for Koreans, and despite nostalgia for the physical and economic security of authoritarian rule, few if any are serious about hoping for a return (Diamond and Shin 1999; Kihl 2005; Croissant 2015, 5). For all its flaws, therefore, and concerns about underlying conditions, Korean democracy cannot be considered to be in crisis. Neither can it, however, be considered truly consolidated, and certainly not all are benefiting to a democratic egalitarian extent. The qualitative shortcomings of Korean democratic governance from the perspective of the various elements of human security are addressed in the section below.

Qualitative Distributive Shortcomings and Human-Centered Challenges

In terms of a narrow definition of human security and good governance, South Korea would appear to be doing relatively well. Most citizens live their lives free from physical threats to their lives and wellbeing. Violent crime is low, and these days neither protests against the government nor government crackdowns on opposition protests are overly violent. Nevertheless, all Koreans live with the consequences of the failure of successive administrations to bring an end to the Korean War, or even to de-escalate tensions on the Korean Peninsula. Koreans cannot be considered as living free from fear as long as they have such existential dread hanging over them. Indeed, the two most recent conservative administrations have often been seen as exacerbating these tensions. In more direct terms, as a result of lengthy periods of national military service justified by the security situation, thousands of young men are exposed to the fear of

conflict, and the very real threat to their lives of serving on a highly militarized frontier.

Civilian lives are also, however, threatened by conditions in the ROK. According to OECD statistics, South Korea has the most dangerous roads among organization members, with 104 fatalities per million inhabitants (FPMI) traffic fatalities per capita in 2013, the most recent year for which statistics are available (Revere 2015). Poor democratic oversight and accountability has led to the evolution of a culture of impunity among political and socioeconomic elites, in turn resulting in a number of construction and transport catastrophes. These have included tragic loss of life in the collapse of bridges, department stores, and apartment buildings, subway fires, and plane crashes, and perhaps most notoriously the Seohae and Sewol ferry disasters (in 1993, 292 dead and, in 2014, 304, respectively). The Korean government has been criticized not only for allowing the culture of impunity to develop, but even for actively colluding with unscrupulous business elites, covering up their misdeeds, and pardoning them if they are convicted. These charges against the forces of governance are both a product of and contributing factor toward the lack of political trust in Korea.

Recent years have also seen a proliferation of scares concerning food and water safety, and pandemics such as the Middle East respiratory syndrome (MERS), severe acute respiratory syndrome (SARS), avian influenza (H5N1), swine influenza (H1N1), bovine spongiform encephalopathy (BSE; commonly known as mad cow disease), foot and mouth disease, and even, in August 2016, cholera. The government of Korea cannot be held accountable for direct sources of threat that originate in other jurisdictions, such as nuclear contamination from Japan's Fukushima power plant disaster, or the numerous food and public health scares originating in China. Furthermore, the actual number of Korean victims of all of these threats to human security has been small. Nevertheless, lack of political trust in the government's willingness and ability to provide security to all has led to an increase in fear rather than freedom from it. There have been, for instance, concerns that the government has allowed the import of radiation-contaminated building materials and foodstuffs from Japan, BSE-contaminated beef from the United States, and bacteria-contaminated kimchi from China, while the response of the authorities to the recent MERS outbreak has been widely criticized. This is exacerbated by the belief that the government does not communicate efficiently with the *demos.*

In terms of freedom from want, the macroeconomic models and measurements detailing the "Miracle on the Han" do not take sufficient account of the distribution of economic wellbeing. This is an area, in particular, that has seen significant rollback in recent years. It is true that Korea's rapid economic development lifted many out of poverty and that in the early decades of growth these economic benefits were relatively equitably distributed; however, this began to change in the mid-1990s. The major turning point was the 1997 Asian financial crisis, which had devastating consequences for the economy and for the livelihoods of the working population. Hagen Koo has pointed out that the consequences of the financial crisis were uneven, with the most vulnerable bearing the brunt of the downturn. "While the majority of working people suffered tremendously, those who possessed financial resources took advantage of credit-scarce market conditions and came out of the crisis richer than before" (Koo 2014). As a result, economic inequality increased noticeably during and after the crisis, with South Korea's Gini coefficient (the most commonly used measurement of inequality) rising from an average of 0.258 for 1990–1995, to 0.298 in 1999, two years after the onset of the financial crisis. It continued to increase, reaching 0.315 in 2010, placing Korea still in the middle of the pack in terms of economic inequality, but in a steadily worsening position (ibid.). Likewise, in terms of income distribution, the share held by the top 10 percent of income holders divided by that of the bottom 10 percent has increased from 3.30 in 1990 to 4.90 in 2010, while the income share of the top 1 percent of the income pyramid was 16.6 percent of the national income in 2012 (ibid).

Koo has identified the major sources of increasing income inequality as being closely related to the neoliberal transformation of the South Korean economy, or the econophoric governance of post-crisis regimes, as the neoliberal reform of the labor market over the past decade and a half has produced a "sharp cleavage between regularly employed workers on standard contracts and irregularly employed workers (those who are limited-term, part-time, temporary or dispatched)" (Koo 2014). The irregularly employed share of the total workforce has increased dramatically from 27.4 percent in 2002 to 34.2 percent in 2011. "This means that approximately one third of South Korean workers suffer from insecure job conditions, receiving only around 60 per cent of regular workers' wages with no medical insurance, severance pay or company welfare subsidies" (ibid.). Despite campaigning on a platform of reducing inequality in the polity, President Park Geun-hye has done little to address institutional sources of widening inequality such as tax policies, the dualistic labor market, or welfare policies (ibid.).

Human security challenges are perhaps even greater for the poorest, least protected, and most vulnerable sector of the workforce—foreign workers. Although South Korea has historically been a homogenous country with little immigration, as a result of socioeconomic changes which have accelerated dramatically since democratization, it has transformed into one of the major destinations for Asian foreign workers. It has moved from being a major net exporter of labor to being a substantial net importer. According to Ministry of Justice figures quoted by Hak-Jae Kim (2015a, 67), in 2014, the total number of foreign residents in Korea was 1.77 million, from among which 0.8 million were legal migrant workers and 200,000 were undocumented migrant workers, with migrant workers accounting for 48.55 percent of total employees in the small manufacturing sector (companies which have less than 300 but more than 5 employees). This sector of the economy is precisely that identified by Koo (2014) as being a source of compensation inequality.

The trend of increasing numbers of migrant workers, in particular in vulnerable sectors and in the so-called "3D jobs" (dirty, dangerous, and difficult) will likely continue, as Korean society struggles with the issues of a "rapidly aging population, growing shortages of the working population, and low fertility rates" (Kim 2015a, 67). Kim has highlighted the democratic deficit faced by foreign workers in Korea as being contributed to by a multitude of factors: first, a hierarchical citizenship structure, whereby foreign workers find themselves legally considered second- or even third-class citizens; second, limited access to social protection; third, cultural discrimination and a deficit in multiculturalism; fourth, the absence of political representation; and finally, the lack of the democratic rights of association and collective action (2015a, 70–77).

Of course, at the broader level of analysis, the three components of human security challenges and entitlement rights are related, with significant spillover between categories. Thus, the shortcomings in distributive justice endured by foreign workers spill over into threats to their actual physical security due to lack of protection in the workplace and under the law. Likewise, another category of foreigner found in growing numbers in South Korea, foreign brides, find themselves facing economic challenges, coming from deprived backgrounds in their home countries to marry Korean men who are often relatively deprived (farmers who find their livelihoods threatened by neoliberal forces); however, they also have their physical security threatened by abusive husbands and cover-ups by authorities. Furthermore, they often face indignities in their daily existence. It might seem incongruous to talk of a lack of freedom to live lives in dignity

in a society renowned for Confucian values of harmony, family, respect, and community, as well as the support mechanisms they imply. Nevertheless, here, too, an essential pillar of the broader interpretation of human security is increasingly challenged under Korean democratic governance.

Korean society has become hyper-competitive, with overly long working hours at schools, private educational institutes, and cram schools (hagwons), as well as the workplace where hours are the longest in the OECD. Indignity also enters the lexicon of interpersonal relations, with high levels of bullying in the home, in schools, at work, and in the army. Perhaps not surprisingly, therefore, South Korea has a frighteningly high suicide rate, one of the highest in the world and topping OECD statistics alongside Lithuania, with over 29 incidents per 100,000 of the population. Japan, by comparison, has around 19, and Germany 10.5 (OECD 2012). The numbers are particularly worrying with regard to young people, the economically disadvantaged, and, increasingly, with regard to the graying population who see a decline in respect toward them, but also feel guilty about becoming a burden. Other societal issues and stresses revolve around underemployment, lack of job security, and discrimination based on sex, age, geography, university, and so on.

The extent to which the government can be held accountable, or can do anything to alleviate such social ills, is uncertain. At the very least, however, those stresses which can be traced back to economic distributive injustice can be laid at the government's door in that they are a consequence of the single-minded pursuit of neoliberal macroeconomic growth policies without sufficient regard for the construction of a social welfare safety net for the most vulnerable. Contrary to the dominant ideological cant that "a rising tide lifts all boats", the neoliberal project does not, in fact, result in a universal win–win, but rather creates winners and losers. Failure to compensate or protect those who lose out in the market is a failure of democratic governance, as the dignity, wellbeing, and even physical security of these vulnerable individuals and groups can end up threatened.

Conclusion

The purpose of this chapter is not to single out South Korean democratic governance for criticism. Many other democracies in all parts of the world are failing their citizens in similar ways. Furthermore, as detailed in this chapter, there are many aspects of democratic governance in Korea of

which the Korean people and their administrations can be justly proud. South Korea is generally a safe country, with significant material wellbeing. Rather, this chapter has set out to debunk the two extreme positions on the democratic consolidation debate. Contrary to the scaremongering of the doomsayers, the evidence suggests that the ROK is a robust consolidated democracy that is not under threat or in crisis. Democracy remains the only game in town, and the system of democratic procedures has been internalized by all parties and groups.

On the other hand, complacency about the quality of democratic governance in Korea is just as misplaced. Democratic governance in Korea is neither "strong", in Barber's terminology, nor maximalist. It does not allow the fullest participation or empowerment of its citizens, and fails sufficiently to care for the human security of the most vulnerable sections of society. Democratic governance in Korea is beset with systemic, structural, and cultural barriers to the fullest flourishing of the democratic ideal. Put simply, the ROK is doubtless and quantifiably democratic, but it is lacking in the qualitative governance nuances that reflect an embodiment of the liberal democratic principles of freedom and equality in practice.

The ROK is a prime example of a Schumpeterian elite model of democracy. As detailed above, governance by elites is simply not good enough, as elites are predisposed to look after their own interests first, even at the expense of other members of the *demos*. Worse, elite domination (and the corresponding disenfranchisement of other groups) in Korea appears to be growing, facilitated by econophoria, slavish adherence to neoliberal principles, and the policy-making of successive conservative administrations. Elites have captured the commanding heights of industry, governance, legislation, administration, prosecution, education, and communication. As a result, the voice of the *demos* has been diminished, along with trust in the instruments of governance.

In terms of content, the *demos* needs to be reengaged, reinvigorated, and to be offered the necessary guarantees regarding their democratic freedoms (in particular the freedoms of speech and assembly) if democratic governance in the ROK is to climb up Lively's scale and consolidate to form a truly thick model of democracy. In terms of output, all members of society should be empowered to participate in the promotion of their interests, and safe havens should be provided for all—free from fear, want, and indignity. Only then can the quality of democratic governance in South Korea be said to match the aspirations of its chief proponents.

NOTES

1. From Hahm Chaibong's article of the same name available through the Rand Organization at http://www.rand.org/pubs/reprints/2008/RAND_RP1370.pdf.

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Democratic Quality and the Rule of Law in South Korea: The Role of Public Prosecution

Hannes B. Mosler

Prosecutors are creating the free and democratic world in which everybody wants to live, based on principles, clear judgment, rationality, and humanity. (Supreme Prosecutor's Office 2015)

INTRODUCTION

This chapter investigates the quality of democracy in South Korea (hereafter: Korea), focusing on the prosecution service as a crucial element of the rule of law. The rule of law is a vital dimension of democratic quality because it provides the basic codes of conduct for human interaction in a given society. Most literature on the quality of democracy includes the dimension of the rule of law, and many studies explicitly emphasize its importance for democratic quality (Bühlmann et al. 2012; Diamond and Morlino 2004, 2005; Dressel et al. 2011; Im 2011; Morlino 2003, 2010, 2011; O'Donnell 2004). Recently, there has been increasing interest in democratic quality in the Asian and Korean literature. There is an abundance of literature on the quality of democracy (Cho 2012b, 2014a, b; Im 2011; Kang and Kang 2014; Lee 2014; Min 2014; Shin and Chu 2004),

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the rule of law (Cho 2012a; Chŏng 2008; Lee 2009; Lim 2011; Park 2011), and on the prosecution (Cho 2002; Choi 2012; Han 1999, 2000, 2013; Hoh 2013; Kim 2013; Lee 1999, 2005b; Mun 2009, 2010; Oh 2015; Park 2003; Suh 2010; Yoon 2004) in Korea after democratization. As per the author's knowledge, there are, however, as yet no inquiries that put the rule of law in the systematic context of the quality of democracy in Korea.

A large share of research on the quality of democracy gauges its quality comparatively and in *quantitative* terms, while the regional Asian Democracy Index (ADI) of 2011 or the domestic Korean Good Democracy Index (GDI) of 2014 are two prominent examples that attempt to incorporate qualitative criteria. When it comes to the rule of law, most research takes account of it only to a basic extent, as it is one out of several dimensions (see BTI 2014; Bühlmann et al. 2012; FH 2016). Depending on the study's design, there are, of course, also far more sophisticated catalogues of criteria by which to measure the degree of realization of the rule of law (see Botero et al. 2012; Botero and Ponce 2010). However, these studies focus only on the dimension of the rule of law and only implicitly connect it to the matter of the quality of democracy. In cases of studies where quantitative measures are accompanied by qualitative assessments, the problem is that there are often discrepancies between the quantitative and the qualitative evaluation, that is, the score table and the respective analysis report (see BTI 2014, 2012, 2010). The present study, therefore, employs a *qualitative* approach to the *quality* of democracy. The guiding questions are as follows: How can we conceptualize and put in relation to one another the quality of democracy, the rule of law, and the prosecution? What are the major impediments to the realization of the rule of law with regard to the prosecutorial service? What effects does this have on the quality of democracy?

Background

With the formal democratization in 1987, the basic conditions of a minimalist definition of democracy were put in place in Korea. Since then, the quest for the consolidation of democracy has begun. Beginning with the government under Kim Young-sam and continuing under his successors Kim Dae-jung and Roh Moo-hyun, many legal reforms on various levels took place, including landmark decisions by the Constitutional Court. Under the authoritarian regimes, laws as such were made in favor of the rulers, and even if laws were neutral, they were either interpreted in the

interests of those in power or simply neglected and ignored. With democratization, the legislation process and, thus, the contents of laws have been democratized; even the president has to obey the law (impeachment case), and the powers of the police, the secret service, and the military secret service have steadily weakened. Many unfair verdicts dating back to authoritarian times have been overturned by the courts, and even former autocratic presidents were indicted by the prosecution.

In general, it can be said that the rule of law in Korea has significantly improved since the end of the 1980s. The Freedom House Freedom in the World (FH) index has listed the country as "free" since its beginning in 1998 (FH 1998). The FH assessment reports as found in the section on civil rights, which includes the subcategory "rule of law", are generally positive, attesting that Korea has a generally independent judiciary; only the police occasionally attract negative criticism, prisons have only limited deficiencies, and the prosecution is mentioned either positively in the context of prosecuting the former presidents Chun Doo-hwan and Roh Tae-woo, or negatively with regard to sometimes becoming an instrument of the government for political purposes. Since the beginning of scoring in 2014, the rule of law has received 13 out of 16 points.[1] Similarly, the Bertelsmann Transformation Index (BTI) has evaluated Korea's rule of law positively since its first report in 2003. The BTI's main categories with respect to the rule of law are the separation of powers, the independence of the judiciary, the prosecution of abuses of office, civil rights, and equality before the law (Bertelsmann Stiftung 2014, 20–21). The BTI's explanatory written assessments on the rule of law that supplement the numerical ratings are slightly more critical than those of the FH index. In particular, explanations on deficiencies of the courts, the police, and public prosecution, on corruption and human rights violations appear more often and are slightly more detailed. What is most noteworthy is that, in the latest assessment of 2016, the score for the criterion of the independence of the judiciary was 9 out of 10 points, while the explanatory report states that "state prosecutors are from time to time ordered to launch investigations (especially into tax matters) aimed at intimidating political foes or other actors not toeing the line." (BTI 2016, 10) The overall score for the rule of law, however, does not differ much from the FH report. The average score of the BIT's 2016 report, which is also the first to feature marks at all, is 8.25 out of 10, which makes it only marginally higher than the FH's 81.3% (FH 2016). The World Economic Forum's Global Competitiveness Report (GCR)'s latest edition of 2016 rates judicial

independence in Korea at only 55.7% (3.9 out of 7 points; CGR 2016, 225).[2] The general trend indicated by the GCR over the last 10 years is pointing downward. While Korea's rank with regard to judicial independence was still 45th out of 134 in 2008, it fell to 82th out of 144 in 2014, slightly recovering in 2015 to 69th out of 140, but finally dropping again to 72th out of 138 in 2016 (CGR 2008, 2014, 2015, 2016).

The Rule of Law Index (RLI)[3] by the World Justice Project looks at the rule of law exclusively and assesses Korea's overall status in its most recent report of 2016 with 73.0%[4]; it ranks Korea globally as being in 19th place from among a group of 113 countries.[5] When looking at the recent years between 2011 and 2016, according to the RLI, the weakest points of the Korean rule of law are as follows.[6] The lowest marks were given for "effective regulatory enforcement," which refers to the effective enforcement of regulations related to labor, environment, public health, commerce, and consumer protection. The second-weakest subcategory was the "accessibility and affordability of civil justice", followed by the effectiveness of the "investigation of criminal justice."[7] The effectiveness of the investigation of criminal justice measures "whether judicial police, investigators, and prosecutors have adequate resources, are free of corruption, and perform their duties competently" (World Justice Project 2013a, 170; see World Justice Project 2013b). The most recent report by the World Justice Project in 2015 rates *corruption in the legislature* far worse compared to the preceding report, and identifies *effective investigations of criminal justice* and *effective regulatory enforcement* as being second in terms of under-performance; in 2016, Korea's overall rank in the Asia-Pacific region dropped from 4th to 6th in a group of 15 countries (World Justice Project 2016).

These quantitative accounts of Korea's performance with regard to the rule of law are also reflected in other recent research on the region, which found that indicators of the rule of law show mostly low values when compared to other regions. This is explained by the "legacies of fragile judicial independence due to executive dominance, a culture of impunity for powerful elite actors, and political manipulation of the judiciary" (Dressel et al. 2011, 502). With this, Dressel et al. (2011) highlight the relevance of studying the rule of law as a crucial part of the quality of democracy: scholars need a more refined understanding of the rule of law to determine what role it plays in the system of democracy and what exactly to look for; equally, political actors have to improve their understanding of its role in democracy to promote its necessary elements to improve the democratic system (see Dressel et al. 2011, 508). The prosecution, as the "guardian of the law" ("Der

Wächter des Gesetzes," Savigny) represents a key element of the rule of law, and, thus, constitutes a case in point for contributing to both agendas—refining knowledge on understanding the rule of law and on how to promote the rule of law for the sake of the quality of democracy.

Theoretical Concepts

The Quality of Democracy

Drawing on literature such as Harvey and Green (1993), who discuss the concept of quality in relation to higher education, the quality of an object can be defined by the degree to which (1) its features *correspond to a standard*, (2) involved actors and procedures display a *culture of quality*, and (3) its outcome is *fit for purpose* (see Harvey and Green 1993, 11–15); political scientists further refined the industrial concept of quality to apply it to assessing democracy (Diamond and Morlino 2004; Diamond and Morlino 2005; Morlino 2009, 2010, 2011; Dressel et al. 2011). Building on literature such as Dahl (1971), Sartori (1987), or O'Donnell (2004), Diamond and Morlino (2004) identify three basic dimensions of quality—process, content, and outcome (or result)—and identify eight dimensions with regard to which the quality of democracy can vary: the rule of law, participation, competition, vertical accountability, and horizontal accountability ensure that the process of democracy is carried out precisely and in application of consistent methods; freedom and equality determine the product's design and functioning—that is, its content; the responsiveness of the government or the state apparatus is the outcome of using the product or service, which is indicated by the degree of "customer satisfaction" (Diamond and Morlino 2004, 21). Each of these dimensions may differ from country to country and according to historical and local particularities. The quality of a given democracy depends on how well these eight dimensions are realized, not least with a view to their interrelationship.

The Quality of the Rule of Law

While all eight dimensions are important, the rule of law is the most fundamental dimension. It is "the base upon which every other dimension of democratic quality rests" (Diamond and Morlino 2004, 23) and thus

key to the quality of democracy. Of course, democracy only based on the rule of law does not work, but it represents the basic framework that holds together the whole system of all the interrelated dimensions in much the same way an operating system is indispensable to software programs and their performance. With regard to the Korean case, it is important to note that

> […] what is needed in the Asia-Pacific region is effective rule of law. Only after that has been secured can competition and participation function as the engines of democracy that Diamond and Morlino (2005) suggest they are. (Dressel et al. 2011, 508)

What is the rule of law, then? The often-cited contrast between rule *by* law and rule *of* law is supposed to suggest that it is desirable to base human interaction in social relations on a set of basic rules that everyone has to obey to prevent arbitrary or subjective behavior, if not ruling, by a person or an elite group that discriminates or even harms others. Law can be conceptualized as an institution and thus understood as "humanly devised constraints that structure political, economic and social interactions" (North 1991, 97), or as the basic rules of conduct for societal interaction that help perpetuate order, stability, and safety within a society. This is facilitated by the four basic social functions of law: the disposition of troubled cases, preventive channeling and the reorientation of conduct and expectations to avoid trouble, the allocation of authority and the arrangement of procedures that legitimatize action as being authoritative, and the net organization of the group or society as a whole to provide direction and incentive for behavior that sustains and promotes society (see Llewellyn 1940, 1373). Combined, these functions guarantee and maintain social interaction based on impersonal relations and impersonal exchange (Greif 2002), which is a crucial precondition for ensuring the quality of law—that is, the neutrality, equality, and predictability provided by the rule of law. This, in turn, is a prerequisite to alleviating the everyday prisoner's dilemma in the *bellum omnium contra omnes* (struggle of all against all) in any given society. The *rule* of law, then, is closely intertwined with the concept of the social or political contract which presupposes that individual members of a society—as private persons as well as a public persons holding office—submit themselves to the authority of their state's legal norms. Put differently, on a fundamental level, the people as well as the

government should submit to the law and be ruled by it (Raz 1979, 212), meaning the "general subjection of social life to legal rules" (Lee 2013, 31). In essence, this is synonymous with an open-access society's impersonal contractual relationship (see Mo and Weingast 2013, 4, 23) in which the social contract's terms are enforced equally, regardless of an individual's status, as opposed to societies of personal networks where the personal bias of legislation and the application of legal norms caters to an exclusive group (elite). Thus, for the rule of law, it is essential when making laws that this process should be "guided by open, stable, clear, and general rules." Obviously, it is crucial that laws that everyone is supposed to submit to are made in a way that is transparent and straightforward to establish norms based on a relative consensus that facilitates adherence. One way of ensuring that, for example, is to vest the courts with "review powers over the implementation of the other principles" to secure conformity to the rule of law when working with the legislation in parliament. With respect to the courts, it has to in turn be guaranteed that the application of laws is done in a manner acceptable to the people who are supposed to submit to the rules. That is why the "independence of the judiciary" is important. In the same vein, "open and fair hearings" have to be guaranteed. An additional criterion is that "courts should be easily accessible," as it makes only sense to have the courts if people can actually utilize them without bigger hindrances. Finally, Raz (1979) points out the importance of limiting the "discretion of crime preventing agencies"—such as the prosecution—so that they cannot "pervert the law" (219).

> The prosecution should not be allowed, for example, to decide not to prosecute for commission of certain crimes, or for crimes committed by certain classes of offenders. (Raz 1979, 218)

O'Donnell (2004) adds to the conceptualization of the rule of law when he argues that democratic quality cannot be ensured by merely checking a list of criteria for the rule of law. For him, what he calls a "truly democratic rule of law" has to be in place that guarantees three conditions so that a state is not simply ruled by law, or enacts the rule of law, but is an "*estado democrático de derecho*." (O'Donnell 2004, 36) These three preconditions are to ensure (1) political rights, (2) civil liberties, and (3) mechanisms of accountability "which in turn affirm the political equality of all citizens and constrain potential abuses of state power"

(O'Donnell 2004, 32). To that end, it is necessary that there be not only appropriate legislation, but also a "network of state institutions that converge to ensure the effectiveness of a legal system that is itself democratic" (O'Donnell 2004, 38). Morlino (2010) specifies even more criteria for the rule of law. Besides the "[e]ffective protection of civil freedoms and political rights," he contends the importance of an "independent judiciary and a modern justice system," "institutional and administrative capacity," "[s]ecurity forces that are respectful of citizens' rights and are under civilian control," and an "[e]ffective fight against corruption" (Morlino 2010, 47–48).

Based on the above discussion, core criteria for the quality of the realization of the rule of law include open, clear, and stable laws; transparent and monitored legislation; individuals' awareness of compliance with legal norms; and equal and predictable application or enforcement of laws that involves sufficient discretion and capacity, independence and impartiality, and control and accountability of the enforcing agents to guarantee the protection of citizens' civil and political rights. In essence, these criteria can be grouped into the quality of laws, legislation, legal awareness and obedience, and the application of laws. According to the focus of this research, the remainder of this chapter focuses on the quality of the prosecution service as part of the fourth dimension—the application of law.

The Quality of the Public Prosecution Service

Since the above criteria were derived from theory on democracy and the rule of law in general, we have to draw on generally acknowledged criteria in relation to the activities of the prosecution more particularly in order to develop a framework for specifically analyzing the quality of public prosecution. One such set of reliable and recognized criteria on an international level are guidelines and recommendations within the framework of the United Nations, which can be said to be the most universal norms on public prosecution available. They are, if only to a certain extent, binding for member states and formulated on an abstract level due to the differences in domestic legal systems. That being the case, member states agreed on a set of norms providing standards for national public prosecution in criminal procedure which may serve as a basis for developing a framework of variables for scrutinizing the public prosecution in Korea with regard to its quality. Among the most central norms are the *Charter of the United*

Nations (1945), the *Universal Declaration of Human Rights* (1948), and the *International Covenant on Civil and Political Rights* (1966) that address the principles of equality before the law, the presumption of innocence, and the right to a fair and public hearing without undue delay by a competent, independent, and impartial tribunal established by law (Article 14), while *the International Covenant on Economic, Social and Cultural Rights* (1966) ensures the exercising of those rights. The *Guidelines on the Role of Prosecutors* (1990) contain basic principles regarding the effectiveness, impartiality, and fairness of prosecution in criminal proceedings. The *United Nations Convention Against Corruption* (2003) relates the importance of the prosecution in fighting corruption (Article 11). Meanwhile, the *International Code of Conduct for Public Officials* (1996), which also applies to prosecutors, comprises procedures in cases of conflicts of interest and disqualification, the disclosure of assets, the acceptance of gifts or other favors, confidential information, and political activity. In addition, the *Basic Principles on the Independence of the Judiciary* (1985) and the *Procedures for the Effective Implementation of the Basic Principles of the Independence of the Judiciary* (1989) state that respect for human rights and fundamental freedoms without any discrimination is the general prerequisite for the independence of the judiciary, including prosecutors. Following and inspired by the publication of these guidelines, the International Association of Prosecutors (IAP) was established in 1995 and subsequently created the *Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors* (1999), which "represent the views of prosecutors themselves as to the standards that should apply to the profession of a prosecutor" (UN Office on Drugs and Crime 2014, 4).

As for criteria for the specific context of Korea, we can draw on a set of legal norms dealing exclusively and inclusively with the public prosecution domestically (see Table 4.1).[8]

Based on these norms and the literature on state prosecution, and by borrowing from the initial framework by Diamond and Morlino (2004) on democratic quality with its main dimensions of process, contents, and outcome, we can derive six core dimensions for evaluating the quality of public prosecution (see Table 4.2). (1) The *accountability* of prosecutors refers to the effectiveness of the prosecutor-general's supervision by the Ministry of Justice (administration; MOJ), which is its direct superordinate institution. (2) The *independence* of prosecutors is

Table 4.1 Laws and regulations regarding public prosecution

Name	Original name	Abbr.
Anti-Corruption Law	Pujŏngch'ŏngt'ak mit kŭmp'um tŭng susu-ŭi kŭmji-e kwanhan pŏmyul	ACL
Constitution of the Republic of Korea	Taehanmin'gukhŏnbŏp	KCT
Criminal Code	Hyŏngbŏp	CRC
Criminal Procedure Act	Hyŏngsasosongbŏp	CPA
Ethical Code of Conduct of Prosecutors	Kŏmsayulligangyŏng	ECP
Government Organization Act	Chŏngbujojikpŏp	GOA
Prosecutor's Office Act	Kŏmch'alch'ŏngbŏp	POA
Prosecutor Discipline Act	Kŏmsajinggyebŏp	PDA
Regulation on Prosecutors' Oath	Kŏmsa sŏnsŏ-e kwanhan kyujŏng	RPO
Regulation on Safe Custody Duties	Kyehogŭnmujunch'ik	RSC
State Public Officials Act	Kukkakongmuwŏnbŏp	SOA

a twofold criterion related to the independence of prosecutors from their superiors or peers, and their neutrality, impartiality, and/or objectivity toward person(s) involved in an alleged crime (see culture of quality; Crosby 1986). (3) The *discretion of prosecutors* refers to (a) the capability, authority, or power vested with the prosecutors, and (b) the separation or allocation or devolution of discretion over investigation, indictment, and execution across the respective agencies related to the legal process, such as the police, the prosecution, and the courts or judges. (4) The *protection of rights by the prosecutors* entails the guarantee and protection of civil and human rights of the suspect during the whole process of investigation and/or detention. For the dimension of content, there are two subdimensions—predictability and control. In regard to (5) *appropriateness*, there must be consistency in executing investigations and indictments to ensure equality, predictability, and trust. (6) The final subdimension is *performance legitimacy*; citizens—that is, the "customers" of the prosecution service—have to trust the prosecution in what they are doing and to be satisfied with the way they are attending to their duty.

Table 4.2 Dimensions of the quality of the public prosecution service in Korea

Quality in general	Quality of public prosecution	Criteria
Process	(1) *Discretion*	Capability, authority, power
		Devolution across police
		Courts/judges
	(2) *Independence*	Internal independence of individual prosecutors
		Autonomy from superiors
		Impartiality (neutrality / objectivity)
		External independence of the prosecution
		Autonomy from superiors
		Impartiality (neutrality / objectivity)
	(3) *Accountability*	Vertical accountability of individual prosecutors
		Control within the judicial branch
		Horizontal accountability of the prosecution
		Checks and balances by legislative /executive branch
	(4) *Protection of rights*	During the investigation
		Civil rights, liberties
		Human rights
		Legal rights
Contents	(5) *Appropriateness*	Predictability of case disposal
		Consistency
		Equality
		Justice
Results	(6) *Performance legitimacy*	Citizens' satisfaction
		Experts' satisfaction

THE PROSECUTION AND CRIMINAL PROCEDURE: QUALITY STANDARDS AND QUALITY CULTURE

Discretion: Capability, Authority, and Power

The criteria of the prosecution's discretion can be translated into the empirical question that addresses (1) the capability to fulfill its function as "guardian of the law" and (2) the adequacy of the extent of discretion to avoid transgressing into the jurisdiction of other agencies, such as the police or the courts, which would impede the realization of mutual checks and balances. Thus, the following questions apply to empirical

investigation: Are prosecutors sufficiently empowered and vested with the necessary authority to investigate criminal cases, control/supervise the police, and to be protected against arbitrary actions by the government with regard to recruitment and promotion? Does the discretion of prosecutors not exceed an appropriate degree of power in a manner that would threaten checks and balances of the prosecution by other government agencies?

First, it is important to have legal statutes dealing with the duties and operation of the prosecution in general, and with the practical implementation or realization of those norms that are directly related to the function of the prosecution as part of the rule of law, which in turn is part of the quality of democracy. The most important legal norms on the prosecution are provided by the Constitution, the Government Organization Act (GOA), the Prosecutors' Office Act (POA), the Criminal Procedure Act (CPA), and the Criminal Code (CRC).

Today's public prosecutors' office (*kŏmch'alch'ŏng*) consists of the Supreme Public Prosecutors' Office (*taegŏmch'alch'ŏng*), five High Public Prosecutors' Offices (*kodŭnggŏmch'alch'ŏng*), 18 District Public Prosecutors' Offices (*chiyŏkkŏmch'alch'ŏng*), and 40 branch offices, each of which corresponds to the court in their jurisdiction. As a subordinate agency of the Ministry of Justice (*pŏmmubu*), the prosecutors' office is, on the one hand, part of the executive or administration; on the other hand, due to its mediating function between investigation and indictment, which can be considered as quasi-judicial, it can also be seen as part of the judiciary (see Lee 1999, 86) (Fig. 4.1).

According to the CPA and mainly going back to the continental law tradition and the adoption of the inquisitorial system from Germany (originating in France and mediated through Japan), the Korean public prosecution has extensive authorities in regard to the legal process, which

Fig. 4.1 Hierarchical structure of the prosecutor's office in Korea

Prosecutor general

High prosecutors

Chief prosecutors

Deputy chief prosecutors

Prosecutors
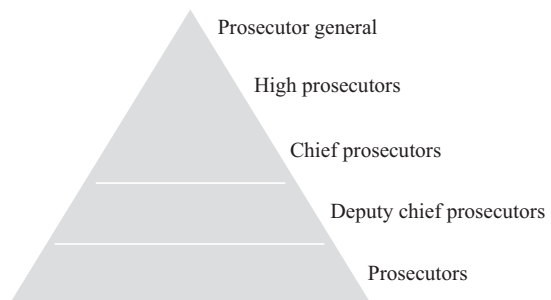
include discretion for the investigation of a crime (*susagwŏn;* CPA §195), the supervision of judicial police officers (*sabŏpkyŏngch'al susajiwigwŏn*) (CPA §196), and the power to request warrants (*yŏngjangch'ŏnggugwŏn*; CPA §200-2). In other words, the police have to serve as assistants to the prosecutors and comply with the prosecution's requests. They cannot directly request a warrant, but instead have to call upon the prosecution to request a warrant from a judge. Prosecutors watch over the execution of arrest warrants, search and seizure warrants, and final criminal judgments (POA §4). While in principle prosecutors or police officers (through prosecutors) must obtain a warrant issued by a judge to arrest a suspect, there are exceptions in cases that necessitate emergency arrest or arrest of flagrant offenders. Without an arrest warrant, the prosecutor may detain a suspect for only 48 hours from the time of arrest. Prosecutors also have the exclusive authority (monopoly principle) over the institution of prosecution (*kisogwŏn;* CPA §246) including, according to the opportunity principle, the authority to decide whether to indict a case (*kisojaeryanggwŏn*; CPA §247). Authority over indictment together with discretionary power over indictment provides the prosecution with additional power, as the prosecution can decide whether to indict a person in the first place. There is no duty to mandatorily indict a person when he or she has apparently committed a crime, as is the case in other countries (e.g., Germany) that follow the legality principle. In addition, prosecutors supervise the execution of court (penalty) decisions (*hyŏngjiphaenggwŏn*; CPA §81) and have the discretion to inspect the place of arrest or detention at least once a month to make sure that any suspect has not been arrested or detained in violation of due process (CPA §198(2)).

Against this backdrop, it can be said that *de jure* the prosecution is sufficiently empowered to fulfill its duties. Compared to other countries' prosecution services, such as Japan, Germany, Italy, or the United States, the Korean prosecution belongs to some of the most powerful in the world (see Chung 2012, 264). At the same time, prosecutors are *de facto* too powerful, which represents a potential threat to due process and the smooth functioning of the criminal justice system. The Korean public prosecution service is a *translation*[9] of the Japanese model, which in turn had drawn on the French and German[10] systems, and was fully introduced to Korea after its annexation in 1910 (Mun 2009, 25; Mun 2010, 551). The Japanese translation of the foreign prosecutorial institution already saw a concentration of discretional power within the office of the prosecutor in the overall judicial system. When introduced to Korea, however,

Table 4.3 Authorities of the prosecutor

Investigation	Prosecution	Adjudication	Sentencing
Initiation	Indictment (monopoly)	Representation of	Enforcement
Conclusion	Maintenance (opportunity)	government	Supervision
Conduct	Suspension		Inspection
Instruction			Assessment
Supervision			
Requesting warrants			

the prosecution was strengthened even further in its jurisdiction for coping with the task of maintaining order in the colony (Mun 2009, 26). Today's legal framework on the prosecution and customs and traditions of the organization of the prosecution and its members can be traced back to a certain extent to this legacy that continued to develop under the USAMGIK and the ensuing authoritarian regimes (Mun 2010, 605). Since the rights of the prosecution even comprise authority over penalty execution, prosecutors can be described as quasi-judges (Table 4.3).

The nature of public prosecution is twofold: executive and judicial. While formally prosecution is part of the executive, prosecutors' jurisdiction reaches far into that of the judiciary. Succinctly put, the public prosecution has a monopoly over major parts of the criminal legal process, which makes it a very powerful organization within the overall political institutional design. In other words, the prosecution has extensive authority for both the investigation process and the judicial process. The prosecution can investigate the police, yet the police cannot investigate the prosecution. Authorities for investigation, police supervision, and requests of warrants make the prosecution almost immune against checks and balances, or control, by the police. These far-reaching discretionary powers facilitate potential interference in police matters by the prosecution.

Another side effect of the excessive discretion of the prosecutor is that there is no way to appeal against the suspension of indictment other than petitioning the Constitutional Court (KCS Article 86(1)). The severity of the problem lies in the fact that the suspect is officially documented as having violated the law even if it is a misdemeanor and even though the accused is pleading not guilty; at the same time, it violates the suspect's right to claim and reveal his or her innocence through calling upon a court's trial. A representative example in this regard is the case of an acupuncturist named Nam-su Kim who also practiced moxibustion, but with-

out a license and thus, based on the Medical Act (*ŭiryobŏp*), was investigated by the prosecution in 2003. The Constitutional Court ultimately decided that the judgment to initiate investigation leading finally to the suspended indictment was not sufficiently carefully conducted, and thus the decision had to be withdrawn (Constitutional Court 2011). There are many other cases in which an accused person objects to a prosecutor's suspension of indictment decision and appeals to the Constitutional Court (see Section "Results: Citizens' Satisfaction and Trust").

Since in the Korean case[11] prosecutors can be categorized in part as belonging to the judiciary, that is, as being quasi-judges (see Lee 1999, 86), the principle of independence becomes an even more crucial premise. Second, in particular because the Korean prosecution applies the principle of opportunity (i.e., the prosecutor has the discretion to decide whether to indict a person), the principle of due process or fair hearings applies for the prosecutor. Third, and directly connected to the aforementioned, the discretion of the prosecutor has to be limited to an appropriate extent, so that the prosecutor alone does not have the power to "decide not to prosecute for commission of certain crimes, or for crimes committed by certain classes of offenders" (Raz 1979, 218.). This basic design of the Korean public prosecution service with excessive discretion for the prosecutors might not be a problem as such; however, for obvious reasons it makes the prosecutors prone to corruption—for want of sufficient independence and accountability on the part of the prosecution.

Independence: Internal and External Autonomy and Impartiality

It is essential that prosecutors have sufficient independence or autonomy to take their decisions regardless of any outside pressure, in particular from the executive power of the state. Where such pressures can be and are brought the prosecutor will not be able to protect the interests of justice, will not be able to respect the rule of law or human rights, and will be powerless to deal effectively with cases of corruption or abuse of state power. (Hamilton 2013)

This statement by the then-president of the International Association of Prosecutors (IAP), James Hamilton, puts in a nutshell what "independence of prosecutors" means and why it is important.[12] For an analysis of the sub-criteria, this can be reformulated into the following empirical

questions: Are individual prosecutors and the overall prosecution service sufficiently independent from intimidation, hindrance, and improper and/or unlawful political interference to autonomously exercise their prosecutorial judgment? If prosecutorial and non-prosecutorial authorities have the right to give general or specific instructions to prosecutors, are these transparent, consistent with lawful authority, and subject to established guidelines? Is objective evaluation guaranteed in disciplinary proceedings against prosecutors, and are disciplinary measures determined in accordance with the law, the code of professional conduct, and other established standards and ethics? The questions boil down to two dimensions of independence—internal and external independence—or the question of whether the prosecution as an organization is guarded against outside political constraints and whether individual prosecutors are guarded against their superiors' influence (see Johnson 2004, 57).

According to laws, regulations, and guidelines, prosecutors are highly independent in the execution of their duties, which has been shown by the above elaboration on the far-reaching discretion the prosecutor has in criminal proceedings. The prosecutor is considered an autonomous office or independent authority (*tandokkwanch'ŏng*), meaning that she does not operate as a representative or assistant of the prosecutor general or the superintendent public prosecutor, but conducts her duties in her own name as an independent prosecutor (Lee 2012, 9). While the prosecutor is controlled by her superiors to prevent self-righteous actions, her declaration of intention (*taewoe-jŏk ŭisap'yosi*) has external legal effects, even in cases in which she does not follow internal policies or authorization (Lee 2012, 9). She can also file an objection if she finds the direction or supervision of a superior not complying with standards of legality (law) or legitimacy (POA §7). A recent example is the case of Im Ŭn-chŏng, a young prosecutor, who in 2012 did not follow her superior's orders when deciding on the sentencing demand in the retrial case regarding the late politician Yun Kil-chun, who served five terms as member of the national assembly and was imprisoned for six years after being sentenced by a military junta in 1962 for allegedly having acted against the notorious anticommunism act (Pak 2013). When Im reported to her superior that she would demand his acquittal, she was told to demand to trial the case "according to law and principles," that is, to uphold the charges. In the end, Im held on to her opinion and legal assessment of the case and demanded the acquittal of Yun, who was, ultimately, discharged.

However, prosecutors are part of a uniform and hierarchically organized structure with the prosecutor-general at the top, where orders from superior levels have to be obeyed at subordinate levels (*sangmyŏnghabok*; §7 POA). The whole organization is styled according to the tradition of an organization functioning as "one body" or "organism" (*kŏmsadongilch'eŭi wŏnch'ik*). This principle had been explicitly stated in related legal norms (§7, Public Prosecution Law [2003]) until it was abolished in 2004—although *de facto* still intact. It manifests itself in the internal approval system as well as in the unitary authority structure. Subordinate prosecutors are dependent on their superiors to approve their activities, while ultimate discretion rests with the prosecutor-general. This was recognized as a problem and in 2004, when the PPL was reformed, relevant norms were deleted accordingly.[13] However, *de facto* the praxis continues and hampers intraorganizational democratic operations. The prosecution is organized like a pyramid with the prosecutor-general at the top and the minister of justice above him. Because of the far-reaching discretion of individual prosecutors, there are internal and external control mechanisms to prevent abuses of power or decisions because of political pressure (see Kim 2003, 89). Accordingly, prosecutor Im received a penalty for disobedience of a superior and was suspended for four months. In the following two years, Im was not promoted and even became subject to in-depth eligibility screening (*simch'ŭngjŏkkyŏksimsa*) that could lead to her resignation.

In regard to recruitment, it is often reported that decisions are made according to the year of entrance into the judicial training institute, school ties, and regional ties, and that according to political preferences, personnel of important posts change greatly with a new incoming administration (Jeong 2012, 75). The most visible decisions in this respect are those of the political positions such as the supreme prosecutor, the prosecutor-general, and district prosecutor-generals. In regard to recruitment and promotion, there are continuously raised concerns about arbitrary personnel management decisions by the prosecution's leadership. This seems particularly true for decisions on prosecutors who acted against the preference of their superiors. As is elaborated in more detail below, the Minister of Justice has the ultimate authority over every personnel decision within the prosecutorial service. In light of the fact that there is almost no counterweight to this discretion, it is not surprising that often decisions are made for political reasons, leading to an unstable personnel management

system and, even more severely, to an impediment of prosecutors acting according to their conviction and based on law only (Jeong 2012, 72).

For decisions on prosecutors' promotion, the *Presidential Election Campaign Manipulation Case* can serve as a representative example. In spring 2013, the oppositional Democratic United Party filed a bill for indictment of Won Sei-hoon, the former chief of the Korean secret service NIS, at the Seoul Prosecution Office, accusing him of attempted interference in the 2012 South Korean presidential election. He was indicted in June 2013, and in January 2014 he was found guilty of ordering an online misinformation campaign against opposition candidates and sentenced to two years in prison. Chae Dong-wook, who was appointed prosecutor-general in May 2013, was known for being an eager and clean prosecutor who was involved in high-profile cases, such as the special investigation of the former presidents Chun Doo-hwan and Roh Tae-woo, and the Hyundai Motor chairman Chung Mong-koo (Min and Chin 2013; Olsen 2006).[14] Chae supervised the highly delicate investigations and actively pushed for a thorough investigation irrespective of the accused's high rank (Asahi Simbun 2013). However, after the right-conservative newspaper Chosun Ilbo started a smear campaign accusing Chae of having an extramarital love affair and even a secret child stemming from that affair, he resigned from his post in September 2013. Later investigations found out that the Blue House was involved in a secret illegal investigation into Chae's private life (Seo and Kang 2013), which suggest that there had been corresponding interference from the top (Kim and Kim 2013).

In the *Chŏng Yoon Hoe State Affairs Interference Case* (2014), a report by the daily Segye Ilbo based on an internal memo from the presidential office (Blue House) claimed that a former confidant of President Park Geun-hye, Chung Yoon-hoi, had acted as gray eminence and interfered in state affairs without having any official position. President Park denied the allegations and said that the allegations were "far-fetched" and that it was "embarrassing" to have "the country shaken by unconfirmed rumors reported by a certain newspaper" (Sung 2014). The issue came up again in the *Sankei Shimbun Case* (2014), where the Seoul-based reporter Tatsuya Kato of the Japanese daily was charged with defaming president Park in an article that questioned her whereabouts on the day of the Sewol ferry sinking in April 2014 and suggested she could have been meeting with Chung Yoon-hoi. In an official statement, Park said that the article was "insulting the President and thus the nation" (Yi 2014). Prosecutors had demanded an 18-month jail term for Kato, but

the court finally acquitted the Japanese reporter. The prosecution did not appeal, most probably due to a diplomatic agreement between Abe and Park (Choe 2015). The *North Korea Visit Talk Concert Case* (2014) involved Shin Eun-mi, an American citizen of Korean descent, who was charged for allegedly having violated the National Security Act by giving talks on her visits to North Korea. At an early stage of the prosecution's investigation, President Park called the public lectures Shin had given "pro-North Korean (*chongbuk*)" and stressed that all efforts to properly understand the reality in North Korea "must take place under the over-arching principle that protects our constitutional values and our national identity" (Kim 2014a, b). Ultimately, Shin was deported. A concomitant feature of all the above cases is that President Park can be seen to have indirectly interfered in prosecutorial judgment by giving implicit "guide-lines" before or during the criminal proceedings. Of course, there is no hard evidence that the prosecution acted according to or because of the public comments made by President Park; however, impartiality of pros-ecutors is no less crucial than that of judges and can be described in a nutshell by the aphorism: "Not only must Justice be done; it must also be seen to be done" (see R v Sussex Justices, Ex parte McCarthy 1923), which by now is an established principle that the mere appearance of being biased is sufficient to overturn a judicial decision.

Another important organizational feature with respect to the independence of the prosecution is the Central Investigation Department (CID; *taegŏmch'al chungangsusabu*, or *chungsubu*), which since the early 1960s had been under the direct supervision of the prosecutor-general or minister of justice. The CID was put in operation by request of the prosecutor-general, the minister of justice, and higher-ranking officials and investigated corruption by high-ranking ministers, members of the National Assembly, presidents of banks, and other high-ranking officers in the central government. However, because of its politically motivated investigation and prosecution practices, it was finally abolished in 2013 (see Yŏ and Lee 2013), only to be revived under the name the Special Investigation Department on Corruption Crime (SID; *pup'aebŏmjoet'ŭkpyŏlsusadan*) on a small scale in 2016 (Choi 2016). In the meantime, the Special Prosecutor Act (*t'ŭkpyŏlgŏmsa-ŭi immyŏng tŭng-e kwanhan pŏmyul*) had been introduced in 2014, simplifying the process to put in place an inde-pendent team of prosecutors to effectively investigate cases where high-ranking officials were involved. However, while the special prosecutor

Table 4.4   Cases of installing special prosecutors

Year	Content
1999	Korea Mining Corporation strike
1999	Luxury Garment Lobby
2001	Lee Yong Ho gate
2003	Remittance of funds to North Korea
2004	Suspicion of corruption among President Roh Moo Hyun's close aides
2005	Russian oil and gas development project
2008	Samsung slush funds
2008	BBK
2010	Sponsored prosecutor
2012	DDOS attack
2012	Naegoktong private president residence
2016	Choi Soon-Sil gate

system was in this way introduced as an institution (*chedo*), it was not realized through installing a real standing organization (*kigu*). This has changed with the establishment of the SID, but the independence of the special prosecutor can still be questioned to a certain degree when it comes to the ranking of the official who is to be investigated (Table 4.4).

In general, it is reasonable to state that effective independence—in particular, when combined with far-reaching discretion—is best balanced by strong accountability (see Johnson 2004, 56). Here, the abovementioned internal and external independence resonate to the dimensions of horizontal and vertical accountability.

Accountability: Horizontal and Vertical Checks and Balances

The accountability criterion concerns individual prosecutors as well as the prosecution service as a government agency. Individual prosecutors can be accountable to non-prosecutorial agencies or actors such as the executive (government), the legislative, or civil society organizations, and to other authorities within the judicial branch, such as their direct and indirect superiors as well as their peers. The prosecution service or the supreme public prosecutor might also be held accountable by the aforementioned non-prosecutorial agencies or actors. In addition, prosecution review committees might be established as a way of including the public in the criminal justice system, or a recorded consultation between the prosecution and police and victims of crime might be institutionalized to make the

process sufficiently accountable. Accordingly, we must ask whether the prosecutor is sufficiently accountable to other authorities with respect to their investigations and judgements to prevent their autonomy from overreaching to the detriment of accountability. Are there mechanisms for control, disciplinary measures, and penalties toward prosecutors, such as punishment for bribery and other malfeasance, supervision by a superior (authority), review by the court, report duty, or control councils? What kind of accountability mechanisms by the executive, legislative, and judiciary are in place, and how well do they function?

With regard to the accountability toward the executive, the MOJ is the direct superordinate agency to the prosecution (§32 GOA) and is thus authorized to inspect and audit (*kamsa*) its subordinate agency. This falls under the jurisdiction of the auditing office (*kamsakwan*) of the MOJ (see Cho and Im 2010, 209). In addition, the MOJ determines the prosecution's general planning, policy development, and budgeting. The minister of justice has the authority to supervise and command (*kamdok/chihwi*) the prosecutors generally; the prosecutor-general supervises and commands prosecutors in particular cases (POA §8). The minister of justice is appointed by the president after recommendation by the prime minister (Constitution Art. 94), and submits to the supervision of the prime minister, who acts according to presidential orders (Constitution Art. 86; GOA §26). A candidate for the post of the prosecutor-general, the top post of the prosecutorial organization, is recommended to the president by the Minister of Justice (POA §34) and after passing the state council's review (Constitution Art. 89) as well as the personnel hearing at the national assembly is appointed by the President (POA §34). As part of the administration, the prosecution is also subject to inspection (*kukchŏnggamsa*) by the national assembly (Constitution, Art. 61 and 62) and thus is accountable to the legislative. The parliamentary legislation and judiciary committee has the jurisdiction over the MOJ and the prosecution; the standing committee also reviews bills potentially including those related to the structure and power of the prosecution. Of course, the parliament reviews and determines the administration's budget plan (Constitution Art. 54), although it cannot increase the budget (Constitution Art. 54). In respect to the accountability toward judicial authorities, internal control mechanisms include control by the superior and the chain of authority above and control by general guidelines issued by the prosecutor-general. In particular, in cases that a prosecutor has decided not to prosecute, he or she has to submit a written statement,

including his or her reasoning for the decision, to his or her superior. After the deputy chief prosecutor reads the statement, it might also be double-checked by the chief prosecutor. In complicated cases, the prosecutor might be summoned to explain his or her statement in person. Generally, prosecutors are obliged to follow these guidelines that are published from time to time; the prosecutor-general also dispatches inspection teams to ensure the guidelines are being adhered to.

Based on the aforementioned assessment, we can conclude that *de jure* there is a profound direct supervision of the prosecution by its immediate superordinate agency, the MOJ, and indirectly by the prime minister and the president. However, *de facto* the accountability of the prosecution is far less pronounced. The prosecution features a peculiar personnel strategy that fosters a strong self-reliant and self-protective design. In turn, this leads to the self-strengthening and immunity of the procuracy to a certain extent against other government agencies or institutions that could potentially impose checks against the prosecution. The prosecutorial organization maintains an exclusive elitist culture,[15] including a pattern according to which prosecutors move to other agencies or branches after having started their career as prosecutors. Due to this exclusive elitist culture, prosecutors tend to maintain close ties, even after leaving for another position. Because of the strong cohesion (*kyŏlsongnyŏk*), in their new position, prosecutors often act in favor of their original organization. Related problems become obvious when we see that the majority of the higher posts in the MOJ are filled by former prosecutors (Suh 2010, 92), who often show more allegiance to their alma mater than to their actual duties (Suh 2010, 88). Because of this conflict of interest, it is difficult for the MOJ to supervise the prosecution effectively. Thus, a thorough inspection and supervision, particularly in regard to delicate cases (corruption of high-ranking officials or important business elites and political cases), can become difficult. Even the powerful parliamentary inspection (*kukchŏnggamsa*) by fully auditing the prosecution can be inhibited as among national assembly members there are also many former prosecutors who might act in favor of their original agency (Suh 2010, 88). In particular, posts in the legislation and judiciary committee are often occupied by former prosecutors (see Kim et al. 2011, 154). Besides posts in the MOJ, many of the prosecutors become members of parliament and influence legislation in favor of the prosecution, for example, as members of the judicial committee (see Mun 2010, 166). To provide a certain degree of control of

the prosecution by civil participation, in 2010 the Citizen Prosecutorial Committee System (*kŏmch'alsiminwiwŏnhoe*) was introduced as a way of prospectively controlling decisions made by prosecutors. However, the effectiveness of the innovation is limited due to the fact that a review committee can only be convened at the request of a prosecutor, the committee's members are determined by prosecutors (as opposed to random selection), there is an obvious discrepancy between the standards based on which the citizens make up their mind and the one applied by prosecutors, and, last but not least, the committee's decisions are not legally binding (Oh and Song 2014).

In regard to the executive, the main issue is the revolving door phenomenon involving prosecutors who resign their post at the prosecution to assume posts at the President's office (Blue House), only to return to the prosecution subsequently. This practice was supposed to be abolished under the Kim Young-sam administration by reforming the Prosecutor's Office Act (POA) in 1997, which states that it is by law prohibited to dispatch prosecutors to the President's office (POA §44-2). However, the following administrations found ways to circumvent the regulation and *de facto* did not refrain from doing so. Under President Roh Moo-hyun, eight prosecutors passed through the revolving door full circle, while under President Lee Myung-bak there were 22 prosecutors, and five prosecutors within the two first years under President Park Geun-hye (Peoples' Solidarity for Participatory Democracy 2015, 31). Another main issue in this regard is a pattern that can be detected across administrations: while the prosecutors' office is rather aligned with political decisions of the incumbent government, toward the end of the presidential term or after it, the prosecution's actions often are directed against the president, her aides, or related persons who committed criminal offenses (see Han 2000, 368).

Besides this phenomenon of the partial collusion of politics and prosecution, accepting bribes in exchange for favorable decisions or other malfeasance from private persons or businesses is another problem. The State Public Officials Act (SOA) provides that public servants (which includes prosecutors) cannot receive or give rewards, gifts, or treats (SOA §61), and states that civil servants who obtain or provide profit in wealth, such as money and valuables, goods, real estate, or treats will face, besides the foreseen disciplinary action, an additional penalty fine of up to five times of the received amount of money or the monetary equivalent (SOA §78-2). The Prosecutor Discipline Act (PDA) states that the acceptance of money,

valuables, or entertainment, or the embezzlement or misappropriation of public funds, will be subject to disciplinary action (PDA §7-2, §25). In a similar vein, the Ethical Code of Conduct of Prosecutors (ECP; *kŏmsayulligangnyŏng*) states in §14 on the prohibition of receiving or giving money and valuables that prosecutors are not allowed to receive monetary profit, entertainment, or other economic benefits. The CRC also prohibits bribery (CRC §129) and misfeasance (CRC §123) of public servants and imposes a penalty of up to seven years of suspension or up to ten years of imprisonment. In addition, in 2015 the Anti-Corruption Law (ACL) was enacted that imposes a punishment of imprisonment for up to three years, or a fine up to five times the amount accepted, on persons accepting money or monetary equivalent valued at more than one million won (approximately US$900), regardless of whether such compensation was in exchange for favors or related to the giver's work (ACL §8). For gifts worth up to one million won, a fine of up to five times the present's value will be imposed (ACL §8, §23).

The ACL's enactment can be directly linked to a row of instances in which prosecutors received bribes in return for favorably handling certain criminal cases, also known as cases of "preferential treatment of predecessors (*chŏn'gwanye'u*)" (Yoon 2004, 397). The *Sponsor Prosecutor Case* (2010) became public in 2010 when district chief prosecutor Park Ki-joon and other prosecutors were investigated and indicted on charges of having received money and valuables as well as treats including sexual favors from a large construction company in return for preferential treatment in criminal cases for 25 years. In the same year, the *Grandeur Prosecutor Case* (2010) was unearthed, involving a prosecutor who in 2008 had received a luxury sedan—a Hyundai Grandeur worth 46 billion won (about €35,000)—from a friend to help settle a pending criminal charge against him, which was later dropped.[16] Another similar instance occurred only one year later with the *Benz Prosecutor Case* (2011), in which prosecutor Lee So-yeon received a Mercedes Benz sedan and a Chanel designer handbag, among other things, allegedly in return for peddling her influence for a criminal case.[17] In the *Kim Kwang-joon Case* in 2012, the same senior prosecutor was indicted for taking kickbacks worth 400 million won (approximately $380,000) from suspects engaging in business irregularities, and was finally sentenced to seven years behind bars and ordered to pay a total fine of 550 million won (approximately $520,000). As the most renowned cases show, there is a severe problem with preventing bribery of the prosecution. This is, of course, related to the excessive discretion

prosecutors are bestowed with, as they can decide whether to indict a person or whether to drop the charges. This phenomenon is also related to the authoritative–hierarchical structure and culture within the prosecution that allows superior prosecutors to wield influence on subordinate prosecutors. The problem is that not only is the chain of rule of law breached, which is crucial for realizing and maintaining democracy in practice as such, but an additional effect of these cases is that public opinion and the perception of individual citizens on the role and function of prosecutors becomes severely tarnished.

The Protection of Suspects' Human and Civil Rights During Investigations

In a society of diversity and complexity, two pillars are to be achieved in the criminal procedure. First of all, the prosecution service stand[s] as an ultimate defender of criminal justice by establishing a strict but also a fair and effective "system of investigation". Secondly, we need to protect and promote inviolable basic human rights in every aspect of our criminal procedures. (Supreme Prosecutors' Office 2015)

One of the central concerns that led to the introduction of the prosecution system was to keep in check the police and the courts (judges) to prevent potential activities to the disadvantage of the suspect. Thus, because of the according far-reaching discretion of the prosecutor in the criminal procedure, it becomes crucial that the rights of the suspect are guaranteed. Otherwise, the fair, impartial, incorruptible, careful, and ethically correct conduct of the process may be jeopardized. Thus, the following empirical questions arise: Do prosecutors during investigation adhere to laws and guidelines that guarantee the protection of the suspect's civil, human, and legal rights? Do prosecutors guarantee the right to have a lawyer present at the interrogation, not to be fettered or handcuffed, the right to remain silent, the presumption of innocence, equality before the law, respect for and protection of human dignity, the prohibition against torture, the right to be heard by a court, etc.? Do prosecutors refrain from improper dissemination (including specific media bias) of personal information of suspects, victims, and witnesses that "could be considered inflammatory or damaging to an accused who is under trial, or the trial itself" (UN Office on Drugs and Crime 2014, 71–72) that may thus jeopardize the proceedings themselves? Do prosecutors preserve professional

confidentiality and "not use any information which they have had access during the course of their employment to unjustifiably further their own private interests or those of others" (ibid.)?

De jure the CRC does include norms on the inappropriate behavior of civil servants in general, such as dereliction of duty (§122), misfeasance (§123), breach of confidence (§127), and bribery (§129). In addition, the CRC comprises norms specifically regarding the prosecution service (as well as related agencies or personnel), such as on an illegal arrest or detention (§124), violence and cruel treatment (§125), the publication of facts of a suspected crime (§126), and election obstruction (§126) that may result in imprisonment for between three and ten years. Further, according to the State Public Officials Act (§55) and the Regulation on Prosecutors' Oath, by presidential decree, prosecutors are obliged to take an oath when coming to office, having to swear that they will act "as a representative of the public […] to uphold the principles of justice and human rights," and "to be a courageous prosecutor who fights injustice without compromise; a philanthropic prosecutor who struggles on behalf of those not able to defend themselves; a fair prosecutor who seeks the truth; an honest prosecutor who values personal integrity" (Supreme Prosecutor's Office 2015). In addition, the Constitution states in Article 12, paragraph 4 that everybody who is arrested or in custody has the right to immediately obtain assistance from a lawyer. This is also provided for in the CPC §30.

In 2005, the Constitutional Court ruled that the practice of fettering (*kyegusayong*) a suspect while being interrogated by the prosecutor in his or her office may only be allowed in cases when the suspect might resort to violence, attempt to escape, or harm himself or herself (Constitutional Court 2005). A Korean professor residing in Germany, Du-yul Song (*Sŏng Tu-yul*), petitioned the constitutional court to decide on the constitutionality of §298 of the MOJ's Duty Regulation on Safe Custody Duties. He had been accused and sentenced for having visited North Korea without prior notice to South Korean authorities, and during interrogations in 2003 he was always fettered with ropes, which led him to feel his basic rights had been violated with regard to freedom of the body as well as human dignity and values. According to the ruling, the part of the regulation that stipulated that the personnel on duty for safe custody must always use restraining devices on the suspect and must refuse demands by the prosecutor to remove them (§298 1, 2) was revised (see Lee 2005a, 135).

A recent survey among 1466 lawyers of the Korean Bar Association revealed that nearly half of the lawyers (48.8%) had experienced unreasonable treatment from an investigative authority when attending interrogations (Shin 2015).[18] The most frequent of such experiences involved restraining the lawyer from stating his or her opinion on inappropriate interrogation methods (56.6%), oppressive actions or malfeasance by the investigator (46.5%), and prohibiting the lawyer from taking notes (45.1%). Other experiences included preventing the lawyer from sitting right next to the culprit (17.9%) and from being present at interrogations at all (6.8%).

The publication of documents of the MOJ made public by a member of the national assembly's standing legislation and judiciary committee revealed that cases of suicide by suspects and testifiers while under investigation by the prosecution strongly increased over the last five years.[19] The internal documents also show that during that same period of time, the number of corrupt practices and cases of cruel treatment by prosecutors against suspects and testifiers that have been officially filed increased as well from only 792 cases in 2011 to 554 cases in the first half of 2015. Meanwhile, the responsible prosecutor was indicted in only 0.13% of the cases (six out of 4489) (Table 4.5).[20]

Content: The Quality of Judicial Decisions

The quality of the prosecutorial service's content can be determined by its "design and function," that is, the appropriateness of the argument and the reasonableness of the nature of the penalty in a prosecutor's sentence demand. Here, the question is whether the reasoning of the prosecutor is appropriate and the demanded penalty is reasonable. Due to the restrictions on access to prosecutorial documents, here the focus is exclusively on the reasonableness of sentence demands. One way of scrutinizing the decisions against the norms in respective laws, regulations, and guidelines, as well as its own claims as part of the quality of the prosecution, is to examine prosecutor judgments and decisions in criminal procedures. This includes penalty demands, respective court rulings, decisions to appeal and re-appeal, and final court rulings.

As in other countries, there are basic guidelines for prosecutors on how to handle investigation proceedings, including basic principles prosecutors should follow when they make decisions on cases. Although each case is

Table 4.5 Officially filed appeals with the National Human Rights Commission concerning cases of rights violations related to the prosecution (Choi 2012, 233)

Category	Type of human rights violation	Exemplary decision
Harsh treatment during investigation	Unjustified use of restraining devices	10-chinjŏng-0212200 (June 15, 2011)
	Use of Taser gun	07-chinin-3390 (July 3, 2008)
	Torture causing death	02-chŏkin-2. 02-chŏkin-1882, 1889, 1891 (February 24, 2003)
Fugitive warrant	Fugitive warrant without attendance request	04-chinin-268 (January 10, 2005)
Arrest	70-hour investigation without warrant	02-chinin-1243 (February 23, 2004)
Custody	Excessive number of hours spent waiting	04-chinin-4098 (April 6, 2006)
Invasion of privacy	Attendance request sent to school	07-chinin-2408 (June 19, 2008)
Publication of criminal facts	Leakage of criminal facts	06-chinin-2221 (January 15, 2007) 08-chinin-1883 (September 25, 2008)
Restriction of audience	Restriction of meeting with lawyer	06-chinin-761 (March 19, 2007)
	Excessive audience prohibition measure	04-chinin-2644 (November 23, 2004)
Failure of giving notice of proceedings	Non-notification of non-prosecution disposition	04-chinin-3171 (September 15, 2005)

unique and must be considered on its own facts, there are certain general principles that apply to the way in which prosecutors must approach and handle every case. Against this backdrop and as part of the reform of the prosecution under the Roh Moo-hyun administration at the Ch'ŏngju district prosecution, the Optimum Penalty Demand System (*chŏkchŏngguhyŏngje*) was introduced in 2006. The implementation of this program aimed at narrowing the gap between a prosecutor's sentence demands and the ultimate court's sentence. A study on the gap between prosecutors' demands and the courts' sentences before and after the introduction shows that the discrepancy had indeed decreased (Ch'ŏngju District Prosecutor's Office 2007). However, the overall situation did not improve to a noteworthy degree, which is reflected in the
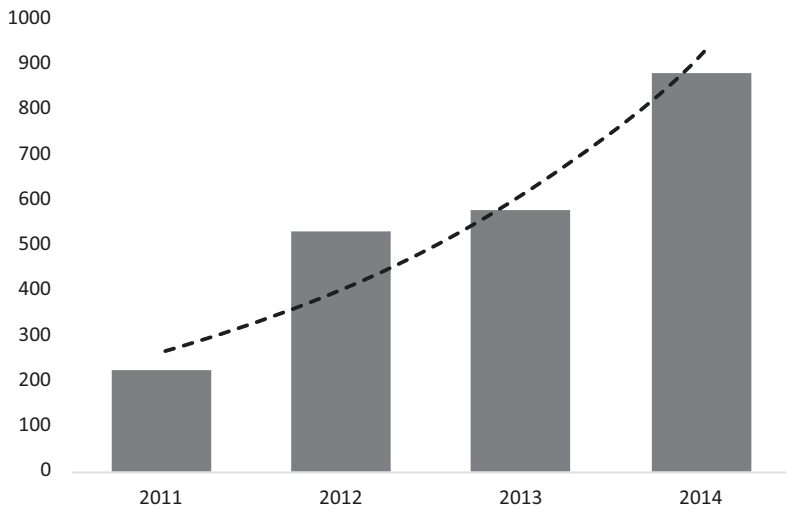
Fig. 4.2 Disbursement of compensation funds (Mio Won; 2011–2014) (Source: Compiled by the author based on Park (2015))

introduction of the Guidelines for Prosecutors on Sentence Demands and Appeals (*kuhyŏng mit hangsosimŏmmujich'im*) that were produced for the same reason by the supreme prosecutor-general in 2010 (Yi 2010a, b).

In addition, internal documents from the MOJ show that criminal compensation costs have been rising considerably since 2011 (see Fig. 4.2). According to the Criminal Indemnity Act (CIA), persons who received a penalty sentence but were ultimately acquitted are eligible to request compensation from the state. In this way, state expenses on criminal indemnity can be understood as a measure of inappropriate prosecutorial sentence demands. Against the backdrop that indemnity expenses have almost quadrupled from approximately US$1.8M in 2011 to approximately US$7.2M in 2014, it is safe to assume that prosecutors' sentence demands have been respectively exaggerated and inappropriate, which sheds light on the prosecution's indictment monopoly and thus on the quality of prosecutors' judicial decisions. The majority (51%) of the total 4404 cases in which the accused ultimately received an acquittal were traced back to insufficient investigation, while about a third of the cases (35%) were generated through the misapprehension of legal principles, and 3.6% of the cases due to wrongful assessment of evidence (Park 2015).

While in general the problem of the consistency and rationality of penalty demands seems to be understood and to be addressed, the discrepancy between the demands made by the prosecution and the sentence imposed by the court in high-profile political cases is still high, if not increasing. An analysis of internal Supreme Court documents (Chŏng 2014) relating to prosecutors' appeals (*hanggo, sanggo*) against retrials (*chaesim*) and the respective court's ultimate sentences in high-profile (political) cases involving violations of laws such as martial law, national security law, emergency measures, and the anti-communism law, as well as of documents relating to other cases at district courts and high courts between 2007 and 2014, shows that the prosecutors appealed in no less than half of the cases, indicating a very low success rate of appeal in retrial cases of nearly 50%, pointing to extremely poor reasoning on the side of the prosecution.[21] The *Suicide Note Ghostwriting Case* is another representative example in this regard. In 1991, the then student activist Kang Ki-hoon was convicted for allegedly abetting a fellow activist who committed suicide by setting himself on fire and jumping to his death from a university building, and ghostwriting a suicide note in protest against the authoritarian government of the then-president Roh Tae-woo. Kang denied the allegations, but prosecutors booked him on the charges based on evidence (a handwriting analysis) provided by the National Forensic Service (NFS) concluding that Kang wrote the suicide note. He spent three years in prison and has suffered from hostile actions taken against him and his relatives since then. In 2008, he was able to successfully request a retrial at the Seoul High Court, which in 2009 ruled that substantial evidence had been found to exonerate Kang and found him not guilty. However, the prosecution appealed against the decision on the grounds that the new evidence might have been forged. After protracting the process for years due to disputes over reexamining evidence, the court finally reconfirmed Kang's innocence in 2014, stating that the original examination results from the NFS in 1991 were not reliable and that other evidence submitted by the prosecution was insufficient. The prosecution, however, appealed again. In May 2015, 24 years after the framed indictment, Kang was finally acquitted, ultimately through a verdict by the Supreme Court. The innocent defendant, however, once indicted and then sentenced for a crime he did not commit, suffered lifelong mental as well as economic consequences, despite the fact that he was finally found innocent. Other representative cases in which the prosecution was not successful include the First *Peoples' Party Revolutionary Party Case* (1964), the *Europe Spy Ring Case* (1969), and the *Ullŭng-do Spy Ring Case*

(1974), which were all eventually closed with the acquittal of the accused (Chŏn, 2014). More recent cases, in which the court in its final verdict ruled not guilty despite the penalty demands by the prosecution service, include the *MBC PD Notebook Case* (2009), in which journalists critically reported on beef import policies; the *Jeong Yeon-joo KBS-president Case* (2009), in which the then-president of the TV station KBS was removed on the basis of allegations of tax fraud; and the *Minerva Case* (2009), in which an internet pundit was charged with the crime of electronically spreading false rumors that damaged the public good when writing on the Korean economy and the government's economic policies. In particular, under the Park Geun-hye administration, courts have recently been reported to ultimately acquit persons who fell victim to exaggerated allegations by the prosecution because they were close to the preceding government of Lee Myung-bak; this suggests a precarious connection between the prosecution and government (see Kim 2017) that clearly contradicts the rule of law and at the same time negatively affects trust in government agencies—first and foremost the prosecution.

Results: Citizens' Satisfaction and Trust

To evaluate the legitimacy of the prosecution's performance, we can draw on Morlino (2011), who suggests to "examine citizens' perception of responsiveness to the existing democratic institutions and the approval of their activities" by scrutinizing data on general and specific satisfaction or dissatisfaction (Morlino 2011, 220). Accordingly, the remainder of this section investigates public opinion as well as evaluations by legal experts on the public prosecution's performance and examines how the acceptance of the prosecution is reflected in the trend to appeal prosecutors' decisions.

Various opinion surveys on the level of public trust in the prosecution show that the popularity of the prosecutorial institution in Korea is one of the lowest among most governmental and nongovernmental organizations. A survey in 2011 that assessed citizens, civil servants working for the public prosecution, and experts with regard to their confidence in the prosecution[22] shows that the prosecution is the most mistrusted agency, even compared to other potentially mistrusted institutions, such as the secret service, the board of audit, the police, or the courts. Only a small minority (17%) of the citizens' sample stated that they trust the prosecution. The tendency of a remarkably reduction in citizens' trust in the public prosecution can also be found in regard to human rights violations. In a survey by the

National Human Rights Commission (NHRC 2011) in 2011, respondents said the public prosecution occupied third place when it came to violating human rights (15.1%), following the police (16.9%) and superior officers in the army (16.3%). In 2005, only 10.9% thought that public prosecutors violated human rights most often. In other words, while in 2005 the prosecution ranked only fifth on the list of human rights-violating institutions, it jumped to third rank in 2011 (NHRC 2011, 92). Meanwhile, 29.8% of the experts who responded to the same survey reported that public prosecutors most frequently violated human rights; 21.6% ranked the prosecution the second-worst violator of human rights (NHRC 2011, 120). Distrust in the prosecution is not a recent phenomenon, although it clearly has been increasing over the last 10 years. The results of a survey on the people's trust in government agencies from 2009 onward show that distrust in the prosecution is one of the highest when it comes to institutions, with 45.5% not trusting the prosecution in 2012.[23] In the bi-annual survey by the East Asia Institute[24] on the influence of and trust in various organizations in the economy, society, and politics, citizens assessed the prosecutors' influence as becoming stronger over time, while simultaneously trusting the prosecution less and less (see Fig. 4.3).
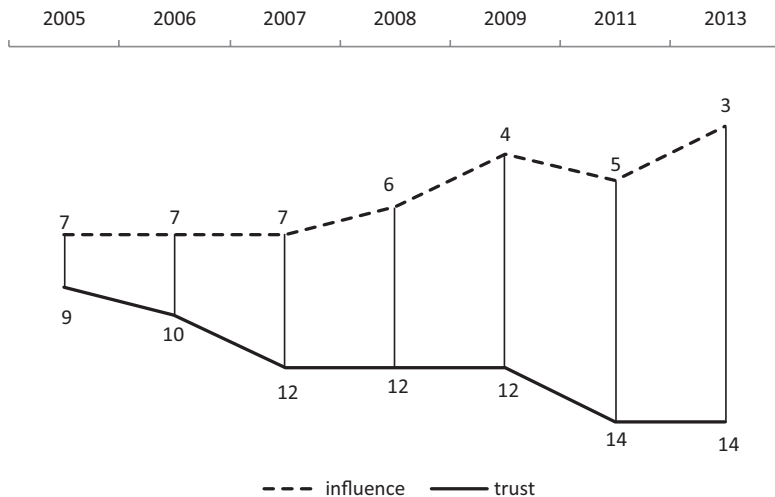

Fig. 4.3 Ranking in influence of and trust in the prosecution, 2005–2013 (rank out of 24) (Source: Compiled by the author, based on data from the East Asia Institute (2015))

In another survey by the Korea Institute for Health and Social Affairs (KIHASA),[25] the prosecution ranked 11th out of 13, with 63.2% of respondents reporting that they distrust the prosecution and the police (Kim 2014a, b, 97).[26] Only distrust in parliament (76.7%) and the courts (63.7%) was greater. Another survey on citizens' distrust of a total of eight governmental and nongovernmental organizations corroborates these results.[27] Only 2.5% of the respondents indicated that they have confidence (*silloe*) in the prosecution, while civil society organizations received the strongest support (22.4%). Furthermore, in this survey that has been conducted since 2008, the prosecution has continuously occupied the lowest rank (eight), with only one exception in 2009 (Kyunghyang Sinmun 2014). In the KSOI[28] survey in 2014, a large majority of the respondents (71.8%) stated that they think the prosecution is not neutral in their conduct, which is by far a stronger expression of distrust than that expressed in relation to other agencies, in particular in relation to the courts (see Fig. 4.4).

In addition, the OECD in its recent report "Government at a Glance 2015" found that only 27% of Korean respondents had confidence in the "courts and the public prosecution," concluding that Korea ranked 33rd out of 34 (Chile) in international comparison. The trust in the prosecution dropped by 2% compared to the survey of 2007 (OECD 2015). Even
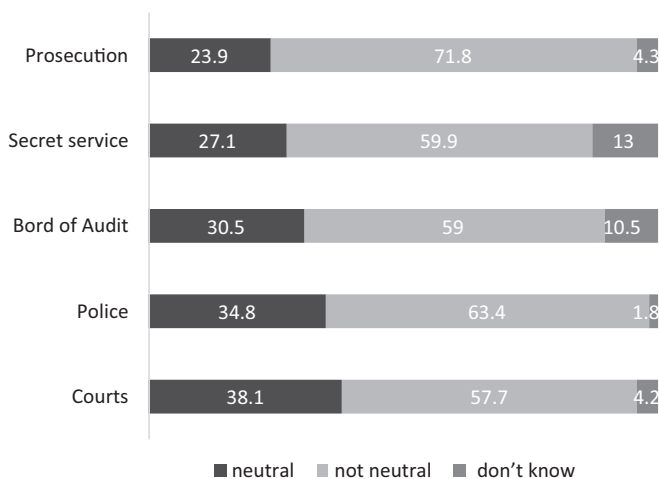

Fig. 4.4 "What do you think of the neutrality of government agencies?" (%) (Source: Compiled by the author based on KSOI (2014))
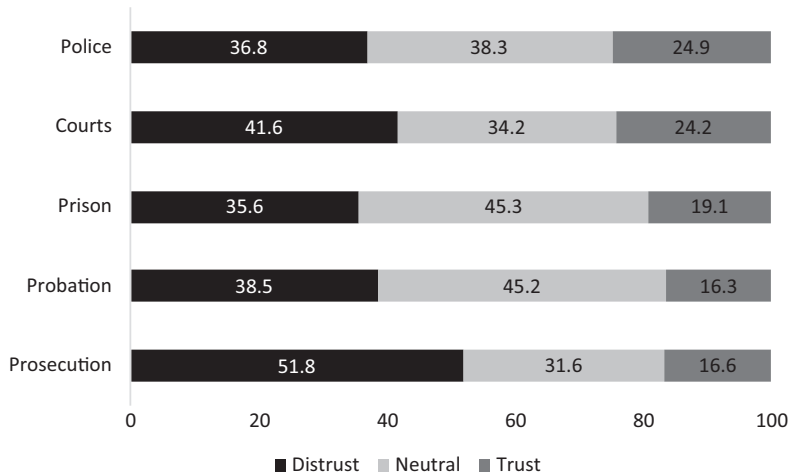
Fig. 4.5 Trust and distrust in criminal prosecution agencies (%; 2016) (Source: Chang 2016)

compared to other agencies in the realm of criminal judicature, such as the police, courts, prison, or probations, the prosecution is the least trusted organization (see Fig. 4.5). A survey commissioned by the Korean Institute of Criminology (KIC)[29] found that among the main criminal law enforcement agencies, people placed most trust in the police (24.9%) followed by the courts (24.2%), penitentiary (19.1%), and probations (16.2%), while the prosecution was the least trusted (16.6%) and most distrusted (51.8%).

Furthermore, the results of the Korea Social Integration Survey (KSIS), annually conducted by the Korea Institute of Public Administration (KIPA), confirm people's increasingly negative perception of the prosecution.[30] More and more citizens do not trust the prosecution service, and think that prosecutors lack integrity (Fig. 4.6).

Scepticism against the prosecution among the citizenry can also be seen indirectly by analyzing constitutional petitions based on the Constitution, namely Article 68(1), which provides for the right to request a constitutional petition against the decision of a prosecutor not to prosecute a case. A citizen might object to a prosecutor's decision not to prosecute a
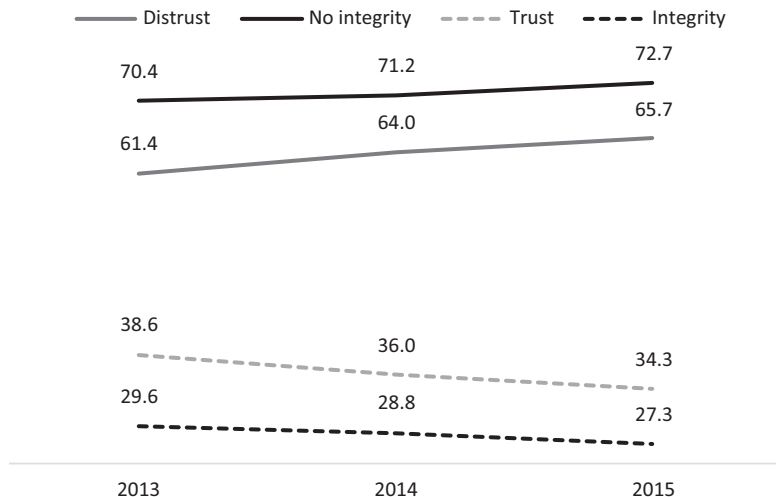
Fig. 4.6 Trust in and integrity of the prosecution in the view of the citizens (2013–2015; %) (Source: Compiled by the author based on Statistics Korea (2016))

culprit either as an accuser who wants the prosecution to indict the person in question, or as an accused whose indictment was only suspended but whose accusation was not deleted from the officially filed documents, and who thus wants to cancel the non-indictment or indictment suspension as such. Either variation reflects dissatisfaction with the prosecutor's decision. From the establishment of the constitutional court in 1988 through to the end of the 1990s, petitions against non-indictments accounted for approximately 60% of all petitions made to the court (see Han 2000, 370). This reached a high of almost 80% in 2005 and only started diminishing in 2008 after the Prosecution Compelling System (*chaejŏngsinch'ŏngje*) was introduced, reforming the CPA's Article 260 that provided the right to request the review by an appellate court of a prosecutor's decision not to prosecute. However, as Fig. 4.5 clearly shows, while the numbers of filed petitions to the constitutional court for cancelling non-indictment decisions decreased sharply, the percentage of successful petitions has increased (cf. Im 2015) (Fig. 4.7).
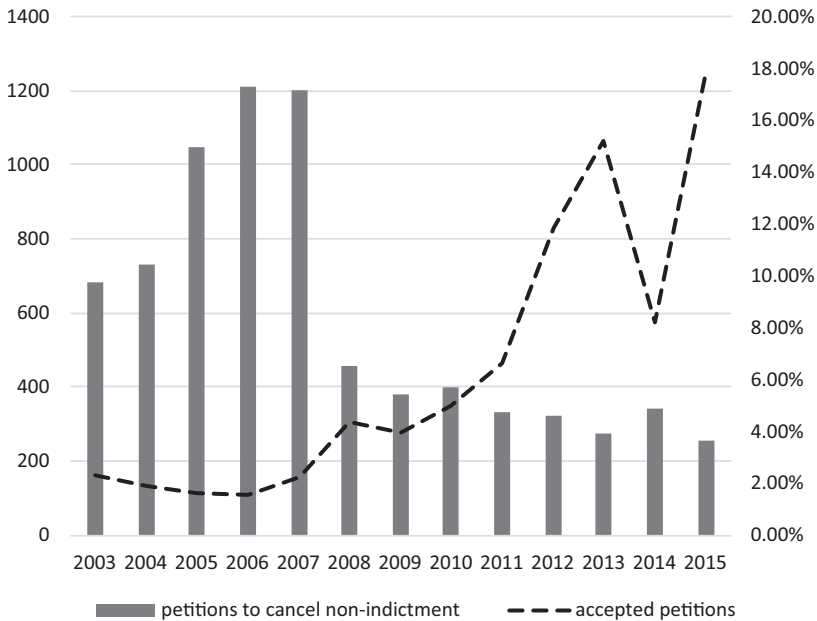
Fig. 4.7 Constitutional petitions to cancel non-indictment (*left* axis; number of cases) vs. accepted petitions (*right* axis; %) between 2003 and 2015 (Source: Compiled by the author, based on database of the Constitutional Court (2016))

CONCLUSION

As the "guardian of the law," a reliable prosecution service is a central component of a functioning rule of law, which in turn is fundamentally important to the quality of democracy. Accordingly, the investigation set out with the following question: What are the major threats or impediments to the rule of law in regard to the prosecutorial service in Korea? The findings indicated that while Korean prosecutors are endowed with more than enough discretionary power, this authority is not always at the prosecutor's disposal exclusively, but it is indirectly claimed or curbed by more powerful political forces. Laws and regulations serve to hold Korean prosecutors accountable for their actions; however, in practice these control mechanisms are often circumvented. Independence and impartiality suffer from interferences, enabling a rule by law at the hands of the

prosecutors rather than rule of law. The protection of political and civil rights, predictable contents of equality and justice, and the acknowledgment by the people as a legitimate and reliable institution were found to be considerably lacking.

The reasons for these overall deficiencies in the prosecution service's process, contents, and outcomes are manifold and have been subject to criticism as well as reform attempts since the mid-1990s. However, besides some undeniable incremental improvements, these efforts have largely remained without substantive success, as has been shown through various serious examples of continuously occurring prosecutor misconduct during the preceding two decades. The reasons for these unceasing instances of malpractice have to be understood in light of historical trajectories and the respective context in which the prosecution and other political institutions are embedded; they can be explained by factors external and internal to the prosecution or the prosecutors. External to the prosecution are legal norms and regulations on the prosecution that can be improved, actors who can make use of the prosecution for illegitimate purposes, and the existence of a structure of political institutions that allows or even induces the misuse of the prosecution. Internal to the prosecution are the self-conception of the prosecutorial service as such or the individual prosecutors; the behavior toward defendants, subordinates, and other agencies; and an attitude of unreasonable organizational egoism or protectionism. These external and internal variables that are at play here are mutually constitutive and reinforcing, which complicates the necessary reforms. *How* these reforms can ultimately succeed has long been, and continutes to be, the object of academic research and political negotiation, and yet remains a puzzle. However, *the fact that* fundamental changes in this regard are required to improve the quality of democracy should have been made clear by the above explanations.

Notes

1. The Freedom House Freedom of the World index surveys the rule of law using the following four main questions: Is there an independent judiciary? Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control? Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgences? Do law, policies, and practices guarantee equal treatment of various segments of the population? (cf. FH 2015).

2. In contrast to the FH and the BTI that draw on experts—mostly political scientists—the GCR surveys "top management business leaders" for its assessment (Global Competitiveness Report 2016).

3. The index is based on combined data from a general population poll and a series of qualified respondents' questionnaires involving roughly 100,000 ordinary citizens and in-country professionals in around 100 included countries.

4. The preceding RLI reports had 72% in 2010, 71% in 2011, 76% in 2012/13, 77% in 2014, and 79% in 2015 (see RLI each year).

5. For comparison, Germany ranks sixth with a score of 83%, Denmark ranks first with 89%, and Uruguay ranks twentieth with 72%.

6. The main eight categories of the RLI are constraints on government powers, the absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice. Each of these main factors is then further divided into three to eight subfactors. There are only detailed numbers on all subfactors for the time period between 2011 and 2013 (reports were published in 2013 and 2014, respectively). The selection of the five factors is based on the average scores from the most recent reports.

7. "Corruption of the legislature" and "unreasonable delay of civil justice" were placed on ranks four and five of the weakest points of the rule of law in recent years.

8. These will be introduced beneath in detail in respect to related norms.

9. Here, translation depicts a kind of cultural translation and is supposed to express in this context that it was not just a transplantation or imposition, but an active appropriation of initial ideas of the ideas and conception on which the prosecutorial institution was based. For more details on the concept of translation, see Lee and Mosler (2015).

10. The German prosecutorial institution was itself modeled after the French system (cf. Schubtert 1981). Originally, the prosecutor system was introduced for the first time in France after the French Revolution. The idea was to devolve power that used to be vested in the judges. By inserting an additional layer or agent into the legal process, the principle of checks and balances was implemented. This developed into the two modern systems: inquisitorial (or non-adversarial; e.g., in civil legal systems such as Germany and France) and adversarial (or adversary; e.g., in common law systems such as the United States and Great Britain) systems.

11. See the following sections for detailed explanations.

12. We find a more detailed refinement of these aspects in the UN documents mentioned above.

13. The top-down chain of command regulation was substituted with the right of the superior to direct and supervise subordinates, and newly added to

the regulations was that prosecutors have the right to raise objections, in addition to strengthening responsibility through the introduction of a principle according to which decisions have to be put down in writing.

14. The top prosecutor post had been vacant for almost half a year because the preceding prosecutor-general had to step down due to various scandals within the prosecution including sex and other forms of bribes (Chang 2013).

15. Prosecutors come from certain high schools, are mostly graduates from SNU, Korea University, or Yonsei University, and have majored in law. They also complete a two-year term with their peers at the judicial training center before they enter prosecution.

16. However, later due to protests against this result, a special investigation team of the prosecution was mandated to investigate the case again. The prosecutor was found guilty and received a penalty of two years and six months imprisonment.

17. Ultimately, in 2015, the Supreme Court upheld the second instance's decision, which had overturned the court's verdict imposing three years of imprisonment and acquitted the prosecutor of all charges.

18. While the survey does not distinguish between police and prosecution, it still bears significance since the prosecutor supervises the entire process of investigation.

19. While there were only five such cases in 2010, there were 14 suicides in 2011, 10 and 11 in 2012 and 2013, respectively, and 21 suicides in 2014. Since June 2015, 15 suicides have already taken place (Yun 2015).

20. The number of such cases rose to 904 in 2012 and then to 1035 in 2013 (Yun 2015).

21. In only 184 out of the analyzed 462 total cases , an appeal was possible because the Constitutional Court had decided in the other cases on the unconstitutionality of the verdicts' legal basis. Out of the 184 cases, the prosecution appealed in 92 cases (see Chŏng 2014).

22. The report commissioned by the public prosecution itself was completed in March 2010 by in-depth interviews of 1000 citizens and 1403 civil servants working for the public prosecution, such as prosecutors and common civil servants, and 20 experts (2011).

23. In 2009, 47.1%, and in 2010, 41.5% said they distrusted the public prosecution (Ko 2012; Yi 2010a, b).

24. The survey was conducted for four days between August 5 and 8, 2013 by interviewing 1200 citizens via automated answering random digit dialing phone calls (East Asia Institute 2015).

25. The Korea Institute for Health and Social Affairs is affiliated with the state-run National Research Council for Economics, Humanities, and Social Sciences.

26. The survey was conducted in June and August 2014 by way of nationwide face-to-face interviews of 3648 adult Korean citizens older than 19 and younger than 76 years (Kim 2014a, b, 40).

27. The survey was conducted by the private polling agency Realmeter on August 25–26, 2014, by interviewing 1000 citizens via automated answering random digit dialing phone calls (Kyunghyang Sinmun 2014).

28. This survey was conducted by the Korean Society Opinion Institute on September 4, 2014, asking 700 citizens by way of random digit dialing and computer-assisted telephone interviewing (Choi 2014).

29. This survey was conducted between September and October 2015 by interviewing 1000 citizens older than 20 years in various Korean provinces and cities (Kim 2016).

30. This survey is conducted every year by interviewing 7500 citizens who are between 19 and 69 years old (Statistics Korea 2016).

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Participation, Freedom, Equality, and Responsiveness

The Progress of Human Rights
and the Quality of Democracy in South Korea

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In what follows, I shall present an overview of the progress of human rights and the quality of democracy in South Korea in the last three decades. A chapter of this nature should necessarily take a historical perspective to produce a useful, if sweeping, picture which provides a 'bird's eye view' of the subject. The chapter is written in a descriptive manner, with some analytical elements, and intends to offer a critique of the prevailing framework, with the ultimate aim of furthering understanding of the South Korean debate on the 'human rights-democracy' nexus. Perhaps the best anecdotal example of this debate is found in the demands put forward by the 'people power' protest in the 1987 democratization movement: the citizens at the time upheld 'the right not to be tortured' and 'the right to participate in the election of the president' as two of the central pillars for reinstating democracy. Ever since democratization, human rights in South Korea have long played a double role as both a catalyst and a qualifier for democracy (Cho 2007). My position in this debate is based on the belief that in order for democracy to achieve its foundational objective of 'rule of the people', human rights in its fullest manifestation should be part and parcel of democratic citizenship and, conversely, the best way to evaluate the normative democratic ideal is to

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investigate the empirical fulfillment of human rights in its entire scope (cf. Beetham 1999; Cho 2007). I shall begin with the achievements in the progress of human rights during the abovementioned period, followed by an examination of the recent shifts toward the regressive trend. Although the fact of the regression itself is not generally disputed, there are two different interpretations about it. It is argued that both approaches warrant our close scrutiny, since the proponents of both views are themselves the main players and actors concerning human rights in Korea today. This chapter analyzes the strengths and weaknesses of the two views and proceeds to argue that both of them are, for different reasons, insufficient for an adequate protection and promotion of human rights in South Korea. The final part will offer a new way of analyzing the human rights–democracy nexus in Korea and argue that we should take more heed of the contextual and structural conditions upon which the protection of human rights and the flourishing of democracy in South Korea are predicated.

The Progress of Human Rights in the Last Three Decades

Since South Korea embarked on its long and arduous journey toward democracy in 1987, there has been some important progress in the protection and promotion of human rights. The era of blatant disregard for human rights has largely given way to a new period of constitutionalism, rule of law, and respect for citizens' basic rights and freedom (Cho 2002). A cursory survey of the human rights landscape during this period will demonstrate this. A note of caution: although the following description may give an impression of somewhat linear evolution, the development of human rights in the ensuing years was, in fact, full of setbacks and uncertainties. For example, the government's repressive measures and a series of protests and resulting deaths of citizens in 1991 could be a classic example of the 'More Murder in the Middle'(M-M-M) thesis, which argues that acts of life-threatening regime repression tend to take place *after* the initial liberalization of political space rather than at the height of authoritarian oppression (Fein 1995).

In the realm of international human rights standards, South Korea has acceded to and ratified some of the most important international legal instruments since 1987: the International Covenant on Civil and Political Rights in 1990; the International Covenant on Economic, Social and Cultural Rights in 1990; the Convention on the Rights of the Child in

1991; the Convention Against Torture in 1995; the Optional Protocol to the Convention to Eliminate All Forms of Discrimination Against Women in 2006; and the Convention on the Rights of Persons with Disabilities in 2008. South Korea is also considered to be a proactive actor in international human rights diplomacy: she was a full member to the UN Commission on Human Rights between 1993 and 2006, and has served as a state party to the UN Human Rights Council in 2006 and between 2008 and 2011, all this culminating in the election of a Korean representative to the presidency of the Human Rights Council in 2016.

The newly revised Constitution of 1987 strengthened the protection of the basic rights of citizenship. Executive, presidential recruitment was made through direct popular vote, with executive constraint being guaranteed by a single five-year term for the presidency which has never been exceeded since 1987. Many constraints on civil rights were removed to restore the citizens' fundamental freedoms and rights including equality, liberty, and life. The establishment of the Constitutional Court in 1988 means that legislation can be subjected to scrutiny to make sure that it is compatible with the constitutional principles of republicanism, liberal democracy, and the basic rights of citizenship.

The promotion and protection of human rights at the domestic level has also been enhanced in a number of areas. In the series of legislation to this effect there are: the amendment of the law allowing long-term foreign residents to vote in local elections; the Act on Special Cases of Punishing Child Abuse Crimes; the Refugee Act; Presidential Decree and Regulations; Act for the Prevention of Suicide and the Creation of a Culture of Respect for Life; the amendment to the Criminal Act which changed the disciplinary practices for inmates and the term for potential victims of rape from 'woman' to 'person'; the amendments to the Public Official Election Act that guarantee Korean nationals abroad the exercise of their right to vote in the national election; the identification of gender-discriminatory legislation leading to the rectification of several provisions; the adoption of the Act on Punishment of Crimes under Jurisdiction of the International Criminal Court; and the adoption of the Anti-Discrimination against and Remedies for Persons with Disabilities Act (UN Human Rights Committee 2015).

In the judiciary, changes have been made to give more attention to the initiative and rights of ordinary members of the public by allowing them to take part in the legal deliberation process through the citizen jury system. The power of the prosecutor over the court rulings was curtailed. Some rights-infringing practices in criminal law, including limits to the defendant's access to legal counsel, have been rectified.

A number of milestones for gender equality and women's rights have been put in place. For example, an old civil code prohibiting marriage between men and women with the same surname and the same ancestral seat is now a thing of the past. The long-standing *hoju* system, in which only a male member could assume the role of legal head over all the other family members listed under one *hoju*, was finally replaced by a new family registration system in 2008 against the fierce opposition of traditionalists. The ministry of gender equality came into being in 2001. The installation of the first female prime minister in 2006 and the first female president in 2013 is widely believed to have had symbolic as well as practical impact on a heavily male-dominated society.

In the executive and its bureaucracy, the protection of human rights is increasingly considered to be invaluable. Special units for human rights now exist in several branches of the executive including, for example, the justice ministry, the foreign office, the labor ministry, and the police. A Korean equivalent of the Ombudsman system was created under the title of the Anti-Corruption and Civil Rights Commission in 2008. According to the 2010 Civil Service Education Guidelines, each governmental agency is required to train employees on the human rights dimension of their work, which is seen to have particular relevance to law enforcement officials, prison wardens, immigrations officials, and some military servicemen. In-house training for the protection of citizens' rights is given to an increasing number of civil servants at the central and local levels. For example, all employees of the Seoul municipal government are required to enroll in a human rights class each year. There is a statutory country-wide annual educational program on the prevention of sexual harassment in all workplaces with ten or more workers.

In the realm of civil society, the effect of the 1987 watershed is more than palpable. Most studies agree that both the number of civil society organizations and the volume of civil society activity dramatically increased in the late 1980s and early 1990s (Cho 2015a). As of 2009, there are 220 NGOs working in the human rights area, accounting for 2.9 percent out of a total of 7639 civil society organizations. Although relatively small in actual manpower, human rights NGOs in South Korea are considered to have played a vibrant and leading role in the democratization movement, as well as the period of democratic consolidation following it. It is indeed civil society that has initiated several 'new' agendas for human rights, including activism in the name of victims of domestic violence, migrant workers, families created by international marriage (so-called 'multicultural

families'), settlers from North Korea, minorities based on sexual orientation, and so on.

The seemingly inexorable march towards a political system respectful of human rights culminated in 2001, when the Kim Dae-jung administration finally created a national human rights institution based on the Paris Principles. The National Human Rights Commission of Korea has played a significant role in raising public awareness of human rights and in making some concrete impact on issues ranging from the discrimination of women, to increased protection for the disabled, the elderly, and minorities. I also devised a national action plan on human rights and contributed to the mainstreaming of human rights policy across the whole gamut of the government. The Commission's work on individual complaints concerning rights violations and discrimination has become an important pillar for human rights protection in Korean society.

The mass persecution of civilians in the past—during the colonial period and around the time of South Korea's independence, the Korean War, and the authoritarian rule—has long been an issue of extreme sensitivity and importance. With democratization and especially during a decade of pro-reform governments (1998–2008), there was a change in official historiography and public perception toward the issue. Some serious attempts have been made to identify, document, seek redress, and effect rehabilitation and reconciliation for the wide variety of issues related to transitional justice. They include the national truth commission, a governmental body to trace the unaccounted death cases under the authoritarian rule, and intra-agency truth committees including the police and the intelligence service (Kim 2012–13).

Last but not least, the use of the death penalty has come to a halt. Since the mass execution of 23 prisoners in a single day at the end of 1997, there has been an unofficial moratorium on executions in spite of the existence of the death penalty in the statute book, which gives South Korea the status of a *de facto* abolitionist country. Regardless of the non-execution practice, the sentencing of death penalty has been continuing to this day, with 60 prisoners on death row as of late 2015.

RECENT TRENDS IN THE REVERSAL OF HUMAN RIGHTS

Impressive and encouraging though the above description may be, a closer scrutiny reveals a rather different picture in recent years. Starting from around the late 2000s, some of the earlier gains which had been taken as

evidence of 'irreversible' improvement of the human rights situation seem to have been lost or are receding. The stagnation/retreat of human rights is not only a cause for concern in its own right, but a potential indication of a premature atrophy of democratic consolidation. Reduction in civil liberties and freedom is, by definition, an illustration of democratic deficit. It may also be the case that the decline of human rights will weaken democracy to the extent that the latter loses momentum for its further maturation. There is a sense of frustration among citizens that unless the current stalemate is addressed, the quality of democracy in South Korea runs the risk of significant damage for an extended period of time. Detailed documentation on the state of affairs in human rights is outside the purview of this chapter. Instead, a digested summary of the recent human rights situation will be presented here in the form of representative case examples, which are accompanied by a brief description of the relationship between the regress of human rights and the quality of democracy.

It is worth remembering that many observers consider the advent of the conservative government in 2008 to be a negative turning point for human rights. Most intergovernmental and international human rights NGOs seem to agree on this point. A United Nations report agrees with the analysis: '… despite the progress made over the decades, the Special Rapporteur notes that the space for freedom of expression in the Republic of Korea has been shrinking in recent years, *in particular since the candle-light demonstrations of 2008*' (UN Human Rights Council 2011, 6, emphasis added). Another UN report is even more scathing: 'The extent to which the Act [National Security Law] has been used to bring charges against human rights defenders and others has varied over recent decades, notably according to the particular administration in power… during the period 2008–2012, the use of the Act appears to have increased, *thereby counteracting a previous trend that had seen a general decline in charges based on the Act*' (UN Human Rights Council 2013, 8, emphasis added). The latest Bertelsmann Transformation Index echoes a similar sentiment: 'The freedom of opinion and the press are constitutionally guaranteed, but *recent illiberal trends give cause for concern*… The National Security Law (NSL) is… used to prosecute persons advocating positions that are seen as favoring the communist North (and thus undermining the legitimacy of the ROK and its policies)' (BTI 2014, 9, emphasis added).

Indeed, the revival of the frequent invocation of the NSL provision in matters concerning freedom of expression is identified as a serious source of civil rights abuses in South Korea (UN Human Rights Council 2011,

2013). In particular, the vaguely worded Article 7 of the NSL, which stipulates imprisonment of up to seven years for those who knowingly 'praise, incite and propagandize anti-state organizations and their followers' has drawn domestic and international criticism. According to Amnesty International, arbitrary arrests and detentions, as well as prosecutions and indictments based on NSL charges, have steadily increased since 2008, culminating in the highest number of people (135 and 129, respectively) being investigated and/or charged in a decade in the years 2011 and 2012 (Amnesty International 2009, 200–202; 2010, 200–201; 2011, 197–200; 2012, 206–207; 2013, 150–152; 2015, 218–220).

An increasing number of journalists, media workers, internet bloggers, artists, film makers, performers, broadcasters, illustrators, pamphleteers, and graffiti artists whose views are seen to be critical of the government have been subject to investigation, harassment, long-term reprimand, prosecution, indictment, fines, and imprisonment (UN Human Rights Council 2011, 2013). Subtler forms of control over the freedom of expression have also been reported including, for example, difficulties faced by dissenting filmmakers in trying to find movie theaters willing to show their films. Art works and films of a 'provocative' nature have been denied access to exhibitions and festivals. The ministry of defense has imposed an official censorship—a modern version of *Index Librorum Prohibitorum*—which bans certain books allegedly containing politically sensitive contents among conscripted servicemen. Expression of political opinion by educators and members of the teachers' union is now considered an indictable offense.

Related to this, criminal defamation charges—with the possibility of imprisonment as well as imposition of fines—have been brought against those who are seen to not conform with officially sanctioned views, particularly on matters related to North Korea, imposing a 'chilling effect' on the freedom of expression. As a result, the general room for maneuver on the part of reformers, activists, and human rights defenders has certainly been reduced in the last few years. A United Nations paper deplored as early as in 2011 that '… *the shrinking space for freedom of expression* in the Republic of Korea in recent years is primarily due to an increasing number of prosecutions and harassment of individuals who express views which are not in agreement with the position of the Government' (UN Human Rights Council 2011, 7, emphasis added).

The question of freedom of peaceful assembly and association has also drawn much critical attention. The Ministry of Labor's de-registration of the Korean Teachers' and Education Workers' Union in 2014 means that

the union is now forced to exist as an 'extrajudicial entity' unprotected by labor laws, which was confirmed by court decision in 2016. The minor left-wing Unified Progressive Party with five National Assembly members and numerous local council members was outlawed and ordered to disband on charges of having a pro-North Korean stance in late 2014 following a Constitutional Court decision, the first such dissolution of a political party since 1958. In the period between July 2009 and August 2012 alone, at least 586 demonstrators were arrested and/or indicted (Amnesty International 2013). A series of demonstrations led by trade unionists and dissidents in late 2015 were suppressed by prohibitive police measures leading to serious injury for a protesting peasant and the arrest and indictment of the union leader on charges of disruption of public order, damage of public property, and, for the first time in 30 years, 'sedition'.

Rural residents' prolonged peaceful protests over environmental, land, and subsistence concerns in places like Miryang (South Kyŏngsang) and Kangjŏng (Cheju) have met with excessive use of force by riot police. The right of workers to associate, while protected under the Constitution, has recently been undermined. Protesting and striking workers' harassment at the hands of the police and private security firms is not unusual these days. Although a state party to the International Labor Organization since 1991, South Korea has not ratified the organization's Convention 87 (freedom of association) and Convention 98 (right to organizing and collective bargaining). The anti-labor policy of the government has created 'undue restrictions on and stigmatization of' those who participate in the labor movement and exercise the right to strike (UN Human Rights Council 2013). It should be noted that the retreat of human rights seems to be continuing in the practice of conservative governments since the Lee Myung-bak presidency. 'The second year of Park Geun-hye's term as president showed a *regressive trend in the realization of human rights*. Numerous concerns surfaced including barriers to freedoms of assembly and expression' (Amnesty International 2015, 219, emphasis added).

The public visibility and active role of the National Human Rights Commission have been considerably rolled back since the late 2000s. Having been subjected to an organizational downsizing of more than 20 percent of the personnel in 2009, the national human rights institution has increasingly lost the trust of the public and civil society. Even the United Nations raised concern over whether the institution genuinely maintains 'independence and impartiality' (UN Human Rights Council 2013). The national body is currently facing a possible demotion in status by an

accreditation body of the international network of national human rights institutions. A comprehensive anti-discrimination bill which had repeatedly been recommended by the international human rights community has not materialized, largely due to conservatives' fierce opposition against unhindered freedom of (political) opinion and expression, and due to the extremely determined and sometimes violent anti-gay lobby including militant right-wing Christians. The long-standing problem of criminalizing conscientious objectors shows no sign of resolution, with an even more hardened position by the government. In any given year, there are approximately 600–700 people confined to prison on the grounds of refusing the call for conscription, with no alternative forms of civilian public service available. A number of high-profile cases of abuse within the military, including cases of suicide, torture/death at the hands of fellow soldiers, and a mass-shooting spree, caused public outcry, leading to the unprecedented resignation of the Army Chief of Staff in 2014.

In addition to the above situation, several human rights concerns are raised in regard to various groups and issue areas. Among these are: discrimination and criminal negligence toward persons with disabilities (UN Committee on the Rights of Persons with Disabilities 2014); discrimination and exploitation of migrant workers, widespread and explicit racist hate speech, and female victims of forced prostitution including those in the entertainment industry (UN Committee on the Elimination of Racial Discrimination 2012); women's serious disadvantage in formal and informal labor markets, and poverty and substandard working conditions of rural women who account for more than half the entire agricultural workforce (UN Committee on the Elimination of Discrimination against Women 2011); the extremely high rates of suicide among youth and children, and significant stress and detrimental impact of the harshly competitive educational environment (UN Committee on the Rights of the Child 2012).

There is little doubt, therefore, that the human rights situation in South Korea has been deteriorating under the conservative governments since 2008, although one needs to be careful to acknowledge that some problems had existed long before the arrival of right-wing governments. The negative turn of the human rights situation prompts us to pose a number of questions in relation to the quality of democracy in South Korea. To what extent would this shift be considered detrimental to the quality of democracy? Is the negative turn a truly serious one or just a predictable change of policy direction under a conservative government? What does

this negative turn tell us about the characteristics of Korean democracy since 1987? What kind of actors, factors, and interests are responsible for this turn?

Different Frameworks of Interpretation

In spite of the largely negative diagnosis concerning the recent human rights situation in Korea, there are almost diametrically opposite frameworks for its interpretation. It might be tempting to see this difference in light of the very polarized political/societal divide of the country into the so-called 'Progressive (*chinbo*) and the Conservative (*posu*)' factions or camps. One needs to go beyond this, however, to grasp the full implications of the changes in the human rights situation on the quality of democracy. A study focusing on human rights and democracy in South Korea argues that since democratization, the concept of human rights itself has been bifurcated to two very distinctive narratives (Cho 2010). On the one hand, there is a maximalist, civil society-oriented conception of human rights which sees itself as a legitimate successor to the pro-democracy tradition and upholds and advocates the diffusion of rights and freedoms in every sphere of sociopolitical life. On the other hand, there is a latter-day minimalist, less comprehensive, semi-internationalist conception of human rights that interprets human rights strictly in formal-legal terms and supports a full engagement with the human rights situation in North Korea internationally and domestically. Based on this argument in expanded form, we may identify two opposite interpretive frameworks to be brought to bear on the recent changes in the human rights situation.

First, there is the conservative framework of interpreting the current situation. According to the conservatives, South Korea is a reputable, fully functioning, if not perfect, democracy. The country disposes of all the necessary state apparatusses of rights-protecting mechanisms in liberal democratic systems, such as the separation of powers, free and regular elections, a constitutional guarantee of basic rights, the rule of law, an independent judiciary, and so on. The conservatives remind us of the fact that the firm institutional framework for human rights and democracy is a clear sign of South Korea's departure from the pre-1987 authoritarian system once and for all. The heavy emphasis the conservatives place on the existence and maintenance of institutional frameworks means that the so-called 'negative turn' of human rights does not matter much insofar as the democratic institutions fulfill the role they are supposed to perform, at

least in a legal sense. The conservatives do not deny the mounting evidence of human rights violations *per se*, but point out that the majority of the reported abuse cases are either cases that may well happen in any normal democracy or are an inevitable outcome of raised expectations regarding human rights and their consequent scrutiny. The downsizing of the national human rights institution, for example, was only part of the government's overall management rationalization drive, which might have occurred in any fiscally prudent government, claim the conservatives. Moreover, the reports of increasing rights violations do not necessarily mean that the human rights situation is deteriorating qualitatively. On the contrary, they may indicate that South Korea's democracy is now mature enough to be externally examined on the basis of much stricter criteria—therefore, what occurred is a 'tougher turn' rather than a 'negative turn'.

Nowhere is this kind of polemical view of the conservatives more pronounced than in the controversy surrounding the National Security Law. The conservatives argue that the more frequent use of the NSL derives not from the conservative government's 'undemocratic' agenda, but from the provocation and hostile activities on the part of North Korea—for example, nuclear weapons program and naval military attacks—which are by definition a system-threatening risk to South Korea. Therefore, to control and limit the support base of the pro-North Korean segment of population is not only called for, but is also absolutely legitimate to preserve the security of the nation, itself the highest form of human rights protection. For the conservatives, the prosecution and limitation of the so-called pro-North Korean elements are actually a pro-human rights, pro-liberal democracy measure on a long-term basis. The conservatives are convinced that the control and suppression of anti-state organizations are for the best interest of South Koreans whose constitution's preamble upholds the strengthening of 'the free and democratic basic order' which is, according to the conservative interpretation, in effect the principled anti-communist and anti-North Korean stance. The conservatives argue that given the dire security situation, the country cannot afford to indulge in unlimited freedom of expression, which will only benefit those who would undermine the country's democratic polity. They also assert that the decision to disband the allegedly pro-North Korea political party came from the Constitutional Court, which is itself a creation of the 1987 Constitution, and that a majority of the public supported the court ruling anyway. In relation to this, the conservatives believe that the most important human rights task facing the nation at this particular juncture is not fretting about

minor domestic rights issues, which are more or less within the perfectly permissible vagaries of normal democratic society, but instead in confronting head-on the gravest human rights situation in North Korea—a misery in its own right and a possible source of insecurity in the Korean Peninsula as a whole. For the conservatives, the nation of Korea, all state organs, and the freedom-loving and leftism-rejecting citizenry are the sole legitimate and deserving actors worthy of human rights protection and human rights advocacy.

Second, there is the progressive framework of the current situation. The progressives fully endorse the 'negative turn' thesis of the international organizations, and believe that the quality of human rights and democracy has fallen so low under the conservative rule that it is now approaching the pre-1998 level when the more liberal government of Kim Dae-jung was installed. In other words, according to this view, the situation has worsened both in relative and absolute terms since 2008. Before we go on to examine the progressive interpretation in detail, a brief account of its historical evolution may be warranted.

The traditional line of thinking by the human rights activists and defenders about the prospect of human rights and democracy before the change of government in 2008 could be summarized in a fourfold premise. First, the 1987 democratization saw a clear-cut discontinuity in the country's human rights protection, at least in the institutional sense if not in reality. The previous authoritarian regimes only had the trappings of rights-protecting democracy, and even these were under strict control by oppressive state organs such as the security agency, the police, and the prosecution. The situation was greatly compounded by the docile and complicit judiciary, which turned a blind eye on human rights abuses. It is only after the democratization of 1987 that a genuine form of rights-respecting regime has started to take root. Second, the democratization process was largely driven by the bottom-up, grassroots mobilization of people power, including the human rights movement. According to this view, the top-down analysis of elites' negotiation and concession in the process of democratic transition or the international pressure for domestic change are only a secondary consideration. Third, with the combined force of institutionalization of democratic rules, progressive governments, and civil society mobilization, Korea' democracy and human rights can hold out the prospect of inexorable progress. The zeitgeist of human rights is such an overwhelming imperative that the post-1987 institutional frameworks will surely withstand the pressure from the democratic change

of government, from the progressive to the conservative, for example. Fourth, democracy and human rights are as much a means to achieve the greater good, such as social justice, egalitarian system, and national reunification, as they are an end in their own right. It is believed, therefore, that human rights and progressive politics are natural companions toward the ultimate goal of the greater democratic good.

It turned out, however, that this rather optimistic outlook did not and could not properly analyze the changes that the advent of the conservative government brought about, and the apparent ease with which the democratic practices were reduced to worrisome levels. This is because the unexpectedly sudden negative turn of the human rights situation provided much evidential argument for the inadequacy of the previous premise. It is at this juncture that a new progressive framework started to emerge. Essentially a modified form of the traditional premise, the new progressive line of thinking replaces the above third point with the following: (a) the gradual but seemingly inexorable improvement of human rights may not be as straightforward a process as it first seemed; (b) the democratic consolidation was not as strong as it seemed, largely due to the extraordinary resilience of anti-communist authoritarianism in the democratic conservative guise; and (c) the main culprit of the negative turn of human rights is the 'intentional' behavior of conservative governments.

In the progressives' reasoning, the state of affairs in human rights is emblematic of the deteriorating quality of democracy in today's Korea. The best and surest way to restore the democratic deficit and human rights, argue the progressives, is to drive the conservatives out of power. The progressives maintain that since the democratic capability of the institutional framework proves to be easily neutralized under the conservative rule, genuine protection of human rights under the conservative-controlled institutions is hard to maintain. In a nutshell, the stability of the democratic system in Korea is simply not solid enough to withstand the authoritarian, anti-communist onslaught in a democratic disguise.

The above views also have corresponding sets of identified actors, interests, and institutions seen in relation to human rights. The conservatives see the state, the incumbent government, international human rights community on the North Korean issue, and the anti-communist 'freedom-loving' citizens as the most important actors. The interests of the conservatives include protecting individual liberty within a firm national security parameter, maintaining law and order, and permanent marginalization/outlawing of the alleged pro-North Korean elements among population.

Institutions that the conservatives consider to be vital for their interests are the law enforcement agencies and the public prosecutor's office, the prudent and 'patriotic' judiciary, and a national human rights commission more oriented toward the issue of human rights in North Korea. These views are starkly contrasted with those of the progressives that see the progressive government, human rights NGOs, pro-democracy politicians, and the international human rights groups working on general human rights issues (but less so in the North Korean issue) as the most important actors. The interests of the progressives include 'universal' respect for individual dignity and worth, and the balancing between the issue of human rights in North Korea and geopolitical goal of peace and security in the Korean Peninsula. Institutions that the progressives consider to be vital for their interests are an independent judiciary, a de-politicized law enforcement agency and an impartial public prosecutor's office, and a revitalized national human rights institution. Nevertheless, according to the progressive analysis, the reform of institutions for the promotion of human rights lies not so much in the organizational and/or personnel restructuring as in the attitude and political will of the incumbent government.

Despite these apparent differences, on closer scrutiny both approaches share some common ground. For example, both the conservatives and the progressives agree in principle that human rights are a fundamental human value and that human rights must be part and parcel of any democracy and democratic practices. This kind of shared understanding of human rights, at least in principle if not in practice, is a reminder of how far the conservatives have traveled since the heyday of their authoritarian predecessors. It should be remembered that definitely before 1987 and during the period leading up to 1998 (the Kim Dae-jung administration) to some extent, the conservatives did not overly endorse and approvingly talk about the importance of universal human rights, let alone practicing them. A veteran police officer told the author that he and his colleagues had heard about human rights only in connection with the 'propaganda of some left-wingers and student trouble-makers' until the early 1990s. It is fair to say that the core value of human rights is now accepted both by the conservative and by the progressive sides. Seen from this perspective, the nature of the current difference between the conservatives and the progressives might be of relative weighting, dynamics, and outlook rather than of a qualitatively different nature. Related to this, it is interesting to observe the implicated commonality between the two in terms of the place of human rights in Korea's democracy. The conservatives take the view

that a notion of human rights which is compatible with the constitutional 'free and democratic basic order' is the backbone of safe and orderly development of democracy in South Korea. The progressives assert that depending on how a connection is established, the quality of human rights and democracy could either progress in a mutually enhancing manner or degenerate into a vicious downward spiral. So in essence, both the conservatives and the progressives share the view that there is at least an inextricable link between human rights and democracy. The attitude toward 'law and order' is also an important point which unites and divides the conservatives and the progressives at the same time. Both agree that law and order is important to protect the rights-respecting system, especially in security-conscious countries like South Korea. But for the conservatives, it is 'human rights in law and order' that is worthy of protection, whereas for the progressives, it is 'law and order for human rights' that is the only recipe that is acceptable in a democratic society.

By way of a last analysis, it should be pointed out that both approaches to human rights are based on two divergent ideas of democracy respectively. For the conservatives, democracy is a protective concept based on the idea of exclusionary citizenship—in order to protect the human rights of the majority population, the 'undeserving' opinion of the dissenting minority should not be embraced within the 'free and democratic basic order'. This kind of ideologically defined notion of 'citizenship' almost invariably tends to misuse or misrepresent the democratic institutional procedure and to justify a highly idiosyncratic and polemical view of human rights. For the progressives, democracy is largely an instrumental concept which is expected to produce the greater and maximal good on a continuing basis. As a result, the short-term outcome of political process tends to be interpreted as watertight evidence to evaluate the improvement or the lack thereof of democracy. Nowhere is this tendency more palpable than in the area of human rights, where some sensational and spectacular failings are often taken as an undeniable evidence of general institutional failure.

In sum, the corollary of this 'partisan' understanding of the human rights–democracy nexus from both frameworks is the lack of a perspective reflecting more historical, contextual, and structural dimensions. The advancement of human rights is as much about the improvement of macrolevel conditions for human rights protection and promotion as about the rectification of microlevel individual rights issues (Cho 2016; Moyn 2010). In addition, an unfortunate consequence of this fallacy on both

sides is a practical difficulty in finding workable solutions for improving human rights through democratic deliberation. An unusually perceptive United Nations report offers advice along this line. 'The Special Rapporteur notes that [human rights] defenders operate in a rather polarized environment and believes that more effort is required, both from the authorities and the communities of defenders, to *engage in genuine and constructive dialogue*' (UN Human Right Council 2013, 19, emphasis added).

An Alternative Framework of Human Rights

The discussion so far has led us to seek a new line of thought in human rights. It should go beyond the above highly polarized views and fill the gap left by each perspective so that we could have a more comprehensive framework with the potential to raise both the quality of democracy and the level of the debate. If the predominant frameworks continue to hold sway over the way human rights are understood and practiced, the sociopolitical reality may well follow the pattern of self-fulfilling prophecy. One way to move away from the conventional molds is to analyze the current situation of human rights on the basis of its historical and political characteristics. A brief survey of the latest, most comprehensive document on human rights in South Korea will suffice to attest to this point. The UN Human Rights Committee has published in late 2015 its 'Concluding observations' on the fourth periodic report of the South Korean government (UN Human Rights Committee 2015). The opinion and recommendations of the Committee are considered to be most authoritative and wide-ranging. In the document, we may identify three different strands among a couple of dozen areas of concern identified by the Committee.

First, there are several issues which need to receive more societal attention with political will and resource allocation. These are relatively new and emerging problems by Korean standards and reflect a shift to more stringent criteria on which the practice of human rights in South Korea is to be internationally evaluated. Among these are the contravention of relevant human rights standards by the Korean companies based overseas; detention of asylum seekers, migrant workers, and the trafficking for the purpose of forced labor; and the requirement for asylum seekers to approach their embassies to obtain birth registration for their children. These issues represent a kind of new problems for the democracy in South Korea, and are expected to present ongoing challenges to any government regardless of its political inclination. For example, it would not be

surprising to see the issue of refugee intake on humanitarian grounds becoming a major national issue in the near future. On the whole, these problems point to the globalized reality in which South Korea has been made to operate, and as such will continue to expand in one form or another. In essence, this is the challenge of (any) democracy in a globalized world.

Second, there are a number of issues of a continuing and intractable nature. They are problems with historical origin, and tend to reflect shortcomings inherent in the sociopolitical system itself. These include, among others, conscientious objection to military service; discrimination against women; the prevalence of violence against women including domestic violence; the non-application but existence of the death penalty; involuntary hospitalization in psychiatric institutions; the particularly high suicide rate among young people, women, older persons, and within the military; insufficient protection against ill-treatment and mental torture of those in custody; the high number of cases of sexual, physical, and verbal abuse in the military; overcrowding in prisons and solitary confinement; detention of North Korean defectors by the National Intelligence Service; and continuing prosecution under the National Security Law. The root causes of most of these problems include the geopolitical situation in the Korean Peninsula including the North-South division and the militarization of security, the hierarchical Confucian system symbolized by the patriarchal social order, and the predominant growth-oriented economic policy at the expense of proper social and labor protection. The fundamental solution for the issues in this category lies not so much in the change of government per se, although this may have some tangible impact in areas including the NSL. For example, it should be soberly remembered that it was the 'progressive' Roh Moo-hyun government that was ultimately responsible for the failure to address the anomaly of the NSL even under the condition of parliamentary majority. In essence, this is the problem of democracy with distinctly South Korean characteristics rather than an issue of left-right politics.

Third, there are areas of human rights which either had been improved since 1987 but have recently deteriorated, or should have been more advanced had the government been more proactive on human rights. In a nutshell, these are quintessential examples of the 'shrinking of civil liberties' caused directly by the conservative governments since 2008 which are increasingly turning to an authoritarian tendency. They include such areas as the loss of public trust in the National Human Rights Institution;

insufficient access of detainees to legal counsel during interrogation; the monitoring, surveillance, and interception of private communication by the National Intelligence Service; increasing use of criminal defamation laws to prosecute persons who criticize the government; dissolution of a left-wing party; severe restriction on the right to peaceful assembly; undue restriction of the freedom of association of public officials; the lack of comprehensive anti-discrimination legislation; and discrimination on the grounds of sexual orientation. The restriction of civil liberties now extends well beyond the institutional arena to create an atmosphere of self-censorship among members of the general public and civil society. In essence, this is the problem of the 'lesser liberal' democracy practiced by the conservative governments in the nominally 'free and democratic basic order' stipulated in the constitution.

It seems that in any analysis of the 'human rights–democracy' nexus in South Korea, two dimensions should be included in addition to the elements that are already present in the conservative and the progressive frameworks: a theoretical dimension and a contextual dimension.

In search of a theoretical dimension, the progress and quality of human rights should be coupled with the question of how to achieve optimum 'democraticness' of democracy. Among a number of components in the democraticness of democracy, some kind of 'reflective equilibrium' between the intrinsic value and instrumental value of democracy, and between the procedural aspect and substantial aspect of democracy needs to be maintained (Kim 2014). For despite the pros and cons of each value/aspect, it is simply not possible to exclusively choose one set at the expense of another, as human rights in a holistic sense are best guaranteed through the process of not choosing but balancing between the different orientations of democracy. For example, protecting civil and political rights is largely associated with the procedural practice of democracy, while social and economic rights are something substantially achieved in democracy. Another aspect to consider is the extent to which democracy is captured by other social structures such as an unbridled free market and mis-regulated media. Whereas human rights are based on a distributive and individualizing principle, the absolute market supremacy is based on a maximizing utilitarian logic (Shestack 1998), and the commercialized elite media is based on an oligopolistic control logic of information for the interests of the few. Furthermore, inclusive citizenship, another characteristic of the democraticness of democracy, is a prerequisite to any rights-respecting system. Without inclusive citizenship based on liberal,

non-exclusionary, and non-discriminatory principles, the notion of universal human rights simply cannot hold, let alone protect the rights of minorities.

In search of a contextual dimension, globalization, the geopolitical situation, and the historical aspect should be given more attention at a foundational level. Since much discussion has been devoted to the negative impact of economic globalization on human rights, it will suffice to say that in South Korea the impact was as insidious as it was painful. It is almost a cliché that South Korea bore the brunt of globalization in areas of social rights in general, and workers' rights in particular. However, globalization has also left an indelible mark on Korea's democracy in a much subtler way. The predominant ethos of South Korean society during the last three decades was thoroughly transformed into the neoliberal principle of fungibility and monetary equivalence, which in turn wiped away what meager public spirit and solidaristic value there was. This means that South Korea's democratic consolidation was made with a paucity of the citizen's public reason and a sense of community at a time when these values were desperately needed.

The geopolitical situation surrounding the Korean Peninsula with the North Korean question at its center also negatively affected the human rights situation in South Korea. Perhaps it is not surprising that the worsening of North-South Korean relations coincided with the regressive period of human rights in South Korea. A large number of cases on the breach of civil rights is indeed the outcome of this situation. The concatenation of the human rights problems in North Korea, the National Security Law in South Korea, concern over the North's nuclear weapons program, and the policy of securitization against the background of escalating tension between the two Koreas comprises a strong correlational factor in the human rights situation of South Korea.

As a last analysis, the long-term impact of regime legacies cannot be discounted in the 'human rights-democracy' nexus debate in South Korea. The 'inter-temporal bridging mechanism' of political parties and the judiciary in terms of continuation of the legacy of previous regimes certainly seems to have exerted some noticeable effect as much in South Korea as has been the case in Latin America (Perez-Linan and Mainwaring 2013). Take the example of the judiciary. The highest echelon of the South Korean court comprises 23 top justices (14 Supreme Court Judges and 9 Constitutional Court Judges). At the time of writing (December 2015), 22 out of 23 judges in South Korea were appointed—as judges or

prosecutors—before 1987 (21 during the General Chun Doo-Hwan's rule). It should come as no surprise that 96 percent of the current judiciary's leadership had to immerse in and internalize, as part of their preparation for the national examination for lawyers, the notorious constitutions of Park Chung-hee's Yushin Republic or Chun Doo-hwan's Fifth Republic, and took an oath of allegiance under authoritarian rule, apparently preserving and subtly continuing the previous regime legacy until today. For example, the latest appointment in May 2015—on the formal recommendation of the Supreme Court—of a Supreme Court Judge carries a particularly odious ring. The new appointee was alleged to have been implicated as a prosecutor in the scandalous cover-up case of a student's death by torture in 1987 which was widely seen to be one of the direct triggers of the massive people power protest leading to the 1987 democratization. As such, there is a big question mark over whether South Korea's political liberalization in 1987 has indeed progressed in tandem with the de-authoritarianization of the judiciary. It might well be the case that the judiciary's underlying character tends to come to the fore, particularly at the highest level, when it finds itself under the 'lesser liberal' conservative rule. This point is very much relevant in human rights affairs, since human rights tend to be translated into 'justiciable' issues which are then processed through the legal channel. Therefore, lingering suspicion among the public that the judiciary has become somewhat reactionary in dealing with human rights under the conservative government may not be so groundless after all.

Concluding Remarks

What I have argued so far can be recapped as follows: (1) there has been an undeniable, albeit uneven, progress in human rights in the last three decades; (2) there is clear evidence that human rights have been retreating under recent conservative rule; (3) the conservative (a human rights 'LITE version') and the progressive (a human rights 'MAX version') sides have presented starkly contrasting frameworks of interpretation toward the recent trend, with important implications for the prospective quality of democracy; and (4) an alternative framework of thinking is proposed which takes into account theoretical and contextual dimensions.

It is argued that the combination of a change in government—and structural, geopolitical, and historical dimensions—should be taken together to allow for a more coherent analysis of the South Korean debate

on the 'human rights–democracy' nexus as described above. Any discussion about this debate in South Korea should take into account the division of the Korean Peninsula and the prospect of peace in the region, the characteristics of Korean capitalism under the rubric of the 'developmental state', the socio-psychological response of the public as a result of the indoctrination of long-standing anti-communism, and the place of South Korea as a staunch ally of the United States in the extremely complicated strategic environment of East Asia (cf. Cho 2015b; Kim 2015; Suh 2014).

What lessons can we draw from what we have discussed so far? First, institutions are an important anchor of human rights protection, but the efficacy of institutions depends to a large extent on the political position of the government in charge. Second, the 'intention' and political will of the government in terms of promoting human rights should not be underestimated, but it should also be remembered that the government's intention is necessarily molded in, and confined within, structural and contextual parameters. Therefore, there is a situation of human rights where the government's behavior is only a contributing factor to already existing parameters. In conclusion, the quality of democracy in relation to human rights in South Korea in the foreseeable future is likely to depend on the following factors: the resilience of democratic institutions to protect basic human rights regardless of changes in government; the strength of democratic citizenship which can buffer the challenge of human rights problems precipitated by global conditions; the vital question of whether the conservative force can shift from a semi-liberal, anti-communist position to a more genuinely liberal democratic stance encapsulated in the Constitution; a clear distancing on the part of the judiciary from the legacy of its roots in authoritarian regimes; and the geopolitical situation on the Korean peninsula and the reduction of tension between the two Koreas.

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Inequality and the Quality of Democracy in South Korea: Public Opinion and Electoral Politics, 1997–2012

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Introduction

Do elections, as the institutional core of democracy, facilitate efforts to bring the issues concerning economic inequalities into the center of political power and the policy agenda by granting equal rights to the majority? Or do they, on the contrary, serve to systematically exclude or distort the majority opinion of the public by granting too much power to professional political actors who are skilled in mobilizing the voters for their own interests? How much do elections actually work as an institution that allows holding the politicians and political parties accountable when it comes to their responsiveness to the public demand for alleviating the pains of economic inequality and insecurity? To address such questions of democratic responsiveness and accountability, this chapter investigates the relationship between public opinion and electoral politics in South Korea ["Korea" hereafter] during the 15 years from the 1997 Asian financial crisis to the 2012 presidential election.

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The relationship between democracy and inequality has long been a matter of great concern in social sciences. In the classical modernization paradigm, it has been believed that there is structural affinity or functional interdependence between industrialization, democracy, and equality (Cutright 1965; Lipset 1959; Parsons 1971). However, much of the more recent literature has reached the conclusion that the relationship between democracy and inequality is an ambiguous or contingent one (Acemoglu et al. 2013; Ersson and Lane 1996; Sirowy and Inkeles 1991). Moreover, problems in the real world made the question of "inequality in democracy" an urgent topic in the public sphere and research. On the one hand, the growing disparities and uncertainty in employment, income, and assets in advanced capitalist democracies are stimulating scholars to discuss intensely about the issues of "unequal democracy" and "inequalities in rich countries" (Bartels 2008; Nolan et al. 2014). On the other hand, the unevenness in the improvement of inequalities in newly established or restored democracies is being considered to be a serious topic that calls for explanation (Fukuyama et al. 2012; Haggard and Kaufman 2008).

These current trends suggest that today the relationship between democracy and inequality is a self-evident, yet *problematic* one. It is now widely acknowledged that democracy per se does not itself guarantee more equality, and the previous optimistic expectation that political democratization will probably open the door to progress toward a more equal society will not be necessarily fulfilled. However, despite the huge amount of literature that has tried to explain inequalities in democracies, they have generally concentrated on the aspect of policy output, namely, the inequality-reducing or -reinforcing policies and their impacts. By contrast, insufficient attention has been paid to the question of what impacts the democratic process of *circulation of power* between public opinion and electoral politics (Habermas 1992, 429–435) have upon the inclusion and exclusion of the inequality issues at the center of the political institutions.

This study is an attempt to contribute to filling this gap by focusing on the linkages between public opinions and politics, between policy responsiveness and electoral accountability in a society which fulfills the minimal requirements of democracy. According to the normative theory of democracy, the increasing inequality in society shall be reflected in public opinion; political parties and the government respond to the demands of the public; and the voters reward or punish the ruling political forces as a reaction to their policy responsiveness or its deficits. Yet in the real world this normative model is rarely realized. The majority of the public may not

give priority to the inequality issue; even if they do, they may not think inequality should be the central issue in elections; even if they think it should be, the issues that eventually determined the election results may be different; and, finally, even in such a case, the majority of the voters may still regard inequality issues as crucial and continue to feel frustrated at the deficits in policy responsiveness of the government they have chosen.

Which of the two possibilities—circulation and disruption of democratic processes—is closer to the current quality of Korean democracy? In order to address this issue, this chapter addresses the following questions: How seriously did the public opinion in Korea take the problem of inequality and the role of politics after the 1997 Asian financial crisis? Did the main interests of the voters at election time coincide with the long-term public opinion? Did the issues that eventually determined the election results correspond to the major interests in public opinion during the months before the election? The results of analysis will show a repeated pattern that although the majority opinion of the public has consistently regarded the problem of economic inequality and insecurity as a first priority of politics, the inequality issues have been marginalized during the election campaign, and after the election, the public discontent with the government continued.

Public Opinions, Elections, and Inequality

The Quality of Democracy and Political Processes

Public policy is an essential means for the government and political parties to react to and intervene into the problems of economic inequality. However, it is not the only medium by which democracy addresses inequality. Democracy has its own *political* mechanisms to deal with the question of inequality: The government and ruling parties must respond to public opinion in order to gain popular support and by doing so they can expect to preserve their power in the subsequent elections. Public opinion is a signal the citizens send to the political parties and let them know what issues they have to take seriously to obtain power. If this mechanism does not work, the politicians do not have any reason to respect the grievances and demands of the people. This means that the problem of inequality is not only related to the performance of government policies, but also to the *quality of democracy as a political institution*.

The literature about the quality of democracy has provided a great variety of theoretical grounds for differentiating the conceptual components of the

quality of democracy. To mention some of the most influential ones, Altman and Pérez-Liñán (2002) applied Dahl's theory of polyarchy to this topic and distinguished (efficient) citizenship, participation, and competition as the three core dimensions of the quality of democracy. Morlino's (2004) research on "good and bad democracy" also became an important point of reference for later studies. He distinguished the quality of democracy into three dimensions: process (rule of law and accountability); content (freedom, equality); and result (responsiveness). Morlino, together with Larry Diamond (Diamond and Morlino 2005), soon provided a more differentiated scheme, which consists of procedural (rule of law, participation, competition, and horizontal and vertical accountability), substantial (civil and political rights, and equality), and the result dimension (responsiveness).

Diamond and Morlino stressed that the different elements of the quality of democracy are closely connected to and interact with each other, but at the same time there can be uneven development or tensions between them (Diamond and Morlino 2005, xii; Morlino et al. 2011, 493). This chapter focuses on the public opinion toward policy responsiveness, on one side, and the electoral accountability, on the other. Although the responsiveness primarily relates to the *result* of policies, it is also an essential part of democratic *process* because the interaction between the citizens and political actors surrounding the policy responsiveness is a prelude to the electoral competitions. The focus of interest here is the question of whether the two moments of the democratic political processes—public opinion and electoral politics—are actually linked in political process and, if not, at what point the link is broken.

The concept of responsiveness relates to the question of to what degree the majority opinion of the public is reflected and respected by the political center. According to Powell (2005, 62), democratic responsiveness is "what occurs when the democratic process induces the government to form and implement policies that the citizens want." However, the simple correspondence between public opinions and policies does not guarantee democratic responsiveness, as it may be the result of casualty or favored environments. Democratic responsiveness "implies that institutionalized arrangements, and above all elections, reliably connect citizens to those who make policy in their name." (Powell 2005, 63) The issues about responsiveness have been investigated extensively in research areas about the "opinion–policy link," but their implication for democratic theory was not discussed deeply due to the minimalist notion of democracy (Jacobs and Shapiro 1994, 10–11).

Accountability, on the other hand, is a democratic quality which ensures that public authorities give information and explanation to the citizens or other public institutions about their behavior and which makes them subject to public judgments (Schedler 1999). O'Donnell (1994) and Sklar (1996) distinguished two types of accountability: horizontal and vertical. The former relates to the separation of powers and mutual "checks and balances" within the state, while the latter implies that the citizens are able to punish the political power for the abuse of power or serious policy failures. It must be emphasized here that accountability can be effective only when the citizens have the actual power of punishing the power-holders. The greatest power resource citizens possess in democracy is their right to choose their representatives in the election. In this sense, electoral accountability is crucial. The types and the degree of electoral accountability vary, and such differences are vital to the quality of democracy (Hellwig and Samuels 2007).

Responsiveness and accountability are linked to each other in democratic processes. This study combines the theoretical model provided by Powell (2005, 63), which integrates the processes from public opinion through elections to policy making and outcomes, and Roberts' (2010, 32–47) analytical scheme that added another element: mandate responsiveness, which asks whether the winners of the election implement what the majority of the voters expected them to do when they chose them. Figure 6.1 illustrates the processes of circulation from (a) elections through (b) policy-making and implementation to (c) the reaction of the public to policies and (d) the accumulated political judgments to the governing elites.

		(a) ELECTORAL ACCOUNTABILITY	(b) MANDATE RESPONSIVENESS	(b)' POLITICAL ACCOUNTABILITY	(c) POLICY RESPONSIVENESS
POLITICS	Electoral Strategies	— Re-approval or Shift of Power	Policy-making —and -implementation	— Information and Justification	— Revision of Policy
	↑↓	→ Election Results	↑↓	↦ Policy Results	↑↓
CITIZENS	Public Opinion	— Reward and Punishment	— Public Opinion	— Reward and Punishment	— Public Opinion
	↑		↑		↑
SOCIETY		Long-term structures and short-term changes at the local, national, or supra-national level			

Fig. 6.1 Circulation of responsiveness and accountability

Inequality and Democratic Processes

How can the normative model illustrated in Fig. 6.1 bring new perspectives to the study of the relationship between democracy and inequality? There is a vast body of literature that tried to explain the varieties of inequality in capitalist democracies. Influential approaches in this area highlighted diverse factors: the party system (Castles 1978), power resources of social classes (Korpi 1983), class formation and class alliance (Esping-Andersen 1985), or electoral systems (Iversen and Soskice 2006). Undoubtedly, these approaches have made a huge contribution to our understanding about how and why the degree, tempo, and institutions of public interventions into the inequalities economy vary.

Still, the prior literature did not give sufficient attention to the question of how the political dynamics between public opinion and electoral competition may affect the inclusion and exclusion of inequality issues in the political agenda. The recent studies by Brooks and Manza (2007) based on the responsiveness approach opened a new terrain for understanding the impact of the opinion-policy link upon social policies. This chapter further develops this view by paying particular attention to the possibility that the democratic institutions may serve to exclude, distort, or blunt the issues of inequality. If in a democratic society the elections and elected power-holders are given "the majority-constraining capacity", then it will be a case in which "a key determinant of inequality is the institutional structure" of democracy itself (Stepan and Linz 2011, 844). Figure 6.2 illustrates the theoretical model of the inclusion of inequality issues in the democratic political processes. This model can also serve as the normative criterion for a critical analysis of the reality in which at least one of the linkages within the circulative flows is broken.

If a democratic process includes the inequality issues successfully, then

(1) Particular problematic socioeconomic situations will be
(2) perceived by the citizens as a significant social problem that must be addressed by politics; accordingly,
(3) the citizens will expect this issue to be a major issue in electoral competition, so that
(4) the political choices and election results will be strongly affected by this issue.

By contrast, if one of the linkages in the circulative chains has been broken, then

		(a) ELECTORAL ACCOUNTABILITY	(b) MANDATE RESPONSIVENESS	(c) POLICY RESPONSIVENESS
(4)	ELECTORAL POLITICS	Electoral strategies and mobilization	Policy making concerning inequality Issues	Improvement of policies on inequality issues
(3)	PUBLIC OPINION IN ELECTION TIME	↑↓ Call for political competition on inequality issues ↑	↑↓	↑↓
(2)	LONG-TERM PUBLIC OPINION	Accumulated policy attitudes and political judgments	Public demands for better policies on inequalities	Public opinion and other political expressions
		↑	↑	↑
(1)	SOCIOECONOMIC SITUATIONS	Problems of Inequality at the local, national, or supra-national level		

Fig. 6.2 Inclusion of inequality issues in democratic political processes

(1)–(2) Despite the existing inequalities, they are not considered by the citizens as a political issue, or

(2)–(3) despite the long-term public opinions which take the inequality problem seriously, the citizens think other issues are more important for elections, or

(3)–(4) despite the majority opinion centered on the inequality issues, the election results are determined by other issues at the final stage of the election campaign.

How close is the Korean democracy to the normative model of democratic responsiveness and accountability? Or, on the contrary, how far away is it? Below, I first give an overview about the trends of inequalities in income, employment, and assets in Korea after the 1997 Asian financial crisis as a preliminary step for the analysis of public opinions and electoral politics in the subsequent parts of this chapter.

INEQUALITY IN SOUTH KOREA SINCE 1997

It is not an easy job to establish whether and to what degree economic inequalities are growing and which kind of inequalities are the most serious in a given space and time (Beramendi and Anderson 2008, 3–4). In the Korean case as well, the level of inequality looks different depending on the

types of inequality, the criteria of assessment, and the unit of analysis (Chang 2012). Nevertheless, the trends of major indicators of economic inequality in Korea show noteworthy consistency during the nearly two decades after the 1997 Asian crisis. The inequalities in income, employment, and tangible and financial assets have all been continuously deepening without remarkable reversals. This suggests that since the 1997 crisis there has been in Korea a kind of "structural constant"—that is, the growing inequality at the structural level—in which both public opinion and power politics are embedded.

Such a trend of the deepening inequality is most evident in terms of income (Fig. 6.3). The level of inequality in income has stagnated or has increased only very slightly throughout the 1990s, but since the 1997 crisis it has been rising more rapidly than ever before in all of the measurements including the Gini coefficient, the relative poverty rate, the quintile as well as decile distribution ratio.

The results of analysis using different units of analysis, employment status, and wage categories (Table 6.1) show basically the same trend of
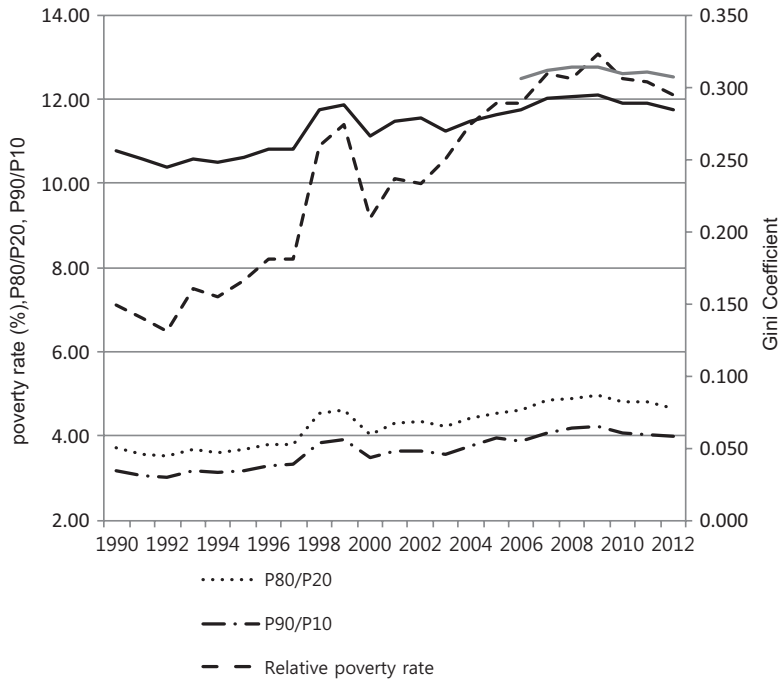
Fig. 6.3 Trends of income distribution in South Korea, 1990–2012 (Source: Statistics Korea, *Household Income And Expenditure Survey*, every year)

Table 6.1 Trends of income inequality by income source, status, and category

Earner	Status	Category	Rob Tae-woo government	Kim Young-sam government	Kim Dae-jung government	Rob Moo-hyun government	Lee Myung-bak government
Head of household	Regular	Wage income	0.270	0.262	0.294	0.294	0.283
	Including non-regular		0.277	0.270	0.309	0.324	0.332
	Including non-regular and self-employed	Wage income and business income	0.296	0.269	0.297	0.313	0.326
	All (including the unemployed)		0.305	0.299	0.353	0.358	0.373
Head and partner			0.297	0.295	0.350	0.355	0.369
All household members			0.279	0.278	0.317	0.318	0.327

Source: Statistics Korea, *Household Income and Expenditure Survey*, every year; reconstructed from Kang (2014, 523)

constant increase of income inequalities during the period of the Kim Dae-jung, Roh Moo-hyun, and Lee Myung-bak administrations, with the only exception being a moderate decrease of inequality level among the regular workers during the period of the Lee government.

In regard to the inequality in employment, we can also observe a clear trend of a widening income gap between regular and non-regular workers, with only a minor reversal in the early 2010s (Fig. 6.4). One of the characteristic changes in the employment sector in Korea after the Asian crisis is that despite the prompt recovery from the high unemployment caused by the crisis, the dualization of the labor market and the income gap between regular and non-regular workers has become a structural problem of the Korean employment sector.

The inequality has been also increasing in respect to assets, particularly tangible assets like land and housing assets (Fig. 6.5). The inequality in assets has been growing from the late 1990s both in terms of the total wealth and the net worth, that is, the total wealth minus the total debt. The reason why the rise in inequality of the total wealth is more salient
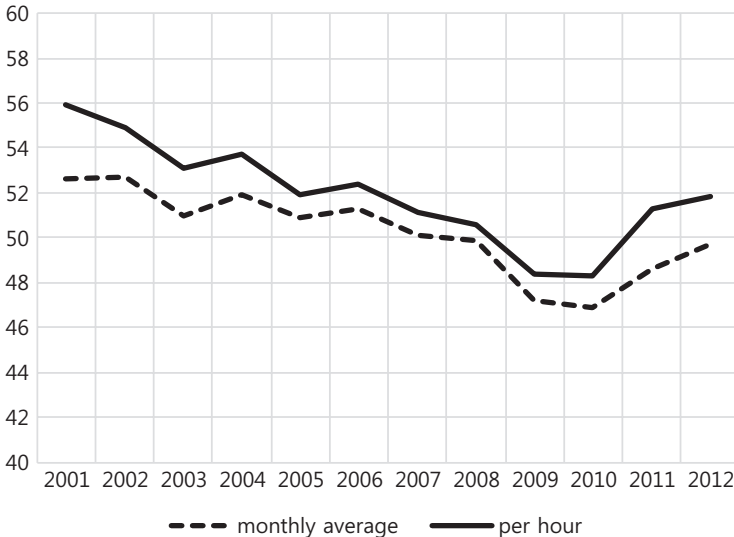
Fig. 6.4 Wage level of non-regular employees, 2001–2012 (%, Regular = 100) (Source: Statistics Korea, *Economically Active Population Survey*, source data of the additional survey (August of every year); reconstructed from Kim (2014, 491–2))
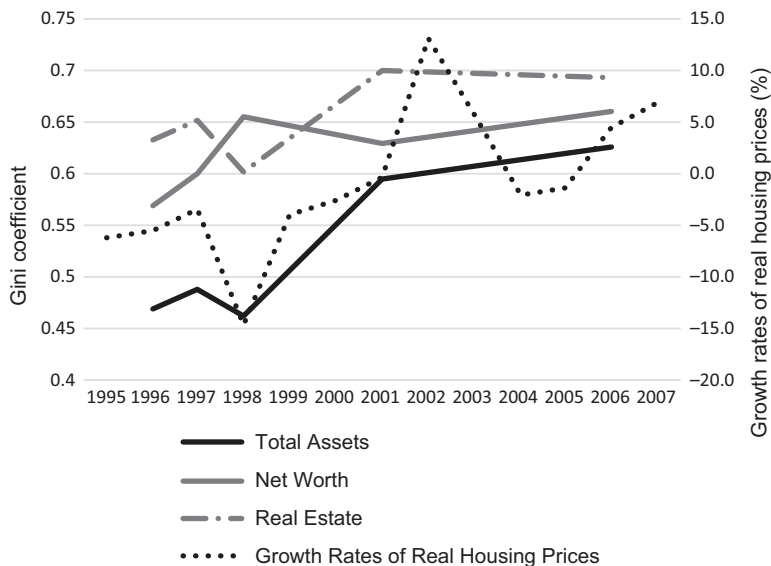
Fig. 6.5 Trends of asset inequalities and growth rates of real housing prices, 1995–2007 (Source: Gini coefficients of total assets, net worth, and real estate: Nam (2009) and Lee and Lee (2001); Growth rates of real housing prices: OECD, *Economic Outlook 2010*, source data)

than that of the net worth may be found in the fact that the wealth accumulation by the upper and middle classes has been increasingly relying on borrowing mortgage credits for the purpose of housing investment. By contrast, the amount of debt relative to total household assets is larger in the lower classes, but their debts are normally not used for investment; therefore, they do not have a wealth effect.

Public Opinion and Electoral Politics

The Post-1997 Regime and Roh Moo-hyun's Political Answer

The growing economic inequality and insecurity after the financial crisis in 1997 was followed by a fundamental change in the perception of the public about the situations and prospects of their own life and the national economy. Despite the long period of the labor-repressive modernization

in this country, the majority of Koreans seems to have believed before the outbreak of the 1997 crisis that economic poverty and disparity are being reduced and will continue to be. A survey conducted by Gallup Korea in 1990 (#1) reported that 42.8% of respondents had the opinion that the poor households are decreasing, while 39.6% believed they are increasing. According to another survey of the same year (#2), 44.5% of the respondents answered the earning gap between blue- and white-collar workers has been reduced, while only 20.9% responded it has been widened. However, after the 1997 crisis the mood has been radically changed. In a survey conducted by Gallup Korea in 1999 (#3), as many as 75.6% of the respondents viewed the gap between rich and poor in their country as "very serious" and 17.8% as "somewhat serious." Inequality became a matter of grave concern for most Koreans.

To whom, then, did the people attribute the problem they suffer? The performance of the Kim Dae-jung government, which began its term right after the crisis, was ambivalent. It lowered the unemployment rate, which had soared up to 7.0% in 1998, to 4.4% in 2000. The growth rate of real GDP plummeted from 5.8% in 1997 to −5.7% in 1998, but recovered very quickly to 10.7% in 1999, which was substantially higher than the OECD average growth rate of 3.3% that year (*OECD Economic Outlook*, annual data). Equally significant, however, is the fact that "the central problem in [Korean] labor market in the 2000s shifted from the problem of high unemployment to that of polarization of employment system and the working poor" (Cheon 2014, 455). This ambivalence notwithstanding, the majority of Koreans were extremely discontent with the economic performance of the Kim Dae-Jung government. In a survey by Gallup Korea in August 2000 (#4), only 12.6% answered positively to the question whether they think the president had been doing well in narrowing the gap between rich and poor.

In this context, it is remarkable that the hottest issues in the 2002 presidential election were a far cry from resolving the enormous gap between the public concern about economic difficulties and the dissatisfaction with the government responsiveness. The Grand National Party, the then-largest opposition party, and its candidate Lee Hoe-chang took a passive strategy of maintaining the public discontent with President Kim Dae-jung and concentrated on the corruption scandals of the Kim government. Meanwhile, the ruling Democratic Party and its candidate Roh Moo-hyun brought the slogan "New Political Generation" and "End to Outdated Politics" to the fore. It reflected their strategy both to distance themselves

from the Kim Dae-Jung administration and to attack the strong rival Lee Hoe-chang, who had been regarded as a symbolic figure of established elites. Moreover, the dynamics of the election campaign were strongly affected by such short-term factors as the special event for candidate selection, protest actions against the US military base policy in Korea, and election pledges for mobilizing the voters of particular province to vote on the administrative capital relocation. According to Lee (2006)'s study, which followed the changes in popular support for candidates, these events during the two weeks before Election Day strongly influenced the election results.

An interesting fact is that the most important public mandate for the newly elected president was less related to such event issues than to the economic and redistributive issues, which have been given the greatest importance by the public since 1997. In an opinion survey conducted five days after the election (#5, multiple responses), 78.1% of respondents chose "economic growth" or "reduction of inequality" as the first priority of the president after his inauguration. Furthermore, this concern about economic situations was particularly salient among the voters in their 20s and 30s who gave overwhelming support to Roh Moo-hyun. Indeed, only 15.1% of the respondents aged 20–29 considered political reform as the mission of the president, and 84% of the respondents aged 30–39 were primarily interested in economic and distributive issues. In contrast, however, the Roh government concentrated on reforms for political democratization in the initial stages of its term. The best examples are the so-called "Four Reform Bills," which the president and the ruling Uri Party pushed ahead with from 2004. They included the abolition of the National Security Law; amendment of Press Law; Basic Law on Settling the Past History for Truth and Reconciliation; and amendment of Private School Law. They were significant reform plans for coming to terms with the authoritarian past and its legacies. Yet none of them was directly aimed toward responding to the majority's demand for solving the economic pains of the lower and middle classes. In this regard, the agenda of relocating the administrative capital, which had become a hot issue from 2003, was no different.

How did public opinion respond to these deficits in policy responsiveness? During the early years of the president's term, the public's perception of the economic inequality continued to be extremely negative. In an opinion survey conducted by Gallup Korea in June 2003 about the perception of the gap between rich and poor (#6), 89.3% of respondents

answered either "very serious" (70.0%) or "somewhat serious" (19.3%), which was even higher than the results in 1999 (#3). Interestingly, in the same survey (#6) more than 60% of the respondents chose as "the best policy alternative" for solving the economic gap such progressive policies as "fair tax policy" (28.2%), "regulation of the housing market" (21.2%), or "public welfare expansion" (11.5%). Nevertheless, their judgment about the performance of the progressive government under President Roh was very harsh. According to the survey by Gallup Korea, conducted one year after the presidential inauguration (#7), only 5.2% of the respondents felt that the economic gap had narrowed in comparison with the period before Roh's inauguration; whereas as many as 73.1% answered that it had widened. The public's major interests continued to be the economic and distributive issues until the latter phases of the president's term. In a Gallup survey in 2006 (#8, multiple responses), the most urgent tasks of the government for the respondents were "price stability" (53.5%), "economic recovery" (44.0%), "employment" (32.6%), and "income gaps" (32.3%). Indeed, during the whole presidential term of Roh, the support for him was the most strongly related to the support for his *political* reforms (Han 2011, 113). Yet this simply implied that, among the voters who had supported him in the election, only those who were primarily committed to political issues remained his supporters after he became president.

Lee Myung-bak's Liberal Prescription for Inequality Issues

The public's discontent in regard to their economic situations during Roh's period extended to points of major interest before the 2007 presidential election. In a large-scale panel survey conducted during the months ahead of the 2007 election (#9), the majority consistently chose three socioeconomic problems as the most important election issues: employment, real estate, and education (Kang 2008). Have these public concerns about economic troubles been reflected in the 2007 election? Formally, yes.

If the 2002 election had been dominated by issues on *politics* itself and political ideologies, the 2007 election was a case in which issues on *economy* came to the fore. Although the 2007 election was largely determined by retrospective voting against the Roh government and the Uri Party, it was characterized by prospective voting, too, as far as the issue of economy was concerned (Kwon 2008; Lew et al. 2008). To begin with, the general climate in public opinion during the months before the election was

similar to that of five years earlier. In a survey conducted by Realmeter one year before the election (#10), 31.1% of the respondents chose "job creation" and 28.4% chose "housing price" as the first priority for the next presidential election. On the contrary, only 15.4% considered "political reform" as the most important.

Despite such common concern about economic problems, the preferences about the policy alternatives to them were divided. In the survey (#11) conducted by Realmeter on December 5–6, 2007, two weeks before Election Day, 51.5% of respondents considered (economic) "growth" as the primary task of the next government, while 31.9% put "distribution" before growth. The results of the panel study (#9) conducted from April 25 to December 27 were quite different. According to Jin's (2008, 223) analysis of this survey data, "resolving economic polarization" consistently ranked first from April to November 2007 as the central task of the next government. In terms of the average value of the four panel surveys, too, "resolving polarization" (40.1%) was considerably higher than "growth" (32.9%). In sum, there seems to have been no clear majority between the growth-first and equality-first policies as competing alternatives to economic problems.

What attracts particular attention in this context is the fact that the voters' trust in the candidates' capability of solving the economic problems was leaning heavily toward the aggressive neoliberal candidate Lee Myung-bak, and that this trust actually made a great impact upon the voting choices irrespective of whether the voters preferred growth-first or equality-first resolution of economic problems (Lew et al. 2008, 272–274). This has to do with the fact that the 2007 election was not determined by specific policy issues, but by personality factors and party preferences. Lee Myung-bak, a former CEO of Hyundai Construction and the hero of a myth of the "self-made man," attracted support from an overwhelming majority of the voters who had been deeply frustrated by the inability of the two former Democratic governments under Kim Dae-jung and Roh Moo-hyun in curing the country's economic troubles. The great expectation of the citizens for their new president was shown in opinion surveys conducted around Election Day. In a survey (#12) performed on Election Day, when Lee's victory was nearly clear, 51.7% of respondents predicted that their economic situations will be improved under the next government, while only 16.1% expressed skeptical prognosis. Another survey (#13) conducted several days after the election also reported that 79.3% of the respondents expected that Lee will do "very well" (45.6%) or "well"

(33.7%) as president. How much, then, did Lee and his administration respond to the people's mandate?

Unlike his predecessor Roh, President Lee announced from the beginning a large number of new economic policies. Above all, the Lee government and the ruling Grand National Party pushed ahead with aggressive neoliberal policies: relieving corporate regulation, corporate tax reduction, promoting M&A, accelerating financialization policy, extending the free trade agreements, furthering market-opening, promoting medical industries, privatizing public sectors, reducing government organization, and so on. It is, however, worth reminding here of the fact that in the 2000s the majority's problem recognition and policy attitudes had never leaned heavily toward this direction. In accordance with these long-term trends, the public's evaluation of the Lee government's economic policies was anything but positive. According to a survey performed regularly from 2009 to 2012 (#14), the public's assessment of the economic policies of the Lee government continued to be very negative (Table 6.2).

According to Han's (2011, 172) comparative analysis, the popular support for Lee's economic agenda was even lower than the support for his predecessor's economic policies. Although Lee successfully seized the power with the promise of being the "Economic President," his policy response to economic problems seems to have been no success at all in terms of public perception. As a consequence, Lee was not able to avoid the typical path of his predecessors after 1997 whose approval ratings have fallen into the 30s and negative evaluations have risen into the 50s in their latter phase of the presidential term (Fig. 6.6).

Table 6.2 Public opinion about economic policies of the Lee Myung-bak Government, 2009–2012 (%)

	Late 2009	Early 2010	Late 2010	Early 2011	Late 2011	Early 2012	Late 2012
Business policies are biased towards large companies	83.4	82.1	82.4	82.9	85.1	88.1	87.3
Tax policies are biased toward the upper class	89.8	83.5	84.8	88.6	88.7	86.1	86.8
Trust about government's economic prospects	37.5	45.2	45.7	44.4	34.3	28.4	24.3
Positive evaluation of the economic policies	–	–	29.1	20.4	25.0	22.3	16.7

Source: Reconstructed from the statistical data presented in Wi (2013, 10, 12, 17, 18)
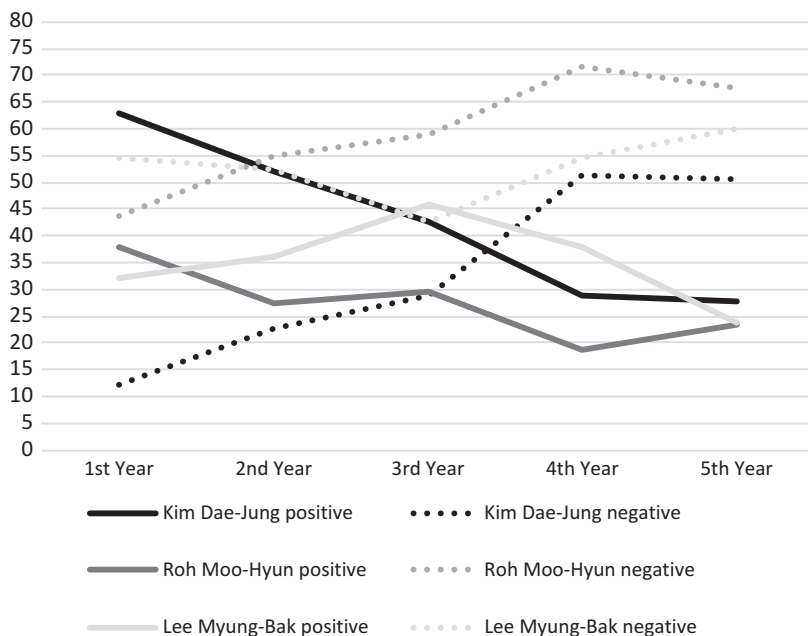
Fig. 6.6 Trends in approval ratings for presidents, 1998–2012 (%)

"Welfare" as a Cliché?: The 2012 Presidential Election

An important consequence of the growing discontent with the extremely market- and business-oriented policy lines of the Lee government was the rapid spread of discussions about the welfare state, social policies, and the reform of industrial relations and corporate governance during the period from 2008 to 2012. Particularly noticeable is the vitalization of discussions within the Democratic Party. Actually, the 2012 local elections were strongly affected by welfare issues, such as the heated debates between the progressives and the conservatives about introducing the Free School Lunch Program. In addition, the Democratic Party and the more radical opposition parties tried to attract voters with policies emphasizing social security in the parliamentary election race in April 2012.

Interestingly, however, all of the socioeconomic issues like public welfare, secure jobs, economic democracy, and so on, have lost their sharpness as *political* issues in the 2012 presidential election. Particular attention must be paid to the fact that the reason for the weak impact of inequality-related

issues is not to be found in the lack of attention to those issues by the major candidates and political parties, but in the degeneration of the issues into a cliché in the course of their discursive instrumentalization on the side of every political position, including the conservative Grand National Party and its presidential candidate Park Geun-Hye. The Democratic Party, the then largest opposition party, reacted to this situation by shifting its strategic focus away from the socioeconomic agenda toward personality-related events like candidate selection and the retrospective issues such as the authoritarian past of Park Geun-Hye and her father Park Chung-hee (Park 2013, 39–40; Woo and Kang 2013, 282–285).

Under such circumstances, the voting choices in the 2012 election were decisively affected by factors other than the issues that have been stressed by both of the two major rivals, Park Geun-hye and Moon Jae-in. The strongest factors were the event issues and personality issues such as the selection of the opposition candidate (Moon Jae-in vs. Ahn Cheol-su), the controversy about the 2007 Summit Meeting between Roh Moo-hyun and Kim Jong-il, the provocative remarks of another opposition candidate Lee Jeong-hee in a TV debate and her candidature resignation, and the like (Woo and Kang 2013, 298).

In the local, parliamentary, and presidential elections from 2009 to 2012, the Democratic Party in Korea has put to the fore the issues of socioeconomic inequalities, public welfare, and economic justice for the first time in the history of its party activities after the democratic transition in 1987. However, after the defeat in the 2012 presidential election, the voices criticizing a "left leaning policy line" got louder among the party leaders and, accordingly, the position of the Democratic Party about the inequality problems has become again ambiguous. Meanwhile, the minority parties pursuing more radical lines have been further marginalized within the Korean party system.

DISCUSSION AND CONCLUSION

This chapter showed that the issues of increasing economic inequality and insecurity continued to be both the primary interests and the crucial political demands of an overwhelming majority of the Korean public after the 1997 Asian financial crisis, but that the dynamics of the electoral politics and the central policy agenda of the new government have been obviously detached from the public opinion of the time. On the other hand, the place of the inequality issues within the Korean party politics and the

mechanisms of their exclusion from the electoral competition have changed significantly. In the 2002 election, none of the major presidential candidates took the question of inequality, welfare, and job security as the main agenda. In the 2007 election, in contrast, the conservative candidate Lee Myung-bak actively mobilized the pains and anxiety caused by economic inequality and insecurity, while articulating discourses of economic problems with those of market-oriented and growth-first policy prescriptions. After such prescriptions failed to gain popular support, the election campaigns in the 2012 parliamentary and presidential election were filled with slogans and promises of more welfare, equality, and justice. However, no political party in Korea was capable of organizing and mobilizing the voters around these goals in such a way as to make them a powerful force in the electoral competition.

From the perspective of democratic theory, this implies above all that the citizens' judgments of the government's responsiveness cannot effectively influence the policies of the professional political actors. This is because the citizens do not possess the power of realizing political accountability—that is, making the politicians and political parties fear the voters' punishment for their non-responsiveness and expect political rewards for their respect of the public opinion. In the absence of the linkage between policy responsiveness and electoral accountability, it is likely that the politicians tend to overdevelop the machines, personnel, and technologies for mobilizing and manipulating the voters' preferences for the purpose of electoral victory, while diminishing the importance of policy competition.

To answer why public opinion calling for the resolution of inequality problems in Korea could not been reflected in the electoral competition and power struggles goes beyond the scope of this chapter. That said, I will mention some considerations for further discussion about the issue.

First, it appears to be reasonable to interpret the personalization of politics and the disappearance of policy debate observed in this chapter as a common feature of contemporary electoral politics, particularly under a presidential system. It is true that the problems addressed in this chapter are not *specific* to Korean politics from comparative point of view. Weber (1988, 393) has pointed out that the political dynamics of *Massendemokratisierung* in the modern era enhances the importance of the immediate interaction between politicians and the masses. Recently, it is widely acknowledged that the personalization of politics is being intensified and extended (Garzia 2011; McAllista 2007). Some scholars expressed

the opinion that this tendency is particularly salient in the presidential system (Linz 1990). Moreover, there are opinions that even in the parliamentary system a "presidentialization of politics" is going on (Poguntke and Webb 2007). However, other comparative analyses have observed that the trend toward the personalization of politics is neither universal nor consistent in many democratic nations, and that the intensity and scale of this trend cannot be fully explained by the difference in political systems (Holtz-Bacha et al. 2014; Kaase 1994; Kriesi 2011). It may be, therefore, hasty to conclude that the problems observed in this study belong to "politics as usual."

Secondly, another reason for the discordance between public opinions and electoral outcome is to be found in the complex interaction among the social groupings of voter attitudes by region, income, assets, age, and so on. In particular, it has often been highlighted that the lower classes show voting behaviors that contrast with their critical attitudes toward the socioeconomic inequalities in everyday times. This surely is a very interesting irony, but it may be a distortion of reality to simplify it through this prism. For example, in the 2012 presidential election in Korea, the lower classes actually were strongly inclined toward the conservative candidate and to issues of security and order, but those aged from their 20s to 40s showed a moderate degree of class vote (Kang 2013). The analysis by Cheon and Shin (2014) has also observed similar tendencies for a longer term during the period of time from 2003 to 2012. In this sense, the detachment of Korean electoral politics from inequality-related issues seems to be caused by more complex factors and not simply by the general conservativeness of the lower classes.

Thirdly, the role of political parties in articulating collective interests and consolidating political preferences seems to be crucial. Przeworski and Sprague (1986, 9) have stressed that "the voting behavior of individuals is an effect of the activities of political parties" and "the relative salience of class as a determinant of individual voting behavior is a cumulative consequence of the strategies pursued by political parties." That is, even if the majority opinion considers inequality issues as significant, its translation into political cleavages and voting choice depends largely on political parties. Korean political parties began to accept the issue of inequality, welfare, and social justice in the 2000s. However, they have little prior experience of articulating the interests and identities of the population; therefore, it will take more time to go beyond the mere slogans and policy proposals toward a more powerful political intervention.

Finally, the specific problems of a *defective* democracy must be understood more deeply. O'Donnell (1996, 43) has put forward that even old and established polyarchies can endure in a "deep split between the *pays réel* and the *pays légal*," without the actual functioning of the formal democratic rules as they dictate. Yet in relatively younger democracies that have an authoritarian past, like in Korea, the chances are much higher that elections will become almost obsolete by degenerating into a formal procedure that does not fulfill any substantial function in democratic processes. Actually, the recent comparative democracy literature is evaluating the overall quality of Korean democracy as "liberal" or "functioning" democracy but, at the same time, is expressing concern about the lack of accountability which is specific to "delegative democracy" (Croissant 2010, 105; Merkel 2004, 50; Merkel 2010, 24). While fully agreeing on such assessments, this chapter has further demonstrated that the democratic deficits in accountability are not an isolated problem, but are closely linked to the more fundamental, but less visible, pathologies of electoral politics.

Appendix: Opinion Surveys Cited

No.	Research institution	Survey date	Samples	Sampling method	Survey method	Sampling error (confidence level = 95%)
1	Gallup Korea	1990. 7. 20 ~ 1990. 7. 30	1500 adult men and women nationwide (except Jeju)	Multistage	Face-to-face	±2.5
2	Gallup Korea	1990. 7. 13 ~ 1990. 7. 17	1500 adult men and women nationwide (except Jeju)	Multistage	Face-to-face	±2.5
3	Gallup Korea	1999. 12. 23	1557 adult men and women aged over 19 nationwide (except Jeju)	Random	Telephone	±2.5

No.	Research institution	Survey date	Samples	Sampling method	Survey method	Sampling error (confidence level = 95%)
4	Gallup Korea	2000. 8. 23	1026 adult men and women aged over 20 nationwide (except Jeju)	Random	Telephone	±3.0
5	Gallup Korea	2002. 12. 24	1063 adult men and women aged over 20 nationwide	Random	Telephone	±3.0
6	Gallup Korea	2003. 6. 7	642 adult men and women aged over 20 nationwide	Random	Telephone	±3.8
7	Gallup Korea	2004. 2. 21	1036 adult men and women aged over 20 nationwide	Random	Telephone	±3.0
8	Gallup Korea	2006. 6. 16 ~ 2006. 6. 30	1507 adult men and women aged over 19 nationwide (except Jeju)	Random	Face-to-face	±2.5
9	SBS, Joongang Daily, EAI, Hankuk Research	2007. 4. 25 ~ 2007. 12. 27	First panel: 3503 adult men and women (sample retention rate = 60.3%)	Quota	CATI	±2.1
10	Realmeter	2006. 12. 20	736 adult men and women nationwide	–	Telephone	±3.6
11	Realmeter	2007. 12. 5 ~ 2007. 12. 6	1000 adult men and women aged over 19 nationwide	–	CATI	±3.1

No.	Research institution	Survey date	Samples	Sampling method	Survey method	Sampling error (confidence level = 95%)
12	Realmeter	2007. 12. 19	1000 adult men and women aged over 19 nationwide	–	ACS	±3.1
13	Realmeter	2007. 12. 26	500 adult men and women aged over 19 nationwide	–	ACS	±4.4
14	Korean Society Opinion Institute	2009. 7. 13	700 adult men and women aged over 19 nationwide	–	Telephone	±3.7
15	Asan Institute for Policy Studies	2012. 4. 6 ~ 2012. 12. 30	1st panel = 3062 adult men and women nationwide	Stratified	CATI	±1.77~±1.94
16	Hankuk Research	2012. 12. 31 ~ 2013. 1. 16	1200 adult men and women aged over 19 nationwide	Proportionate quota	Telephone	±2.8

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A Dualized Democracy? The Labor Market, Welfare Policy, and Political Representation in Korea

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Introduction

What particular quality of democracy is most lacking in new democracies? As the quality of democracy has become a subject of increasing concern in the scholarly community (Beetham et al. 2008; Diamond and Morlino 2005; Lijphart 1999; O'Donnell et al. 2004; Roberts 2010), scholars and research institutions have attempted to examine the specific nature of the quality of democracy in the East Asian context (Morlino et al. 2011; Park 2014).

Socio-economic inequality has powerful direct and indirect effects on the quality of democratic governance; therefore, Rueschemeyer (2004)

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especially emphasizes wealth distribution as an important basis for democracy. According to Benhabib, socio-economic equality is itself a "precondition" especially for the "effective exercise of democratic citizenship rights." The equal value of liberty of citizens can be realized only if they are able to have access to basic rights and entitlements which guarantee their "human dignity" (Benhabib 2004, 111).

In this regard, what is particularly lacking in the recent evaluation of the quality of Korean democracy are arguably the citizenry's socio-economic rights. Observers both within and outside Korea agree that Korea's "formal democracy" is still confronted with staggering socio-economic challenges, necessitating its more substantive democratization (Choi 2002, 2007). In other words, Korea's procedural democracy, which is the post-1987 legacy concentrated on the citizenry's political rights, is undermined by the ongoing social problems related to distributive justice (Lee 2011, 429; Morlino et al. 2011, 505).

The suicide rate, heated competition, high poverty rate among the elderly, gender inequality, the unhappiest children among OECD countries, limited support for disabled people, and so on indicate a worsening quality of life in Korea (OECD 2011a, b, 2014). Income inequality is increasing after the 1997 Asian financial crisis, with the Gini coefficient rising above 0.34 (2011). The relative poverty rate has also steadily risen, which was higher (15%) than most OECD countries (Cheon et al. 2013).

Among the seven different domains and criteria suggested by the International Institute of Democracy and Electoral Assistance (IDEA) (Beetham et al. 2008), "representation," "participation," and "solidarity" seem to be the standards in which Korea would not receive good reviews (Cho 2002). By assessing the quality of democracy through the three components of participation, responsibility, and solidarity (IDEA 2008, 26, 73), Korean democracy demonstrates a low quality in all three.

According to the Bertelsmann Transformation Index,[1] from 2006 to 2014, South Korea's democracy status score declined by 0.30 points. Especially two criteria are showing decline, −0.8 in political and social integration, and −0.5 in political participation. Concerning the socio-economic level, a recent worrying trend is the rising share of irregular jobs with comparatively low salaries, a lack of job security, and weak labor union organization. In terms of political and social integration, business is well represented with networks and interest groups, while labor unions are much weaker. In addition, the welfare system is generally underdeveloped

and remains segmented, even though South Korea has implemented a social welfare system since the late 1990s.

Therefore, Korean citizens are not satisfied with the government's socio-economic policy. In 2011, when asked whether they agreed or disagreed with the statement "Rich and poor people are treated equally by the government," only a small minority (19%) marked either "strongly agree" or "agree." In view of growing economic inequality and the polarization of wealth, only one in five found little discrimination based on economic status (Park 2014, 45).

Within this context, huge bodies of academic literature and political discourses focus on the issue of "economic democratization," which was believed to resolve issues related to limits of political democratization (Wee 2012; Kim 2012; Shin 2007). Furthermore, a growing number of welfare regime studies[2] also examined the socio-economic conditions of Korean society and analyzed the development of the Korean welfare system. But it seems that scholarly discussions could not find consensus to confirm the types of welfare regime that fit the Korean case. We need to understand the nature of recent changes, driving forces for it, and the causes of different evolutionary patterns.

The first aim of this research is to analyze the recent socio-economic development of Korea through the prism of the "dualization" process. Following the theoretical perspective of the *Varieties of Capitalism* approach (Hall and Soskice 2001), Thelen (2012, 2014) and Rueda (2007, 2014, 2015) have provided the new framework of "dualization," which explains structural causes and the different mechanisms of change. Even though the degree of dualization varies across countries, workers in many of them are divided between protected "insiders" and unprotected "outsiders" (Rueda et al. 2015, 89). If a dualized labor market is a worldwide phenomenon, then what are the main features of the Korean case? This chapter provides a comparative view of the dualization process and its Korean peculiarities.

Second, this chapter tries to understand the institutional complementarity between different dimensions of the dualization process. It aims to examine the nature and trends of labor market changes, the development of the welfare state, and changes in the political representation in Korea as an interrelated process of dualization. By doing so, it attempts to examine the institutional complementarities of the labor protection system, welfare regimes, and the political system as found in Korea.

THE THEORETICAL FRAMEWORK: DUALIZATION

Previous dominant understandings of the diversity of different welfare states and labor market policies, mainly the power resource theory[3] and the macrocorporatism approach,[4] cannot explain differences between many countries and also fail to see more complicated phenomena of different modes of liberalization.

To address this second problem, Thelen (2012, 2014) has identified three distinct ideal-typical trajectories of liberalization. These are (1) deregulatory liberalization, associated especially with liberal market economies such as the United States; (2) dualizing liberalization, associated with conservative Christian Democratic countries such as Germany; and (3) embedded flexibilization, associated with Scandinavian social democratic countries such as Denmark (Thelen 2014, 12–5).

Of these different forms, this research assumes that the Korean case fits the dualization type most closely. While the Korean case is not comparable to Scandinavian countries, which have a high density of unions organized on a national level, high welfare spending, and so on, it is also far from the pure form of deregulation and full-fledged liberalization found in the US. Instead, it bears the legacy of the East Asian type of developmental state's intervention (industrial policy, trade protection, and state corporatism). The following parts of the chapter discuss the Korean case in more detail, but it is first necessary to understand the nature and dynamics of the dualization phenomenon.

What is the core nature of "dualization"? Dualization is "a process that is characterized by the differential treatment of insiders and outsiders and that can take the form of newly created institutional dualisms or the deepening of existing institutional dualisms." Dualization also implies that "policies increasingly differentiate rights, entitlements, and services provided to different categories of recipients." This process is very likely to lead to greater social divides (Emmenegger 2012, 10).

The most typical case in the existing literature is Germany, where economic transformation has come with the cost of labor market dualization (Palier and Thelen 2010; Thelen 2014; Martin Duane 2012; Emmenegger et al. 2012). Many have argued that the growing labor market dualization in Germany is the result of neo-liberal and postindustrial pressures that have eroded the pre-existing collective bargaining system. As a result, trade unions concentrate their resources on protecting a slowly shrinking

core of workers while leaving outsiders—such as young people, women, and the long-term unemployed—behind (Hassel 2012).

According to Rueda (2007), dualization is not only an economic phenomenon but a result of electoral politics, in which powerful social democratic parties allied with strong labor movements may well promote, rather than inhibit, inequality. He explains that dualization emerges as a result of electoral politics in which social democratic parties choose to support the interests of insiders rather than outsiders (Rueda 2007). Thelen has brilliantly characterized the core mechanism of dualization as "stabilizing the core" on the one hand, while "flexibilizing the periphery" on the other (2014, 131–8).

Apart from electoral politics, Rueda also emphasized two most important factors: the degree of employment protection and the lack of an active labor market policy (hereafter ALMP) to help the unemployed find a job by providing training opportunities (Rueda 2014).

Thelen's analysis of the dualization of Germany shows that existing institutions for employment protection for the core workforces—mainly male workers in manufacturing—remained similar after deindustrialization, while less-protected service sector jobs were made more flexible. This "selective liberalization" leads to the emergence of a second labor market in which less skilled, married female workers tend to hold lower paid "mini-jobs" to supplement their household income. The existing welfare scheme has been reformed accordingly, while ALMP and the well-developed skill training system have not developed further or have even declined (Thelen 2014, 130–44).

Given this emphasis on two core institutional factors (employment protection, ALMP), Rueda recently pointed out the historical origins of the dualization phenomenon. It is an especially common phenomenon in countries that industrialized late, whose industrialization policies tended to develop an inward-looking economy with a high level of insider protection (Rueda 2015).

Therefore, an analysis of the patterns and causes of dualization should examine how the historical "origins" of employment protection, the economic development strategy of a country, and the generosity of ALMP are correlated.

In addition, there is a fundamental driver of this social transformation: so-called deindustrialization—the labor market's shift toward the service sector—has led to a significant decline of relatively well-paid jobs in manufacturing, even in those countries that still rely heavily on the manufacturing

sector to generate wealth, such as Germany and Korea. Today, employment in the service sector outnumbers jobs in industry in all OECD countries (Emmenegger 2012, 9).

The service sector is traditionally less regulated and unionized and also exhibits a skill bifurcation between high and low general skills (Fleckenstein et al. 2011). This is also connected to the "feminization of employment" trend, as women have increasingly entered the labor market. Female employment rates approach or even match male employment rates in many countries (Esteves-Abe 2005).

These changes in the economic dimension have not only affected the labor market but also changed the context for social policymaking and related politics, such as party politics, elections, and welfare policies. In particular, social policies have become less effective in reducing inequality (OECD 2008). That is, new inequalities are not just a result of income inequality but may also stem from welfare policies intended to reduce them. This reduced efficiency is most likely to emerge in conservative welfare regimes in which benefits are tied to occupational status. Such systems[5] are more likely to lead to the emergence of an "insider-outsider" divide (Esping-Andersen 1999).

Therefore, the degree of dualization should be determined not solely by measuring the generosity of the ALMP policy and employment protection but by considering a broader set of socio-economic policies. More specifically, labor market policy, social policy, and electoral politics are interconnected institutional arrangements crucial to understanding the dualization process (Emmenegger 2012, 1–8, 17). Häuserman has accordingly suggested that three-dimensional insider-outsider divides are important: labor market divides, in terms of earning and training; social protection divides, welfare coverage, and benefits; and political integration divides, if labor market outsiders are politically underrepresented and alienated from democratic decision-making (Häusermann 2012, 30).

Against this backdrop, this chapter explores the nature, process, and consequences of dualization in Korea. To do so, it will examine dualization trends in the following three dimensions: the labor market, social welfare, and political power.

First, for the labor market, this chapter analyses the level of employment protection from a comparative perspective. It also examines the degree of the income gap and differences in access to vocational training. To measure a degree of dualization in Korea, it will examine the development of

active labor market policies. Second, regarding social welfare, this chapter studies differences in pension benefits and other social welfare divides. By explaining the original design of the Korean welfare system, it will show how the segmented structure of the previous welfare system is now facilitating the exclusion of vulnerable populations. Finally, to evaluate dualization in respect to political power, this study traces the changes in union membership and the election abstention rate among the different population groups.

By emphasizing the significance of previous explanations and also shedding light on the particular aspect of dualization in Korea, the chapter draws some conclusions about the current status and tendency of democracy in Korea.

Dualization with Korean Characteristics

The Dualization of the Labor Market

Labor market duality has been one of the key issues in the Korean political debate since the early 2000s. Most of these debates have been dominated by a concern with social inequality, job insecurity, and discrimination, coupled with the issue of polarization in income distribution (Cho et al. 2008; Jung 2011; Nam et al. 2007).

The flexible labor market policy introduced in 1998 has made it easier to lay off employees and legalized temporary work. Korean employers responded to the liberalization by gradually paring down the core workforce through a combination of regular and early retirements and by hiring more non-standard workers to cut labor costs.

The transformation of Korea's labor market since 1997 is much more dramatic than the effects of dualization in Germany (Kang 2010). Many authors have also recognized that Korea's financial market and especially its labor market have been fully liberalized (Ok 2012), surpassing even Japan in this regard, as this liberalization has affected even previously protected jobs (Yun 2014), in contrast to the relatively moderate level of changes in Japan and Taiwan (Fields 2012). This is despite the fact that employment deregulation was much more politically contentious in Korea than in Japan, with labor and business often clashing; in the end, however, labor agreed to the reforms.

As in many other advanced capitalist countries, the structural force of labor market change was deindustrialization. The share of employment in

the manufacturing sector has been declining since the 1980s, while that in the service sector has grown at the expense of a sharp decline in agricultural employment. In Korea, the proportion of employees in the industrial sector rose from 29% in 1980 to 36% in 1991, before falling to 24.4% in 2013, while the service sector rose from 37% to 47.7% and then to 69.5%, respectively.

Following this deindustrialization tendency, Korean society has experienced a growing share of non-standard employment in the last decades. The survey data showed that the share of non-standard workers among all wage and salary earners increased to over 50% following the financial crisis. The non-standard workforce has increased most rapidly in recent years—from a share of 16.6% in the 2001 survey to 32.4% in the 2014 survey. It is the second highest among OECD countries and the share's level has been very stable during the last decade (Fig. 7.1).

Among those engaged in non-standard employment, temporary employment is the most common and is largely concentrated in service sectors rather than manufacturing, particularly in small enterprises (see Fig. 7.2). This concentration is more pronounced in Korea than in the rest of the OECD countries. While the incidence of temporary employment in industry (mining, manufacturing, and construction) is twice as high as the
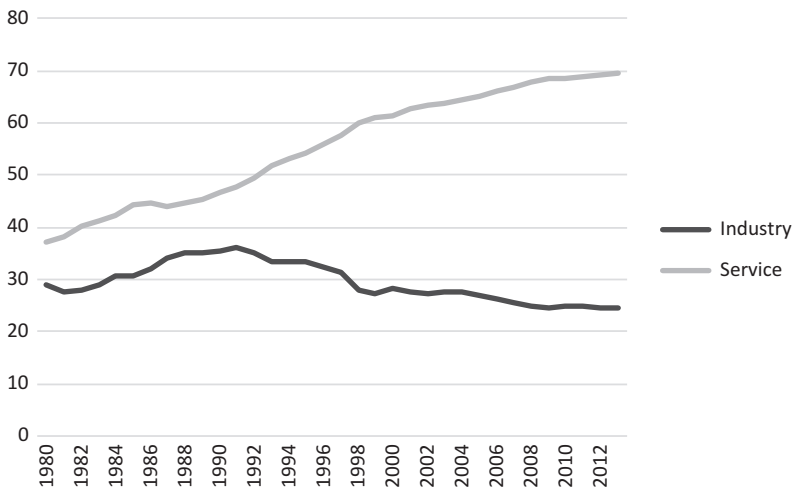
Fig. 7.1 Share of employment in industry and service (Source: World Bank, World development indicators)
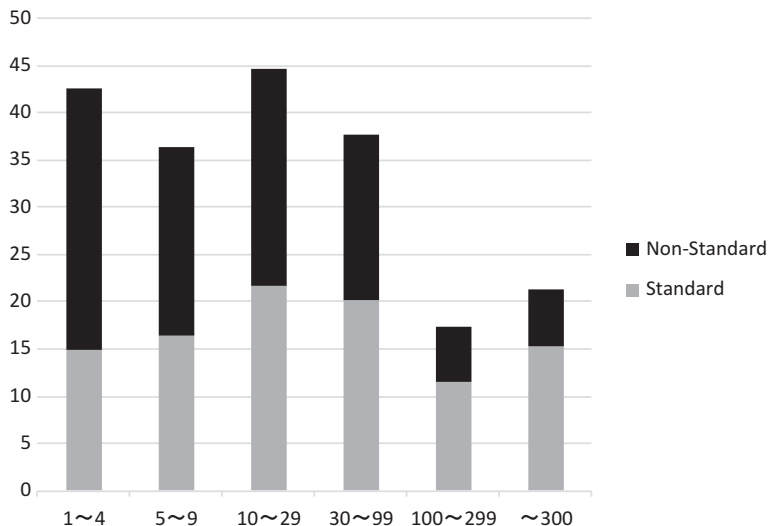
Fig. 7.2 Proportion of non-standard workers according to firm size
(Source: KLI, *2014 Statistics of Non-Regular Workers*)

OECD average, it is three times as high in the service sector. According to the Korean Ministry of Labor, the incidence of temporary employment is over 30% in wholesale and retail trade, restaurants, hotels, finance, insurance, real estate, and business services. The high rate of self-employment (27.4% of the working population) itself is a Korean particularity, and is one of the largest shares of all OECD countries (OECD 2014).

As many previous authors have suggested, this clear dualization tendency is connected to the relatively high level of employment protection for standard workers that Korea offers. Unlike liberal countries, which have the lowest levels of insider protection (less than 1 in indexes), the employment protection index of Korea lies between 2 and 3, placing Korea in the largest group, which also includes Denmark, Norway, Finland, Germany, and Italy (Fig. 7.3).

Thelen contrasted the high level of employment protection for standard full-time workers with the low level of protection for non-standard workers in many countries such as Sweden, Germany, and the Netherlands (2014, 143). In Korea, however, temporary workers are afforded a level of legal protection similar to that of standard workers, which means that legal
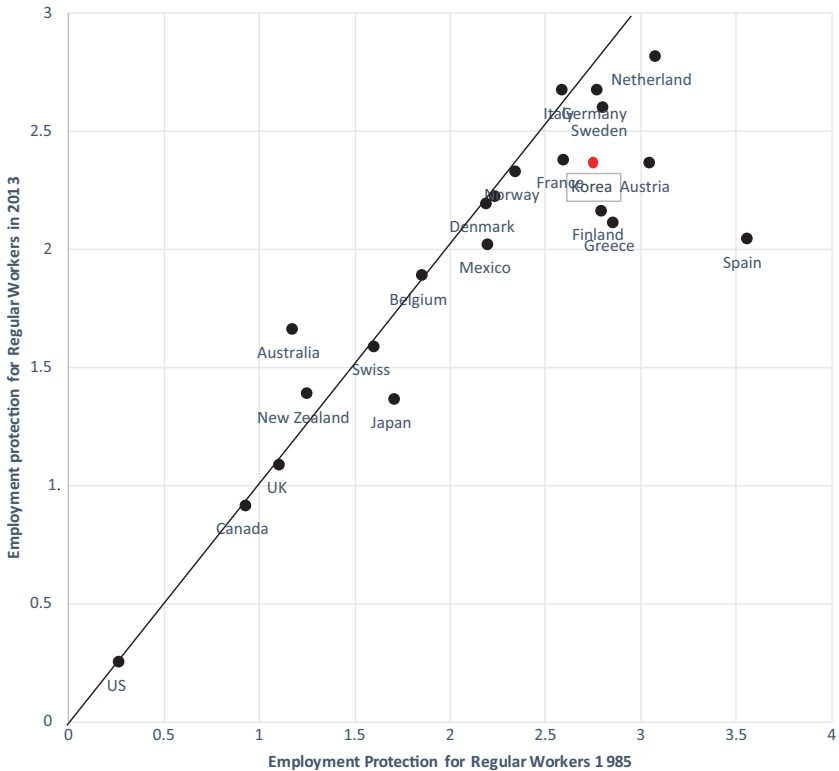
Fig. 7.3 Level of employment protection (1985–2013)
(Source: OECD (2013) *Indicators of Employment Protection (1985–2013)*)

protection has virtually no effect on non-standard workers' comparative income and job security (Fig. 7.4).

Even though there is no serious gap in the level of legal protection for standard and non-standard workers, there is a large income gap between standard and non-standard workers and an even larger gap between men and women. As of August 2015, non-standard workers in Korea were paid 55.8% of the hourly wages of standard workers (Fig. 7.5).

A clearer tendency can be seen in the income divide between workers in large firms versus those in small- and medium-sized firms. The wage gap between workers in large enterprises and those in SMEs began to widen after 1990. The average wages of workers in firms with 30–99 workers as
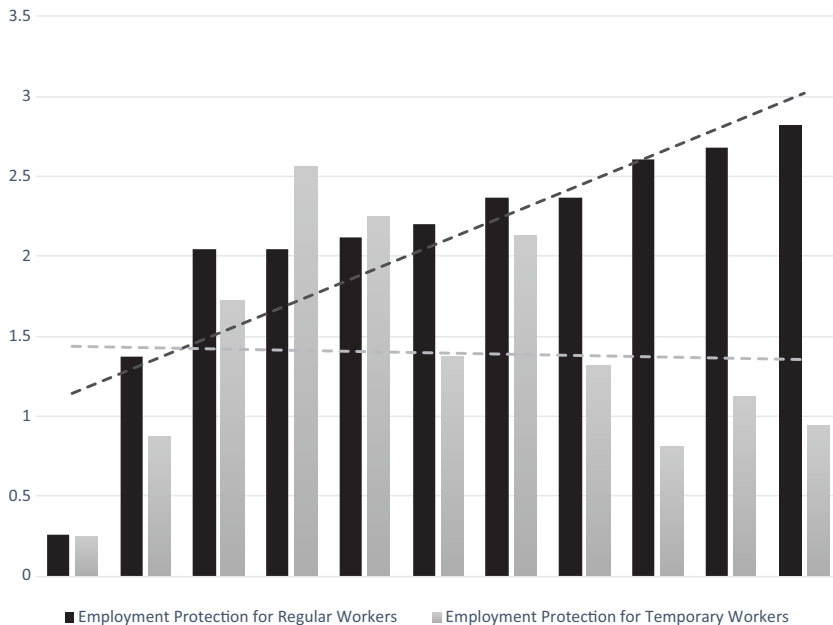
Fig. 7.4 Employment protection for permanent and temporary workers (Source: Stats.oecd.org.)
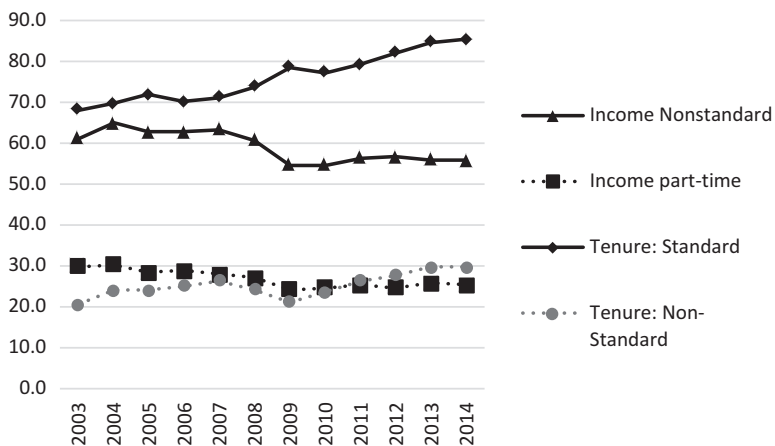
Fig. 7.5 Relative wage level and job tenure of workers (Source: National statistical office, annual survey of the working population)

a percentage of those in firms with over 500 workers declined from 99% in 1980 to 60% by 2008. This wage differential between small and large firms is larger than the wage differential between standard and non-standard workers. That is, while non-standard workers employed at large firms (with more than 300 employees) are paid less than standard workers employed in the same firms, they are actually paid more than standard workers working at smaller firms.

This income divide is linked to job tenure. Tenure and job retention rates in Korea are well below OECD averages. Even for standard workers average tenure is about one year below that of the US and four to six years below the levels found in the EU and Japan (Martin et al. 2005). Today, Korea features short- to medium-term average employment tenure, averaging 6.2 years in 2010 (Ministry of Employment and Labor 2012). This is far shorter than the median for Japanese companies (Witt 2014) and only slightly longer than the median tenure of 4.4 years of US firms in 2010. In 2010, average tenure for small firms (5–9 employees) was 4.5 years, compared to 9 years for large firms (500 employees).

In Korea, 62% of temporary workers have been in their current jobs for less than one year and only 18% for more than three years. By contrast, permanent workers enjoy much longer job tenure—only 30% have worked in their current jobs for less than one year and over 46% for more than three years (Fig. 7.5). The job tenure of temporary workers in Korea is only slightly shorter than the OECD average, but that of Korea's permanent workers falls significantly below the average (46%)—and particularly the EU-15 average. The percentage of workers with more than ten years of job tenure is only 23%, while it is 57% in France (OECD 2013, 157–58).

This job tenure trend is connected to how workers are trained. Training opportunities and support for workers also show a dualized nature. Surveys show that about 15% of standard workers have participated in some job training over the previous 12 months, but only 2% of non-standard workers have done the same. Non-standard/temporary employees in Korea receive significantly less job training, not only compared to permanent workers in Korea itself but also compared to temporary workers in other OECD countries.

These differences are not just a matter of standard versus non-standard workers and large versus small firms, but also exhibit a gender divide. Even though the level of women's participation in economic activity has
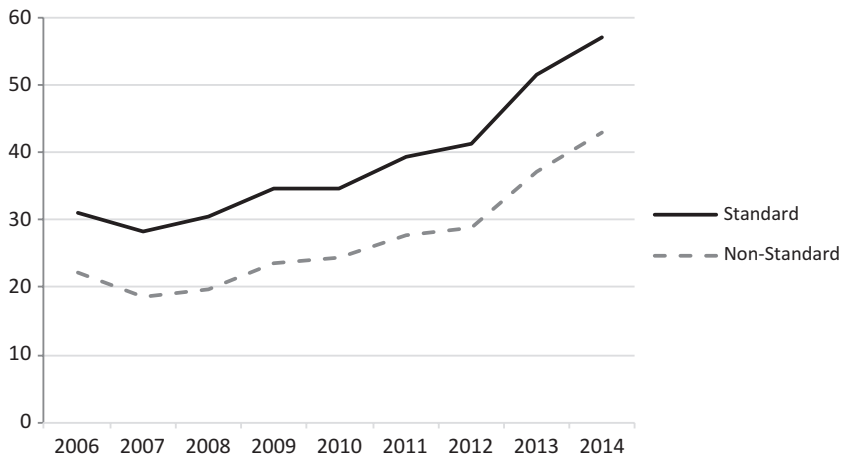
Fig. 7.6 Training experience of standard/non-standard workers
(Source: KLI, *2014 Statistics of Non-Regular Workers*)

increased in the last decade, a high gap between men and women still exists (21%). In 2015, this gap was the fifth highest of all OECD countries (OECD Better Life Index 2015) (Fig. 7.6).

Many female workers who leave the labor market for marriage and/or childbirth have difficulty finding permanent employment and are forced to take up temporary jobs when they return to the labor market. The concentration of women in atypical jobs has been attributed to the institutional legacy of state corporatism, which left behind a paternalistic culture and paternalistic institutions (Lee 2015). Jeong (2005) found that the incidence of non-standard work for females especially increases after the age of 30, representing the lack of a proper family policy. As of 2014, women are more likely than men to have a non-standard type of job, as 71% of part-time workers and 93% of domestic workers are women, while 61% of standard workers are men (KLI 2014).

This tendency is quite stable, as since 2003 the share of women holding non-standard jobs has stayed at 40% as compared to men's 25% (KLI 2014). Accordingly, in 2013 women earned just 65% of the income of men, the largest gender gap of any OECD country (Ministry of Labor and Employment 2013).

The Dualization of Welfare Policy

Do the social policies of Korea effectively protect the population or do they facilitate inequality? It is important to understand the historical origins of Korea's social policy design. The Korean welfare system has arguably been instrumental in economic development, as the country is often referred to as a "developmental welfare state" (Goodman et al. 1998; Holliday 2000; Kwon 1999, 2005). Under such a regime, social policy is regarded as an instrument for economic development, giving priority to the social protection of those with strategic importance for industrialization, while leaving the poor and vulnerable outside the welfare system.

Many recent studies have discovered significant similarities among Asian countries' welfare development and it is widely recognized that Korea, Japan, and Taiwan have followed the Bismarckian social insurance model (Hwang 2012). Social security systems in these countries are divided into two groups. On the one hand, occupationally based social insurance schemes provide generous benefits to the most productive sectors of society—mainly full-time male industrial workers, public sector employees, military personnel, and teachers, as well as their families. As they were the core agents of the developmental coalition, these classes enjoy high benefits with low contributions. Ordinary citizens, meanwhile, can access only low levels of welfare service. Public social insurance provides only limited welfare coverage to those in non-productive sectors— the self-employed, non-standard workers, workers in small industries, single unmarried women, single-parent families, the disabled, and the elderly (Peng and Wong 2008, 2010). Such welfare systems were introduced in the early 1960s, incrementally increasing the number of beneficiaries and the range of benefits, and were sometimes intended to finance an economic development plan.

This developmental path is connected to the nature of industrialization in the respective countries. As Rueda showed, dualization of the labor market and social welfare is connected to the nature of industrialization itself. In both OECD and developing countries internally oriented industrialization was accompanied by strong protectionism for labor market insiders, which later led to the labor market's dualization. Unlike some countries that developed industry in the context of an open market, late-developing countries pursued import substitution industrialization (ISI). ISI emphasizes supporting heavy industry to service domestic demand,

implementing protective policies such as trade protection, creating and subsidizing infant industries, overvaluing exchange rates to promote the importation of capital goods, and extracting surpluses from commodity exports in order to finance the industrialization project (Rueda et al. 2015, 90–93).

Therefore, the so-called developmental welfare system can be understood as a set of protective policies for labor and capital that originated from historical experiences of late industrialization.[6] How, then, can we understand more recent changes in welfare services and labor market policies?

Welfare policies in Korea have been reformed in conjunction with labor market policy reforms to compensate for increased labor market dualization. The development of recent welfare policy shows several specific patterns.

First of all, the general social expenditure has increased. In total, Korean social expenditure as a proportion of GDP rose from 3.9% in 1990 to 10.8% in 2012, and has thereafter hovered around 9.5% (OECD 2015). The scale of Korean welfare state expansion reflects the extent of economic devastation inflicted by the economic crisis.

After 2002, however, the Korean government shifted the focus of welfare state expansion from the immediate economic rescue of crisis victims to welfare support oriented toward families and the labor market. Korea has been grappling with economic downturns since 1990 and the government has consequently begun to reconfigure their welfare state. In particular, there has been a shift in the targets of welfare state protection, from full-time male industrial workers to more peripheral, marginalized, and vulnerable population groups such as women, youth, children, and the elderly (Peng 2014, 391).

Further, like Japan and Taiwan, Korea has a rapidly aging population, which constitutes a threat to future economic development. This is accompanied by family restructuring, a decline in marriage and fertility rates, reduced resources for taxation, and a lack of labor forces (Hwang 2012). As the number of people who support the social welfare system has declined, a new demand for social policy reform has emerged (Choi 2012). The combination of defamilialization, early retirement, inadequate old age security, and rural depopulation have made elderly people socially and economically vulnerable, and old age income security has become a politically sensitive issue in Japan and Korea.

In this regard, Peng (2014) argued that although labor market insiders did benefit from welfare expansion, the main beneficiaries were the outsiders. For example, the expansion of old age insurance, increased work-family reconciliation policies such as parental leave, and universal long-term care for the elderly benefited both insiders and outsiders. Moreover, social care programs such as child care and elderly care benefited mainly women, who were more likely to be the outsiders, as these programs provided support for them and also created new jobs in care services that would likely employ women.

Such social policies oriented around compensation show the general idea behind the government's choices. Korea and Japan are countries that have chosen family policy over immigration policy (Chan et al. 2011). Both countries have started to introduce policies addressing child care and establishing a long-term care system (Campbell and Ikegami 2000; Peng 2010).

First of all, the Korean government responded to the conflict between life and work as the number of female workers increased (Fleckenstein and Lee 2014). When the government generally recognized that women's participation in the labor market is beneficial to the national economy, it more widely accepted women's demands (Hwang 2012). In this regard, family policies, represented by the child-care policy, are especially improving in Korea. Although the child-care system in Korea was initially targeted only at low-income families, it is now expanding (Kim 2009; Peng 2012).

The Korean response to the child-care crisis was quicker and more preventive than Japan's, and government expenditure for child care has rapidly increased (An 2013; Estevez-Abe and Kim 2014). Expenditures for child and elderly care rose sharply under the Roh Moo-hyun government's social investment policy reforms (Peng 2009). The national government budget for early childhood education increased, with the portion for child care nearly quintupling. Since the 2012 presidential election, the Korean government has begun adhering to a free child-care service policy.

After Japan, Korea is also the second country in Asia to adopt a long-term care system (Chon 2012, 2013; Kim and Choi 2013), which is a social insurance system especially for elderly people that exists alongside the pre-existing national health care system (Chon 2014). In Japan, the Long-Term Care Insurance (LTCI) Scheme was introduced in 2000, when the population share over 65 had reached 17.2%; in Korea, it was introduced and implemented in 2008, when the elderly population was

10.3% of the total population, universalizing care for the elderly. A revised government budget estimates the number of LTCI recipients to have risen to 320,000 recipients by 2013 (MOHWFA 2010).

However, even with these significant social policy expansions, Korea has failed to fully compensate the loss of employment and income security experienced by workers on the outside. For example, employers agreed to expand their child-care policies but opposed more parental leave and other similar family-friendly policies. Employer organizations and male industrial workers—the insiders—have had crucial influences on this issue (Fleckenstein and Lee 2014).

More importantly, welfare policy showed dualized levels of protection, split between standard and non-standard workers. Even though Korea expanded Workers' Compensation Insurance and Unemployment Insurance to cover all workplaces, including the self-employed and unpaid family workers, a significant proportion of non-standard workers is still not adequately covered. In 2014, the enrollment rates for the national pension, national health insurance, and employment insurance programs for standard employees were 82.1%, 84.1%, and 73.5%, respectively, but only 38.4%, 44.7%, and 43.4% respectively for non-standard workers (see Fig. 7.7).

Alongside this public welfare divide, company welfare increases the gap between core industry workers and service sector workers. In many cases, insiders already had access to generous pensions and family support through their company welfare. Furthermore, disparities in company welfare benefits increased between workers in large enterprises and SMEs, with the differentials between firms with 30–99 employees and those with over 1000 employees dropping from 80% in 1984 to 43% in 2003. Korea's labor movement, dominated by unions of large enterprises, further contributed to the widening gap between the large enterprises and SMEs. As corporate welfare costs expanded 11-fold, the divide between workers in large firms and SMEs widened (Kim 2002).

Gaps between the wages and company welfare provided to workers in large enterprises and SMEs and between those in standard and non-standard employment continue to widen. Therefore, income inequality has not narrowed; on the contrary, it has widened since 2000 in both Korea and Japan. Nor has new social investment made any changes to gender inequality, and total fertility rates remain very low (1.4 in Japan and 1.3 in South Korea in 2012) despite notable expansion in public child care (Ito Peng 2014, 403).
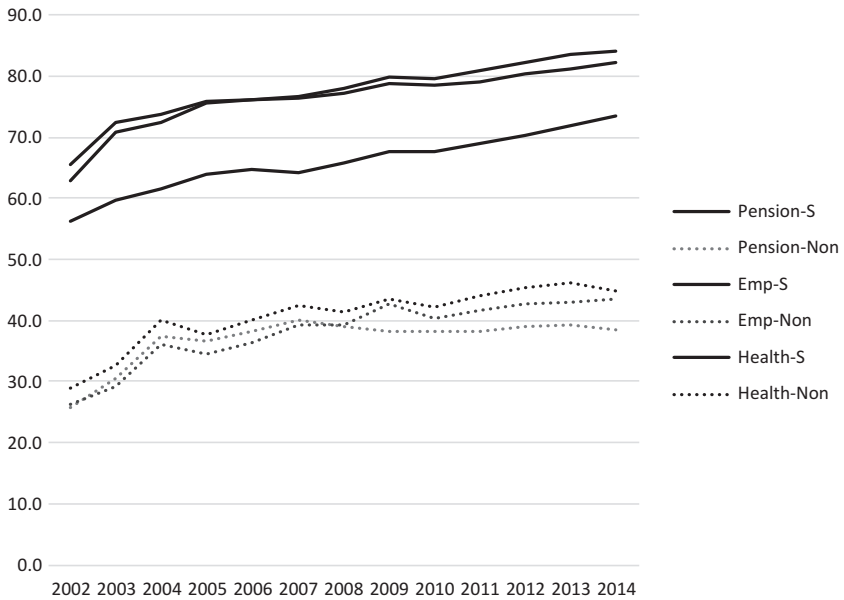
Fig. 7.7 Membership rates for health care, employment insurance, and national pension (standard/non-standard workers)
(Source: KLI 2014 Statistics of Non-Regular Workers)

In sum, the welfare system of Korea has developed from its original Bismarckian design; therefore, it has a structure segmented between standard and non-standard workers, with sharply differing participation rates in the National Pension scheme, National Health Care, and Unemployment Insurance system. Concerning this social policy design, non-standard workers are not compensated less, but are excluded from both public welfare and enterprise-level company welfare benefits. Therefore, it is unlikely that the expansion of the welfare state will stem the increasing labor market dualization. Rather, the focus on expanding social care jobs may exacerbate and further dualization.

Finally, it is important to look at a significant factor for dualization analysis: ALMPs. ALMPs in Korea consist of training programs, wage subsidies, and job creation in the public sector (public works programs). However, all these programs have been significantly cut back since 2000. Instead, a new program, called the "social jobs program," has recently been introduced, which aims to create jobs in the non-profit sector. As of

2011, however, public expenditure on labor market policies in Korea as a percentage of GDP is still low (0.28% of GDP), although it increased slightly to 0.29% of GDP in 2012. Expenditure per unemployed person (both active and passive) is below the OECD average.

As it lacks an appropriate ALMP level, Korea can be identified as a highly dualized country. As shown in Fig.7.8, according to Rueda's (2014) two-dimensional categorization, Korea belongs to the group in the upper right quadrant, but lies very close to Italy and Spain, which all have high levels of standard employment protection while lacking generous ALMPs.

However, unlike these countries Korea exhibits a very low level of unemployment (less than 3.2% in 2013). But the total share of unemployment and non-standard employment in Korea is as high as in most OECD countries (37% in 2013, OECD 2015).

The particularity of Korea's low unemployment rate and low level of labor market policy demands a more sophisticated index to correctly measure the degree of dualization. Thus, I calculated the ratio of employment
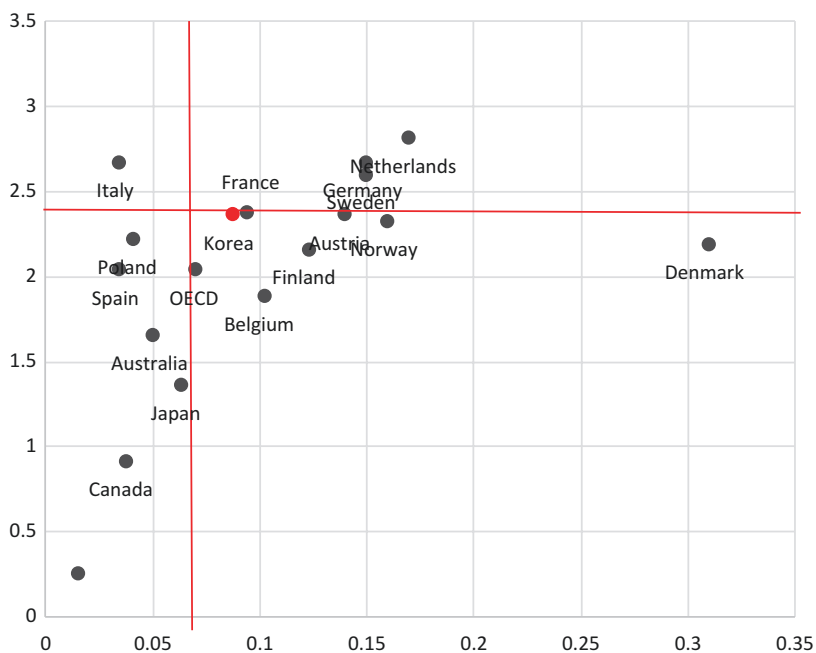
Fig. 7.8 Regular employment protection and ALMP generosity (2013)
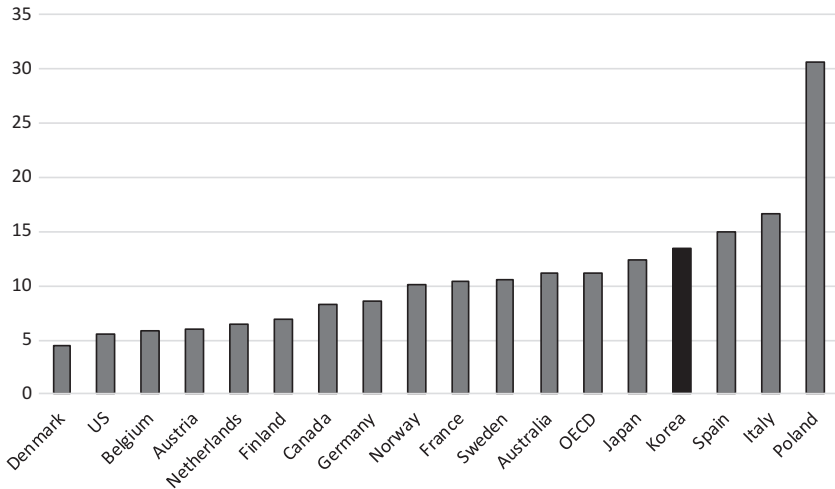
Fig. 7.9 Level of dualization (EPL/LMP Generosity)
(Source: OECD Employment Outlook 2014, Employment Protection Indicator)

protection over LMP expenditure generosity in place of the ALMP generosity suggested by Rueda (2014), who used the ratio of ALMP to GDP over the ratio of the unemployment rate of the labor force. According to my measure, Korea shows a very high level of discrepancy between employment protection for regular workers and its lack of labor market policies to support the unemployed (Fig. 7.9).

In this regard, the degree of dualization should be understood by not only measuring the generosity of the ALMP policy but by considering a broader set of socio-economic policies. Especially important are the exclusion of many non-standard workers from basic social insurance schemes (health, unemployment, and pension) and the fact that many new welfare policies offer no actual benefits to vulnerable populations.

The Dualization of Political Representation

Dualization is not limited to the labor market and social welfare services but is related to and supported by the political power divide. In this regard, it is important to understand the historical legacies of economic development under authoritarian regimes. First of all, unions in Asia could not become powerful under authoritarian regimes, which heavily restricted

their political activities. Authoritarian regimes usually controlled unions with exclusionary corporatist arrangements that sharply limited the workers' ability to mobilize collectively (Caraway et al. 2015, 1, Deyo 1989). Ruling conservative parties opposed high rates of unionization, but they granted state-backed unions monopoly status. The political representation of organized labor has therefore largely been an unsuccessful project in East Asian democracies when compared to polities in other regions. In these countries, unions entered the democratic era as depoliticized and enfeebled organizations that had only weak links to their membership base and usually to political parties (Caraway et al. 2015; Caraway 2016; Lee 2011).

In addition, organized labor rapidly lost their remaining sources of political power due to deindustrialization and the tendency toward liberalization. For example, the union density in Korea began to decline in the 1990s, and the role of unions in setting wage standards for workers in Korean SMEs began to decline as well. After peaking at 19.8% in 1989, union density fell to 9% in 2014 (KOILAF 2015).

Further, non-standard workers lack even a minimal base of organizational power, as the labor movement has been slow to organize workers in non-traditional employment (service sector and non-standard workers). These workers are admittedly difficult to organize. In Korea, the unionization rate of non-standard workers was 3.1%, as compared to 16.9% for standard workers in 2014 (KOILAF 2015).

The enterprise-based union system also contributed to increased labor market dualization after the 1990s. Most labor negotiations in Korea are conducted at the enterprise level, and those unions are closely tied to the success of their companies. This creates a strong sense of enterprise consciousness, which ensures a high level of labor-management cooperation. Large enterprise unions also have little incentive to form nationwide or sector-wide industrial unions with small enterprise unions. During the 1990s, large enterprise unions became increasingly focused on protecting the benefits of their own members (Fig. 7.10).

The unionization rate of Korean workers in enterprises with 300+ employees was 45.4% in 2008; the rate for enterprises with less than 30 workers was only 0.2%. Therefore, enterprise unionism discourages the formation of broad-based labor solidarity and during economically hard times reinforces the existing labor market divide between insiders and outsiders based on firm size (Ito Peng 2012, 232). Only 5% of non-standard workers, as opposed to 17% of standard workers, are trade union members.[7]
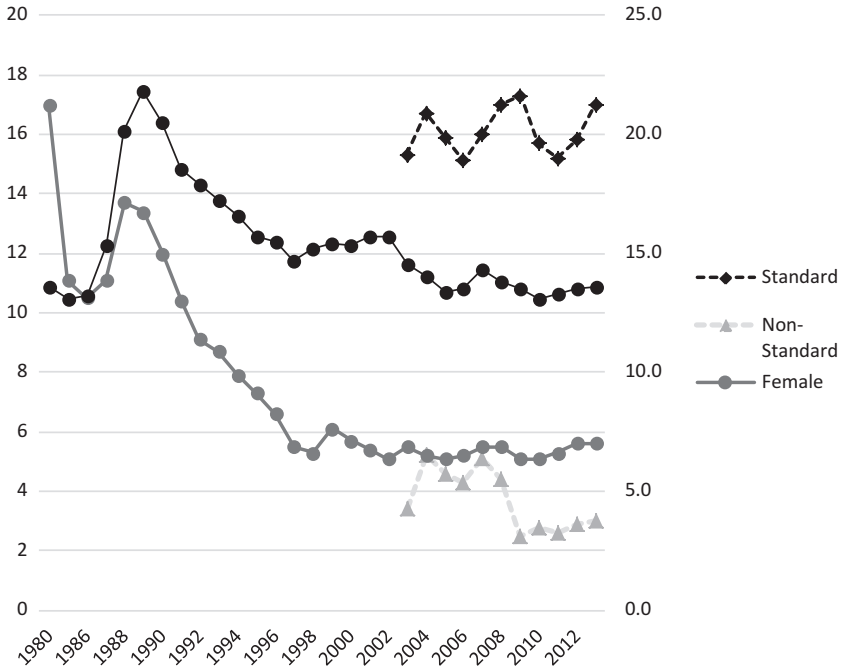
Fig. 7.10 Labor union density
(Sources: KLI, *2014 Statistics of Non-Regular Workers; Ministry of Employment and Labor, National Labor Union Organization Status*, each year)

While Korean labor in general has only limited power resources, as represented by their low union density and weak linkages to political parties, non-standard workers lack even these few resources, as they are not organized and have no relationship with political parties. This overall weakness of organizational power is related to the failure of political representation itself, which is connected to the political system. The current political system of Korea is a single-term presidency, majoritarian election system, which tends to represent middle-income groups, thereby failing to represent the "outsiders" of the deindustrialized society. In contrast, a proportional political system is associated with a higher level of (re) distribution (Iversen and Soskice 2009, 2015).

This power-resource asymmetry combined with a less proportional and less distributive political system is associated with the divide in political

representation, as people with high socio-economic status tend to participate more heavily in the political decision-making process (voter turnout for the top 20% is 99%), while those of low socio-economic status facilitate them by not exercising their political right to vote (voter turnout for the bottom 20% is 70%).

The limited social foundation of political representation, social association, and organization can be observed from the figure below, which shows the quality of the social network. While the upper 20% of the population have well-developed social support networks, the bottom 20% do not. The 30% gap in political participation and social networks between the rich and the poor is the highest of all OECD countries (OECD Better Life Index 2015) (Figs 7.11 and 7.12).

In sum, non-standard workers' union membership is quite low and non-standard workers and women are far less represented in labor organizations. Election participation and the quality of social networks of lower socio-economic groups is 30% lower than that of higher socio-economic groups.
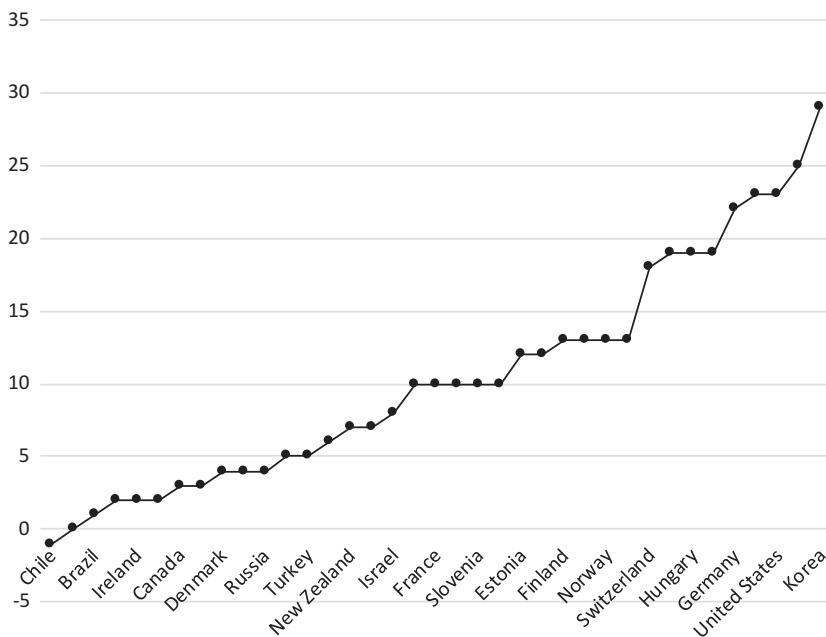
Fig. 7.11 Voter turnout gap between highly/poorly educated groups (Source: OECD Better Life Index 2015, OECD.stat.)
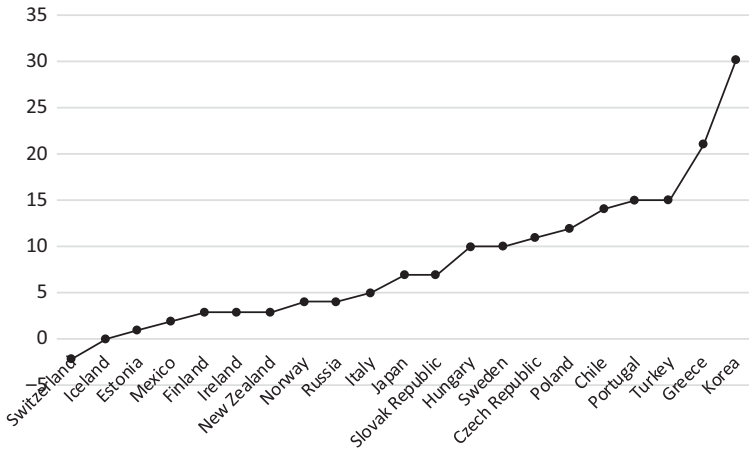
Fig. 7.12 Support network divide between highly/poorly educated groups (Source: OECD Better Life Index 2015, OECD.stat.)

CONCLUSION

This research has attempted to understand the concrete dynamics and institutional complementarity that lie behind current patterns of dualization in Korea. While previous research only focused on the level of employment protection and the generosity of ALMP, this chapter points out the particularity of Korea's dualization.

Korean peculiarities are grounded in their historical origins and the nature of industrialization, which have led to strong protections for core workforces, which largely consist of standard workers in big export-oriented enterprises with higher incomes and longer job tenures. Adding to the problems created by the original design of the developmental welfare system, rapidly implemented but still underdeveloped welfare policies did not properly respond to the quick transition to deindustrialization, especially for non-standard workers. Further, even though the Korean political system has been democratized from its previous authoritarian regime, it is still largely middle-class-oriented and majoritarian in nature. Therefore, Korean democratization has also not been very successful in resolving problems related to duality, as the extent of Korea's dualization is now one of the highest of all OECD countries. This research confirmed this high degree of dualization by measuring the level of employment protection and labor market policy expenditure.

More specifically, dualization in Korea encompasses three dimensions that show different patterns and different orientations.

First, the labor market is clearly divided into standard and non-standard workers, men and women, and large and small enterprises. These patterns of dualization reflect a specific developmental strategy, as governmental support during the industrialization process helped large manufacturing enterprises to grow and thus successfully adapt to the more competitive internationalized economic environment. In this way, Korean labor market policies were largely determined by the coalition of export-oriented firms that most benefited from these policies, the conservative two parties, and large enterprise's male laborers. As Thelen pointed out, export-oriented firms benefit doubly from the growth of a more flexible labor market—both through lower service prices and through lower taxes (Thelen 2012, 2014). However, new emerging female workers and non-standard workers in SMEs and the service sector did not have access to this pre-existing protective system.

In this regard, the dualization of the Korean labor market shares a similarity with those countries that have a relatively strong export-oriented manufacturing sector, as an income gap between standard and non-standard workers is clearly visible along the line of export-oriented large enterprises and domestic demand-oriented SMEs.

Second, the welfare system is also divided into company welfare/public welfare and standard/non-standard workers. These divisions also originated from the developmental welfare regime, which is segmented according to occupational type and favors core manufacturing workforces and civil servants. Although recent social policy development has largely aimed at compensating vulnerable populations, with an emphasis on family and policies and policies directed at elderly members of society, the current level of social expenditure is not significant enough to ease the social consequences of dualization. The Korean welfare system has not fully considered implementing generous unemployment policy, especially ALMPs, which represent the core element of the "golden triangle" of the Danish model (Thelen 2014, 142). Further, non-standard workers and female workers often cannot even access public health care, unemployment insurance services, and training opportunities in the same way that standard workers can. This led not just to dualization but to an exclusion of non-standard workers from welfare policy, which confirms previous explanations that a dualized welfare system does not enhance distributive equality but rather facilitates growing inequality.

Third, these divides are related to the power divide in political representation. Korean labor generally has limited power resources as it has low

union density and collaborates only weakly with political parties, weaknesses that also originated from the historical experience of an authoritarian regime. Democratization has not helped Korean labor to form an independent political party or strong unions. Under the pressure of deindustrialization, non-standard workers furthermore do not even have union membership and are virtually uninvolved in major politics. Segmented and unorganized non-standard workers are more likely to abstain from electoral politics and to have social networks of low quality, thereby lacking the social foundation of institutional politics.

In this way, this chapter has attempted to find a comprehensive aspect of dualization in Korea, focusing on institutional complementarity between the divided labor market, the divided welfare system, and the asymmetrical political power distribution. As this attempt is indirect and heuristic in nature, further empirical and theoretical sophistication is required to find a direct correlation and a solid foundation to generalize the findings.

These results, however, show that both Korea's "big-enterprise-led industrialization under the developmental state" and its legacies after democratization facilitated not only labor market duality but a comprehensive dualization in multiple dimensions under the pressures of liberalization and deindustrialization. This seems to be a third path of evolution for late-developed, late-democratized countries that were incorporated into the global market. This hybrid type of liberalization—less coordinated than CMEs, less liberalized than LMEs—should be studied further. To this end, we must develop a more sophisticated analysis of dualization, striving to understand the dynamic interactions between industrialization, democratization, and liberalization.

NOTES

1. http://atlas.bti-project.de/share.php?1*2014*CV:CTC:SELKOR*CAT*KOR*REG:TAB.
2. There have been continued debates since the publication of the "Three worlds of welfare state (Esping Andersen 1990)," to find a proper typology for the South Korean (hereafter: Korea) welfare state. For example, some categorize Korea as falling between liberal regimes where social policies are usually absent (Cho 2001; Choi 2003), and continental conservative regimes where segmented and family oriented social policies are common (Nam 2002; Kim 2005). In addition to this, others recently concluded that the Korean welfare state is a hybrid one, as the East Asian style developmental welfare system is recently mixed with more protective characteristics

(Hudson and Kühner 2012). Otherwise, both of Japan and Korea are regarded as having segmented, family oriented welfare regimes similar to southern European countries (Estevez-Abe and Kim 2014). Therefore, it is clear that Korea has both characters of liberal and conservative systems (Powell and Kim 2014).

3. Different levels of equality and social solidarity are correlated to the strength of organized labor. The power resource theory holds that the stronger the labor movement (strength of labor unions, social democratic political parties) the more such pressures can be resisted, thus preserving higher levels of social solidarity. See especially Korpi (1983, 1989).

4. Macro-corporatism (and tripartism) continues to produce higher levels of social solidarity by promoting ongoing compromise among groups with divergent economic interests. In this context the government can intervene directly in wage bargaining and impose settlements (Katzenstein 1985; Martin and Swank 2012).

5. Liberal countries generally have flexible and high levels of inequality, with welfare policies focused on poverty prevention. Nordic welfare states generally have low levels of income inequality, encompassing trade unions, and universalistic welfare state policies. Continental, southern European regimes' industrial trade unions tend to represent inside labor (Palier and Thelen 2010) and their social policy benefits are proportional to contributions. Unemployment and non-standard work usually leads to incomplete, insufficient social rights (Häusermann 2012, 30–1).

6. Even though Korean economic development was achieved through export-oriented industrial policy (not ISI), the Korean government has generally protected domestic industry through trade policy. In this regard, highly developed insider protection can be partly explained by the delayed nature of industrialization.

7. Korean labor law does not allow non-standard employees to be members of enterprise unions and has from the start prohibited workers from organizing on an industry or national level. Authoritarian regimes in Korea used labor laws to institute single unionism and to forbid unions from forming links to the political opposition (Sohn 2014).

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Democracy Without Workers: The "Work Society" in Korea After Democratization

Su-Dol Kang

INTRODUCTION

South Korea (hereafter Korea), as a member of the Organization for Economic Co-operation and Development (OECD) since 1996, nowadays holds a spot among the world's wealthiest nations and the G-20 major economies. It has a market economy that ranks 13th in the world by nominal GDP. It is a comparatively developed country, although semi-peripheral, with a high-income economy. Korea has been one of the world's fastest growing economies from the 1960s to the late 1990s and remains so even in the 2000s. South Koreans willingly refer to this growth as the "Miracle on the Han River." Meanwhile, the top four chaebols such as Samsung, Hyundai Motors, SK, and LG are well-known global conglomerates, which occupy about 80 percent of the 30 largest Korean chaebol profits (*The Gookje Daily*, December 23, 2013).

The year 2015 marks the 70th anniversary of liberation of Korea from Japanese colonialism. Fifty years have passed since the treaty between Korea and Japan. And 30 years have passed since the "third wave" of world democratization (Huntington 1991). Furthermore, it is the year in which a celebration of 20th anniversary of the foundation of the KCTU[1]

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was held. Therefore, it is a pertinent job to discuss the current state of democracy in Korea and to ask about its quality from the perspective of working people. This is because the spectacular economic achievement of Korea was hardly possible without the cooperation of the working people. However, the democratization in Korea hitherto, although much complimented by many commentators and scholars, did not yet manifest itself in the world of labor or in the life process of ordinary people.

This chapter aims to scrutinize the dynamics of the "work society" in Korea after democratization in 1987. Along with the Philippines and Taiwan, Korea is often characterized as one of the "third wave of countries" that transitioned to democracy. According to Heide (2009, 2013), "work society" can be defined as a post-traumatic society where abstract labor dominates the whole process of human life.

This chapter shows how democracy in Korea, in contrast to the first impression, has been fossilized and so is functioning simply as an "addictive substance" to control the people in an addictive system (cf. Schaef and Fassel 1988). In so doing, this study is to shed light on the quality of democracy in terms of (working) people's lives during the last three decades.

Historical and Theoretical Considerations on Labor Democracy

In considering the quality of democracy in Korea since democratization in the 1980s, we need to take a quick look at the etymology of democracy. "Democracy" literally means the ruling of the people by the people, as the old Greek composition *demos* (people) and *kratos* (ruling, power) implies. It negates both the ruling of God and the ruling of kings or aristocrats. In democracy, the power to rule should remain within the people.

For example, according to Choi (2010), the essence of "democracy with labor" would be "entitlements to welfare" for the people. Providing poor people with some provisions instead would make people rather passive, while entitlements to welfare in a socioeconomic perspective give people opportunities to "participate" in the system along with the feeling of being respected. He proposes thus a "democratic capitalism" as an alternative to the actual "democracy without labor." His argument reaches a peak point when he suggests a "social pact" in which the ownership of

the *chaebol* on the one side and the social citizenship of labor on the other side can be exchanged (Choi 2004).

While this idea sounds somehow attractive and realistic, it still remains within the system. As discussed earlier, this solution could reform and rationalize the addictive system, but cannot change it paradigmatically—thus not helping the system recover from addiction. Even a welfare program that is dependent upon the "work society" would perpetuate the addictive system based on the illusion of control.

Choi (2010) proposed some explanations for the need of the social pact—the lack of "social citizenship" for working people (Marshall 1950), the lack and inability of the party system or democratic government to articulate and represent working people's socioeconomic rights, the "non-decision" spheres as a result of specific power relationships (Bachrach and Baratz 1970), the weakness and conservativeness of civil society, and the strategic error of the labor movement as "democratic citizens" (Choi 2012) only to bring about a sort of "post-democracy" (Crouch 2004).

These seem to be results of institutional errors or mistakes within liberal democracy. However, the deep root of these problems can be found in the very way in which liberal democracy itself functions. The liberal democracy in which we believe inherently includes "democracy without workers." The liberal democracy in Korea that tried to combine market liberalism and democracy is a product of the hegemonic "chaebol-state-complex."

Then it is clear that the nature of democracy is not in the ruling or control of the people over others, but in the very way of people's living—living in autonomy and in solidarity reflecting human needs. A real democracy is based on a healthy way of life, not on an addictive one.

It is noteworthy that the word *economy* originally stems from the Greek *oikos* (home) and *nomos* (management). Different from *chrematistike*, which means obtaining money or material, *economy* means the managing of (one's) livelihood. It was not until capitalism became a way of living for almost all the people that *economy* came to mean simply money-making.

In this context, I understand the concept of *economic democratization* in such a way that people rule their own lives according to their human needs. At this point, it is also related to some dimensions of the quality of democracy proffered by Diamond and Morlino (2004)—rule of law connected with labor law, participation with Tripartite Committee, and (social, political, economic) equality with economic democracy.

No matter how advanced the democracy in Korea may seem, its quality is still staggeringly far behind the expectation of people. Two aspects are

significant to understand why—the "chaebol-state-complex" in contemporary Korea, on the one side, and the "Addictive System," on the other side. While the former makes people remain only as objects of political and economic governing, the latter keeps them in a state in which they continuously cooperate with the former in misusing democracy and exploiting themselves. As a matter of fact, these two aspects are one and the same.

This thought gives us a clue to interpret the quality of democracy in Korea. In this context, the "chaebol-state-complex" can be called in contemporary Korea the "Korean Addictive System" with its special historical and societal background. This system is compulsively pursuing power and profit to perpetuate itself, making people powerless and the whole society non-democratic and non-livable. Since the 1980s, people have continually struggled against the system; however, they experienced overwhelming state violence and were repeatedly frustrated. Consequently, they began to internalize the logic of capital (searching for more work and more money), with further identification with the addictive system (Heide 2013). People engage themselves in fierce competitions over status within the hierarchical system organized by the "chaebol-state-complex," which in turn reinforces the system at a higher level.

Here the status-competitive culture shared broadly by the people can be called the "Korean Codependent System," to apply the terminology of Schaef (1988). This co-dependent system is a "stereotypic, externally defined" system—one that tells people what they should feel, think, and do (Schaef 1988, 8), making the whole society even more non-democratic.

It is of significance to see that the addictive system and the co-dependent system "are not two separate ones; instead, they are two aspects of the same system. They cannot exist without each other. They support and perpetuate each other and are part of an inextricable dualism" (Schaef 1988, 10). This explains why the "chaebol-state-complex" remains stable, even though it is generally under strong criticism.

Furthermore, this addictive system can take full advantage of democratic institutions and procedures to make itself persistent. Those democratic institutions and procedures, giving people equal opportunity to participate in the addictive system, function merely as addictive substance to bind people to the very addictive process. The people playing a certain role in this addictive system get more and more addicted to work and money, becoming afraid of failure or exclusion and envious of success or advancement. In this process, material interests like money, work, status,

or power easily substitute for human needs or wants, rendering both fetishism and addiction pervasive in the whole society (Heide 2013)—which I would call a "subtle transformation" compared to the "great transformation" of Polanyi (1944).

Therefore, to rebuild and consolidate democracy, people need to discover and exert their own power. But how? This power should be taken back by the people themselves, by learning the true name of the ruling system that makes them powerless.

According to Olsen (1978), we can reclaim our reality and our power by naming rightly. As long as we refuse to speak our reality or name our experiences in the right way, we remain "accomplices of a system which oppresses us" (Schaef 1988, 10). When we instead acknowledge that the addictive system is an illusionary one that does not reflect our reality, we may make the first step in making a "paradigm (or system) shift," by seeing reality more clearly and participating in it more fully and creatively (Schaef and Fassel 1988, 222–225).

In history at the beginning of the "work society," however, those people eligible for the democracy were not the grassroots, but the bourgeois with some property to capitalize upon. Even the revolutions in England (17C), the United States (18C), and France (18C) resulted in the establishment of a "liberal" democracy for the better-off. Liberal democracy is, according to Diamond (2008), the combination of democracy and constitutional liberalism—the component of democracy, that is, popular sovereignty, calls for majority rule as expressed at the ballot box, and the component of constitutional liberalism limits the scope and reach of government in the name of preserving individual freedoms and rights. It is worth noting here that the constitution in the "work society" normally guarantees property rights as a premise for the market economy. When conflicts occurred between property rights and freedoms or rights of the people, the former generally had priority.

There has long been a famous saying in "work society" that democracy stops at factory doors. In fact, it was all about the realities up to the nineteenth century. Then, at least as of the middle of the twentieth century, the whole society became a substantial factory. This was because capital makes profit out of the whole society. Later, especially since the 1990s, after the breakdown of "real socialism," it can be said that capital appropriates surplus value from the global society, as the expression "global capitalism" implies. That said, one could assume that democracy now stops in the whole global work society.

This is not surprising because the addictive system—regardless of whether it is addicted to work, status, power, or money—keeps people from living fully. People under the control of the global addictive system feel powerless on the global as well as the local levels. When people feel powerless about their own lives, of what use will any democratic institution or procedure be?

Therefore, we can ask what kind of democracy stops in reality? While the right to property is essential to capitalism, the right to labor at first seems critical to workers.

What is then the right to labor? In the earlier period of capitalism, the first generation of working people could not accustom themselves to the hard discipline of the capitalistic labor process. They rigorously resisted the labor. It was only through decades of physical and institutional violence that the workers "internalized" their reality, and so capitalism could stand on its feet (Heide 2013). That is, after workers' internalization of work discipline, they began "to fight, not against time, but about it" (Thompson 1967, 85). At this point the "right to labor" means the right to work, including the right to organize, negotiate, and act collectively. Therefore, in liberal democratic countries, these kinds of labor rights are generally recognized.

Of course, on the other hand, there is a strong movement of capital to avoid those labor rights—a desire to move from a stricter liberal democratic country to a weaker one or to an autocratic one. The capital flight can occur in different forms—from industrial capital to a service or financial one, or from a country with a strong labor movement to another one with a weak labor movement. All this could not be clearer than in the era of globalization since the 1990s.

As will be shown below, Korea experienced a late democratization especially considering the Great Struggle of 1987, which finally put an end to the military dictatorship of Chun Doo-hwan (1980~1987), whose policies generally followed the path that had been set by Park Chung-hee (1961~1979).

To borrow another analytical framework of Diamond and Morlino (2004), the quality of democracy in Korea in terms of workers' lives can be evaluated as follows: In procedures as expressed in the rule of law, participation, competition, vertical accountability, and horizontal accountability, it has reached a considerable level. In fact, the Ninth Constitution (1987) included such clauses as the people's direct election of the president, the limitation of the presidency to only one term of five

years, establishment of the Constitutional Court, and the parliament's authority to inspect the government offices, etc. However, in terms of the contents as practiced in freedom or equality, it is still far from a substantial democracy from the viewpoint of (working) people.

Here, it is particularly noteworthy to point out the prevailing violence of citizens' eyes on labor unions or their actions, not to mention the eyes of state institutions such as police, courts, or prisons. Still, even ordinary people tend to easily stigmatize struggling workers as "the Reds" who will destroy the national economy. Some union members often confess that their parents sincerely discourage them from participating in the labor movement (Park 2015). This is a result of the internalization of the "national interest," which is in reality nothing other than the interest of capital. The violent state power against labor movement can be more influential owing to this internalization by the people. Consequently, there is substantially little freedom for workers to organize, to negotiate, and to act collectively, not to speak of "labor emancipation." Existing unions are often confronting omnidirectional threats or intimidations not only from the state power but also from civil society and the mass media.

Empirical Findings on "Democracy Without Workers"

It is important to note that socio-psychological aspects can play a considerable role in this dynamic process of political actions. Thus, it is necessary to consider the deep frustration among people they got from historical experiences like the Japanese colonial period (1910–1945), the US military government (1945–1948), the Korean War (1950–1953), and the authoritarian or military dictatorship (1948–1987). The prevailing "red complex" in Korea and the related hatred or fear toward labor unions or their movements are results of this historical process.

As the Korean economy could take advantage of some favorable international environments (1986–1988) such as low dollar value, low oil price, and low interest rate, labor rights were able to be realized explosively: Thousands of democratic labor unions were created by activists and rank-and-files. The *Chunnohyop* (National Association of Labor Unions) was built in 1990 as a result of the solidarity movement among those workers in small- and medium-sized factories. It considered itself, with the slogan "labor liberation promoting equal society," as the successor of the *Chunpyung* of the post-war times. The workers from chaebols also built a

solidarity organization called *Daenohyop*. At the sector or industrial level, new unions were founded such as health sector union, public sector union, university workers union, metal industry union, and teachers union. Hundreds of thousands of workers went into wildcat strikes to fight for humane working conditions. Negotiations were almost favorable for the workers who, for the first time, could feel they were the very protagonists of their own lives. All these struggles finally converged to the foundation of the KCTU in November 1995, a substantial resurrection of the *Chunpyung* of 1945. It seemed that a real democracy for working people, instead of stopping at the gates of the factory, would be able to blossom in the near future.

Looking only at this phase, one could speak of "a miracle of late democratization" (Hahm 2008). At that time, it seemed that Korea had reached the level of polyarchy and liberal democracy with the rule of law, not to speak of minimalist or electoral democracy, according to the typology of Moller and Skaaning (2013).

In addition, since the 1990s, "consumerism"—or the addiction to consumption, permeated in the inner world of people—rapidly promoted indifference or cynicism toward the labor movement striving for a "paradigm shift" (Kuhn 1970; Ferguson 1980) or a radical change of the society. Instead of trying to overcome the traumatic processes of life, people are searching for a material compensation that can help forget pains of everyday life. These are certainly products of "collective trauma," which in turn have been caused by overwhelming violence in modern history (Heide 2013).

When democracy is based upon the power of people, it is one of the tasks of the people to empower themselves. To promote this kind of empowerment among people, it is compelling to overcome their own traumas that were created socially as well as historically (Heide 2009).

How can we overcome the trauma productively? It might start with regaining contact with ourselves, our inner nature (Schaef 1998; Heide 2013). Recovery from collective trauma, by definition, cannot occur alone, but collectively. It is because of this aspect that rebuilding solidarity is of great importance in the development of democracy and also in heightening of the quality of democracy. Without solidarity, there can be no democracy in its essential sense.

On the other hand, economic inequality prevailing in the whole society is a great obstacle in building solidarity. Inequality in income or assets promotes fierce competition for higher status, making people burn with

jealousy and compare themselves continuously among coworkers or neighbors. The feeling of "relative deprivation" dominates the whole society. Socioeconomic competition does not remain only as a tool for higher productivity. It also turns around the very target of people's struggle from the ruling system to the people among themselves. However, the equality movement often runs into the risk of demanding equal participation in the exploited products.

This means that the realization of democracy or an enhancement of the quality of democracy necessitates overcoming socioeconomic self-destruction. However, considering the reality in Korea, we should see all kinds of discriminative borders compartmentalize the whole society—factors such as gender, educational background, region, employability, form of employment, company size, nationality, and so on act as perimeter lines. The more people internalize those lines, the more they get atomized, participating in more fierce competition on the labor market. All this helps capital to more easily exploit labor power. It is exactly at this point that the well-known capital strategy of "divide and rule" realizes itself with most efficiency.

Now, assessing the quality of labor democracy in Korea in terms of its results (Diamond and Morlino 2004), it can be argued that as a natural consequence the level of life satisfaction of the working people and their families is by and large very low, except for the thin upper class. Workers often suffer from chronic fatigue or job-related illness, such as musculoskeletal diseases or cancers. Many workers feel stressed and depressed, with work addiction generously accepted and even highly praised. In this respect, even the thin upper class is no exception. Much worse is the fact that at the societal level, there is no reliable vision for improving the quality of life of working people. This is perhaps more painful than the direct burden of work or work-related injuries. To forget or repress this pain, people tend to submerge into their work or feed their shopping addiction all the more, strengthening the addictive system that oppresses them.

In the following paragraphs, several aspects are presented through which we can clearly see the distortion of democracy after the democratization in Korea from the viewpoint of working people—in order to corroborate the argument that even the purported "democracy without workers" fosters the addictive system of the "chaebol-state-complex" and the co-dependent system of "status-competitive culture" of the people.

The Great Workers' Struggles of 1987 built a turning point in the labor relations in Korea. That is, the labor movement, which had almost scattered

or submerged during the last four decades, began to revitalize itself—3749 collective actions occurred just in 1987, and there were 1873 strikes in 1988 and 1319 strikes in 1989. Most of the strikes were non-legal or illegal, simply bypassing the legal procedure. Half of the strikes were staged in non-unionized factories by those wanting to construct democratic labor unions. People primarily sought to change the humiliating workplace culture as well as improve their working conditions in areas like wages and working hours. "Liberalize the hair code!" "Liberalize the dress code!" "Do not kick in the shin!" These were the first 3 among 21 requests of about 100,000 strikers gathered at a public stadium in Ulsan (Ha 2007). "Raise the wage!" was standing only in the middle of the list. These actions were not just industrial disputes, but substantial workers' uprisings on a national scale, spreading rapidly from Ulsan to Changwon and on to Seoul and Incheon. In its size and authenticity, it was the biggest workers' struggle in the history of Korean labor. About two million workers took part in strikes to change the oppressive labor relations in 1987 alone. It was a clear declaration of workers wanting to be recognized as a human being with dignity, not just as a production factor.

It was, in fact, a restart of working-class movement as a political force with its roots in the post-war period and the Donghak Farmers' Revolution in 1894. Its two main outcomes were the foundation of the KCTU in 1995 and the creation of the Democratic Labor Party in 2000. The DLP received 10 seats in the National Assembly in the general elections of 2004.

With this, however, the vitality of the movement expressed in the declaration of human beings began to be systemically institutionalized. Nonetheless, it seems unlikely that the progressive parties (the Justice Party or the Labor Party, and the Green Party, as of 2015) can make a breakthrough in the near future—like SYRIZA in Greece or Podemos in Spain, at least in their first phases. On the one hand, the capital camp, represented by the government and economic elites, started a massive counterattack. On the other hand, even the fighters or activists in the labor movement tended to become bureaucrats, internalizing the logic of "material compensation" or "international competitiveness."

Furthermore, even the "democratic" governments under Kim Dae-jung (1998–2002) and Roh Moo-hyun (2003–2007) have been stuck between liberal democracy and market economy. All these circumstances have led workers' needs to their fossilization in a fictitious democracy, functioning as addictive substances for the addictive system.

Building on the above theoretical considerations, in the following I examine the three issue fields of rule of law, participation, and equality focusing on respective representative issues such as labor laws, the tripartite commission, and economic democracy.

The Improvement of Some Labor Laws Versus Law-Dodging Practices

Owing to the revitalized struggles of working people since July 1987, the following years saw a rapid growth of democratic unions. While there were 2675 unions with around one million members in 1986, the number of unions increased to 7880 with 1.8 million members by 1989.

Struggling workers and unionists have fought for changes in the labor laws since 1988—for the abolition of bad laws such as the inhibiting clauses of third-party intervention in labor disputes, of plural unionism, of combination of teachers or public servants, of political activities by labor unions, and for the abolition of compulsory arbitration in public utility firms.

Even though the Equal Employment Opportunity Law was passed in December 1987, gender discrimination in employment and management practices was still prevailing. For example, eight companies, including D-company in the insurance sector and S-company in manufacturing, were for the first time accused of violation of this law by an association of woman university students in Seoul (*The Hankyoreh*, November 17, 1989). These companies allegedly excluded women in their recruiting advertisements for new employees. Since then, this law has been revised several times not only for gender equality but also work–family balance. Up until now, this law seems to not have been as beneficial to women as expected, because many employers just dodge the law in a subtle way. Korea's organizational culture and the employer's philosophy are still too patriarchic to abide by this law.

The "state-chaebol-complex" could easily survive the Great Workers' Struggle and ensuing strikes for the betterment of labor relations between 1987 and 1990. The same is applicable to the labor side. Labor unions could win both higher wages and more fringe benefits. It was partially related to the fact that the Korean economy enjoyed the "Three Lows"—low interest rates, lower value of dollar against yen, and low oil prices, recording over 10 percent growth rate on average. Paradoxically enough, this environment promoted the addiction to economic growth not only among the rich but also among working people.

After these advantages dissipated, however, the "state-chaebol-complex" felt that it could no longer afford continued labor unrests. The state started to make an ideological attack on the democratic movement, blaming it for the upcoming economic crisis. The chaebols attempted to institute practices for labor flexibility that would allow for cost-cutting such as reliance on contract workers and part-time workers, in addition to allowing for "voluntary" retirement and adopting a "no work, no pay" policy. These moves were actively opposed by the labor movement.

At that time, the government decided to execute a labor reform that would fossilize some legal improvements by institutionalizing flexibility of labor—massive layoffs, contract labor, and flexible working schedules, etc. Besides this, the new labor laws would legalize the use of scab labor during strikes and outlaw strike-pay. The government's rationale for labor reform was, as usual, to make the Korean economy more competitive with other developing or emerging economies such as China, India, and Brazil. Confronted with hard opposition from labor unions, 154 ruling party members of the parliament rushed through 11 bills in secret in the course of 20 minutes on the dawn of December 26, 1996. This kind of dishonesty, which is typical in addictive organizations (Schaef and Fassel 1988), gave rise to mass revolt that prevailed for more than two months through the end and beginning of 1996–1967.

President Kim Young-sam finally tried to rationalize that action on January 7, 1997, by saying that it was inevitable to revise the labor law for the sake of the economy and to revise the KCIA Law for protecting Korea against communists. This declaration made the people even more furious. Workers walked out, and streets and squares were filled with demonstrating citizens. Members of organized religion and university professors also made proclamations on the state of affairs. Although the government, embarrassed at the prolonged and uncontrollable general strikes, announced an immediate shelving of the revised bills on January 21, the strike by workers and citizens continued sporadically until the end of February 1997 and partially up to the final compromise on March 10.

The cumulative number of the general strike participants during this period (December 26, 1996 to March 10, 1997) amounted to 3.9 million from over 3000 unions (Lee 2005, 379). This was practically the first successful general strike since the Korean War.

The Constitutional Court later declared that the act of snatching bills by the ruling party (December 1996) violated the Law of National Assembly, but it was neither anti-constitutional nor invalid.[2] It was striking

to think that the Constitutional Court had first been established after the Great Struggle in 1987 to emphasize legalism or constitutionalism (rule by the law), and yet ended up not being able to do something about this.

Another point demonstrates how liberal democracy can function as an addictive substance in addictive systems. Right after the government announced on January 21, 1997, that the revised labor bill would be recanted and also the arrest warrant for several labor activists withdrawn, the KCTU stated—delighted with the successful result—that the general strike would be temporarily suspended and instead a one-day strike would be staged every Wednesday. From that time on, the heat of the movement quickly and abruptly cooled down. The result was not only poor but also self-destructive to the KCTU and the struggling workers.

On March 10, 1997, a finalized bill was agreed upon in the National Assembly. Despite all the struggles, the KCTU did not reach their original goal and the changes were nearly insignificant. The "no work, no pay" principle was allowed to continue, and school teachers and public servants were still denied full combination rights. The implementation of mass lay-offs was merely delayed for two years.

And then the time of financial crisis in Asia came to Korea. Thanks to the postponement of the layoff clause, most workers still had a lifetime guarantee to their job. To global capital, this practice seemed like an obstacle. This life-long employment practice could only last until December 2, 1997, when the government was forced to ask the International Monetary Fund (IMF) for 57 billion dollars due to a series of foreign exchange crises. The IMF in turn forced Korea to adopt neoliberal structural adjustment programs such as layoffs.

Interestingly enough, this neoliberal attack was performed with the help of newly elected President Kim Dae-jung. Instead of commanding like previous dictators, he made a transaction, through a social pact in the newborn Tripartite Commission in February 1998, between official recognition of the KCTU/KTU and legalization of labor market flexibility like mass layoffs or dispatch labor system. Fair as the barter seems, this exchange substantially invalidated all the workers' struggles so far.

The formal intention of legalizing mass layoffs was to enforce employers to keep four principles in adjusting employment—urgent reasons, efforts to avoid layoff, faithful dialogue, and reasonable criteria. Paradoxically, these clauses regarding mass layoff helped make massive firing legal, while employers only formally pretend to observe the rules. Moreover, under the mass layoff system, workers were practically forced to

lose their job in the name of "voluntary" retirement. The same applies to the Dispatch Labor Protection Law under Kim Dae-jung government and the Short-Term Labor Protection Law under Roh Moo-hyun government. Although these laws were to protect non-regular workers and in two years bridge them to regular status, employers tended to terminate the labor contract before end of two-year term.

Consequently, the share of irregular workers in the total labor force of Korea has risen from 43.4 percent in 1996 to 55.9 percent in 2004 and to 53.6 percent in 2008, which indicates a dramatic rise of social splitting by way of "democratic" governing (see Table 8.1).

The Establishment of the Tripartite Commission Versus The Lack of Real Dialogue

The first "social dialogue" was arranged in May 1996, as President Kim Young-sam government organized the PCIRR (Presidential Committee for Industrial Relations Reform), which consisted of representatives from labor, management, and government. Its motive lay, above all, in the need to control the labor movement from requesting revision of "bad" labor laws such as inhibitions of multiple company-level unions and of third-party intervention, on the one hand, and social reforms such as extermination of the government-business alliance, workers' participation in management, and establishment of a social welfare system, on the other hand. Another motive came from the chaebol-led business world that, taking advantage of deteriorating economic circumstances, also demanded revisions to the labor laws for more labor flexibility. Addicted to profit and also fearful of losing power over labor, the representatives of business refused to allow multiple unions at the company level and to provide full-time union activists with wages, and simultaneously insisted on the introduction of a layoff system. Quite different from the name of "social dialogue," the contents of the meetings were asocial in the sense that people's life was not in the center of the discussion, but only the economic crisis. Consequently, there was no real dialogue in the commission. There were merely unilateral demands and even intimidations from the government and business side. These camps spoke of "participative" and "cooperative" labor relations, however, without questioning for what.

Only 10 months passed until the IMF intervened in the front of labor reform. In December, right before the election of Kim Dae-jung, President Kim Young-sam asked the IMF to bailout the Korean economy from the

Table 8.1 Trends in labor relations: Key indicators in Korea, 1986–2014

Year	Union membership (1000p)	Density (%)	Dispute cases	Participants (1000 p)	Lost workdays (1000d)	Strike propensity (d/1000p)	Total workers (1000 p)	[a]Normal (%)	[b]Abnormal (%)
1986	1036	12.3	276	47	72	8.5	8433	n.a.	n.a.
1987	1267	13.8	3746	1262	6947	755.8	9191	n.a.	n.a.
1988	1707	17.8	1843	293	5401	562	9610	n.a.	n.a.
1989	1932	18.6	1616	409	6351	611.4	10,390	54.8	45.2
1990	1887	17.2	322	134	4487	409.8	10,950	54.2	45.8
1991	1803	15.4	234	175	3271	279.6	11,699	55.5	44.5
1992	1735	14.6	235	105	1528	128.3	11,910	57.4	42.6
1993	1667	14	144	109	1308	109.5	11,944	58.9	41.1
1994	1659	13.3	121	104	1484	118.9	12,479	57.9	42.1
1995	1615	12.5	88	50	393	30.8	12,899	58.1	41.9
1996	1599	12.1	85	79	893	67.6	13,200	56.8	43.2
1997	1484	11.1	78	44	445	33.6	13,404	54.3	45.7
1998	1402	11.4	129	146	1452	119.1	12,296	53.1	46.9
1999	1481	11.7	198	92	1366	109.1	12,663	48.4	41.6
2000	1527	11.4	250	178	1894	144.1	13,360	41.6	58.4
2001	1569	11.5	235	88	1083	79.3	13,659	44.3	55.7
2002	1538	10.8	322	94	1580	111.4	14,181	43.4	56.6
2003	1550	10.8	320	137	1299	90.2	14,402	44.6	55.4
2004	1537	10.6	462	185	1199	80.5	14,894	44.1	55.9
2005	1506	10.3	287	118	848	55.8	15,185	43.9	56.1
2006	1559	10	138	131	1201	77.2	15,551	45	55
2007	1668	10.6	115	93	536	33.6	15,970	45.8	54.2
2008	1666	10.3	108	114	809	49.9	16,206	47.9	52.1

(*continued*)

Table 8.1 (continued)

Year	Union membership (1000p)	Density (%)	Dispute cases	Participants (1000 p)	Lost workdays (1000d)	Strike propensity (d/1000p)	Total workers (1000 p)	[a]Normal (%)	[b]Abnormal (%)
2009	1640	10	121	81	627	38.1	16,454	48.1	51.9
2010	1643	9.7	86	40	511	30.1	16,971	49.6	50.4
2011	1720	9.9	65	33	429	24.7	17,397	50.6	49.4
2012	1781	10.1	105	134	933	52.7	17,712	52.2	47.8
2013	1848	10.3	72	113	638	35.1	18,195	54.6	45.4
2014	1905	10.3	111	133	651		18,742	55	45

Source: Korea Labor Institute, *Labor Statistics*

[a]KOSIS, 1986~1999

[b]Kim Yu Sun, KLSI, 2000~2014

financial crisis. There was a "Faustian contract" between the government and the IMF: for the bailout, neoliberal structural adjustment programs must be realized. To this belonged such policies as retrenchment in finance, restructuring of chaebols, liberalization of capital flow, and privatization of public sectors.

To achieve this mission, President-elect Kim Dae-jung suggested organizing a PTC (Presidential Tripartite Commission) with the goal of "overcoming the IMF-crisis." However, in the PTC, just like in the PCIRR under Kim Young Sam, there were aspects of neither "social" nor "dialogue." Its insidious goal was to create some bases for industrial and social peace to secure profit. Formally, it looked like democratic social dialogue; however, it was nothing more than a tool for performing the neoliberal commands of the IMF and world capital, whose goal the Korean chaebols also, at least partially, shared. "There is no point in taking over a [Korean] bank if you can't layoff anyone," was an opinion by a senior official of a foreign brokerage firm (*New York Times*, January 15, 1998; requoted from Cumings 1999, 37)—a logic that not only Korean chaebols but also global capital had in common.

Another point I want to emphasize is that the slogan of "reform" of chaebols had been transformed to "rationalization" of chaebols through rational discussions in the PTC. As a matter of fact, the chaebols by themselves could not manage their own over-accumulation of capital because of anarchistic competition on the one side and owing to the fierce resistance of the labor movement on the other side.

What the camp of labor and civil society wanted was a "dismantling" of chaebols that have accumulated through a corrupted alliance between business and politics from the colonial time through the developmental dictatorship and up to the period after democratization. This collusive ally between business and politics is the very nature of the "state-chaebol-complex" (Heide 2000).

The triumphant election of Kim Dae-jung as president in December 1997 was a product of the rapidly growing civil society in Korea since democratization along with the vital labor movement. However, as Cumings (1999, 30) indicated, civil society and liberal democracy are, in turn, products of industrial modernity. It implies that civil society and liberal democracy, when they are not clearly aware of the nature of capital relations, can easily internalize capital rationality. This explains why and how the civil society, along with the young government of Kim Dae-jung, paradoxically became "a key enabling mechanism for Washington and the

IMF getting their way in Korea" (Cumings 1999, 30). In this context, it was possible to transform the people's demand of "dismantling" of chaebols into that of their "rationalization."

Besides, people worried much about the future of themselves as well as that of Korean economy: If chaebols were dismantled, the Korean economy could break down and at the same time their jobs and income would disappear. This logic was broadly shared among civil society, including the labor unions. "People should not cut off the very boughs on which they are sitting," to borrow B. Brecht.[3] This aspect also accounts for the nationwide action of "gold collection" organized right after the IMF bailout and the "shock therapy" packages that were made public, which surprised the world.

In other words, civil society's fear of dismantling the chaebol system helped with the transformation of the original goal into simply reform. The main emphases of chaebol reform were applied like elimination of inter-subsidiary loan guarantees, reduction of debt-to-equity ratio, and improvement of transparency. These were not only part of the IMF's demand, but also the very chaebols' necessity to rationalize themselves. However, just one agenda was lacking of compromise—the mass layoffs.

It is exactly here that the PTC played a significant role—by making a "big deal" in labor relations. The KCTU and the democratic labor movement since the 1980s should receive official citizenship, but the labor leaders agreed, if reluctantly, to the credo of economic restructuring-cum-layoff. To lubricate this restructuring process, the government began to construct "social safety nets" for laid-off workers and the poor. Public works projects were also made in the pretext of "productive welfare." Although the need for universal social welfare as a way out of the commodification of labor (Esping-Andersen 1990) was metamorphosed into "social safety nets"—which is more practically "system safety nets"—NGOs and other civil society groups like the Citizen's Coalition for Economic Justice or the PSPD generally supported the policy. The latter by and large played a co-dependent role in the addictive system, with the illusion that they were in a high position to decide the socioeconomic fortune of the country.

Lest we forget here that in this process the hegemonic power of the state to set the reform agenda went over to the chaebols (normally termed as "markets"). Ostensibly, it still looked as if the state under Kim Dae-jung and Roh Moo-hyun had the master power, but the chaebols substantially controlled not only the economy but also politics. It was, at least partially,

because the democratic governments themselves drove self-denying neo-liberal reforms. More important is that even the two democratic presidents (Kim Dae-jung and Roh Moo-hyun) had no clear vision of alternatives to the "work society." For example, Kim had long been an advocate of small and medium business and told repeatedly, to allay uneasy foreign investors, that he had no intention of breaking up the chaebols, but only wanted them to run their firms in the black (*The Korea Herald*, June 2, 1998). Roh also told in a strategic meeting at the Blue House that the power came over to the market, and thus a win-win partnership between large conglomerates and small businesses on the market is critical to the enhancement of competitiveness for the Korean economy (*The Ohmynews*, June 28, 2005). As a result, the traditional "state-chaebol-complex" evolved toward a "chaebol-state-complex" in which global capital can now participate more and better.

The Promise of Economic Democracy Versus The Exclusion of People's Lives

The second clause of Article 119 of the Korean Constitution reads: "The State may regulate and coordinate economic affairs in order to maintain the balanced growth and stability of the national economy, to ensure proper distribution of income, to prevent the domination of the market and the abuse of economic power and to democratize the economy through harmony among the economic agents." This article on "economic democracy" was, along with the direct election of the president with one five-year term and the strengthening of parliament's authority to check the government, a part of the ninth revision of the Constitution made directly after the democratization movement in 1987. Its legislative intent was above all to protect workers as well as medium and small businesses, reflecting on the contradictions brought about by the export-oriented industrialization during the developmental dictatorship under Park Chung-hee and Chun Doo-hwan.

A hidden agenda implied here is the reform of the chaebol regime. This means, when thinking with authenticity, not only should the "chaebol-state-complex" be broken down, but the anti-laborer and anti-farmer economic policy should also be paradigmatically changed.

Especially during the presidential election campaign in 2012, both "economic democracy" and "social welfare" were at the top of the agenda in public discussions. The time was at the end of the Conservative Lee Myung-bak government (2008–2012). It seemed, though, that every

candidate was really interested in those agendas. Park Geun-hye, from the same ruling party as President Lee, also emphasized economic democracy and social welfare. However, she explained that her concept of economic democracy consisted in "tax cutting (*chul*) and deregulation (*p'u*) for enterprises, and the rule by law (*se*)" (*The Hankyoreh*, March 21, 2014)—the notorious *chulp'use* done by her predecessor, Lee Myung-bak. There was in fact no plan to curb and democratize the absolute power wielded by chaebols. The conservatives tried to play tricks cautiously without arousing suspicion: To seize the political power in succession, they could not completely turn a blind eye to the main societal agenda. However, they had to avoid touching the fundamental problems like the dissolution of chaebols or a paradigm shift in economy. Out of this calculation, they created such a distortion of the agenda: economic democracy is allegedly tantamount to the *chulp'use*.

In the addictive system like the "chaebol-state-complex," even the agenda of economic democracy can function as an addictive substance, with a blocking effect to avoid feeling the pain of workers as well as farmers. Furthermore, it is exactly the business-friendly *chulp'use* policy that entails the sacrifice and exclusion of working people. In the wake of deregulation (*p'u*), for example, labor laws allowing policies such as layoff or dispatch labor were enacted. And in the case of the dispatch labor system, the number of occupations for dispatch has increased from 28 in 1998 to 32 in 2006, contributing to a surge of irregular workers. In the latest discussion, the government will extend the applicability of the law to the "root industry" like casting or molding. In addition to the crisis-driven layoff system since 1998, the "chaebol-state-complex" will also introduce a "general" layoff system in which those with lower performance can be easily dismissed without any compensation (*The Hankyoreh*, December 31, 2015).

The Sewol ferry disaster of April 2014 also revealed the same problem of deregulation. First of all, the vessel itself was 18 years old when bought from Japan in August 2012. It was to be scrapped two years later. However, in 2009, the Lee Myung-bak government extended ships' operable age from 20 to 30 years, because "the ships' age restricting system was too strict and unreasonably imposes burdens on shipping companies" (*The Ohmynews*, July 31, 2014). For the same reason, the Park Geun-hye government also reduced field checks on business operators under the Ship Safety Act and allowed them to submit their own data instead. In addition, the law was amended to hold only crews responsible for overloading or

excessive numbers of passengers, in order to exempt business owners from responsibility. There was a port worker who mounted a one-person demonstration to protest against habitual overloading (Jeong 2014). However, not only the company but also the port transportation labor union ignored the protest. The result was 304 passengers, including 250 high school students, preposterously losing their lives (*The Korea Times*, April 17, 2014). Addictive organizations, whether government or business, tend to systematically ignore the issues of safety, health, or labor rights, that is, people's lives, so of course they would want to avoid a fundamental system shift.

To take another example, under the anti-communist National Security Law (since December 1948), nine workers in Seoul were imprisoned in July 2001 because they had allegedly built a pro-North Korean workers' organization in which they gave union activists ideological education, and because they had strongly supported illegal demonstrations of workers (*The Donga Ilbo*, July 6, 2001). Another piece of data indicates that even under the democratic governments of Kim Dae-jung and Roh Moo-hyun, struggling workers were put into jail in the same way as before—under Kim Young-sam, 632; under Kim Dae-jung, 892; and under Roh Moo-hyun, 1,052 (*The Mediatoday*, March 5, 2008).

By the same token, the Criminal Law (Art. 314: Interference with Business) regulates workers' political action by saying "a person who interferes with the business of another, for example, by threat of force shall be punished by imprisonment or by a fine." This accompanies a tremendous amount of money for damage compensation according to the Civil Law (Art. 750: Torts): "Any person who causes losses to or inflicts injuries on another person by an unlawful act, willfully or negligently, shall be bound to make compensation for damages arising therefrom."

In fact, many Korean companies have recently turned to civil and criminal law rather than labor law in response to labor strikes. They have brought compensation suits against rank-and-file laborers to recoup damages caused by strikes. At the same time, companies have put labor unions' funds and the salaries of their leaders and ordinary members under provisional seizure, which lasts as long as the matter is before the courts, often leading those concerned to suicide.

For example, having struggled for a long time against union busting under Lee Myung-bak, Choi Gang-seoh committed suicide in his union office right after the election of Park Geun-hye as the new president in December 2012. He had long been suffering from the Hanjin Heavy

Industry's lawsuits against his union. However, the company dismissed his death simply as "a personal issue" (*The Pressian*, December 27, 2012). The amount of compensation for the loss owing to union-organized strikes against layoffs and union crackdown was 15.8 billion won, for which his union was liable. His last hope lay in the change of political power through the new presidential election; however, the result utterly betrayed his hope—which led him to end his life. Unfortunately, this was not the only case: several other workers at Hyundai, Kia, and Ssangyong took their own lives because of extreme disappointment at the result of the presidential election. They had either long been fighting for a reinstatement after dismissal or making court struggles against an astronomical amount of damage compensation and injunction after their strike action.

After winning his presidential election in December 2012, the Roh Moo-hyun government clarified the "12 National Policy Agendas." This initial policy of "Industrial relations of social integration" was a step forward compared to that of preceding governments (Jang 2004). So workers expected the new policy would promote participation and dialogue. However, the ruling class—the chaebols and mass media—heavily attacked the new labor policy. Foreign financial capital also joined in the attack by threatening withdrawal of capital (see Table 8.2).

Another example shows us how fatal a fictitious democracy can be. In May 2015, a 50-year old unionist Yang Woo-gwon committed suicide, whose employer was Park Ji Man, the brother of Park Geun-hye (*The*

Table 8.2 Amount of damage compensation suit-cum-injunction after labor dispute

Year	Amount (billion won)
2000	15.1
2001	20
2002	21.39
2003	11.54
2004	6.72
2005	18.73
2006	25.43
2007	6.47
2008	9.58
2009	19.52
2010	13.47
2011	16.75
2012	138.3

Source: KCTU, Jan. 2013

Mediatoday, May 10, 2015). Yang had been continually traumatized for about nine years since his founding of the subcontracted workers union within POSCO in 2006: standing-by, dismissal, lawsuit, reinstatement, dismissal, lawsuit, suspension, dismissal, lawsuit, and standing-by with surveillance under CCTV for another one year. Such an oppression with extreme harassment for the purpose of isolating and excluding union activity among subcontracted workers made him utterly frustrated and despair, deciding, "I want to go back to my workplace, by dying by myself and becoming a bird" (*The Hankyoreh*, July 20, 2015).

As well known, such a suppression of the labor movement was not new, even under liberal democracy. A critical case came when Korea Electric Power, formally privatized but still government-managed, brought suit, claiming damages caused by a strike, and took provisional seizure against staff and common members in the spring of 2002 under the Kim Dae-jung government. The company temporarily seized 14 billion won ($11.7 million) from the union staff, 14.5 billion won ($12.1 million) from the union's fund, and 18.2 billion won ($15.2 million) from 3,172 members (Jang 2004). Furthermore, the company claimed 9.1 billion won ($7.6 million) from union members and staff as compensation for damages caused by the strike. After that, many private companies, encouraged by the aggressive anti-union actions of the government, also abused compensation suits and provisional seizures against labor unions.

According to an investigation by the KCTU, the total amount demanded in compensation and the provisional seizures was about 119 billion won ($99.2 million) for 38 companies in June 2002, and increased sharply to 205.6 billion won ($171.3 million) for 50 companies in January 2003 (Jang 2004). And this has dramatically surged during the last decade—from 57.4 billion won for 51 firms in October 2003 to 169.16 billion won for 17 firms in June 2014 (*The Idomin*, January 8, 2016). The total amount increased by about three times, while the number of firms decreased to a third. Only the collective actions of workers with an iron-will could make the company cancel the lawsuit as shown in the case of Ssangyong Motors. The amount imposed on the union and activists was more than 30 billion won, which could be retracted only after a six-year-long and nation-wide struggle ending in December 2015 (*The Pressian*, December 14, 2015).

Under these circumstances, many workers have committed suicide, not only as a result of overwhelming despair but also as the final resistance against the "business-friendly" government and worker-hostile companies

(Jang 2004). For instance, in January 2003 (the last period of Kim Dae-jung government), Bae Dal-ho, a 47-year-old worker at Doosan Heavy Industry Co., committed suicide by burning himself like how Jeon Tae Il, in November 1970, burned himself while shouting "We are not machines!"; "Observe the Labor Standard Law!" Bae's company, which was originally public, was privatized in 2001 (under the Kim Dae-jung government) in the wake of economic restructuring according to the IMF programs. To enhance labor productivity, the company tried to attack the labor union. Bae Dal-ho was an active and responsible union activist. He was imprisoned and robbed of half of his wage and even his house. He lost it all to find no further pleasure in living—even under the "democratic" governments. In his will he said: "I find no meaning at work. What Doosan did to us unionists is too much. (…) Comrades, I really hope you struggle to the end and win" (*The Voice of People*, January 24, 2014).

And in October 2003 (under Roh Moo-hyun government), Kim Joo-ik, the chief of the Metal Industrial Union branch at Hanjin Heavy Industry Co., a shipbuilder, committed suicide after a 129-day occupation of a jib-crane. He had led the struggle of unionists against the company's massive layoff plan and finally ended up being dismissed (*WL Central*, July 28, 2011). Because of provisional seizure, the dead leader, Kim Joo-ik, was receiving at most 130,000 won ($108) a month. At the time of his suicide, the normal monthly salary was about 1.5 million won ($1,250). Four days before his suicide, his company placed notice to the unionists that if they did not stop illegal strikes and return to work, it would place their deposit, house, and wages under provisional seizure and bring a compensation suit for the damages caused. After the suicide of Kim, his comrade Gwak Jae-gyu also ended his life (*The Ohmynews*, October 19, 2003).

It did have some effect. Like in the case of Ssangyong, the Hanjin Co., which imposed 15.8 billion won on the union and activists, promised the union that it would not execute the decision of court and also would reinstate the dismissed workers. However, the company later betrayed the workers, causing another struggle by Kim Jin-suk, the first Korean woman welder, who protested for 309 days (January 6 to November 10) atop the same 35-meter high jib-crane (*The Voice of People*, November 11, 2011). This unprecedented struggle by Kim pulled in wide attention from civil society. The company was forced to make another compromise to keep the original promise in order to allay the strike. However, it did not execute its promise until the election of Park Geun Hye as president in December

2012. In despair, Choi Gang-seoh took his life, which led, after 65-day-long struggle, to another compromise (*The Voice of People*, February 23, 2013).

As described above, in this addictive system people are suffering under massive layoffs, precarization of labor, and suppression of labor unions and their movements. The slogan of "economic democracy" is disregarded without reservation. Several suicide or deaths of working people are either simply ignored or dismissed under the banner of individual problems. People's lives are merely considered as instrument for the addictive pursuit of profit and power. It seems to be important here to stress that corresponding to the "addictive system," the actions and reactions of individuals (e.g., suffering workers) as well as their associations (e.g., labor unions), being an indivisible part of it, tend to be "addictive," that is, codependent, too.

DISCUSSION

To assess the quality of democracy from the viewpoint of working people, I tried to investigate the reality of workers since the "third wave" of democratization in Korea. Now, it has become clear that despite formal procedural democracy, working people cannot feel they are living under true democracy. What we can find is a "democracy without workers", that is, a fictitious democracy. That is, the democracy that we experience practically in our life process is merely for the "chaebol-state-complex" and its followers.

One could ask here how we can evaluate the quality of democracy during the democratic governments under Kim Dae-jung and Roh Moo-hyun. At the risk of simplifying, I would say that they, with the help of civil society and labor unions, have tried to participate in a "crisis management" of the addictive system rather than to change it through a paradigm shift (Kang 2000). If it is true that a healthy society relies on the people's ideas, and on conflicts and reactions as a rich source of continuous change, those governments should have arranged a real "social dialogue" in which the addictive system itself—its nature, goals, values, ways of functioning, and its consequences, and so on—stood at the center of agendas. Neither ability nor readiness to do such a work was existent in those governments. What they regarded as compelling were workers' participation in management (i.e., in ownership, control, and profit), better distribution of wealth, and a "productive" social welfare, for example. Those who did not want

to take part in that system were ruthlessly excluded, as it had been under the dictatorship of Park Chung-hee or Chun Doo-hwan. In short, they also stayed within capital rationality.

However, this tragedy has never finished. Rather the opposite is true. In fact, the government of Lee Myung-bak (2008~2012) has been compulsively obsessive over "green growth," not to speak of other corruptions and lies—only polluting Korea's four largest rivers and brutally breaking up democratic unions, for instance.

His successor, Park Geun-hye, betrayed herself by simply forgetting her own promises from the presidential campaign in 2012. During the campaign, she could be successful with her reform pledges for economic democratization and welfare. However, after her ascendance to the presidency, she embraced the "creative economy" for deregulation and flexibilization as her guiding vision and sought to dilute the progressive tone of her own promises, only deepening socioeconomic polarization.

Unfortunately enough, the traumatization of people is not just a thing of the past, but is now also being made in all areas of life—home, school, university, church, temple, parliament, court, street, police, military, hospital, and workplaces. Korean society continues to be more and more aggressive and depressed as well. Korea's suicide rate, with an average of 29.1 per 100,000 people, remained highest among 25 members of the OECD, while its health status was among the lowest according to the OECD Health Statistics 2015. Although the "chaebol-state-complex" promises to harmonize liberal democracy with market economy, it is merely for the rulers and those ready to be hooked. The more people are traumatized by the violence of the addictive system, the more they tend to become addictive or co-dependent in the system. And the more people are hooked up into the addictive system, the more easily they get traumatized or/and traumatize others with violence. In every case, the driving force is the fear of survival that they get from violent experiences.

To come out of this vicious spiral, we might first need to ask ourselves honestly: Is our life really satisfactory? Why does Korean society show the lowest happiness index among OECD countries? Does our political-economic system contribute to our happiness? What kind of role do I play in this system we face? What kind of democracy do we really want?

When we are now living in a "democracy without workers," our task might be to create a democracy in which all the people who feel alienated hitherto revitalize themselves fearlessly. Up to now, there have been several ideas to create a new quality of democracy.

Conclusion: The Possibility of a "Democracy with Workers"

Now it became clear that the Korean "work society" after the democratization since 1987 is to be regarded as an addictive system that is dominated by the "chaebol-state complex." Another aspect supporting the addictive system consists of the "status-competition culture" among people, which can be referred to as co-dependency.

Drawing upon Diamond and Morlino (2004), I examined the quality of democracy in Korea in this chapter in three aspects: labor law, social dialogues at the Tripartite Committee, and economic democratization. Though considerably advanced in its formality, the substantial democracy in Korea is limping heavily. It is mainly because the addictive system of the "chaebol-state complex" took full advantage of the liberal democracy since the democratization wave in Korea. And the (working) people, becoming victims of the addictive system, also actively functioned as an accomplice in perpetuating the system.

I think, from the viewpoint of (working) people, that democracy is not an institution like the constitution, but rather a movement based upon "life in process" (Schaef 1998). It is taking responsibility for our lives and at the same time trusting our deep processes to become "spiritually participatory" in life in an era of "societal colonization" (Schaef 1998, 321–332).

However, one cannot pass by the issue of power to overcome this societal colonization. In a country like Korea where "chaebol-state-complex" exerts power over the whole society, we need continuing movements for the "socialization of power" to realize authentic democracy (Zelik 2015). The fact alone—that 73 percent of 215 young people in their 20s said in in-depth interviews they had felt the desire to emigrate (*The Hankyoreh*, January 4, 2016)—indicates that under the hegemony of the "chaebol-state-complex" there is no hope for humane life.

Regarding the socialization of power, one could easily imagine parliamentary democracy where plural parties compete with each other to win people's support (Dahl 1981). The power of socialization, however, goes far beyond parliamentarism. Instead of socializing power, parliament can at best mitigate, reform, and coordinate it by promoting justice through (re-)distribution. It often exercises power directly over the people—representing interests of the "chaebol-state-complex" by subtly excluding the people, as shown above. The socialization of power is thus infeasible as

long as the irresponsible addictive system of "chaebol-state-complex" holds out.

Therefore, I come to the idea that it is exactly in the very process of a fundamental "paradigm shift"—from an addictive to a healthy society by disbanding the "chaebol-state-complex" and also by changing the "status-competition-culture" among people—that there can emerge a real democracy at the societal as well as the individual level. This can be done through people's self-empowering by themselves: "No one else knows what we need for healing no matter how 'expert' they are!" (Schaef 1998, 203)

The self-empowering of people starts with people discovering the power in themselves. This is related to the fact that capital lives on life (Heide 2011). When people finally withdraw their agreement to the system and heal from their collective trauma and fear in solidarity by connecting with their own feelings and needs (Heide 2013), they will participate, actively and responsibly, in decision making on production, working, education, distribution, consumption, and welfare. Nothing can happen overnight. Democracy, as a movement, is a long learning process in which setbacks or backwash might be inevitable (Zelik 2015).

No matter how long the way might be, we could make our way happy by empowering ourselves in solidarity—acknowledging the same root of problems beyond all the border lines in the "work society" among gender, employment forms, firm size, and nationality or race, and so on. (Heide 2013). On the path of democracy, a real democracy is to develop socially and naturally in which neither chaebols nor the state can control our lives anymore. The driving force of making our way will then no longer be fear of survival but the joy of life of our own.

Notes

1. KCTU stands for Korean Confederation of Trade Unions, founded in 1995. It is a national center for democratic or independent labor unions comprising ca. 650,000 workers in 2013.
2. It is ironic that the Constitutional Court, whose goal is to orderly establish the rule by law, has often made contradictory or falsified decisions—the verdict that the "conventional" capital of Korea is Seoul (October 2004), the validity of media laws (October 2009), the illegalization of the Unified Progressive Party (December 2014), and the illegalization of the membership of dismissed teachers (June 2015).

3. Sie sägten die Äste ab, auf denen sie saßen/ Und schrieen sich zu ihre Erfahrungen,/ Wie man schneller sägen könnte, und fuhren/ Mit Krachen in die Tiefe, und die ihnen zusahen,/ Schüttelten die Köpfe beim Sägen / und Sägten weiter (Bertolt Brecht, *Exil, III)*.Brecht pointed out here the absurdity of the people, which I want to do in quite a different context with the same effect.

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Inter-Korean Policy Issues

Plus ça Change? South Korea's Democratization and the Politics of the Cold War

Kevin Gray

Three decades have now passed since the transition toward formal democracy in South Korea. The popular "June uprising" of 1987 and Washington's increased opposition to South Korea's authoritarianism led the Chun Doo-hwan regime to release its grip on power and introduce free presidential elections that year. However, the history of division and the reality of ongoing inter-Korean tensions raise two important issues related to the "quality of democracy" (Diamond and Morlino 2004) in South Korea. The first is the question of whether genuine democracy is indeed possible in the country given the ongoing division of the peninsula. National division has in the past been constructed on both sides of the demilitarized zone (DMZ) as an existential security threat that justifies the lack of political freedoms and the repression of dissenting voices. Given

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239

the continued reality of inter-Korean tensions, can democratic politics in South Korea function normally in a context in which anti-communist ideology remains pervasive? The National Security Law (NSL), for example, continues to designate activities such as praising North Korea as "anti-state" activity. Critics argue that the NSL is highly arbitrary and can be used to suppress virtually any activity, and as such represents a serious hindrance to the normal functioning of democratic freedoms. The banning of the Unified Progressive Party in February 2014 on the grounds that one of its lawmakers had allegedly made pro-North Korean remarks and advocated an armed insurrection raises further questions regarding the quality of South Korean democracy under conditions of continued national division.

At the same time, however, questions can be raised conversely regarding the impact of South Korea's democratization on inter-Korean relations. As noted, the Korean division, along with the broader security threat posed by the North, had been central to the politics of authoritarian legitimization in South Korea. With the transition toward democracy, however, it might be expected that competing political elites would come to derive their legitimacy through the ballot box on a broader range of issues, reflecting the country's transition from the high-growth era of the authoritarian developmental state toward a slower growth model where issues concerning the quality of life are more prominent. Indeed, the overtures made toward North Korea under the Roh Tae-woo government (1988–1992) appeared to suggest the potential for greater reconciliation on the Korean peninsula. In reality, however, the language of the Cold War has continued to permeate the country's political discourse in a manner that has arguably had a negative impact on inter-Korean relations themselves. Indeed, the return to power of the conservatives in 2007 has led to an almost complete breakdown of North-South exchange and cooperation. As such, it is necessary to move beyond a strictly inside-out or outside-in analysis of the relationship between national division and South Korea's domestic political culture toward a more dialectical analysis in which the two realms are seen as mutually constitutive. This requires an analysis of the post-liberation emergence of the "conservative historical bloc" and its role in South Korean state formation and development, as well as of how its power and influence have shifted throughout the post-war era.

The concept of the historical bloc originates from the prison writings of Antonio Gramsci and was originally proposed as a means of challenging the analytical priority given in classical Marxism to social being over social

consciousness, and to economic structure over political and cultural superstructure. For Gramsci, the economic structure and ideological superstructure should be understood as constantly impacting upon each other, with no level assumed to constitute the primary level of determinacy. The historical bloc thus captures this dialectical unity of the economic structure and the ideological superstructure (Gramsci 1971). Thus, as Stephen Gill has argued, the historical bloc denotes "…an historical congruence between material forces, institutions and ideologies, or broadly, an alliance of different class forces politically organized around a set of hegemonic ideas that gave strategic direction and coherence to its constituent elements" (Gill 2002, 58). In this sense, the historical bloc is more than just a political alliance. It is a complex construction that may contain within it sub-blocs such as an agrarian bloc or an industrial bloc. A historical bloc can thus consist of various political blocs made up of different combinations of political allies which nonetheless maintain the general configuration of the fundamental historical bloc (Sassoon 1987, 121). As such, it consists of the various institutions and practices by means of which the dominant class concretizes its hegemonic project and continues to secure both social and political leadership, that is, leadership both in civil society and at the level of the state (Thomas 2006, 68). As such, the discussion here focuses not simply on how certain ideas have come to constrain the quality of democracy in South Korea, but more broadly on how those ideas are dialectically related to the material underpinnings of the country's dominant class, and in particular, on how anti-communist ideology both reflects and has played a role in shaping South Korea's experience of catch-up industrialization under the auspices of the authoritarian developmental state.

As I argue, the division of the Korean peninsula and the US intervention after 1945 were central to the emergence of the conservative historical bloc. In this respect, inter-Korean competition amid the broader context of the global Cold War can be understood as conducive to this bloc's material interests and, more broadly, to South Korea's catch-up industrialization. However, the very success of this national developmental project, the broader rise of global neoliberalism, and the collapse of the Soviet bloc all began to create both a political and economic rationale for inter-Korean cooperation and reconciliation. After a decade-long interregnum, following South Korea's democratic aperture, the election of opposition candidate Kim Dae-jung in 1987 marked the assurgency of the political forces opposed to the conservative historical bloc and its use of anti-communism and inter-Korean rivalry as an ideological mechanism for

stifling legitimate dissent. In this context, Kim's Sunshine Policy heralded a new era of inter-Korean economic cooperation and reconciliation, which was continued under the liberal-progressive Roh Moo-hyun government even after the North's first nuclear test in 2006.

The mid-2000s, however, saw a resurgence in the political fortunes of the conservatives, culminating in the election of Lee Myung-bak in 2007. A key issue on which the conservatives sought to de-legitimize the liberal Kim and Roh governments was precisely their inter-Korean policy, which was viewed as a policy of "appeasement." Yet, this critique was accompanied by a broader strengthening of anti-communist rhetoric domestically and an increasingly hardline approach toward the North, issuing rhetoric against the liberal-progressive camp, and a re-emphasis of the centrality of the South Korea-US alliance in the country's broader security policy. Despite the fact that the measures have decisively failed to exert any influence on North Korean policymaking and appear to have instead facilitated the North's increased economic dependence on China, the Park Geun-hye administration has maintained the May 24 measures. As such, the return of the conservatives to power in 2007 has both narrowed the scope for inter-Korean cooperation and raised serious questions regarding the possibility of improvements to the quality of democracy in the context of continued national division through narrowing the scope of political freedoms and thereby curtailing the right to expressing dissenting opinions toward inter-Korean policy and other pressing social issues. Instead, the conservative bloc has mobilized anti-communist rhetoric as a means of impeding nascent moves toward inter-Korean cooperation and reconciliation. As this chapter argues, therefore, it is not simply the case that national division is impeding the quality of democracy in South Korea. Conversely, the legacies of authoritarianism are inhibiting the development of policies that might alleviate the tensions surrounding national division, or more ambitiously, make meaningful steps toward a mutually consensual process of national unification.

The Emergence of South Korea's Conservative Historical Bloc

It is no exaggeration to say that South Korea's post-war history has been profoundly shaped by the conservative historical bloc that emerged following independence. This emergence is inextricably linked with the

establishment of US hegemony in East Asia. In partnership with political and economic elites across the region, the US sought to eliminate forces that were both opposed to capitalist social relations and to US hegemony more broadly. In South Korea, following liberation from Japanese rule, the US military government repressed leftist forces seeking independence and unification and revived key institutions of the colonial government and its collaborator personnel, albeit headed by Korean nationalist Syngman Rhee. Thus, with US intervention preventing any genuine retribution against the collaborator class, it was this compromised conservative elite that went on to constitute the social basis of the post-colonial South Korean state. However, their history of collaboration meant that the conservatives (or what are disparagingly known as *ch'inilp'a,* or the "pro-Japanese faction") suffered from a chronic deficit of legitimacy for which they compensated by mobilizing an ideology of virulent anti-communism and what Eun-Jeung Lee has in this volume referred to as the "politics of fear."

The main cleavage in South Korean society thus came to be defined as that between communist and anti-communist rather than between nationalist and collaborator. This anti-communist discourse ensured that all activities that allegedly caused division and national insecurity would be defined as "benefiting the North." The advocates of this rationale worked to paint all organizations that initiated or supported the issue of punishing collaborators as "communist" while presenting themselves as patriots fighting against communism (Chung 2002). At the same time, the authoritarian nature of conservative rule in South Korea meant that there was little need to develop any genuinely hegemonic conservative ideology. Indeed, as a result of South Korea's externally imposed modernization, there was little to "conserve", so to speak. The experience of colonialism had led to the almost complete breakdown of the cultural and political authority of Korea's ruling classes, and as a result, Confucianism as an ideology became thoroughly de-legitimized (Kang 2005). It was this absence of any potential hegemonic ideology that would increasingly pose challenges for the conservative historical bloc in the post-authoritarian era.

Anti-communism not only served to bolster the legitimacy of South Korea's conservative elites but also provided the ideological underpinnings of the country's post-war industrialization drive. While the Rhee government had pursued a program of import substitution industrialization underpinned by a highly corrupt relationship between state and businesses, the overthrow of Rhee's regime in the midst of rising social and

political unrest provided the context for the military coup led by General Park Chung-hee in 1961. As a result of the North's rapid economic reconstruction and development after the Korean War, Park regarded catch-up industrialization to be imperative from a security perspective. In the context of declining economic and military aid from the US, Park facilitated a shift toward an export-oriented model within a Japan-centered regional production system that relied on the US market. Anti-communism became a key ideological underpinning of South Korea's industrialization program. Domestically, anti-communism served as the ideological mechanism with which to justify the repression of independent labor organizations and workers' activism in order to ensure the supply of a compliant low-wage labor force for cost-sensitive export industries. Indeed, it was this political weakness of labor that underpinned the extraordinary competitiveness of South Korean manufacturers on international markets. In this sense, the ideological struggle with North Korea can be understood as a key factor in legitimizing the anti-communist underpinnings of South Korea's developmental dictatorship. As a result, until the late 1990s, anti-communism had become the leitmotif of each South Korean government, and all alternative visions were forbidden. Far more than a government policy, anti-communism penetrated every aspect of South Korea's national consciousness (Bleiker 2005, 12–13).

Inter-Korean tensions and anti-Communist ideology also facilitated South Korea's external integration into the post-war US-centered hegemonic order. As has been widely noted in the literature, South Korea's position on the frontline of the Cold War under the auspices of US hegemony led to a process that has been referred to by Immanuel Wallerstein as a process of "development by invitation" (Wallerstein 1979, 80; see also Cumings 1984; Arrighi 1996; Berger 2004; Gills 2000; Hersh 1993). This fortuitous position, buttressed as it was by the country's strong anti-communist identity, could be seen in the manner in which the country was able to profit hugely from the US war effort in Southeast Asia. Aside from the obvious parallels drawn between South Korea and South Vietnam as divided anti-communist states threatened by a communist northern neighbor, Seoul dispatched troops to South Vietnam in 1965 as a means of strengthening the US-South Korean alliance amid growing concerns of a declining American commitment to South Korea. US payments to South Korean troops enabled remittances to be sent home, thereby providing crucial foreign exchange for South Korea's industrialization efforts (Stubbs 2005, 133). Even more significant was the involvement of South Korean

corporations in offshore procurement production for the US military. This could be seen in the example of one of the country's most successful conglomerates, Hyundai. Hitherto a company focused mostly on domestic heavy industries, Hyundai was able to gain contracts during the Vietnam War for US military and World Bank projects in Thailand, Vietnam, and Guam. Although Hyundai experienced numerous problems in trying to meet the standards required by the US military, such projects enabled the company to accumulate the experience and capital needed to undertake further infrastructural projects in South Korea such as the Seoul-Pusan highway. Furthermore, in successfully learning how to meet international standards in construction, by the 1970s Hyundai was able to undertake major construction projects in the Middle East (Glassman and Choi 2014, 1168–1169).

As such, inter-Korean tensions along with South Korea's broader position on the geopolitical fault lines of the Cold War were highly conducive toward the country's rapid economic development. It is not surprising then that there were few significant attempts by South Korean political elites to engage with North Korea during this era. Indeed, both North and South Korea were backed by powerful protagonists, thus lessening the need for inter-Korean reconciliation. It is instructive in this regard that the only substantive efforts at inter-Korean cooperation and reconciliation were made as a result of the shock of US-China rapprochement in the early 1970s, which put into question many of the fundamental premises of the Cold War in East Asia. This rapprochement led to a brief spell of inter-Korean dialogue culminating in the July 4 Communiqué of 1972, which established official contacts between the two Koreas for the first time. In brief, the Communiqué represented an agreement in principle between the North and South that reunification would take place peacefully and without intervention by foreign nations, that the two Koreas would halt propaganda broadcasting and take measures to avoid military clashes, and would initiate various forms of economic, social, and cultural exchange. Despite these positive intentions, relations had by the mid-1970s deteriorated once again and remained largely frozen until the Roh Tae-woo administration that came to power following the democratic aperture of 1987.

In reality, intermittent efforts at inter-Korean reconciliation aside, the pattern continued through the 1970s whereby the broader context of the Cold War served as an impetus toward South Korea's industrialization. This was the case even as the US faced increasing difficulties with regard

to the Southeast Asian conflict and adopted measures to reverse its own economic decline. US President Richard Nixon sought to tackle the growing US balance of payments deficit by reducing the costs involved in maintaining its wider Asian empire. Arguing that "Asian hands must shape the Asian future," the Nixon government sought to transfer immediate defense responsibilities to indigenous forces within the region. Interpreted as an existential threat to the security of the South Korean state, Park Chung-hee responded by launching the heavy and chemical industrialization program in January 1973, which included the promotion of an indigenous steel industry and machine-building complex. This was aimed in part at establishing an indigenous defense industry, and indeed, the size of the defense budget rose by 51.2 percent between 1973 and 1974 (Moon and Lee 2009, 76).

DEMOCRATIZATION, INTER-KOREAN RECONCILIATION, AND CONSERVATIVE REACTION

As argued above, the division of the Korean peninsula and the process of state building in South Korea were accompanied by the ascendance of a conservative historical bloc that played a key role in the country's catch-up industrialization. By the 1980s, however, internal and external factors combined to undermine this synergistic relationship between national development and the division of the Korean peninsula. Domestically, the success of South Korea's industrialization program led to an increase in the centralization and concentration of capital in the form of the *chaebŏls* and to an increase in the structural power of labor. Emerging labor shortages and associated wage increases began to undermine the international competitiveness of South Korean industry. Externally, the costs associated with the Vietnam War and the world economic crisis of the 1970s had contributed to the rise of the US-led global neoliberal project, whereby the US became increasingly unwilling to act as a market of last resort for its allies and proactively sought to dismantle illiberal models of catch-up industrialization, thereby extending the reach of US capital globally. This included pressure on South Korea for a revaluation of the *won* in 1988, an act which served to exacerbate the South Korean manufacturing industry's growing lack of competitiveness. South Korea's low-wage export-oriented model of industrialization was further undermined by the rise of new lower-wage competitor countries such as China and those in Southeast

Asia, and as such, by the early 1990s, South Korea's balance of trade shifted to negative and economic growth slowed.

This challenge to South Korean capitalism led to a process of what David Harvey has termed the "spatial fix," whereby falling rates of profit in any one geographical locale can create a surplus of capital that cannot profitably be invested. Such crises of overaccumulation emerging from the internal contradictions of capital can be resolved through a process of geographical restructuring and expansion (Harvey 1982, 390). The 1990s thus saw an acceleration of the process, whereby the *chaebŏl* transformed themselves into multinational corporations as part of an aggressive strategy of overcoming protectionist barriers elsewhere and searching for new markets to fund technological upgrading. For small and medium enterprises (SMEs), the wage rises and currency shifts of the late 1980s posed an even greater challenge to labor-intensive manufacturing. Many SMEs responded to such challenges by relocating to lower-wage countries, particularly China and Vietnam (Sung 2010, 244–248). However, those countries have more recently both been increasingly affected by the same labor dynamics as was experienced by South Korea in the 1980s (Gray and Jang 2015; Clarke 2006), and thus, their continued role as "spatial fix" for South Korean capital has increasingly come into question. Rising labor costs, high labor turnover, cultural and linguistic differences, and increasingly stringent protections for workers have all negatively affected profits for South Korean companies there (Sung 2010, 248–251).

Given the fact that inter-Korean tensions were no longer as conducive to economic development as they had been in the past, and that North Korea was increasingly coming to represent a vast field of potential investment opportunities and untapped reserves of labor, there was by the 1990s a stronger impetus for a rethinking of Seoul's policy toward the North. The end of the Cold War, along with the retreat of the military's role in politics and the transition toward democracy, also meant that, in theory at least, a strong discourse of anti-communism and invocation of the North's threat was no longer as essential as it once was for the conservatives to maintaining political power and legitimacy. Thus, the Roh Tae-woo government sought to adopt more proactive measures vis-à-vis inter-Korean relations. Roh's *Nordpolitik* was an explicit attempt to cultivate contacts and improve relations with communist states generally, including North Korea. As part of this effort, Roh proposed a new formula for reunification based on a commonwealth, though this idea was largely ignored by

Pyongyang. Roh's *Nordpolitik* did, however, allow South Korean citizens to travel to North Korea, albeit only with prior government permission (Chung 2003, 21–23). The Roh Tae-woo government also saw a relaxation of the strict anti-communist cultural policy in South Korea and a limited liberalization of restrictions on North Korean cultural products entering South Korea (Yim 2002, 42–43). These measures were not driven solely by economic interest, however. Roh's more liberal approach should also be seen in the context of the ongoing transition toward political democracy, and specifically, in terms of Roh's own legitimacy deficit. Roh had only triumphed in the 1987 presidential elections as a result of the split in the opposition vote between Kim Dae-Jung and Kim Young-Sam. The opposition party also held the majority in the National Assembly following the April 1988 general elections. As such, Roh's bold foreign policy initiatives can be seen as an attempt to shore up his legitimacy and allay public disquiet over the fact that, despite the transition toward formal democracy, his presidency represented the continued role of the military in South Korean politics (Chung 2003, 20).

However, the subsequent Kim Young-Sam government saw a quite different relationship between the pressures of legitimization and North Korea policy. Despite the fact that Kim Young-Sam was the first civilian president for three decades, his administration saw little tangible process in the field of inter-Korean engagement. Though the North Korean nuclear crisis of 1994 was an obvious impediment to improved inter-Korean relations, when the crisis was resolved, Kim Young-Sam agreed to a North Korean proposal for a summit with Kim Il-Sung, scheduled for July 25, 1994. This summit did not take place, however, as a result of the latter's unexpected death three weeks before the summit was due to take place. Kim Young-sam's refusal to offer condolences to the North and a public warning that any expressions of sympathy in the South would result in prosecution under the NSL served to both anger the North and derail any remaining momentum for inter-Korean cooperation. As Jim Hoare has argued, Kim Young-sam's somewhat inconsistent and erratic approach to the North was driven primarily by domestic political considerations. Kim was concerned that any political concessions to the North would benefit his archrival Kim Dae-jung. Indeed, Kim Young-Sam was quite willing to mobilize anti-communist discourse in labeling Kim Dae-Jung as a "crypto-communist." This approach can be explained by the fact that as a former opposition politician who had in the early 1990s defected to the conservative political camp, Kim Young-sam needed to continually deflect

criticisms from the right that he was soft on communism. He sought to achieve this through presenting himself as more resolutely anti-communist than his predecessor, Roh Tae-woo. It should also be added that in the context of the collapse of the USSR and the Eastern European communist bloc, there were widespread predictions of the impending collapse of North Korea, particularly as a result of the North's rapid economic decline and worsening food shortages of the 1990s (Hoare 2008, 73–75).

The true significance of South Korea's democratization, however, was that it opened up a space for political forces outside of the conservative historical bloc that emphasized a quite different approach to the North and to the politics of national division more broadly. Following his election as president in late 1997, Kim Dae-jung introduced his so-called Sunshine Policy. This policy sought to maintain a strong defense posture through emphasizing that the South would not tolerate any armed provocation by the North but also that neither would the South seek absorption of the North or try to facilitate regime change there. Instead, Seoul would actively seek cooperation. As part of this proposed separation of politics and economics, Seoul relaxed restrictions on inter-Korean economic investment. The most visible product of this new strategy of engagement was the inter-Korean summit of 2000 between Kim Dae-jung and Kim Jong-il. This warming of ties also led to the building of a new inter-Korean railroad and the opening of the Kŭmgang Mountain region to South Korean tourists. Kim Dae-Jung's Sunshine Policy was continued under the liberal Roh Moo-hyun government, which successfully negotiated the opening of the Kaesong Industrial Complex (KIC). Initially, 15 South Korean companies established factories in the KIC, though that figure rose to 250 by 2006, employing 100,000 North Korean workers. The KIC was suited in particular to address the endemic economic difficulties faced by South Korean SMEs, as they were better positioned to flexibly adjust to the still volatile nature of inter-Korean relations and were particularly attracted to the North's disciplined low-cost labor force. For the *chaebŏl*, however, the North was too politically unstable and lacking in adequate infrastructure. The *chaebŏl* were also more interested in market opportunities than the cheap labor that the North could provide. Thus, with the exception of a few subsidiaries of the Hyundai Group, the *chaebŏl* were largely reluctant to pursue joint projects with their North Korean counterparts (Sung 2010, 266–269).

The Sunshine Policy suffered from two fundamental weaknesses, however. The first was that while it claimed that it would in the long-term

influence North Korean behavior, it was undermined by the George W. Bush administration's bellicose posture toward the North. Indeed, the actions of the Bush government provided a strong rationale for Pyongyang to restart its nuclear weapons program. Though Pyongyang's nuclear program has a long history dating back decades (Pollack 2011), until the early 2000s, Pyongyang was arguably more willing to accept denuclearization as a demand in return for other concessions, as demonstrated in the Agreed Framework signed in Geneva between the US and North Korea in 1994. By the early 2000s, however, the country found itself labeled as part of the "axis of evil," leading Pyongyang to see in nuclear weapons an indispensable part of its security policy. North Korea also caught a glimpse of its own potential future in the US-led coalition's 2003 invasion of Iraq. Thus, as Andrei Lankov has argued, "Pyongyang's decision to go nuclear reflects long-term strategic concerns, and no amount of aid and payments will compensate for the loss of strategic advantages created by the possession of a nuclear capability" (Lankov 2009, 251).

A second weakness of the Sunshine Policy was that it was vulnerable to criticism from the conservative historical bloc. Indeed, it was from the outset criticized from a wide range of quarters, including the conservative Grand National Party, Kim Jong-pil's United Liberal Democrats party, sections of the military, and various veteran organizations, conservative daily newspapers such as Chosun Ilbo, Joongang Ilbo, and Donga Ilbo, as well as conservative civil society groups such as the National Congress of Freedom and Democracy, and the Korean Freedom Group (formerly the Korean Anti-Communism League) (Levin and Han 2002, 68–83). The failure of the Sunshine Policy to dissuade Pyongyang from restarting its nuclear weapons program was seized upon by conservatives as evidence of the naivety and even "pro-North sympathies" of the liberal-progressive camp. Thus, following his success in the presidential elections of late 2007, conservative politician Lee Myung-bak deliberately sought to draw a sharp line between himself and what he saw as the "lost ten years" of the Kim and Roh governments. In place of the Sunshine Policy, Lee proposed a new framework for inter-Korean relations titled "Vision 3000: Denuclearization and Openness." The program was based on the principle that if the North agreed to abandon its nuclear weapons program, Seoul would assist with a set of measures aimed at radically transforming the North Korean economy. Through widespread assistance in the fields of economy, education, finance, infrastructure, and welfare, the plan aimed

to raise the North's gross national index (GNI) per capita from US$ 650 to US$ 3,000 within a decade (Kim 2008, 8).

Given the increasingly unrealistic precondition of denuclearization and the fact that the program sought nothing less than full-scale capitalist transition in North Korea, there was little chance that Vision 3000 would ever become a reality. The North Korean government predictably denounced Vision 3000 as a "pro-US and anti-North policy." The North was further irritated by the Lee government's support for a UN resolution on North Korean human rights in March 2008 alongside Lee's explicit refusal to honor the June 15, 2000, and October 4, 2007, inter-Korean summit agreements. After strong domestic criticism of his hard-line policy, Lee began to show greater willingness to compromise on his government's hard-line position. However, these moves were overshadowed by the shooting death of a South Korean tourist at Mt. Kŭmkang in July 2008, leading to the indefinite suspension of all inter-Korean tourist projects (Kim 2008, 8–15). This suspension notwithstanding, however, most other inter-Korean projects of the Kim Dae-Jung and Roh Moo-hyun era remained in place. Though the planned expansion of the KIC was made conditional on the North's commitment to denuclearization, even the launching of the *Unha 2* and *Taepodong 2* rockets in April 2009 failed to spur the Lee Myung-bak government to substantively curtail the scope of existing inter-Korean economic cooperation (Chang 2012, 10).

A fundamental reorientation of Lee's policy toward the North did not come until the sinking of the Ch'ŏnan Corvette in May 2010. Though the Ch'ŏnan incident does for many observers fit closely with the narrative of North Korean provocations wrecking chances for inter-Korean reconciliation, just as the Roh Moo-hyun government did not choose to react to North Korea's nuclear test in 2006, the placing of blame on the North for the sinking was clearly a political decision taken by the Lee government that reflected the conservative administration's ideological inclinations and external alliances. Indeed, the question of the North's responsibility for the sinking of the Ch'ŏnan has been a topic of intense domestic and international contestation. Although the "international" investigation team (consisting solely of South Korea's allies plus "neutral" Sweden to the exclusion of both China and Russia) concluded that the sinking of the ship had been caused by a North Korean "bubble-jet" torpedo (capable of splitting the ship in two), this was met with widespread skepticism among the South Korean public, and particularly among the younger generation (see Quines 2010).

While it is not possible to explore the issue in detail here, doubts were raised by numerous observers and scientists in the South and by Russia's own subsequent investigation that questioned whether the North even has the technological capabilities to carry out such an attack.

By far the most significant response of the Lee Myung-bak administration to the sinking of the Ch'ŏnan was the so-called May 24 measures, which were wide ranging and included the suspension of nearly all trade with North Korea; the denial of the use of South Korean shipping lanes to North Korean vessels; a request to the United Nations Security Council to punish North Korea for the "deliberate sinking" of the Ch'ŏnan; a resumption of "psychological warfare" propaganda that had been suspended six years earlier, such as loudspeaker broadcasts and the dropping of leaflets by balloon; the prohibition of all contact with North Koreans outside of the KIC, the latter of which remained open however with plans for its expansion shelved (Choe 2010). The measures brought an almost complete collapse of normal and consignment processing trade with the North outside of the KIC. Also greatly affected was humanitarian aid to the North as well as various programs of inter-Korean socio-cultural exchange. However, the practical outcome of the measures has been that to compensate for the decline in North-South trade, North Korea has greatly increased its economic exchange with China. While North Korea imports a wide range of products from China, North Korean exports have largely taken the form of natural resources, particularly anthracite coal and iron ore. Although these exports have enabled North Korea to earn enough foreign exchange to compensate for the reduction in inter-Korean trade, North Korea's trade relationship with China has at the same time increasingly resembled the dependence on mineral exports seen elsewhere in the Global South (Lee and Gray 2016). However, as Lee Suk has argued, with the deterioration of inter-Korean economic cooperation, Seoul now has few opportunities with which to engage with the North. The multiple communication channels with which Seoul was able to deal with inter-Korean issues have now been lost, meaning that any conflict between the two Koreas can easily develop into a crisis (Lee 2012, 20–21).

DOMESTIC POLITICS AS A DRIVER OF SEOUL'S NORTH KOREA POLICY

This is a policy direction that has in substance been continued under the conservative Park Geun-Hye government. In her presidential election campaign, Park sought to draw a line between both the hard-line policy

pursued by Lee Myung-bak and the Sunshine policy pursued under the Kim Dae-Jung and Roh Moo-hyun governments. As an alternative, Park proposed a new policy of *Trustpolitik* aimed at building trust between the two Koreas and pursuing an "alignment policy" which involves "…assuming a tough line against North Korea sometimes and a flexible policy open to negotiations other times" (Park 2011, 15). The notion of placing trust building at the center of inter-Korean relations was drawn from Park's understanding of the process that had underpinned Sino-US attempts to overcome their deep mutual suspicions in the early 1970s and pursue a strategy of rapprochement (Park 2011, 14). However, as Prof. Chang Dal-joon of Seoul National University has argued, rather than pursuing a pragmatic middle path between the extremes of previous administrations, Park's North Korea policy places heavy emphasis on moral principle in terms of her insistence on a prior display of sincerity from North Korea as a condition for lifting the May 24 measures. This stands in marked contrast to the realist foreign policy of the kind that led to the breakthrough in US-China relations in the early 1970s (Chang 2013). Indeed, though Park has made numerous pronouncements on North Korean policy since being in office, including proposals for agricultural cooperation and a peace park located in the DMZ, she has continued to demand a sincere apology from Pyongyang for the sinking of the Ch'ǒnan as a precondition for any relaxation of the May 24 measures. This is despite the fact that, as argued above, there is little evidence that the measures are having any impact on the North. Furthermore, as Pyongyang continues to strenuously deny its responsibility for the sinking (KCNA 2014), the chances of an apology appear minimal.

The insistence on keeping the May 24 measures in place is a testament to how domestic political considerations shape Seoul's North Korea policies. This has been to the particular displeasure of South Korean SMEs engaged in inter-Korean economic exchange, who have sustained significant losses as a result of the May 24 measures. For example, in a survey of 500 such companies conducted not long after the measures were put in place, 93.3 percent of the respondents said that they had experienced losses. In addition, 66.5 percent of them said they were worried about the future of their company, with losses averaging nearly 10 billion wǒn (USD 965,000) within the first three months of the measures being put in place (Sŏng 2010). Furthermore, the May 24 measures have simply meant that the basis for trade and economic cooperation laid down by South Korean companies over the past 20 years have in practice simply been handed over to China (Kang 2011). As one company in the seafood business has

complained, "Has the government even once showed any 'pragmatism' in relation to inter-Korean economic cooperation?…This is the first time I've seen a government that kills businesses. North Korea has not been hit by these measures at all" (Song 2011).

Why exactly have the conservative Lee and Park governments maintained this hard-line approach toward North Korea against the apparent interests of South Korean SMEs? To explain this, it is necessary to examine the implications of the democratic transition and the conditions under which the conservative historical bloc has sought to address its chronic lack of legitimacy. As noted earlier, the legitimacy deficit of the postcolonial state was addressed through the mobilization of a repressive discourse of anti-communism. Any questioning of this legitimacy deficit was all but impossible during the authoritarian era. With political liberalization, however, revisionist historians have increasingly re-examined the country's collaborationist past and the question of how the US intervention, following the Japanese surrender, served to bring back to power a compromised colonial elite and to block attempts to prosecute former collaborators (Ceuster 2001, 209–211). The Roh Moo-hyun government also sought to attack the power base and legitimacy of the conservative historical bloc through the establishment of a Truth and Reconciliation Commission aimed at dealing with the legacies of Japanese colonialism, the Korean War, and the military dictatorships, alongside efforts to repeal the anti-communist NSL. As such, the conservatives felt themselves under increasing threat by such attempts to "deal with the past" (*kwagŏch'ŏngsan*). The Roh government even established an Investigative Commission on Pro-Japanese Collaborators, which sought to reclaim the wealth of individuals who had held key posts under the colonial government and had amassed wealth as a result.

In contrast to the liberal Kim and Roh governments, the conservative historical bloc had remained largely isolated from the vigorous civil society organizations that emerged in the democratic era, and lacking any genuine conservative ideology, possessed a weak basis for establishing its hegemonic position in the new democratic era. Nonetheless, there are a range of older civil society organizations dating back to the authoritarian era that survived the democratic transition and have become increasingly influential and a key cornerstone of conservative influence following the transition to democracy. For example, the New Right Union established in 2005 was made up of such organizations but also included newer bastions of conservatism in South Korean society, such as the socially and politically conservative

Protestant denominations, veterans' and business organizations, and the conservative-oriented mass media. They condemned the incumbent Kim Dae-jung and Roh Moo-hyun governments as "pro-communist" and "pro-North" and became the basis of conservative political mobilization from the mid-2000s onward (Shin 2012). As noted above, the "appeasement" of the Sunshine Policy in particular became a focal point for conservative criticism.

Recent years have thus seen a powerful resurgence of the discourse of anti-communism in which calls for engagement with the North are considered as evidence of leftist and pro-North (*chwap'a chongbuk)* tendencies. This tendency has as much to do with domestic politics as it does with inter-Korean tensions *per se*. As Doucette and Koo have argued, this rhetorical shift has been accompanied by the expansion of a "politics by public security," whereby public security is cited as a rationale for stifling dissent and criticism. It is important to note, however, that this involves the active role of state agencies. The latter's role could be seen in the attempt to de-legitimise the presidential campaign bid of Roh Moo-hyun's former chief of staff, Moon Jae-In, through the illegal leaking by the National Intelligence Service (NIS) of the transcript of Roh's inter-Korean summit with Kim Jong-il in 2007 in which Roh had appeared to be ready to renegotiate the Northern Limit Line with Pyongyang (Doucette and Koo 2013). Not surprisingly, such actions were highly irritating to North Korea. As a spokesperson for the North's Committee for the Peaceful Reunification of Korea stated, "The [conservative] group is often talking about 'confidence' but it has no face to talk about trust as it is unhesitatingly using even the minutes of the inter-Korea summit as a political plaything to meet its partisan interests…who can believe in the sincerity of another summit and summit diplomacy?" (KCNA 2013).

The NIS was also subject to widespread criticism after it was revealed that the organization's employees had systematically spread anti-liberal party comments on social networking sites in the run up to the 2012 presidential election. Perhaps as a means of deflecting criticism, the NIS subsequently launched an investigation into a lawmaker of the left-wing United Progressive Party, Lee Seok-ki. Lee and his associates were subsequently charged with sedition and plotting an armed rebellion to sabotage the South Korean government in the event of war on the divided Korean Peninsula, as well as violating the NSL (Doucette and Koo 2013). The increased resort to the politics of division in order to stifle domestic criticism could also be seen in the Ministry of Justice's submission of a document to

the Constitutional Court in September 2014 titled "How the Anti-American and Autonomous Popular Struggle Followed North Korea Unification Front Tactics." This document labeled nearly all significant incidents of anti-government protest in recent years as following North Korea's policy of fomenting rebellion in South Korea. These incidents include opposition to the US bombing range at Maehyang Village in 2000, the outcry about two middle school students crushed to death by an American armored vehicle in 2002, protests at the P'yŏngtaek US Army base in 2005 and 2006, calls to remove the statue of General Douglas MacArthur in 2005, opposition to the Korea-US free trade agreement in 2006 and 2007, the mad cow disease candlelight protests in 2008, the struggle against Lee Myung-bak in 2008 and 2009, and the opposition to the construction of a naval base on Cheju Island in 2011 (Noh 2014).

In a climate whereby anti-communist rhetoric has intensified in recent years and the charge of being a "pro-North leftist" has become ubiquitous, the climate for inter-Korean reconciliation has not surprisingly been poor. The most recent manifestation of this has been the Park Geun-hye government's closure of the KIC in early 2016. Following the temporary closure of the KIC just three years earlier, the Park government had demanded that the North sign an agreement stating that "inter-Korean situations" would not be allowed to affect the operation of the park "under any circumstances" (see Foster-Carter 2016). Though it is not entirely clear what has led to this particular U-turn, Park's chronically low approval ratings have often been temporarily boosted by her harsh rhetoric and actions against North Korea, and thus, domestic political considerations can be seen as likely to have been a key factor in this seemingly erratic policy. As such, the return to power of the conservatives has seen a strengthening rather than weakening of what Paik Nak-chung (2013, 161) has referred to as the "division system" on the South Korean peninsula, in which established elites on both sides of the demilitarized zone have vested interests in the maintenance of inter-Korean divisions and tensions as a means of reversing many of the gains made following the transition to democracy in 2007.

CONCLUSION

As I have argued, there has been a complex relationship between democracy and Korea's national division that has made it difficult to think of the two in terms of any simple unidirectional causal relationship. In the first

instance, national division and the broader context of the Cold War led to the rise of a conservative historical bloc which oversaw South Korea's process of catch-up industrialization under the auspices of an authoritarian developmental state allied to the US. However, the democratic transition, the end of the Cold War, and changes in the South Korean and global economy meant that inter-Korean tensions were no longer conducive to economic development and instead became largely counter-productive. The rise of the liberal-progressive camp, in particular, sought to challenge the ideological underpinnings of the conservative historical bloc, not least through establishing a new framework for inter-Korean relations through the Sunshine Policy. This policy was based on the explicit recognition that national division could not be solved through a policy of containment and confrontation, but required positive measures of peace and mutual trust building through economic cooperation.

However, the Sunshine Policy could not take place on a blank slate. The terrain of political contestation during the democratic era has been profoundly shaped by the legacies of South Korea's post-war state building and catch-up industrialization. In contrast to Pyongyang's more monolithic political culture, South Korea's democratization has meant that "… [relations with the North] have now become more erratic depending on who is in charge of democratized South Korea and its relations with the North at the moment" (Chung 2003, 11). The new context of democratic politics in South Korea meant that North Korea policy quickly became an intense issue of confrontation between the conservative and liberal/left camps. This has meant that although the conservative governments of Lee and Park have historically been close to the interests of business, the close alignment with the US has been conducive neither to the interests of SMEs nor to the cause of inter-Korean reconciliation more broadly.

As a result, political contestation within South Korea's formally democratic political system could not fail to have a negative impact on inter-Korean relations. Through maintaining its emphasis on a manifestly ineffective set of economic sanctions, Park Geun-hye's *Trustpolitik* represents the subordination of the goal of improved relations with the North to domestic political considerations. As such, the relationship of democracy to inter-Korean relations is in a double bind, with negative implications for the quality of democracy in South Korea. It is highly questionable to what degree liberal democracy can properly function in South Korea in a state of continued national division. At the same time, however, domestic political competition means that the national division is becoming ever more intractable.

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Dealing with Unification: The Politics of Fear

Eun-Jeung Lee

Introduction

A German expert on unification policies travelling South Korea on a three-week lecture tour in November 2015 found himself repeatedly accused of being a "pro-North Korean leftist" by his South Korean audience. This came as a considerable surprise to him as he had been a very active and loyal party member of the conservative CDU since youth.

A German parliamentarian and prominent party member of the conservative CSU, who for more than 15 years had frequently visited both South and North Korea, was recently introduced by South Korean journalists who had interviewed him as being *pro-North Korea*. In their view, he deserved to be so called since he had repeatedly emphasized the need for incremental policies to foster peace on the Korean peninsula.

These two rather peculiar episodes serve well to demonstrate how matters of unification are perceived in South Korea. The mindset of large segments of the predominantly conservative Korean public is framed in terms of fundamentalist hostility and hatred toward the North. Against

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this background, the well-meant recommendations given by German politicians and experts fall on deaf ears. Because of North Korea's nuclear proliferation, the sunshine policies pursued by Kim Dae-jung and Roh Moo-hyun have lost much of their appeal in South Korea. People who support engagement policies are publicly condemned as "leftist", "pro-North Korea" (*ch'inbuk*) and even as "submissively dependent" on North Korea (*chongbuk*). In South Korea, calling somebody *chongbuk* has the quality of a knockout argument.

In spite of such extreme dichotomisation, the interest in issues to do with unification, including the German experience, is enormous. Between 1990 and 2015, the term "German unification" was used more than 5000 times in South Korean parliamentary debates. Nonetheless, whenever "unification" is mentioned by South Korean conservatives, they do not mean the unification of the two countries as such, but rather the takeover of the North by the South. Therefore, their perception of German unification is limited to that of an absorption of East Germany by West Germany. Their mental frame of radically anti-communist and anti-North-Korean attitudes does not allow for any other perspective. Therefore, German experts and politicians who do not share the same premises are seen as pro-North Korea, or worse.

The way questions of division and unification have been dealt with in South Korea has changed over time. The process of South Korean democratisation in the 1980s, German unification, and North Korea's nuclear tests of the 1990s all left their mark on the manner in which unification is perceived and discussed. The strongest impact, however, is still reserved to the Korean War (1950–1953). The atrocities of this war form an essential part of the country's collective memory, not least because the authoritarian governments drew on them in their efforts to legitimise their rule.

Frames such as *fear of communism* and *fear of the regime in the north* came to dominate public sentiment and political discourse. This culture of fear did not disappear with the democratisation of South Korean society after 1987. Instead, it continues to form the core of conservative politics and discourse to this day. Yet these are based on fantasies about the exclusion and negation of the North. Whoever does not share these fantasies is accused of treason and *chongbuk*. This is why, probably more so than in any other country, political antagonisms dominate South Korean politics and the public sphere as a whole even to this day.

In such a setting, the culture of compromise essential for the workings of any functioning democracy could never emerge. The culture of fear continues to be a serious obstacle to rational discourse on the division and the unification of the two countries. In this chapter, I will look into certain aspects of the emergence of this culture of fear and its persistence. First, I will briefly deal with certain conceptual aspects of the politics of fear.

The Politics of Fear

In order to understand the "politics of fear" in South Korea, it is useful to look into the relationship between emotions and politics. In the theory of rational choice, which forms the mainstream in modern political science, there is no room for emotions. Yet, as Thomas Meyer has shown in his theory of mediocracy, it is, in fact, quite impossible to separate politics and emotions in modern democratic society, in particular in media-dominated democracies (Meyer 2001). Negative emotions and fears clearly form the basis of the surge of populism that is presently changing political landscapes in Europe and the United States (Laclau 2005).

The concept of "politics of fear" is well known in political science. Authoritarian regimes generally have a strong preference for the politics of fear. But fear can also become a dangerous driving force in mature democratic societies (Gardner 2008). In particular, after 9/11, the "politics of fear" became something of an obsession in US politics and media (Bolechow 2005; Brown and Waltzer 2004), and "fear is still largely discussed as a monolithic force that acts to disempower" (Pain 2014, 127). The irrational (war on terror, war in Afghanistan, etc.) and highly emotional reactions by US leaders and mass media created an atmosphere of widespread *Angst* in American society (Altheid 2002, 2004, 2006). Core values of Western democracy were curtailed and numerous restrictions imposed on everyday life in the name of the *war on terror*. To the surprise of many liberal-minded observers, citizens simply put up with this. There is much concern among political scientists about these impairments of liberal and democratic values (Butler 2004; Loseke 2009, 498).

In his book *Risk: The Science and Politics of Fear*, Don Gardner presents an analysis of the mechanism of fear. When human beings are confronted with danger, they react with fear. They produce an instinctive survival response in order to protect themselves. This survival response can override

the rational response to the situation in question. An information overload can produce the same emotional, irrational response. That being so, Don Gardner even wonders whether we, as human beings, are even fit to survive in the information age, in which perceived threats are innumerable. This might be even more doubtful as politicians can be tempted to magnify the perceptions of risk in order to create or reinforce their own agenda. Besides politics, business also uses a number of strategies to dominate our lives, instilling fears by propagating potential, often engineered threats (Gardner 2008). Frank Furedi even argues that politicians can conjure up *Angst* out of nothing, as fear develops within the cultural atmosphere we live in, i.e. within our societies' "structures of feeling" (Furedi 2005).

The notion of "structures of feeling" was used first by Raymond Williams. He used this term "to refer to the shared sense prevailing in a social formation at a certain historical period" (Williams 1977, 133). According to him, feeling ought not to be considered as an emotion that stands in contradiction to thought, but as "thought as felt" (Williams 1977, 132). Williams' "feeling" can be formed through personal experience and through indirect learning processes. The personal, individual experience (feeling) is always informed by collective and historical prejudices, expectations, fears, desires, conventions, institutions, laws, and social modalities. "Structure of feeling connotes the sense that the feelings that belong to us, that animate us as individuals, at the same time, exceed us, extend far beyond the individual, diachronically and synchronically. The concept of a structure of feeling, therefore, for Williams, is an effort to capture the complex mediations between the particular and the general that animate any specific historical conjuncture" (Best 2012, 193). Experience from which the structure of feeling is generated can only be captured retrospectively, and only inadequately so, as the repertoire of terms used to describe the structure of feeling is always more limited and rigid than the original experience itself.

Since Raymond Williams formulated the term "structure of feeling" in 1977, there have been controversial debates among those who sought to apply it and those who rejected it (Filmer 2003, 199–202). Even Williams himself remarked that he felt "very strongly the need to define the limits of the term" (Williams 1979, 154). Nevertheless, there is clear evidence that Williams' concept of a "structure of feeling" addresses precisely the precarious balance between the forces of structure and agency, between the forces of the social process and the willing, intending, and experiencing subject (Best 2012, 192), which makes this concept useful for our analysis.

From the empirical historical point of view, "it is always a structure of actual feeling, tied to the particularity of collective historical experience and its real effects on actual individuals and groups. Its empirical quality is not always either naturalistic or sociologistic: it has as much to do with the phenomenology of intersubjective consciousness and the structural inter-active processes by which that is formed and subsequently transformed into nascent and emergent social and cultural structures" (Filmer 2003, 200). This explains why and how the structure of feeling associated with the experiences of the Korean War could take on a life of its own and play such a crucial role in South Korean politics and discourse to this day.

From this perspective, it is immediately apparent that Williams' theory of the "structure of feeling" is quite useful for the analysis of the "politics of fear" in relation to the South Korean debates on unification. It is of course not difficult to understand that 70 years of division and confronta-tion have created an atmosphere in which fear could prosper. The direct experiences of the ferocities of war have become a central part of the col-lective memory of the South (as well as that of the North, but that is not the focus here). Threats and aggressive behaviour from the part of North Korea have also contributed to this structure of feeling in South Korea. Furthermore, authoritarian governments and various political groupings in South Korea have worked towards increasing these fears for ideological reasons and out of the aforementioned need to legitimise their rule. Thus, the politics of fear could play a preeminent role in South Korean politics. Because fear overrides the rationality of thought and action, the South Korean attitudes and discourses on division and unification were strongly shaped by negative emotions, i.e. anti-communism and a spirit of confron-tation. One can easily recognise the parallels between this mental frame and its political impact in South Korea and the post-9/11 developments in the United States and elsewhere.

DIVISION, SYMBOLIC ANTAGONISM, AND ANTI-COMMUNISM

Anti-communism, which elsewhere in the world practically disappeared after the collapse of the Soviet bloc, remains a real political force in South Korea. The democratisation of the country in 1987 could not change this either. Even today, to call somebody "pro-communist" or just "leftist" amounts to a knockout argument in politics, particularly during election times. Although the so-called *red complex* lost some of its derogatory power during the governments of Kim Dae-jung and Roh Moo-hyun (1998–2007),

it gained new strength with the re-emergence of a new wave of anti-North-Korean feelings and ideologies.[1]

Anti-communism in South Korea began to emerge as an ideology in the period immediately after gaining independence from Japan in 1945, when political groups from the left and right fought about the ideological orientation of the state to be formed. They were driven by a strong desire to re-establish the "nation state"[2] after its destruction by Japanese colonialism. The formation of a nation state had become a normative imperative. Two psychoanalytically trained authors even speak of an "erotic impulse in the formation of the historic nation state" (Kim and Pak 2010).

This desire to recreate a sovereign nation state entailed striving for the removal of those who had collaborated with the Japanese authorities, as well as for independence from foreign powers, in particular the United States and the Soviet Union, which had taken over the reins from Japan in 1945.[3] These desires could not be fulfilled because of the new fetters created by the Cold War and the rising confrontation between East and West. Instead, two antagonistic and dependent states were created. Korean opposition in the South as well as in the North was violently suppressed. The conservative forces around Rhee Syngman succeeded in establishing an anti-communist mindset as the basic criterion for identifying the citizens of the South Korean state.

The conservative groups around Rhee Syngman basically consisted of individuals who had actively cooperated with the Japanese authorities during the colonial period and therefore were rejected by the majority of the people. Nevertheless, this group could form a government in 1948 because it had managed to re-style itself as the main guardian against the communist threat alongside the US occupying forces. It had also succeeded in converting anti-communism into an all-pervading ideology. Somewhat surprisingly, Rhee Syngman was even able to exploit the strong nationalist sentiment against the trusteeship system imposed at the Moscow Conference in December 1945 on the initiative of the United States to his own advantage.

This nationalist rage had been incited by the two biggest daily newspapers, the Donga Ilbo and Chosun Ilbo. They gave the impression that the Moscow Conference had sealed Korea's fate in the form of an everlasting trusteeship imposed by the USSR. In reality, what the foreign ministers J. F. Byrnes (USA), W. M. Molotow (USSR), and E. Bevin (GB) had agreed on, on the initiative of the United States and against the initial opposition of the USSR, was to establish a trusteeship over Korea for up to five years in order to promote the development of democratic self-government and the

establishment of an independent Korean state. As a result of this reporting, the public mood in the South shifted from condemnation of the former Japanese collaborators to a stigmatisation of leftist groups as traitors of the nation (Donga Ilbo, May 22, 1946; January 24, 1947). With this, the ideologisation of anti-communism in the South took its course. The former collaborators re-dyed their anti-nationalist coats in anti-communist colours and managed to survive politically by depicting all "leftists"—i.e. anyone other than themselves—as traitors of the nation and persecuting them for being communists.

Thus, the motto that one nation could have no more than one ideology—"Korean nationalism" *equalling* "anti-communism"—became the most basic rhetoric device of South Korean conservatism (Kim 2000, 2009). A deformed kind of "national identity without nation" was construed, while a political regime was created that could define citizenship only in terms of its claim of total representation of the nation and only on the basis of a total enmity toward, and rejection of, the other part of the divided nation. Therefore, what came to prevail was not the notion of integrating the nation as such, but the principle of the negative integration of the divided other. North Korea, by this definition, could not be part of the Korean nation.

To support this definition, the South Korean government maintained that it was the only government on the peninsula that had been legally recognised by the United Nations, and based its legitimacy wholly on this claim. To this day, it is a punishable act to speak of the existence of two states on the Korean peninsula. Hence, the attitude toward the North is highly ambivalent: North Korea, by the above definition, is not part of the nation, yet in discourses on re-unification at least it must be implicitly recognised as such (Yi 2012, 222).

In South Korea, the Korean War was seen as a proof that the North Korean regime was a marionette of the Soviet Union which had betrayed the nation. It also strengthened the prevailing anti-communism. Communists were seen as incarnations of diabolic evils (Kim 2000; Yi 2011a, b). This helped the authoritarian regimes in the South to present themselves as guardians of national unity, the "homogenous nation-state", and virtuous government. In this vein, Park Chung Hee enforced a stringent regime of ideological education and propaganda in order to enhance his legitimacy following his 1961 coup d'état (Cho 2000). Until the democratisation of the country in the 1980s, there was massive government support for the production of anti-communist propaganda movies.[4] In these movies, the North was presented as a communist enemy that could not, under any circumstances, be tolerated. In schools,

anti-communism was part of moral education. Legally and institution-ally, anti-communism formed the very basis of the state; examples can be found in the National Security Act and the Defense Security Law (both 1948), the Anti-Communist Act (1961), and the creation of the KCIA (Korean Central Intelligence Agency 1961). The authoritarian governments used these and other laws and institutions to persecute and punish their enemies at will.

As a result of the incessant anti-communist propaganda, anxieties became deeply rooted in the minds of the South Korean people during the 30 years of authoritarian rule. In this climate of fear, distrust was patent. There was an obsession with North Korean spies hiding supposedly every-where and there was widespread fear of the adverse consequences in terms of one's career, and of potential punishment, if one failed to recognise, and inform on, potential spies. A deep sense of hatred of anything com-munist was inculcated in the people, and such anxieties and distrust were indeed internalised and ultimately played into the hands of the rulers, just as intended. Collective memories of war and everything it entailed were constantly re-enacted in different ways and by different means. Anti-communism became deeply rooted in the minds of the people in South Korea, forming a "structure of anti-communist feelings".

The stability of this particular structure of feelings, which is perma-nently evoked and thereby strengthened by the conservative camp, has made contribution to establishing the dominant position of this camp in the South Korean democratic system since 1987. Conservative political leaders do not hesitate to say that military dictatorship had been necessary for the security of the country. With their support, extremely right-wing anti-communist organisations like the Korea Parent Federation, the Korea Freedom Federation, and the Committee for Democratization of North Korea were able to considerably extend their influence and activities over the course of the past ten years of conservative government. Every social or political issue is presented in terms of the dichotomy of "pro-communist" vs. "anti-communist". Even the slightest suspicion of pro-North Korean attitudes evokes verbal or even physical violence.

There can be no doubt that the quality of Korean democracy suffers from this extremely anti-communist political culture. This is clearly dem-onstrated by what the two conservative German experts on matters of unification referred to at the beginning of this text experienced during their visits in Korea: Voicing their support for policies aimed at lessening tensions between the two Koreas, they were amazed to immediately find themselves placed in the pro-North Korean camp.

Memories of War and Unification

Fear is an essential part of the South Korean debates on division and unification. Fear and a lack of rationality also shape the perceptions of German unification. Many Koreans are full of admiration, yet also envy, in light of the fact that Germany was in a position to celebrate 25 years of unification in 2015. At the same time, many would argue that unification was possible only because, in contrast to Korea, the two divided countries of Germany had never fought each other in a "real" war. Therefore, Germany could not be considered a true model for Korea (Yŏm 2010).

This may well be true. Yet it is all too easily overlooked that the policies of détente initiated by Willy Brandt in the 1960s were highly rational in the sense that they were designed with the purpose of creating conditions favourable to the peaceful co-existence of both Germanies and the two ideologically opposed blocs as a whole. In West Germany at the time, negative emotions, fear, and mistrust were by no means unknown and were, in fact, passionately evoked by the opposition parties, yet they were not allowed to shape the conceptualisation and implementation of the policies of détente (Bender 1996; Ash 1993). In fact, the politics of the *status quo*, together with the détente policies, greatly reduced the level of mutual fear between the two Germanies and their neighbouring countries.

Even if one accepts that one important difference between Germany and Korea is the absence of a civil war in the former, this cannot be an excuse for allowing oneself to be dominated by feelings of fear and mistrust—and not trying to develop rational concepts for policies towards and with the North and other neighbouring countries. And it is even less admissible to interpret the division and unification of Germany only through the biases of one's own primordial fears, thus being unable to recognise the rational core of German unification policies.

One example for these cognitive biases instilled by *Angst* is the widespread perception that German unification was a process of one-sided absorption. Shortly after the East German parliamentary elections of March 18, 1990, the first references to absorption appeared in South Korean newspaper editorials (Donga Ilbo, March 19, 1990). Between 1990 and 2015, "absorption" was the term most often used in the context of German unification in South Korean daily newspapers. "Unification through absorption" became a sort of stereotypical explanation for German unification. The hefty critique of German experts and politicians directed at such a perception was of no avail—which by itself could be a sign of the fact that the tenaciousness of this Korean view of German unification has strong emotional underpinnings.

Such obstinate insistence might be explained by the specific relationship between the two Koreas which is based on something far beyond a competition between ideologies and systems, namely on the mutual perception of the other as a mortal and intensely hated enemy—a relationship that can only be resolved by the annihilation of the other. As we already saw, the formation of the Korean state after 1948 was based on the negative integration of the divided other. From a South Korean point of view, there can accordingly be only losers or winners. Correspondingly, West Germany appears as the winner, which incorporated the loser, East Germany, through absorption. Because of the deep emotions attached to this frame, it was immune against the critique of German experts and politicians who were or had been actively involved in the German politics of détente and the unification process.

Another type of *Angst* also plays an important role in the perception of German unification. It is related to the costs of unification, which is another keyword in the South Korean debates on unification.[5] The costs of German unification for West Germany are perceived as astronomical. There is a widespread fear that South Korea would not be able to shoulder the costs of the absorption of the North. In particular, the younger generations maintain that they would rather forgo unification if it involved a reduction in their standard of living (Pak 2015, 189). Here, too, it is of no avail that German experts point out that national unity is not a matter of costs. Once favourable conditions come about, politics needs to rise to the challenge, while consideration of costs can at best play a very minor role. As Johannes Ludewig, the architect of the reconstruction of the East German economy, said in an interview in the summer of 2013: "Even if there had been a prophet telling us that the costs of unification would be ten times higher than what they eventually turned out to be, we would still have done it."

On the whole, one can say that the focus of the Korean discourse on unification has shifted from politics to economics, that is, to calculations of the perceived costs and benefits of unification. Again German experts warn that unification is not a matter of costs and benefits. It is, quite frankly, nonsense to talk of economic benefits. If one were to talk about the benefits, these would certainly lie in the spheres of society, culture, politics, and peace. Therefore, it is completely inappropriate and absurd to see unification as purely a bookkeeping exercise involving calculations of the perceived economic costs and benefits. And it is even more absurd to define unification policies in terms of the unilateral potential benefits for South Korean enterprises. Fears related to potential economic costs of unknown proportions induce debates which, from the point of view of

German experts, are, again, frankly absurd. At the same time, these fears constitute an obstacle to rational analysis and debate in South Korea.

Another case in point for the shaping of public debate through overly negative emotions are the frequent appeals to "negative after-effects" of unification and to problems related to so-called "inner integration" (innere Einheit). As early as in the spring of 1990, South Korean journalists and academics began speculating about what to them were the inevitable and fierce conflicts to be expected between East German and West German citizens. Again, this debate probably arose against the background, and within the frame, of the enmity between the two Korean states and only contributed to generating additional fears about unification (Lee 2014).

RATIONALITY IN DEALING WITH UNIFICATION AND THE QUALITY OF DEMOCRACY

As already mentioned, authoritarian and conservative regimes in particular have shown a certain tendency to instrumentalise the fears and anxieties attached to the memories of war and other traumatic, shared national experiences. This phenomenon can be observed in the case of North Korea as well. Because of this symmetry with the South, some scholars have characterised the division of Korea as involving an "antagonistically interdependent relationship". This theory, called *pundanch'ejeron* in Korean, maintains that the ruling elites both in the South and in the North benefit from the division of the country because they can gain a certain degree of legitimacy from upholding the mutual enmity (Paek 1994). Hence, it is in their interest to perpetuate Korean division.

According to Park Myung-gyu, the above mentioned theoretic appproach has the advantage of clearly defining the political functions and the effects of Korean division, yet fails to take into account, and explain, the obvious differences between the two countries (Park 2015). It cannot, therefore, serve as a guide for creating a constructive relationship between North and South Korea. The perplexing emotions created and instrumentalised on both sides cannot serve as a starting point for such a relationship. Instead, what is required is a rational approach that takes into account the respective differences in political and economic systems, ideologies, societies, cultures, and so on. In this respect, there is much to learn from the German experience of division and unification.

Furthermore, Park says, the debate on the unity of the nation ought to be separated from the one on the unification of the political and economic systems. Nation and unification are separate issues. This seems to be a promising, for unemotional and rational, approach to the problems on the Korean peninsula.

Over the course of the past 70 years, South Korean debates on unification can be said to have occured in a total number of three stages. The first was characterised by the logic of fierce confrontation: Unification was to be achieved by the sole means of occupation or annihilation of the other side. For the proponents of this view, a compromise with the communists in the North was precluded as a matter of principle. As already mentioned, the Korean War and anti-communism were the ideological bases for legitimising authoritarian rule. The North's apparently erratic behaviour and repeated threats provided welcome additional support to the ideological agendas of the regimes in the South. In such conditions, it was nearly impossible, and in any case rather risky and dangerous, for individuals and the then nascent civil society to propose the peaceful unification of the country emphasising the unity of the nation. In spite of these risks and dangers, or maybe because of them, South Koreans never stopped engaging in the democratic movement. All throughout the struggle for democracy, the peaceful unification of the country was part of their agenda. An early case in point is the so-called April Revolution of 1960 against Rhee Syngman. Later, in the 1980s, the first priority of the leaders of the so-called critical civil movement was peaceful unification coupled with a change in regime. Linking these two was only reasonable given that one of the preconditions for the continued existence of the military regime was none other than the division of the country.

With the democratisation of South Korea after 1987 and the collapse of the Soviet Union in 1990, North Korea stopped to be a source of legitimacy for the South Korean regime. An open debate on the division and possible unification of the country became possible. However, North Korea remained an erratic and dangerous country in the perception of the South Korean public. The levels of insecurity and fear may even have increased in comparison with former times. Erratic behaviour, external dangers, insecurity, and fear work against democracy as politicians and parties may choose to exploit them. They might also try to mollify feelings of insecurity among the citizens by promising a safer future after unification. The catchwords offered are: co-prosperity, enlarged markets, new investment opportunities and growth, economic development, and so on. As a result, unification has become a matter of economic

calculus and of tactical political games. In other words, the question of division and unification is still being politically instrumentalised, if in a different manner. Ideological aspects play less of a role and have been substituted by arguments about perceived benefits and costs.

Without a doubt, these new debates and promises equally lack in rationality. What is really needed is an approach to the issues of division and unification that is based on rational and realistic concepts. To this end, a good starting point would be to unequivocally recognise the existence of two independent states on the Korean peninsula. While both Koreas are fully recognised as sovereign members of the United Nations, the preamble of the South Korean Constitution still declares the whole of the Korean peninsula to be part of the Republic of Korea. This contradiction needs to be resolved. Mutual recognition would make it much easier to normalise relations between the two countries by institutionalising them and thus reducing the levels of mutual fear and distrust.

Notes

1. The South Korean Truth and Reconciliation Commission became a victim of this new wave. It had been created by the Roh Moo-hyun administration in 2005 and was dissolved under President Lee Myung-bak in 2010.
2. The idea of the nation-state is deep-rooted, yet rather undifferentiated. It can be considered as a sort of "popular proto nationalism" in Eric Hobsbawm's sense (1990, 46–79).
3. To remove and punish the collaborators with Japan, the Special Committee for Investigation on Anti-national Acts was established in 1948, immediately after the foundation of the Republic of Korea.
4. In 1965 Dajongsang, a special prize for anti-communist movies, was launched. The attractiveness of this prize was enormous because it gave the winner the right to import foreign movies—a very lucrative business. As a result, many such movies were produced during the 1960s and 1970s (Kim 2014, 175–182).
5. Between 1990 and 2015, there were 5866 references to the "costs of German unification" in articles of the major South Korean daily newspapers (www.kinds.or.kr). After German unification, Korean, Japanese, and American economists and political scientists have produced a large number of estimates of the cost of unification in the Korean case (Lee 2007, 28–29).

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Authoritarian Continuity or Democratic Change? Assessing the Democratic Quality of South Korea's North Korea Policy-Making Process

Eric J. Ballbach

Introduction

The Republic of Korea's (ROK or South Korea) relationship to the Democratic People's Republic of Korea (DPRK or North Korea) has long been a passionately debated issue both within the political and academic discourse in South Korea and beyond. However, most studies dealing with the subject primarily focus on the contents and results of the policies, thus addressing such issues as the general alignment of the North Korea policies of the various South Korean administrations and/or assess the relative success of these policies in view of their underlying strategy of engagement vs. containment, or analyze particular issues within the ROK's relationship to North Korea, such as humanitarian aspects, economic aspects, or political-security aspects, among others (e.g., Lee 2010; Levin and Han 2002; Park 2008; Son 2006). While these issues are without doubt important, there are aspects to South Korea's relations with the DPRK that have

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thus far been largely excluded from analysis. One of those aspects is addressed in this chapter, namely the continuities and changes in the process of South Korea's policy formulation vis-à-vis the DPRK after the formal democratization of the country. There is no denying the fact that South Korea's democratization has had a dramatic impact on the ROK's relations to the DPRK. Most notably, democratization broadened the space of and for debate on the DPRK, the question of reunification, and the general alignment of South Korea's policies vis-à-vis its Northern neighbor. Thus far, however, most studies have concentrated solely on the contents and results of these policies without thoroughly scrutinizing the process of policy formulation. In line with the general topic of this volume, this chapter focuses on a dimension of South Korea's North Korea policy that has thus far been largely neglected, namely the question of the democratic quality of South Korea's North Korea policy-making process since the ROK's formal democratization in 1987. In order to do so, the study analyzes the continuities and changes of South Korea's (North Korea) policy-making structure since 1987 and identifies the main actors and institutions involved in the policy-making process, resulting in a discussion of the main deficiencies of the democratic quality that are to be observed in the ROK's decision-making process on North Korea. The main argument of the chapter is fairly simple: while South Korea has certainly entered the stage of mature democracy, the ROK's policy-making on North Korea still does not abide by a democratic process. While different actors and institutions have been centrally involved in this process, the policy-making structure has remained highly closed, personalized, and informal, thus constituting a serious deficit in the democratic quality of South Korea's North Korea policy formulation.

The Theoretical Background to this Study

Policy formulation stands at the top of the policy planning process. It is a strategic planning process conventionally leading to a general conception in a particular policy area, usually in the form of a longer-term political "master plan" or "grand strategy." As this includes a set of measures aimed at the future development of the respective policy area, it is to be regarded as a far-reaching political decision. The question here is how we can assess the democratic quality of a particular policy formulation process? To assess and qualify the degree of democracy of South Korea's North Korea policy formulation, this study draws on the basic line of thought offered by

Diamond and Morlino (2004), who have provided three different meanings of quality, each with different implications for empirical research: procedure, content, and result.

- procedure: a "quality" product is the result of an exact, controlled process carried out according to precise, recurring methods and timing
- content: quality is inherent in the structural characteristics of a product, such as its design, materials, or functioning
- result: the quality of a product or service is indirectly indicated by the degree of customer satisfaction with it, regardless of how it is produced or its actual content

As this study focuses neither on the contents of the various North Korea's policies adopted by the different South Korean administrations since Korea's formal democratization in 1987 nor on an assessment of the results of these policies, but instead analyzes the process of policy formulation, it focuses solely on the procedural aspect. Diamond and Morlino (2004) identify eight dimensions on which democracies vary in quality, five of which are procedural dimensions: the rule of law, participation, competition, and accountability, both vertical and horizontal, respect for civil and political freedoms, the progressive implementation of greater political (and underlying it, social and economic) equality, and responsiveness. Of these eight dimensions, the study focuses on *participation* and *competition* as the two most central dimensions to qualify the degree of democracy of South Korea's North Korea policy formulation. This analytical focus on participation and competition allows us to critically reflect on the (non)involvement of central actors and institutions and shed light on the structural particularities of policy formulation in the specific field of North Korea policy-making.

Participation

"No regime can be a democracy unless it grants all of its adult citizens formal rights of political participation," Diamond and Morlino (2004, 10) point out, holding that "a good democracy must ensure that all citizens are in fact able to make use of these formal rights to influence the decision-making process: to vote, to organize, to assemble, to protest, and to lobby for their interests" (Ibid). The ability of individuals and institutions to participate is thus inherently related to the quality of a democracy:

democratic quality is high when we(…)observe extensive(…)participation not only through voting but in the life of political parties and civil society organizations, in the discussion of public policy issues, in communicating with and demanding accountability from elected representatives, in monitoring the conduct of public office-holders, and in direct engagement with public issues at the local community level. (Diamond and Morlino 2004, 10)

Depending on the policy area, different actors are involved in the respective policy formulation process. Ideally speaking, the process of policy formulation is a process involving all relevant actors that may qualitatively contribute to ensure the best policy outcome, and a consensus is to be found among them on which measures out of different possibilities is most appropriate to fulfill the intended goals in the best way possible. Related to the process of policy formulation, a high degree of democratic quality thus ideally describes a broad set of actors that have the chance to proactively influence the formulation process in a particular police field (such as academic experts, relevant government agencies, etc.), an elite that is open to challenging voices, and a variety of institutional and individual actors that negotiate this formulation process—ideally both among and between the ruling and opposition parties—and active channels of communication between the high sphere of politics and the broader public. This overall conception generally constitutes a particular framework for more detailed plans and concepts for a longer period of time—in the case of South Korea, usually at least for the five-year term of the respective president. Ideally, all (democratically formulated) foreign policies should basically have common features such as:

- inclusion of all affected parties (ruling and opposition party politicians)
- inclusion of all affected aspects (security, economics, humanitarian, etc.)
- approval of a majority (voters, experts, etc.)
- strategic view, logical and consistent layout, and implementation over longer periods
- possibilities to (re)adjust the policies based on feedback and evaluation[1]

In this regard, participation is closely related to political equality and openness, because a closed and therefore unequal policy formulation structure is naturally defined by the absence of "outer voices." This is

where political culture as a supporting condition comes into play, which in the South Korean case varies to other democracies with regard to the value of participation. This implies a low tolerance of political and social differences, and thus no acceptance on the part of all individuals and organized groups of the right of others (including their adversaries) to participate equally. Finally, extensive participation also requires a rule of law that will defend the right and ability of weaker social groups to participate fully. As Diamond and Morlino (2004, 11) have suggested, participation is subverted and constrained in a variety of ways in democracies, such as the apathy of a citizenry that doubts the efficacy of democratic mechanisms or has become alienated from the democratic process as a result of the low quality of democracy in other respects (e.g., corruption, abuse of power, and a lack of competitiveness). To preserve their own entrenched privileges, powerful groups may intimidate and victimize the poor, the landless, ethnic, regional, and religious minorities in order to suppress their exercise of political influence. Participation is most commonly measured by voter turnout rates, but this captures only one aspect of participation in a democracy. No less important are the extent of membership and active participation in political parties, social movements, and non-governmental organizations; the frequency of communication with elected representatives and other office-holders; and the extent to which citizens express themselves on public issues.

Competition

Competition is another vital element in Diamond and Morlino's discussion of the quality of democracy. According to Diamond and Morlino (2004, 12), democratic political systems need to have regular, free, and fair electoral competition between different political parties. While Diamond and Morlino discuss the concept of competition in its conventional sense of electoral competition, when discussing South Korea's North Korea policy formulation, we need to extend the meaning of the concept to a the level of institutional competition. Here, institutional competition refers to a competition between various institutional actors to influence the formulation process of South Korea's North Korea policy. As discussed below, we can identify a varying and often competing set of institutional actors that have been involved in this formulation process since Korea's formal democratization, such as the president, the cabinet, the Foreign Ministry, the Ministry of Unification (MoU), and the National Intelligence Service (NIS), among others. The question that is important

here is whether we can identify a *democratic* competition between those institutional actors regarding the degree to which they are able to influence the policy formulation process. Ideally speaking, the degree of democratic competition is high when those institutional actors that best serve the formulation process are able to influence the policy formulation process, even though they may not always parallel the personal opinion of the president. If the degree of democratic competition is low, however, then the president chooses only those institutional actors that are under his/her immediate control. In this regard, too, democracies vary in their degree of competitiveness—in the openness of access not only to the electoral arena by new political forces but also in the access of various institutional actors to the policy formulation process. At this point we must of course acknowledge that the process of policy formulation, especially in such a sensible field as North Korea policy, is naturally a field of limited actors which is, at least to a certain degree, closed to public access. However, the point here is that the decision as to which institutional actors are involved in the process can nevertheless be based on a democratic competition, as opposed to an authoritarian process of secrecy and exclusion. To a certain degree, we might very well acknowledge a trade-off here: while the involvement of many different institutional actors might be more democratic, it may also lessen efficiency of the policy formulation process. It is indeed very difficult to exactly qualify to which degree policy formulation requires competition and openness in order to be labeled as democratic, but one stipulation is the legal order. To which degree is the actual policy formulation in accordance with the one stipulated by the constitution?

National Division Versus Qualitative Democratization?

Korea's division has in many respects overshadowed many other political issues in post-War Korea. While the inherently related issues of division and reunification remain hotly debated in both North and South Korea, within the latter, arguably the one issue of equal importance than the division/reunification nexus has been that of democratization. For the purpose of this study, it is important to first briefly discuss this link between Korea's division and the influence on democracy in general and the democratic formulation and formulization of South Korea's North Korea policy in particular. In the field of Korean Studies, it is certainly not new to argue for an immediate influence of Korea's enduring division system and the degree of democratic consolidation (e.g., Paik 2013; Suh 2015). Arguably,

the most vivid expression of this link is the existence of the National Security Law (NSL; *kukkaboanbŏp*), the strong military presence in politics, and the presence of foreign troops in the country. All those factors, and particularly the existence of the NSL, have an immediate influence on the ROK's democratic quality. This is because there are a number of inbuilt limitations for what can be publicly said—and what cannot—and how it is spoken about North Korea. In fact, if any North Korea policy proposal can be linked to a sympathetic attitude toward the DPRK, the offender(s) can—and as the dissolution of the Unified Progressive Party (UPP; *t'onghapchinbodang*) in 2014 once again demonstrated—will be prosecuted. Hence, for a South Korean party to remain legal requires the exclusion of certain (progressive) views and standpoints, and thus the operation within a conservative political framework, as the mere raising of such points can have dramatic consequences (Helgesen 2013, 60). This, in turn, limits the parliamentary and public debate on exactly those viewpoints that could be regarded as "pro-North Korea." As such, we must argue that the consolidation of South Korean democracy is immediately effected—negatively affected we should say—by the ongoing division of the country. What is important in this regard is the fact that South Korean lawmakers are fully aware of this dissonance. In fact, many have attested to the fact that the existence of North Korea and its perception as a threat is not only a factor that explains South Korea's flawed democracy, but that they use the North Korean threat argument to essentially justify such measures as the NSL as inevitable (ibid.).[2] Besides these material facts, the ongoing division also has immaterial consequences that have a powerful effect on the country's North Korea policy. In this regard, we have to consider the marked ideological divide within South Korea that has resulted from the nation's division, as well as the fact that this ideological division is used politically. This so-called South-South divide (*namnamgaldŭng*) has far-reaching consequences with regard to the contents and results of South Korea's North Korea policy, but does it also affect how these varying policies are formulated?

Assessing the Process of South Korea's North Korea Policy Formulation

Ideally, South Korea's North Korea policy, as any other public policy, should emerge "through intricate interactions among key players in various agencies of the South Korean government filtering through the regular process" (Yoon 1995, 90). However, South Korea's North Korea

policy is no ordinary public policy, and as the following discussion will show, the structure and the process pertaining to the ROK's North Korea policies in the Sixth Republic are also at variance with the regular public policy-making process in South Korea.

During South Korea's authoritarian rule, the foreign policy formulation process in general and particularly the North Korea policy-making process was dominated by the president and his closest advisors. Due to both the political nature of the authoritarian regimes and the historically strong position of the South Korean presidents, "the policymaking has been relatively consistent without much interference from outside forces and bureaucratic rivalries within the government" (Park and Bae 2001, 194). Until the first round of inter-Korean dialogue in the early 1970s, South Korea's North Korea policy formulation had been dominated by the Intelligence Agency and the Blue House, both of whom monopolized information and intelligence related to North Korea. It was only since the start of inter-Korean dialogue in the 1970s that other government branches began to be involved in the policy-making process on North Korea. Above all, in 1969 the National Unification Board (NUB) was established by the Park Chung-hee government with the official aim of promoting dialogue, exchange and cooperation with the DPRK, as well as to coordinate South Korea's North Korea and unification policies.[3] With the possibility of emerging economic relations between North and South Korea, further institutional players such as the Ministry of Trade and Commerce and the Ministry of Finance also became involved in the policy-making process, although their influence was, at last in the earlier stages, marginal at best. While the mere number of institutional players thus increased, the argument put forth by Park and Bae (2001, 202–203) that Seoul's North Korea policy "no longer became monopolized by a handful of people from the Blue House and the KCIA" must be questioned. While the growing number of institutional players without a doubt led to an increase in differing opinions and standpoints, the argument that this alone led to the rise of "bureaucratic politics" in South Korea is misleading, as the de facto influence and power of those new institutional players in South Korea's North Korea policy formulation varied greatly. Ultimately, it was still the president and his closest advisors that decided which voices they wanted to listen to and which arguments ultimately manifested themselves in the actual policies. A vivid reflection of that fact is the NUB's failure to enforce their primary institutional goal, which is to maintain North-South dialogue.[4] With the end of the Cold War and South Korea's

formal democratization in the late 1980s, however, the traditional authoritarian foreign policy-making process in South Korea was challenged, and an ever-increasing number of actors strove to influence the authoritarian North Korea policy formulation. Park and Bae (2001, 199–201) identify three factors that, according to the authors, "may cause bureaucratic politics in the South Korean context," namely, the collapse of the Cold War structure, the globalization in the world political economy, and the impact of democratization on South Korea's foreign policy-making process. According to the authors, the end of the Cold War challenged the previous one-dimensional conception of North Korea as an existential threat, and thus led to a growing number of people on both the societal and government level perceiving North Korea as part of the same nation. This, in turn, led to a different input into the policy formulation by the liberal parties as well as by parts of the population. Second, globalization also had an immediate effect on South Korea's foreign policy-making, as it shifted the conventional foreign policy focus from traditional hard security and military issues to economic and other non-security issues. This broadened the base of actors involved in the negotiation of foreign policies. A vivid example in this regard is the Kaesong Industrial Complex, which is characterized by a uniquely broad actor structure (Ballbach 2016). Lastly, South Korea's democratization itself immediately influenced the country's North Korea policy formulation for two reasons: first, "elected officials including the president, are likely to be very sensitive to the demands and interests of their electorate" (Park and Bae 2001, 200). Second, the authors stress that in the democratic setting, various political actors compete with each other and aim at influencing the decision-makers in a way that the policy vis-à-vis the DPRK essentially reflects their respective interest (Park and Bae 2001, 200–201).

Continuity and Change in the (North Korea) Policy-Making Processes During the Sixth Republic

The Policy-Making Structure of Roh Tae-woo's Nordpolitik

The policy formulation process of *Nordpolitik* was very similar to that during the previous Chun Doo-hwan administration, where the actual policy initiative initially emerged. That is, the process of policy formulation remained highly constricted and personalized, basically circulating around a very limited amount of dominant individual and institutional actors: Roh

Tae-woo, Park Chul-un, the intelligence service, and, to a far lesser degree, the NUB. Above all, Roh Tae-woo was doubtlessly the most dominant actor in the decision-making process, keeping a firm grip on virtually all aspects of policy-making with regard to North Korea. Besides Roh Tae-woo himself, Park Chul-un also had a dramatic influence on the formulation of *Nordpolitik*. When Roh Tae-woo was elected as president, Park Chul-un, whose relation to Roh Tae-woo partly explains Roh's confidence and trust in Park, became his closest aide and a dominating force in Roh's Secretariat. Park already served a key role in the decision-making of *Nordpolitik* under Chun Doo-hwan and had close contacts to the ROK's intelligence agency, where he had worked earlier in his career and which was arguably the most powerful institutional actor in the formulation of *Nordpolitik*. It was not least due to his close relations to the intelligence service that Park became a key figure in *Nordpolitik* as well as in South Korea's normalization with several Eastern European countries along with Russia and China. In fact, we can observe a close link between the access to intelligence information and the position of institutional players within the decision-making structure on North Korea. The primary cause explaining the restricted role of other institutions on the policy-making process of *Nordpolitik* was their limited access to intelligence, which was tightly controlled by Roh, Park, and the intelligence service itself.

Nordpolitik, under Roh Tae-woo, we may summarize, was based on the ideas and views of a very small circle of people, and the bureaucracies and institutions involved in its formulation based their decisions on the orders of this inner circle. That is, we may argue that the authoritarian policy formulation process was by and large continued. Other actors and institutions of the South Korean government, such as the NUB or the National Assembly, were virtually excluded from the policy-making process—their role being limited to mere observers or rather recipients of this policy.

The Policy-Making Structure of Kim Young-sam's North Korea Policy

Before Kim Young-sam became president, he was already involved in the administration of Roh Tae-woo. Kim was appointed by Roh to work on the normalization process of South Korea's relations with the Soviet Union and had visited Moscow several times during 1989 and 1990. In this context, Kim Young-sam cooperated closely with the intelligence service and Roh Tea-woo's Secretariat. These ties notwithstanding, Kim

Young-sam brought some far-reaching changes to the decision-making process on the DPRK. As the first civilian government of the Sixth Republic, Kim Young-sam was keen to reform the decision-making structure of South Korea's foreign policy, aiming to limit the role of the intelligence service and the military, while simultaneously strengthening the role of other bureaucracies and institutions.[5] Particularly, Kim Young-sam decided that the NUB should take the initiative in formulating and implementing policies pertaining to North Korea and the issue of reunification. Arguably, the most vivid expression of Kim Young-sam's effort to change the formerly authoritarian foreign policy decision-making structure of the ROK was the fact that President Kim's new staff working on foreign affairs, security, and inter-Korean affairs were all former college professors who had no previous experience in public service and had no immediate personal ties to the intelligence service.

In order to understand the decision-making structure on North Korea policy during Kim Young-sam's presidency, we need to take a closer look at the so-called Gang of Four, consisting of deputy prime minister of the NUB Han Wan-Sang, who formerly worked as a Seoul National University professor of sociology and in 2001 was appointed deputy prime minister for the Ministry of Education and Human Resources Development; Foreign Minister Han Sung-Joo, who was later appointed as ambassador of the ROK to the USA; and acting president of the Korea University, Kim Young-sam's senior secretary for Foreign Policy and National Security Chung Chong-Wook, who previously worked as a professor of international politics at Seoul National University and later also served as the vice chairman of Park Geun-hye's Presidential Committee for Unification Preparation; and the National Security Planning's chief Kim Du).[6] A closer look at the Gang of Four reveals that these men had a dramatic impact on the formulation of Kim Young-sam's North Korea policy, especially during the early stages of his presidency. We can observe both progressive and conservative voices and viewpoints among the Gang of Four, which provided a lively debate on different aspects of the ROK's North Korea policy (e.g., Kil 1994). However, as the nuclear crisis on the Korean Peninsula escalated in 1993 and 1994, the decision-making structure of the ROK's North Korea policy was considerably constricted, with all important decisions on inter-Korean affairs now being made directly by the Blue House. And here, the (more conservative) influence of Kim Young-sam's senior secretary for Foreign Policy and National Security Chung Chong-wook was felt heavily, while the more progressive voices were once again virtually excluded.

The Policy-Making Structure of Kim Dae-jung's Sunshine Policy

Kim Dae-jung's rise to the presidency of the ROK had a dramatic impact on the general alignment of South Korea's North Korea policy. In fact, Kim Dae-jung's *Sunshine Policy*, which emphasized the necessity of engaging North Korea, was perceived as revolutionary by both its supporters and critics. While the policy itself changed dramatically, the way it was conducted and formulated did not. This is to say that Kim Dae-jung also established a highly centralized and personalized decision-making structure in South Korea's North Korea policy. In general, the Sunshine Policy was conceived and implemented by two key players, namely Kim Dae-jung himself and his closest aide Lim Dong-won, frequently labeled the "architect" of the new policy approach vis-à-vis North Korea. Lim is a retired two-star general with considerable experience on unification and foreign policy issues. After his retirement from the military, Lim served as ambassador to Nigeria and Australia during the Chun Dao-hwan administration and, between 1988 and 1992, participated directly in Roh Tae-woo's implementation of his *Nordpolitik* in a variety of positions. With Kim Dae-jung's election, Lim was appointed Senior Secretary for National Security and Foreign Affairs at the Blue House, where he served as the principal architect of the Sunshine Policy and manager responsible for coordinating its implementation. Throughout Kim's five-year term in office, Lim served as senior presidential secretary for foreign affairs and national security (Feb 1998–May 1999), Unification Minister (May 1999–Dec 1999), Director of the NIS (Dec 1999–March 2001), again as Unification Minister (Mar–Sep 2001), and then as Special Advisor to the President for National Security and Unification. In all those positions, he exercised tight control over the planning, coordination, and implementation of policy toward North Korea. As Son Key-young (2006: 71) has aptly put it: "By forming an inner group of key policymakers, President Kim personalized South Korea's policymaking and implementation process to meet the requirements of his policy of engagement with North Korea." To argue that Kim Dae-jung maintained the general feature of high personalization and centralization in the (North Korea policy) decision-making structure is not to suggest there were no modifications. For instance, to enhance inter-ministerial policy coordination, Kim Dae-jung restructured the Standing Committee of the National Security Council (NSC; *kukkaanjŏnbojanghoeŭi*) Standing Committee, comprising the heads of the MoU, Ministry of Foreign Affairs and Trade (MoFAT), Ministry of

National Defense (MoND; *kukpangbu*), and the NIS. It speaks volumes that the Unification Minister was granted the task and power to chair the NSC Standing Committee, reflecting the MoU's unparalleled influence on North Korea policy-making during Kim Dae-jung's and later Roh Moo-hyun's administration. Another important modification during Kim's term in office with regard to the policy-making process on North Korea was the larger impact of the private sector and the civil society. While they did not have an immediate influence on the policy-making processes of the Kim Dae-jung and Roh Moo-hyun administrations, respectively, more often than not we can identify a strategic convergence of interest between private actors and the policies of Kim Dae-jung and Roh Moo-hyun, thus providing those actors an indirect influence on the policy-making process on North Korea. In some cases, however, private actors such as the Hyundai Corporation also had a more immediate influence on the policy-making process of the Kim Dae-jung administration, as is vividly expressed by the realization of the first inter-Korean summit, which was to a large degree brokered and paid for by Hyundai.

Nonetheless, as was the case during the administrations of Kim Young-sam and particularly Roh Tae-woo, the policy-making process itself remained highly centralized and secretive during Kim Dae-jung's reign as well. To be sure, secretive, centralized decision-making with regard to South Korea's North Korea policy was hardly unique to the Kim Dae-jung government. Korea's political tradition and culture have frequently given government policy a top-down, authoritarian quality—even after South Korea's formal democratization in 1987. Also, given the objective threat North Korea has posed and still poses to South Korean security, handling its relations with and to the DPRK has always required a certain degree of secrecy and governmental prerogative—and most South Koreans appear willing to give the administration significant latitude in formulating its North Korea policy.

The Policy-Making Structure of Roh Moo-hyun's Policy of Peace and Prosperity in Northeast Asia

When Roh Moo-hyun became president of the ROK on February 25, 2003, his administration not only kept the basic alignment of South Korea's general North Korea policy intact as formulated by the previous Kim Dae-jung administration, but—at least to a large degree—preserved his predecessors decision-making structure. Unsurprisingly, this primarily

meant a dominant role of the president with regard to the formulation of South Korea's North Korea policy. For Roh Moo-hyun, similar to Kim Dae-jung before him, the policy vis-à-vis North Korea was a central item on his political agenda. Roh himself once stated that he would not mind the failures of all other policies if only the North Korea policy was successful. Another similarity of Roh's policy-making vis-à-vis North Korea to the previous administrations was the high degree of informality, centralization, and personalization. The most dominant institutional actors in this decision-making process were the Blue House Secretariat, the MoU, and the NSC. Importantly, both during Kim Dae-jung's and Roh Moo-hyun's terms in office, the latter two institutions were repeatedly chaired or co-chaired by the same person, as is exemplified by Chung Dong-young and Lee Jong-seok during the term of Roh Moo-hyun.[7] Already during Kim Dae-jung's term in office, a Standing Committee and a Secretariat had been established under the roof of the NSC, and both Kim Dae-jung and later Roh Moo-hyun actively utilized the agency in their policy-making on North Korea. During Roh Moo-hyun's term in office, the NSC became a central institutional player in the policy-making process on North Korea as well. Although formally only holding the title of vice chief or deputy chief, the main force in the NSC was Lee Jong-seok, who was also a North Korea expert.

Another vital powerhouse in the foreign policy-making process during Roh Moo-hyun's reign was the Secretariat to the Blue House. At this point, Roh Moo-hyun's policy-making structure differed from that of Kim Dae-jung, in the sense that the Blue House Secretariat became a central powerhouse, leading to a much more ad hoc decision-making process and continuing the trend of a high degree of informality. According to Bechtol (2007, 181–185), Roh Moo-hyun basically used the Secretariat as a buffer to the cabinet ministers, which essentially had the effect that the cabinet ministers had to go through the Secretariat in order to get to the president. The Secretariat was primarily responsible for the formulation of policies, whereas the ministries were responsible merely for their implementation. In the Secretariat, Roh Moo-hyun surrounded only his closest advisors, and thus it is rather evident that appointments to the Secretariat were based primarily on a history of personal relationships with Roh Moo-hyun. This fact led some observers to critically assess that in the decision-making process of the Roh administration, "personality [was] emphasized over function" (Bechtol 2007, 182). As was already touched upon above, a particular role in this system of close advisors was played by

Lee Jong-seok. Lee, who had previously served as vice-chief of the NSC and who would later become Unification Minister, certainly was the most important advisor of Roh Moo-hyun. As Deputy Chief of the NSC, later Minister of Unification, and a prevalent voice in the Blue House Secretariat, Lee's presences was felt heavily in all important institutions regarding the ROK's North Korea policy-making during the reign of Roh Moo-hyun.

Another parallel to the policy-making structure of the Kim Dae-jung administration was the increased role of private actors such as the Hyundai Corporation on the North Korea policy formulation, in general, which must be seen as a result of the particular role the Hyundai-driven cooperation projects with the DPRK played in and for the North Korea strategy of the Roh Moo-hyun administration.

The Policy-Making Structure of Lee Myung-bak's North Korea Policy

When Lee Myung-bak was elected president of South Korea in 2007, the decade of liberal control abruptly ended. Moreover, already in his run-up to the presidency, it became apparent that to Lee Myung-bak the relationship with North Korea would become a lower priority compared to the previous administrations of the Sixth Republic. This diminishing of North Korea as a top policy priority also has an impact on the policy-making level with regard to North Korea policy, since the comparatively low level of attention on the part of the president himself led others in his administration to define this policy more harshly than he himself might have attended. As Scott Snyder (2010, 3) has aptly put it: "Lee Myung-bak's relative disinterest in inter-Korean relations appears to have spawned a contest for control of policy towards North Korea between 'pragmatists' and 'neo-conservatives' within his administration." However, Lee Myung-bak not only made a dramatic change in the general alignment of South Korea's North Korea policy, which was now based on the principle of reciprocity and which became dominated by a security-related view on the relations to the DPRK, but he also altered the decision-making structure of the ROK's North Korea policy formulation. The most vivid expression of this transformation certainly was the structural weakening of the MoU in the North Korea policy-making process. The Lee administration cut the number of MoU workers from 290 to 210. Additionally, the number of teams that worked on various unification-related projects was cut from 40 to 24. On numerous occasions, MoU representatives were simply excluded from
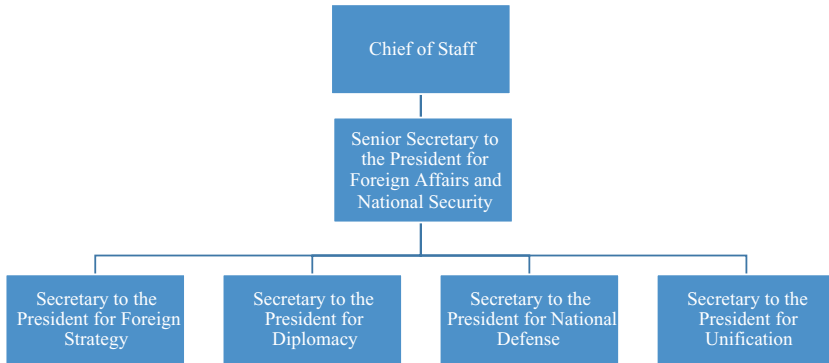
Fig. 11.1 Structure of the Council on the Coordination of Diplomacy and Security Policy (Source: Schoff and Choi 2008, 4)

key decision-making processes. Before Lee assumed office in February 2008, his advisers even discussed the possibility of abolishing the ministry altogether or merging it with the Foreign Ministry. Although these initial plans were not realized, the MoU's mandate under the Lee administration was basically reduced to the promotion of awareness and education about the issue of Korean unification, not to be a key player in the policy-making process. On the other hand, Lee Myung-bak formed a new entity called the Council on the Coordination of Diplomacy and Security Policy. Usually chaired by the foreign minister and consisting of key ministers, the Council has met once a week in order to coordinate policy on North Korea, diplomacy, and national security (Fig. 11.1).

Primary Institutions Involved in the Formulation of South Korea's North Korea Policy During the Sixth Republic

Building on the previous discussion, the main goal of this section is to capture the most relevant institutions that were involved in South Korea's formulation and formalization of its policies vis-à-vis the DPRK, capturing both changes and continuities in South Korea's policy-making structure on the DPRK during the Sixth Republic. These dynamics are closely linked to the unique restriction of a one-time, five-year presidential term in the ROK, which has often resulted in short-lived changes to the way the

Table 11.1 The influence of the main institutions on the North Korea policy-making process

	Roh Tae-woo	Kim Young-sam	Kim Dae-jung	Roh Moo-hyun	Lee Myung-bak
President	High	High	High	High	High
Personal Aides	High, Park Chul-un	High, "Gang of Four"	High, Lim Dong-won	High, Moon Chae-in, Lee Jong-seok	High
NIS	High	Low	Low	Low	High
MoU	Low	Low	High	High	Low
MoFA	Low	?	Low	Low	High
National Assembly	Low	Low	Low	Low	Low

Source: Author

respective presidents have managed and staffed their respective national security apparatus at the highest levels. Previous policy offices or special assistants are frequently swept aside to make room for new campaign friends and advisory committees, and if the bureaucracy resists certain policies, then new layers can be added within the Blue House to centralize policy-making and work around seconded personnel from the MoND or the MoFAT who might not be fully committed to the president's vision. Which institutions were chiefly involved in the policy-making structure and how and why did those changes in the respective administration's North Korea policy-making occur? Table 11.1 summarizes the main institutions involved in the policy-making process on the DPRK during the Sixth Republic.

The President and His Personal Aides

The most powerful actor within the ROK's decision-making process on North Korea after Korea's formal democratization has been the respective presidents. All throughout the Sixth Republic, the respective presidents were the most dominant actors of the policy-making process on North Korea. With the arguable exception of Lee Myung-bak, all presidents of the Sixth Republic had a tight grip on the formulation and decision-making process of their respective North Korea policies from the beginning to the end. And in fact, there is nothing that bares them from being the primary decision-makers in the government's North Korea policy. As

the highest official in the ROK, the president is the chief executive of the Korean government and as such constitutes the highest decision-maker in both domestic and foreign policy areas. As stipulated by Article 72 of the constitution, "The President may submit important policies relating to diplomacy, national defense, unification and other matters relating to the national destiny to a national referendum if he deems it necessary." In the conduct of foreign affairs, the president is vested with the power to "conclude and ratify treaties; accredit, receive or dispatch diplomatic envoys; and declare and conclude peace" (Art. 73). While this powerful role of the president in the decision-making process on North Korea policy is thus to a large degree embedded in the constitution and therefore not a deficit in democratic quality per se, there are aspects to it that are highly problematic. As is discussed further below, particularly the enormous influence of the personal aides to the president raises serious questions on the degree of democracy of South Korea's policy-making process with regard to its Northern neighbor.

Advisory Organs to the President: The Example of the National Security Council

Formally, the president serves as the Chairman of the State Council (or Cabinet), whose members—including the prime minister—are appointed by the president. According to the South Korean constitution, the State Council is the most powerful consultative body of the government, as it "deliberates on important policies that fall within the power of the Executive" (Art. 88). In addition to the State Council, the constitution names a number of further advisory organs that are aimed at assisting the president in important state matters. As the previous discussion has already shown, particularly important in this regard is the NSC, another prominent and at times highly influential actor in the ROK's North Korea policy-making process.[8] The NSC, which is stipulated in South Korea's constitution (Art. 91), comprises the president, the prime minister, the ministers of unification, Foreign Affairs and Trade and national Defense, the director of the NIA, and further members prescribed by presidential decree. The NSC's role is to advice the president on the formulation of foreign, military, and domestic policies related to national security prior to their deliberation by the State Council. This priority actually gives the institution a rather powerful status, especially considering the fact that the organization, function, and other necessary matters pertaining to the NSC are not regulated or specified, but "shall be determined by Act" (Art. 91).

The NSC classifies and coordinates intelligence from various agencies and exercises a control function when policy recommendations conflict or confuse. The meetings of the NSC are normally conducted in secret in order to prevent the exposure of sensitive national security matters.

The influence of the NSC on the South's policy-making structure significantly varied during the various administrations of the Sixth Republic. While the NSC only played a minor role during the Roh Tae-woo and Kim Young-sam administrations, its influence and structure was significantly modified during the presidencies of Kim Dae-jung and Roh Moo-hyun. The Kim Dae-jung and Roh Moo-hyun governments established a Standing Committee and Secretariat under the Council and actively utilized the agency in their respective policy-making processes. Particularly during Roh Moo-hyun's term in office, the NSC was as powerful as it has ever been before—and never has been since. While its influence was somewhat reduced by the Lee Myung-bak government, the Park Geun-hye government, which established the Office of National Security, again restored the Council, at least to some extent.

The Ministry of Unification

To the ROK, its relations with its Northern neighbor are officially seen as a special kind of domestic relations. Accordingly, these relations are—at least officially—not handled by the Ministry of Foreign Affairs (MoFA; *oegyubu*), but by the MoU (*t'ongilbu*). The MoU is a government institution that administers policy-making on North Korea and inter-Korean dialogue.[9] While the MoU played next to no role in the policy-making processes of both the Roh Tae-woo and Kim Young-sam administrations, it was about to become a key player in the formulation of the ROK's North Korea policies during the Kim Dae-jung and Roh Moo-hyun administrations. This role of the MoU again changed dramatically when Lee Myung-bak took power. In fact, his presidential transition team, led by Lee Kyung-sook, president of Sookmyung Women's University, recommended to abolish the MoU altogether. While these plans were eventually scrapped due to enormous pressure from both within and outside of the ruling Hannaradang party, it is no exaggeration to attest a marginalization of the MoU in the policy-making process of the ROK during the presidency of Lee Myung-bak, which itself must be seen as a result of the comparatively low priority the Lee administration has placed on (the improvement of) inter-Korean relations. As for the role of the MoU in this process, we can assess that following an initial period of adjustment under

former foreign ministry official Kim Ha-joong, who had also served as Kim Dae-jung's national security advisor, the MoU was increasingly weakened and subordinated to the foreign ministry in the North Korea policy formation process.

The National Intelligence Agency

Given the sensitive nature of inter-Korean relations, the involvement of the NIS in the formulation of South Korea's North Korea policy is hardly surprising.[10] However, the role of the NIS is well worth considering in greater detail, as this role is not limited to mere information gathering, but at times plays a powerful role in the policy-making process as well. In fact, a major duty as stipulated by the agency itself is not only to "assess conditions in North Korea" but also to "help the government (to) formulate and implement a more effective policy on North Korea."[11]

In the political reality of the Sixth Republic, the role of the NIS, or, more precisely, its influence on the presidents, varied to a considerable degree. Its influence was by far the strongest during the presidency of Roh Tae-woo, when, according to Yoon (1995, 93, emphasis added), the Agency of National Security Planning (ANSP) "was the most powerful government agency involved in *Nordpolitik*." Within the ANSP, *Nordpolitik* was first managed by *Pukpangsil* (Northern Countries Section) under the *Pukhanguk* (North Korea Bureau). These institutions were established by Chun Doo-hwan, who stipulated that the Foreign Ministry should lead the ROK's official foreign relations, while the ANSP should be responsible for the state's unofficial foreign relations. While we can assess that during the reign of Chun Doo-hwan only President Chun himself and the ANSP were involved in policy-making on North Korea, which itself was conducted in total secrecy, there were some de facto changes in this inherently closed policy-making structure after formal democratization had been realized. However, this change in the role of the intelligence service regarding the formulation of North Korea policy was not, or at least not primarily, the result of an increased degree of democracy in this policy formulation process, but rather the result of another problematic trend, namely the role and influence of personal aides to the president. As Yoon (1995, 94) convincingly shows, the ANSP's role was undercut not by a greater formality in the decision-making structure, but by the powerful position of Roh Tae-woo's personal aide and relative Park Chul-un, who was brought to the Blue House as policy coordinator of Roh and was involved in all important state matters. Against this background, the

limited influence of the intelligence agency on the formulation of South Korea's North Korea policy was about to be expanded once again, as the more assertive Suh Dong-kwon became director of the ANSP in 1989.

With the inauguration of Kim Young-sam, however, the influence of the Intelligence Service on the ROK's North Korea policy-making was significantly decreased. In 1994, the ANSP experienced a significant revision of its charter, which effectively limited its activities, following an agreement between Korea's ruling and opposition parties. As a result, an "Information Committee" in the National Assembly was established to lay a foundation for the agency's removal from the political scene and an assumption of political neutrality. Kim appointed Kim Deok, a professor of the Hankuk University of Foreign Studies and an expert on North Korea, as the director of the Intelligence Service. Additionally, the director of the Intelligence Service was now excluded from the Cabinet meetings.

The election of Kim Dae-jung and particularly Roh Moo-hyun in 2003 brought more concerted efforts to reform the agency. Roh appointed Ko Young-koo, a former human rights lawyer, to the position of director, expressing a desire to find "someone who will set the agency straight." The anti-communist bureau of the agency was slated to be eliminated, and many domestic intelligence and surveillance activities were either abandoned or transferred to national police forces. With the conservative forces regaining political power in 2008, however, the agency once again seems to have a greater influence on the formulation of South Korea's North Korea policy.

Assessing the Democratic Quality of South Korea's North Korea Policy-Making

Building on the previous discussion, this section strives to identify some of the basic deficits in democratic quality that characterize the policy-making process of the various administrations in the Sixth Republic with regard to North Korea.

South Korea's North Korea Policy Formulation as a Highly Vertical Process

A first factor in qualifying the degree or level of democracy of South Korea's North Korea policy formulation process is to acknowledge that this process is highly vertical. The distinction between vertical versus horizontal

policy-making is a product of the nature of the organizations involved in the respective formulation process—that is, they differ in the level of responsibility shared at a given level or delegated from one level to the other. Generally speaking, horizontal policy-making exists when departments or individuals within an organization of similar rank within the organizational hierarchy work collaboratively toward a common outcome. Hence, in horizontal policy-making, the involved institutions share responsibilities and have an equal opportunity to make their voices heard and as such influence the outcome of the policy formulation process. Given this commonality, this type of policy formulation is considered the more democratic process, in that many parties can be involved in formulating policy. It can also involve a considerably more protracted policy-making process, as there might be a requirement for a consensus to agree on the final decision. The inevitable consequence of a democratic process such as is involved in horizontal policy-making is that the final decision reflects so many perspectives that it often constitutes a watered-down agreement. That, however, is the nature of a democratic process in which no one party dictates policy to the others. In contrast to such a horizontal policy-making process, a vertical process is more of a "top-down" arrangement. Hence, in a vertical policy-making process, policy is largely dictated from above, the formulation process involves only a very limited amount of institutions, and compliance is expected at lower levels of the organizational hierarchy. Institutions at the lower level or outside of the inner formulation circle normally do not have a direct influence on the policy formulation process. However, even a vertical policy-making process may involve input or recommendations from the lower rungs of the organizational ladder, for example, in that research and analysis provided by those lower rungs may be instrumental in the upper level's decision-making process. Ultimately, however, it is the upper ranks that ultimately make the decisions and dictate the terms of that decision down the ladder. As such, vertical processes may be far less deliberative than horizontal ones, but decisions or policies can be made much faster, as the head of the organization is empowered to dictate policy.

The (Uncontrolled) Influence of Personal Aides and the High Degree of Informality

It has been discussed above that there is no denying the fact that the presidents are the most powerful actors in the policy-making process on the DPRK. While the president's dominant role in this decision-making process

is, at least to a large extent, embedded constitutionally, the immense influence of the personal aides to the president on the other hand raises serious questions on the democratic quality of South Korea's policy-making process with regard to its Northern neighbor. For instance, Roh Tae-woo's intimate, even familiar relation to his chief advisor Park Chul-un was an essential characteristic in the formulation of the *Nordpolitik* and dramatically changed the policy-making process, as the role of other relevant actors and institutions was by and large diminished. Similarly, the Sunshine Policy was defined and directed by two actors, namely Kim Dae-jung and his chief aide, Lim Dong-won, who exercised tight control over the planning, coordination, and implementation of policy toward North Korea. While there were a variety of actors and institutions involved in the general relations to the DPRK under Kim Dae-jung's rule, he was accused of having "closed the policymaking process to all but the closest of the president's aides" (Levin and Han 2002, 136). As Son (2006, 71) has aptly put it: "By forming an inner group of key policymakers, President Kim personalized South Korea's policymaking and implementation process to meet the requirements of his policy of engagement with North Korea." The North Korea policy-making of the Roh Moo-hyun administration was also characterized by a high degree of centralization, dominated above all by the NSC and particularly its deputy chief Lee Jong-seok, while defense and foreign ministers were put on the backburner. Hence, as a general fact that characterizes the decision-making of all South Korean administrations of the Sixth Republic, we can assess that this formulation process is highly closed, which means that only very limited numbers of actors were actually involved in this decision-making process. This in turn leads to a high degree of informality, which is to say that there is a wide gap between the official policy-making process as stipulated by the constitution and the actual formulation process of these policies. While there were some attempts at generating a greater degree of transparency, a high degree of informality with regard to the South's policy-making vis-à-vis the DPRK characterized all administrations of the Sixth Republic. Although South Korea has certainly entered the stage of mature democracy, the ROK's foreign policy-making on North Korea did not and still does not abide by a democratic process, but rather regularly involves secret deals which were repeatedly subject to criticism and even criminal investigations.[12] This high degree of informality is therefore a serious deficit in the democratic quality of South Korea's North Korea policy formulation that has manifold political consequences, for example, in that it is blinding

the administration and alienating domestic political actors, thus furthering the ideological divide between different political camps on North Korea policy. While foreign policy-making in general and with regard to such a sensitive issue as the ROK's relations to the DPRK are naturally made in the context of a limited group of key policy-makers, such a decision-making process in small and closed groups also has some weaknesses that not only leads to a certain degree of inefficiency but very well constitutes a deficit in democratic quality. For instance, alternating opinions are more often than not excluded from this process, which often leads the policy-makers inside the core decision-making group to adhere to a rigid belief system and automatically respond to any new information or (provocative) action by the DPRK according to an already set strategy.

THE LIMITED PARTICIPATION OF OPPOSITION PARTIES AND NON-STATE ACTORS IN THE FORMULATION OF SOUTH KOREA'S NORTH KOREA POLICY

All throughout the Sixth Republic, political parties, from both the ruling and particularly the opposition camp, had a very limited role in the formulation of South Korea's North Korea policies. Certainly, the precise role of the opposition parties hinges on the distribution of power, that is, if the president's party has the majority or minority in the National Assembly. For instance, both the Kim Dae-jung and Roh Moo-hyun administrations saw themselves confronted with a powerful opposition in the National Assembly. Moreover, the political parties and particularly the ruling parties are regularly briefed on the government's policies vis-à-vis the DPRK. Through such institutional structures as the Coordination Council, general information on the policies are distributed to all political parties. However, the role of the parties as political actors and their influence on the formulation and reformulation of these policies were structurally limited. This holds particularly true for the opposition parties, which more often than not are virtually excluded from the policy-making process.

While South Korea's formal democratization de facto broadened the space for public debate on North Korea and the issue of unification, there is still a considerable lack regarding the participation and inclusion of non-state actors in the process of policy-making vis-à-vis the DPRK. While there are many non-state actors that are, in one way or another, concerned with the DPRK, their influence on the formulation of North Korea policy remains limited.[13] There were, however, some attempts to bring a more

inclusive policy-making process on the DPRK; attempts that were directly aimed at broadening the role of the public in this process. For instance, following his inauguration, the Roh Moo-hyun administration initiated the "Open Forum for Unification" and the "Unification Minister-Policy Consumer Dialogue" in an effort to increase opportunities for the people to directly participate in policy-making and to forge a national consensus on unification issues and policies toward North Korea. The Open Forum for Unification is a two-way dialogue channel between the government and the public, in which the Unification Minister and senior officials from the Ministry brief the public on pending issues on government policies toward P'yŏngyang and inter-Korean relations, and, "take their opinions into consideration." The Forum was held 18 times in 2003 in Seoul and major provincial cities for leaders of various fields. In 2004, six Forums (with 970 participants) were held in the first six months, where groups with specialized functions such as representatives of women's organizations, foreign dignitaries in Korea, and specialists in unification education were invited. The Forum contributed to solidifying a base for national consensus by boosting people's interest in and understanding of inter-Korean relations and unification issues and raising their participatory awareness. In 2005, the Unification Minister-Policy Consumer Dialogue was initiated to target direct and indirect consumers of government policies. Its objectives are to provide the opportunity for the minister and senior officials from the Ministry to hear opinions about the actual situation as relayed by the consumers of policy, to incorporate their views into policy-making, and finally, to form policies that fulfill the demands of the people and raise their satisfaction.

Conclusions

This chapter aimed at assessing the democratic quality—as well as the deficits in democratic quality—in South Korea's North Korea policy-making process. Using Diamond and Morlino's discussion as theoretical reference point and reflecting on the vital nexus between national division and democratization, the study first provided a snapshot of the continuities and changes in South Korea's (North Korea) policy-making structure since Korea's formal democratization in 1987. Emanating from these elaborations, the fourth section then identified the main actors and institutions involved in this policy-making process, discussing the role of the president and his personal aides, the advisory organs such as the NSC, the MoU, and the role of the NIS. This debate provided a prerequisite for a

more comprehensive discussion of the main deficiencies of the democratic quality that are to be observed in the ROK's decision-making process on North Korea. The study has shown that despite South Korea having entered the stage of mature democracy, the ROK's policy-making on North Korea still does not abide by a democratic process. Although different actors and institutions have been centrally involved in this process, the policy-making structure has remained highly closed, personalized, and informal, therefore constituting a serious deficit in the democratic quality of South Korea's North Korea policy formulation.

NOTES

1. This (modified) listing is taken from: European Commission (2003): Policy Formulation and Implementation, available at: http://www.eltis.org/sites/eltis/files/kt9b_wm_en_6.pdf
2. Lee Jong-suk (2000, 31) refers to this phenomenon as "asymmetric interdependence." A similar concept is put forth by Park Myung-lim's "interface dynamics" (Park 1997, 44).
3. The National Unification Board (NUB) was the precursor to the Ministry of Unification. Established in 1969 by Park Chung-hee, the NUB was enhanced to the current Ministry of Unification in February 1998.
4. The first round of inter-Korean dialogue broke down in 1973, and it took another 15 years before inter-Korean relations were resumed on a high political level.
5. In 1994, the Republic of Korea (ROK) implemented a significant revision of the intelligence agency's charter, which effectively limited its activities. As a result, an "Information Committee" in the National Assembly was established to lay the foundation for the agency's removal from the political scene and an assumption of political neutrality.
6. In December 1993, Han Wan-Sang, without doubt the most progressive voice among the Gang of Four, was replaced as Unification Minister by the more conservative Lee Yung-duk.
7. After receiving his Ph.D., Lee Jong-seok lectured at several Korean universities and in 1994 became a researcher at the Sejong Institute, a private institution studying national security and inter-Korean relations. In 2002, he joined Mr. Roh's presidential campaign team, He had worked as an advisor to the Unification Ministry and traveled with Kim Dae-jung to Pyongyang in 2000 during the first meeting of the North and South Korean leaders. He caught the eye of Lim Dong-won, Kim Dae-jung's unification minister and the architect of Mr. Kim's "sunshine policy," who mentored him and introduced him to the liberal political thinkers who began gaining the upper hand during the Kim and especially in the Roh administrations.

8. Art. 92 of the constitution also invokes the Advisory Council on Democratic and Peaceful Unification (*minjup'y ŏnghwat'ongiljamunhoeŭi*), which "may be established to advise the President on the formulation of peaceful unification policy."

9. To argue as such is of course not to suggest that the MoFA is not involved at all in the process of policy formulation. There is a regular exchange between the two ministries in order to coordinate their respective approaches. This is because the formulation of North Korea policy is naturally closely linked to other foreign relations of the ROK, especially its relations to the USA, China, or Russia.

10. The National Intelligence Services (NIS) was founded as the Korea Central Intelligence Agency in 1961 following the coup d'état by Park Chung Hee. In 1981, the institution was renamed as "Agency for National Security Planning" as part of a series of reforms initiated by Chun Doohwan and in 1999 ultimately assumed its current name.

11. See: Homepage of the National Intelligence Service, Republic of Korea, http://eng.nis.go.kr/svc/major.do?method=content&cmid=11927

12. Certainly, the most prominent example in this regard is the so-called "Cash-for-Summit" scandal, which revolved around the secret payment of several hundreds of millions of US dollars allegedly made by the Kim Daejung administration to North Korea via Hyundai to secure the landmark June 2000 inter-Korean summit.

13. One qualitative reservation must be made, however, which is the mobility of individuals to move between the spaces of policy and academia, and/or economy. In the course of moving from outside the political realm to the inside, political ideas regarding the ROK's North Korea policy are brought into the political realm. However, while this may influence the strategic alignment of the policy itself, this does not directly influence the policymaking process itself.

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Conclusion

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The aim of this book was to take stock of the 30 years since Korea's transition to a formal democracy in 1987 and to examine the state of its democracy in 2017. Each of the chapters addresses a core issue regarding one or more of the eight dimensions of the quality of democracy: the rule of law, electoral accountability, inter-institutional accountability, political participation, political competition, freedom, equality, and responsiveness. All the contributors to this volume have detected developments in Korean democracy that began with a great leap in the first decade followed by yet another jump in progress after the first liberal president, Kim Dae-jung, took office in 1998. Only with the beginning of the conservative Lee Myung-bak administration in 2008 was democratic quality found to start deteriorating, its low point being the scandal of "Choi-gate" and the impeachment of President Park Geun-hye in 2016.

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THE IMPEACHMENT OF PRESIDENT PARK GEUN-HYE

A close friend of President Park, Choi Soon-sil, was granted access to confidential government documents and information in spite of lacking any official government position. Choi allegedly influenced decisions that belong to the exclusive jurisdiction of the presidential office and was indicted for extorting bribes and abusing power illegally. Choi-gate involved investigations by the Prosecutor's Office, the National Assembly, and the Special Prosecutor's Office; additionally, there was an impeachment motion against President Park, on which the Constitutional Court was still to rule at the time of this writing. The motion for impeaching President Park, mainly a result of mass demonstrations demanding her resignation, compelled parties in parliament to hold the head of the state responsible for her misdeeds. While President Park had held a couple of press conferences after she was charged with various acts of malpractice, her response was not perceived by the people as an adequate response. The impeachment motion lists serious allegations, such as having breached the constitutional principles of popular sovereignty, representative democracy, and the duty to comply with and to protect the constitution in executing her power by letting her close aide, Choi Soon-sil, wield influence over state affairs that are limited to the elected president.[1] By letting Choi decide on the nomination and resignation of civil servants such as ministers and vice-ministers, Park is accused of having violated the constitutional principles of the professional civil servants' system, the president's (exclusive) right to nominate civil servants, and the principle of equality. In addition, Park is said to have pressured private companies to extort funds and to intervene in internal decisions, for example, of personnel, which violates the constitutional guarantee of property rights, market economy order, and the freedom to choose one's occupation. The motion states that Park violated freedom of the press when she forced the president of a media outlet to resign for having made public documents that hinted at Choi's illegal activities. Later, the special prosecutor found evidence that Park also ordered the creation of blacklists to exclude important artists and cultural events from state funding, which parliament viewed as evidence of her having violated the constitutional principle of freedom of expression, the freedom of conscience, academic freedom, and freedom of the arts. Furthermore, Park is accused of failing to protect citizens' lives in the 2014 Sewol ferry disaster that killed over 300 people. The eight cases of bribery and/or extortion of private businesses that the motion lists constitute violations of the Criminal

Code, such as the crimes of accepting bribes, misuse of power, and coercion, as well as a violation of the Act on the Aggravated Punishment, etc., of Specific Crimes.

Primarily, the scandal surrounding President Park is a government crisis; however, it is also a symptomatic of the serious challenges, and thus impediments, to the quality of Korean democracy. The impeachment motion reads like a kaleidoscope of shortcomings central to Korea's polity, politics, and policies and thus reflects the issues that impede the development of democratic quality that are addressed in this volume.

"*I* Am the State" and Rule *by Law*

On one level, this extreme case of executive corruption relates closely to the aspects discussed in the first part of this book. As Jang-jip Choi argued in Chap. 2, the Korean polity is a hyper-centralized state with a strong president who has excessive power that is "anthropomorphized in the figure of the president" and goes back to strategies and structures of the authoritarian regimes of the past. According to his assessment, this trend has increased during the past decade. In its intensive sense, this hyper-centralized statism has to be understood as a condition in which decisions are made by small, exclusive groups within a hierarchical organization that resembles the style of former authoritarian regimes (with the president at the top); in its extensive sense, that state power extends beyond the public sphere and deeply encroaches upon social, economic, and cultural spheres. In particular, the state's excessive intervention into the economy, Choi points out, is a "state-guided economy" or "state-chaebol alliance," a problem that harks back to former times. This constellation is prone to inducing executive corruption, because the concentration of power in one person is an attractive entry point for "interest lobbying." However, the overall dominating state power is also the source of limited pluralism in regard to various aspects of the political system, such as political parties, labor, and the question of national division and unification. This is worrying because, according to Choi, "pluralistic development of society in terms of both structure and value" are crucial for accomplishing the "second transition" after the 1987 formal democratization, the transition to democratic quality. In a similar vein, Howe's chapter (Chap. 3) describes the characteristics of Korean democracy as a "prime example of a Schumpeterian elite model of democracy" that is designed and (mis-)used for the interests of an exclusive circle of wealthy and privileged people only

and thus does not serve the larger part of society's interests and needs. According to Howe, this state of democracy is not improving but, on the contrary, getting worse against the background of successive conservative governments and the growing global neoliberalist pressure. The country's elites in politics, economy, and society increasingly become more powerful, while the majority of the people must resort to extreme forms of participation, such as mass demonstrations, to make themselves heard. The people are increasingly losing trust in and becoming disenchanted with political institutions as a result of being subjected to inequality and discrimination as well as to ever-recurring corruption scandals. Looking at the developments from a human security perspective, Howe particularly takes into account the criteria of the mutually intertwined freedoms from want, fear, and indignity when assessing the quality of Korean democracy. He found increasing challenges to these freedoms not only but largely amplified by recent conservative administrations. Howe argues that the challenges to freedom from fear include the threat of a physical conflict with North Korea, the comparably high ratio of daily traffic deaths, deaths from man-made deficiencies in construction (e.g., collapse of bridges/department stores and subway fires) or traffic (e.g., the Seohae and Sewol ferry disasters), and food safety issues related to pandemics (e.g., MERS, SARS, H5N1, and BSE) or to nuclear contaminations (e.g., Fukushima). When it comes to freedom from want in particular, serious economic and social inequality, increasingly insecure employment conditions (including the foreign workers issue), and high unemployment rates can be cited as the most representative and severe factors curbing this freedom. These aforementioned restrictions of the freedom from want and fear are closely interrelated to the deficiencies of the freedom from indignity that also manifests in an excessively competitive society, likewise in education and in the job market, in extremely long study and work hours, in high suicide rates, and in discrimination based on gender, age, geography, university, and other factors. Based on this assessment, Howe concludes that Korea is "doubtless and quantifiably democratic, but it is lacking in the qualitative governance nuances which reflect an embodiment of the liberal democratic principles of freedom and equality in practice."

Another major issue is the precarious state of the rule of law in Korea, as shown in Hannes Mosler's chapter (Chap. 4). Besides a general trend of a weak institutionalization of the rule of law in Korea, the prosecution represents a particularly crucial, if not central, part of the corrupted chain of the rule of law. This is especially important when it comes to investigating

and prosecuting cases of executive corruption and/or collusion between politics and business. Mosler shows that while Korean prosecutors are sufficiently powerful in fulfilling their ascribed duties, this authority (on paper) is often indirectly claimed or curbed by more powerful political forces. Korean prosecutors can, in theory, be held accountable for their actions; however, in practice, accountability is often circumvented. The same can be detected regarding the independence and impartiality of prosecutors that suffer from interferences allowing the rule by law through prosecutors. The reasons for these and for other shortcomings regarding the institutions of the prosecution are manifold and have been subject to criticism as well as to reform attempts since the mid-1990s. Until today, however, aside from some undeniable incremental improvements, these efforts have largely remained without substantive success, as has been shown through various serious examples of continuously occurring prosecutors' misconduct during the preceding two decades. All in all, these findings concerning the basic structure and agency of the political and economic elites, and how they empower themselves while at the same time insulating their power from potentially challenging accountability, participation, and competition, make it clear that already at the outset of the polity's design and use, there are conditions that have worked against the development of democratic quality. Due to these deficiencies, the prosecution is not able to fulfill its role as the guardian of the rule of law—the basis for ensuring democratic quality in guaranteeing political rights, civil liberties, and mechanisms of accountability that are closely interrelated with the other dimensions of democratic quality.

DETERIORATING HUMAN RIGHTS AND A FAILING ECONOMIC DEMOCRATIZATION

Political rights and civil liberties comprise the center of human rights that include the right to life; freedom from torture; unlawful imprisonment and execution; the right to a fair trial; freedom of speech, thought, conscience, expression, press, and religion; and freedom of assembly, association, and organization. In his chapter dealing with human rights (Chap. 5), Hyo-Je Cho presents his finding that there has been reasonable progress in terms of civil liberties and a well-established legal, institutional, and administrative framework for human rights. In particular, he contends that with the Kim Dae-jung government, the development made further progress with

changes such as the establishment of the National Human Rights Commission of Korea, which "played a significant role in raising the public awareness of human rights and in making some concrete impact on [various] issues." Other forms of the institutionalization of human rights, such as the foundation of truth commissions dealing with the authoritarian past, can also be understood in this way. However, with respect to the conservative Lee Myung-bak administration, Cho also observed a "disturbing trend of reversal in the realization of human rights" in Korea. In an accounting of this trend, Cho enumerates diverse aspects that have been well known since the time of authoritarian rule—aspects that were thought to be overcome with the two liberal governments between 1998 and 2008. For example, government agencies increasingly invoked the notorious National Security Act, leading to severe violations of the freedom of expression of journalists and Internet bloggers, as well as of filmmakers, illustrators, and other artists. Furthermore, the ban on certain books and other publications, along with restrictions of content taught in classrooms, became a civil liberties concern. There were even restrictions regarding the right to peaceful assembly and association; for example, the "illegalization" of the Korean Teachers' and Education Workers' Union in 2014, the Constitutional Court's banning of the left-wing United Progressive Party, and the police's aggressive action against protesters at a demonstration, which ultimately led to the death of one participant who was severely injured by a water cannon. Additionally, the activities of the National Human Rights Commission of Korea were curbed, leading even the UN Human Rights Council to raise concerns before the action was rolled back. Cho makes clear that the "human rights situation in Korea has been clearly deteriorating under the conservative governments since 2008." He is, however, cautious not to oversimplify and to blame the conservative governments solely for all of the human rights regressions, since some of the issues had long existed and are partly rooted in other historical and cultural trajectories. This is important to take into account when identifying human rights problems and worsening trends. Cho also emphasizes the importance of understanding that there are two competing frameworks of interpretation of what human rights are or ought to be: a conservative interpretation on the one side and a progressive on the other, based respectively on a divergent idea of democracy. Accordingly, Cho sees here the underlying reason for the impediment of the development of human rights, because this different view of the issue makes it difficult to find consensus. Thus, a possible remedy for promoting human rights again lies in efforts to gain a mutual understanding of the two positions by way of

"engaging in genuine and constructive dialogue." That is why Cho (Chap. 5), in his chapter, argues for the need to develop a new framework of thought to properly understand the current state of affairs in human rights and the human rights–democracy nexus in Korea. Following this understanding, the aim should be to firmly institutionalize human rights and to empower the people with democratic citizenship; moreover, the judiciary must clearly depart from its authoritarian legacies, and the conservatives must shift themselves from their Cold War, anti-communist mentality to a more liberal mindset that is compatible with human rights in the twenty-first century.

Jin-Wook Shin examines the responsiveness of government and political parties in regard to the issue of (in-)equality and (in-)security by analyzing public opinion that he juxtaposes with actual agenda-setting and the people's evaluation of respective policies. He demonstrates that the interest in and demand for more equality and security among Koreans has been strongly rising, most recently since the financial crisis at the end of the 1990s, which came as a great shock—if not a paradigm shift—for most of the Koreans who had been used to continuous economic growth and job security. Since then, an ongoing trend has been classic inequalities, such as an ever-widening income gap, which is in part interrelated to the dualization of the labor market into regular and increasingly less regular employment arrangements, a steadily high unemployment rate, the disadvantaging of middle and small enterprises over larger ones, the discrimination of female employees, and growing inequalities in terms of assets. However, up to 2012, these pressing issues, which had been of serious concern to the majority of the people, did not become a part of important agendas—the precondition for solving the hardships. None of the governments—regardless of whether they were more liberal or more conservative—had seriously taken up these issues or proactively pushed for their solutions. Only in the regional elections of 2012 did welfare issues assume a high place on the election campaign agendas pushed by liberal parties and candidates. However, after these issues spilled over into the presidential election campaign later that year, they were co-opted by the conservatives, which ultimately led to their offset, because the liberals moved on to another battlefield that they thought would be more promising in terms of beating the conservatives' candidate—which ultimately turned out not to be the case. In other words, strong demands for equality and security were once more overridden by political fighting. And this, Shin argues, is due to the highly personalized mechanisms and dynamics of the political landscape in Korea, where political parties are

not institutionalized in a way that allows them to function in the way of a conveyer belt for the people's interests. What Shin sees as even more critical is that they do not sufficiently "participate in the formation of the people's political will," as stipulated in the Constitution as well as in the Party Act. That is why "no political party in Korea was capable of organizing and mobilizing the voters around these goals" (Shin), and thus the "citizens do not possess the power of realizing political accountability, that is, making politicians and political parties fear the voters' punishment for their non-responsiveness." This diagnosis corresponds with Cho's assessment that representative democracy and the party system become weaker in the face of a trend toward a "president-centered plebiscitary democracy," which is harming democratic quality in that "[w]ithout the input function [of political parties] the efficiency of the output function might reinforce authoritarian tendencies." In sum, the defective institutionalization of electoral politics with highly personalized campaigns and dysfunctional political parties are pointed out as core impediments to the realization of vertical accountability, political participation, and thus sound responsiveness, leading to a very low quality of parity.

This assessment is in line with the results presented by Hak-Jae Kim in his chapter (Chap. 7), where he argues that the dualization or division of the labor market and the welfare system can be explained with an "institutional complementarity" between these dualization phenomena and the asymmetrical power distribution in the political arena. Kim contends that even after the transition to a formal democracy at the end of the 1980s, legacies of the preceding developmental dictatorship continued to promote a multiplicity of dualizations that served the interest of big enterprises but negatively affected the majority of the people. In other words, he argues that the core workforce of standard employees in large enterprises are strongly protected, while others suffer from respective disadvantages due to a political regime that still acts mostly in favor of the middle-class and focuses on exclusive majoritarianism, which was aggravated by the path dependency of the original design of the developmental welfare system that hindered its sufficiently swift revision to fit the transition in the face of rapid deindustrialization. In particular, Kim views workers' empowerment to demand the effective realization of their interests which are, to date, impeded by their "limited power resources as [they have] low union density and collaborate[…] only weakly with political parties." Similarly, Choi argues that not only in 1987 but also afterwards, Korea failed to institutionalize labor in a way that guarantees the freedom of workers' associations and that labor and business should mutually recognize that they need each other for the sake of their respective

interests as well as for economic and social progress in general. The reforms in the aftermath of the financial crisis at the end of the 1990s further impeded such an institutionalization; rather it institutionalized a worker-unfriendly environment, leading to low labor organization rates and to competition between "regular" and "irregular" workers. In other words, the abstract concept of economic democratization that was introduced into the text of the new Constitution in 1987 had been failing. While during her campaign, President Park Geun-hye pledged to bring economic democratization to the people, this is one of the representative examples of her campaign promises that she did not keep; on the contrary, she even promoted deregulation policies that worsened this phenomenon. In his chapter (Chap. 8), Su-Dol Kang addresses the underlying reasons for low responsiveness, while focusing on labor in particular. From an alternative angle, he identifies a regime of "work society" that functions as an "addictive system" preventing people from realizing their empowerment and in turn from realizing effective political participation and competition. Kang points to the same phenomenon of disadvantage or exclusion of the majority of the people that Shin identified but traced back to deficient party institutions, and which was discussed by Kim as institutional complementarity. However, Kang goes beyond the dualization phenomenon and takes a more fundamental perspective from which he focuses on a structural dimension to diagnose a codependency of the chaebol-state complex on the one hand and the status-competition culture on the other, leading to self-exploitation of the people in general. Put differently, Kang stresses Korea's well-known developmental state strategy, which was the close collaboration between the state and the conglomerates, or the collusion between politics and business that would produce rapid economic development, and which after transition to a formal democracy would more and more empower business and its interests vis-à-vis a less and less interventional state. At the same time, Kang argues, workers struggling against their exploitation by the enterprises (supported by state suppression) led to the internalization of or to the identification with this aggression, or to the logic of capital, which ultimately translated into a self-exploiting mindset or culture manifesting in competition among themselves for higher status rather than solidarizing and allying together against the common opponent. In other words, he argues that existential fear feeds fragmentation among workers or people in general and their disenchantment with politics, which forms the basis for self-disempowerment. For equality in wealth distribution and freedom in self-determination, however, active and effective means for accountability and participation in the political realm regarding elections and

policy making, and in the economic realm of decision making with respect to production, working conditions, consumption, and welfare are fundamental preconditions. In this way, Kang repeats the argument of effective influence by the people on political–economic decisions as a crucial factor in guaranteeing government responsiveness.

MUTUALLY SELF-ENFORCING DIVISION AND IMPEDED DEMOCRACY

The antagonistic relationship between North Korea and South Korea is one of the critical factors negatively affecting the quality of Korean democracy. Although this is a well-known fact, it is seldom understood in its entire complexity. In his chapter (Chap. 9), Kevin Gray discusses these interrelationships as part of the peninsula's "division system" and draws our attention to the dynamics dating back to the establishment of the two Koreas in 1948, or at least to the post-Korean-war era of developmental dictatorship in the 1960s, and which continue to wield influence today— not the least of which is seen in the hegemony of the conservative political parties and conservative presidents, such as Lee Myung-bak and Park Geun-hye. Gray identifies impediments to the quality of Korean democracy stemming from the division that potentially poses a real threat manifested by an aggressive North Korea as well as that country's perceived threat, constructed mainly by conservative forces in the South. At the same time, a democracy whose quality is minimized because of alleged threats from North Korea must, to a respective degree, have less capacity to deal with North Korea in its foreign policy in order to alleviate the negative influence from the division system in the first place. This mutual constitutive relationship between division and restricted democracy is both self-enforcing and self-perpetuating. Gray, drawing on Gramsci, explains the autopoiesis of the system through the key factor of the "conservative historical bloc" that emerged in the strongly anti-communist context of the Cold War and installed a conservative-rightist hegemony in Korea, leaving the left-from-the-middle half of the political spectrum in a dark shadow. This bloc integrates various forces that might have collaborated with the Japanese during the colonial period, economic beneficiaries of the developmental dictatorship, the authoritarian government's agents themselves, and other share- or stakeholders in business, politics, or the media, as well as followers in the wider society. The strength or legitimacy of this bloc lies in its historical achievement and rapid industrialization, which led to

economic growth and wealth, and its anti-communist ideology as an infinite source of its raison d'être. In other words,

> […] it is not simply the case that national division is impeding the quality of democracy in Korea. Conversely, the legacies of authoritarianism are inhibiting the development of policies that might alleviate the tensions surrounding national division, or more ambitiously, make meaningful steps towards a mutually consensual process of national unification.

So, there are two directions that can be identified as restricting democratic quality: the impediment stemming from the division and how it is used for biased propaganda leverage in Korea and, as a result, Korea's foreign policy toward North Korea, which is, more often than not, bluntly hostile and thus not facilitative for rapprochement and for alleviating effects on the division.

The former correlation that flows from the division between North and Korea to the conflict between conservative and progressive in Korea is discussed in the chapter by Eun-Jeung Lee (Chap. 10), who addresses this phenomenon from the perspective of the politics of fear regarding the issue of unification. A well-known strategy used by authoritarian regimes, as well as by formally democratic governments and populist movements or parties, is suppression and manipulation through the evoking of negative emotions among the populace regarding a person, a policy, or any other issue at stake. These instrumentalized emotions are then used to sway public opinion to benefit the regimes' or governments' interests. One of the most representative examples is Nazi Germany, where the Nazis instilled fear and terror by brute force but also by demonizing Jews and other nations, and by constructing many allegedly "threatening" Others in order to form a strong, "Arian" Us, ultimately leading to the well-known catastrophe of the twentieth century. Additionally, after 9/11, in the name of the War on Terror, fundamental values of liberal democracy were curtailed, an action to which the majority of people consented out of fear. Brexit, as well as other successful election turnouts of rightist, populist political parties in Europe show clearly that the politics of fear is employed universally and does not have an expiration date. Drawing on the relevant literature, Lee explains the strength of the fearmongering method by pointing to the survival instinct triggered in every human when confronted with danger—irrespective of whether the danger is real or merely perceived as real. In the case of Korea, real fear has been easily produced by connecting the collective

memory of the Korean War with the idea of its possible reoccurrence in the form of a North Korean invasion, based on the logic of a unification war. Anti-communism was installed in Korea after the division in 1945 as a result of the occupation of the North by Soviet Union military forces, and of the South by US-American forces that would integrate both Koreas into the ensuing polarization of the world: two ideological blocs. The Cold War and the establishment of the two Koreas in 1948 strengthened the ideological polarization between the two Koreas and the suppression of the respective other hegemonic ideology on each of the two Koreas. But it was the Korean War, with all its atrocities, that became the empirical, historical experience that immediately was tied to collective memory and which has been kept alive to this day. This is the main source for Korean conservatives to draw on for fearmongering, a strategy that was initiated by the first president, Rhee Syngman, and which was mobilized by the succeeding authoritarian governments as a powerful leverage for suppressing any kind of critique against or deviation from the line of developmental dictatorship. An important part of deep-rooted anti-communism and respective anxiety was the legal institutionalization of anti-communism, which was realized through the passing of various suppressive legal norms, such as the National Security Act (1948), the Defense Security Act (1948), the Anti-Communism Act (1961), and the Korean Central Intelligence Agency Act (1961), to name only the most representative. In particular, the National Security Act is well known for being used to suppress opposition of any kind, and it is still in force today; since the Lee Myung-bak administration, it has been increasingly invoked, leading to a strengthening and conservation of an anti-communism based on fear, which in turn is rooted in the collective memory of the Korean War. According to Lee, "[t]he stability of this particular structure of feelings, which is permanently evoked and thereby strengthened by the conservative camp, has made a considerable contribution to establishing the dominant position of this camp in the Korean democratic system since 1987." It is evident that in a country dominated by anti-communism, the discourse on unification (with the Other) cannot be but tremendously curtailed or biased. This clarifies how the history and empirical reality of division leads to a restrained democracy in which there are many limitations due to this basic ideological bias, which is upheld by conservative forces and respective institutions, as discussed in Gray's chapter (Chap. 9). For Lee, following ideas from the literature, a way of developing a solution to break out of this vicious cycle of the "antagonistically interdependent relationship" is to invoke a discourse that

decouples nation and unification from each other and thus enables rapprochement on the level of the divided nation, irrespective of developments on the political or economic level. Lee maintains that this would help to free the discourse from emotional detachment, which is one-sidedly dominated by anti-communism, and to open an arena in which—democratically—issues of unification can be thought about and debated.

In this way, the politics of fear can be understood as a fundamental characteristic of Korean politics and society that underlies all aspects and generates an always uneven playing field that is inclined to one side in favor of the conservatives. Jang-Jip Choi (Chap. 2, in this volume) agrees with the fact that the conservative establishment in Korea still dominates "all areas and strata of society" and thus influences, in particular, North Korea policy even when a liberal government is in power, thereby leading to a reversal of the détente policies toward the North after the conservative President Lee Myung-bak took power. At the same time, however, Choi draws our attention to yet another dimension in this regard, namely the capacity of the government for dealing with North Korea while coping with issues in the inter- and inner-Korean, as well as the international, realm. Relating to the German unification process, Choi argues that it is a crucial precondition for a productive and, in the end, successful North Korea policy to be based on a domestic basic consensus that is shared by the majority of political actors, because only then can difficult questions in the realm of international relations be addressed in a more self-confident manner. The issue of North Korea's nuclear program and/or North Korea's ultimate need and demand for a guarantee of its security is a question that cannot be solved bilaterally between the two Koreas but relates to, at least, the six parties of the region. In other words, Choi contends that Korea can only empower itself to induce other involved actors in the international arena into a constructive course on North Korea, if it is sufficiently based on a solid domestic foundation. However, since "Korea failed to institutionalize the conflicts surrounding the central issue in the national agenda" (i.e., how to deal with North Korea), neither continuity of nor consensus on Korea's North Korea policy was possible, and thus its position in international relations constantly has been significantly weakened. In other words, Choi argues for a necessary self-empowerment of Korea domestically in order to make a change on the international level and leading the way to end the division that burdens the development of democratic quality. In his chapter (Chap. 11), Eric J. Ballbach examines, on a micro level, how the failure of dealing with the controversial issue of North Korea manifests in

the policy-making process. In other words, while Lee sheds light on how this impedes the development of democratic quality by restricting democratic deliberation in general, Ballbach's chapter (Chap. 11) explains how the South–South divide affects policy making toward North Korea in particular. His analysis shows that this policy-making process is overly exclusive in that its structure is "very closed, personalized, and informal," meaning that only a very limited number of actors are involved in the process, that the majority of decisions depend on the president and some of his or her closest aides, and that the decision processes are mostly informal. All in all, this leads to a limited capacity of the government when it comes to foreign policy toward North Korea, because it narrows the basic view of the policy-making process, alienates excluded actors (such as political parties in general and opposition parties in particular, not to mention non-government organizations), and produces ideologically biased and exclusive outcomes, which in turn lead to a static, restricted, and thus easily predictable strategy that is vulnerable and ineffective. As a result, this leads to policies toward North Korea that are critically handicapped.

The Quality of Democracy After Formal Democracy

All the chapters trace a regression or impediment of the democratic quality in Korea since the Lee Myung-bak administration in 2008 and shed light on various underlying reasons for this development. Taken together, it is seen that in Korea, there is a basic antagonistic constellation surrounding the conflict between hegemonic conservative and challenging liberal forces harking back to historical trajectories, maintained as well as reinforced on the basis of the potential threat from North Korean aggression and due to the effects of a further consolidating neo-liberal regime. The national divide between North and South Korea translates into a domestic divide within Korea for the benefit of the conservative, rightist anti-communist forces that thereby can strengthen their self-construction as a guardian against the falling prey of North Korean aggression. This uneven playing field of the political landscape decreases the likelihood of a compromise being reached between the contesting camps on fundamental issues such as unification, historiography, labor relations, foreign policy, welfare, human rights, and the environment. In addition, conservative forces have been closely related to business conglomerates and thus tend to be business-friendly, which in turn makes it difficult to realize reforms for economic democratization that could lead to the alleviation of inequality

and indignity experienced by an ever-growing share of the Korean people. Obviously, this antagonistic structure complicates consensus building as a basis for a representative, pluralistic, and deliberative democracy. The asymmetric design of political institutions has been reforming since the end of the 1980s; however, it still shows characteristics inhibiting rather than promoting the improvement of the antagonism reflected in decision-making processes and their outcomes. At the core of the hyper-centralized state, there is a hyper-presidential system, leading to a winner-take-all culture in politics, which is sustained by a system of a single-term president, single-member constituencies, close to nonexistent proportional representation, and restrictive legislation of party organization and activities. Moreover, informal institutions, such as personalism, factionalism, and regionalism, add up to a political institutional landscape that prevents consensus-oriented representation based on the manifold interests of the people and reflected in plural party platforms and programs. The continuing reoccurrence of executive corruption, gridlock in parliament, splits and mergers of political parties, malpractice in government agencies (e.g., the prosecution or the police), and unsatisfactory domestic and foreign policy making fuels the people's distrust in and their disenchantment with political institutions. When it comes to serious crises in political institutions, however, people do take to the streets and demonstrate their opposition to, for example, the false impeachment of President Roh Moo-hyun in 2004, an irresponsible decision regarding beef imports by President Lee Myung-bak, and President Park Geun-hye's misdeeds and the way in which she dealt with the public's demand for satisfying explanations. In other words, the Korean people are prepared to participate in the democratic idea; what is needed is an appropriate opportunity structure to engage them accordingly. The chapters of this volume shed light on the weaknesses and increasing deterioration of Korean democracy over the course of the last 30 years. Recent government crises in the form of, and surrounding, Choi-gate and the impeachment of President Park highlight these weaknesses once more in a dramatic manner and thus draw our attention to the urgent task of addressing them appropriately if the declared aim is promoting and enjoying the quality of democracy.

Notes

1. This includes the accusation of having violated the Criminal Code that forbids the leakage of official documents that are classified as secret.

Index[1]

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[1] Note: Page numbers followed by "n" refer to notes