

South Korean Social Movements

From democracy to civil society

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9 The institutionalization of the women's movement and gender legislation

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The growing strength of the non-governmental sector, particularly women's organizations and feminist groups, has become a driving force for change. Non-governmental organizations have played an important advocacy role in advancing legislation or mechanisms to ensure the promotion of women.
(1995 Beijing Platform for Action, the Fourth UN Conference on Women)

I believe that Koreans will succeed in rapidly improving women's rights in the same way they were able to dynamically achieve democratization from the dark period of dictatorship.¹

(Ji Eun-hee, Former Minister of Gender Equality)

In September 2000, a fire broke out in the red-light district of Kunsan, Korea. Locked up by brothel owners and gangsters, five women in their twenties tragically lost their lives in the flames. In response, the United Korean Women's Association (UKWA), one of two representative organizations in the women's movement, sent a petition to the National Assembly for the protection of prostitutes and enforcement of penalties against brothel owners in November 2001. However, before legislation was passed, Kunsan burst into flames once again in January 2002. This time, the fire killed 14 female detainees, generating an urgent need to devise legislation related to preventing the sex trade and the protection of prostitutes.

In September 2002, female legislator Cho Bae-sook proposed an anti-prostitution bill that contained measures to punish brothel owners and male clients, and safeguard female victims of prostitution. Following suit, Ji Eun-hee, the Minister of Gender Equality and the former president of the UKWA, proposed a similar bill which she actively lobbied to both male and female legislators. Two years later at its General Meeting in March 2004, the National Assembly approved the Act on the Prevention of the Sex Trade and Protection of its Victims. Shortly after the bill's enactment in September 2004, Kang Keum-sil, the first female Minister of Justice at the time, began cracking down on South Korea's red-light districts by enforcing penalties on brothel owners and their clients. The Act on the Prevention of the Sex Trade and Protection

of its Victims is one of the women's movement organizations' many triumphs; their efforts led to the Abolition of Patriarchal Family Register System Act, Special Act against Sexual Violence, Anti-Domestic Abuse Act, and many other gender-specific laws.

This study grounds these triumphs in the institutionalization of the women's movement, and the political climate and key figures that made it possible. Although the role of women's movement organizations and feminist groups was indispensable in raising awareness about gender issues, the successful legislation they achieved must also be attributed to a variety of other essential factors. First, the political influence of female legislators and ministers such as Cho Bae-sook, Ji Eun-hee, and Kang Geum-sil were vital to the proposal and legislation of gender-relevant bills. Furthermore, the establishment of the Ministry of Gender Equality (MGE) was critical in creating an institutional space that allowed female activists to leverage their power to advance the goals of the women's movement.² Such a space was largely possible due to the successive reform-based regimes of Kim Dae Jung (1998–2003) and Roh Moo Hyun (2003–2008). Both administrations created favorable conditions for social movement groups outside the traditional realm of politics to actively participate and directly intervene in institutional politics. For example, as discussed in Chapter 5, during Kim Dae Jung's tenure, the National Human Rights Commission was established. In addition, former activists from social movement groups were able to secure political posts, serving either as high-ranking officials in presidential administrations or as legislators in the National Assembly (see Chapter 7).

However, the women's movement is a unique case of movement institutionalization within the larger context of South Korean civil society in two distinct ways. First, the Ministry of Gender Equality was a formal ministry-level institution that had its own committee – the Gender Equality Committee – within the National Assembly. Having an independent committee was particularly advantageous since committee meetings served as a more effective forum to persuade and influence legislators to pass bills through to National Assembly General Meetings. Second, compared to other social movement groups, proponents of gender equality were able to dramatically increase the number of female legislators in the National Assembly. Our analysis revealed a high correlation between the establishment of the MGE and the expansion of its representative base on the number of gender equality bills proposed and discussed in the National Assembly.

The following discussion is divided into three sections. In the first section, we discuss two important factors which enabled the institutionalization of the women's movement: the cooperative efforts of women's movement organizations and the top-down impact caused by transformations in the South Korean political context. In the subsequent section, we assess the extent of the institutionalization by examining the increase in female legislators and the scope and size of the MGE. Finally, in the third section, we empirically explore the institutionalization's impact on the legislative process in South Korea. We conclude by discussing the difficulties and challenges the women's movement has yet to overcome.

Causes of movement institutionalization

Historical precedence of the women's movement

The history of the contemporary women's movement dates back to 1959 with the establishment of the Korean National Council of Women (KNCW). The KNCW was a coalition that included eight women's movement organizations such as the YWCA in Korea and the Korean Wives' Association. Founded by powerful and conservative female activists such as Kim Hwal-ilan and Park Maria, the KNCW continuously advocated women's issues such as the right to participate in modernization and national security, population control, and the revision of the patriarchal family law. During the military regimes in the 1970s and 1980s, the KNCW expanded to include over 20 affiliated organizations. Following Korea's democratization, it became one of the two representative organizations of the women's movement (along with the UKWA).

University education played a formidable role in the development of feminism in South Korea. In 1977, Ewha Women's University was the first university in Asia to offer general courses in Women's Studies, and Masters courses in 1982 as well. This initiative was spearheaded by feminist scholars such as Lee Hyo-ja, a participant in the First World Conference on Women held in Mexico City in 1975. "Equality, Development, and Peace" – the motto for the United Nations-sponsored conference – inspired and challenged Korean women to pursue such goals in their own country. Influenced by Ehwa's curriculum, many of its students subsequently became activists in the women's movement. The social networks of the Ehwa alumnae and the Christian Academy, another famous educational institution for Women's Studies in the 1960s and 1970s, later facilitated coordination between women's movement activists and institutional / non-institutional female actors such as former Ministers of Gender Equality, Han Myung-sook and Ji Eun-hee.

In addition to the university, the South Korean labor movement engendered a female political force that included former activists such as Shim Sang-jung and Choi Soon-young, who became future legislators in the Democratic Labor Party in 2004. During the peak of the movement in the 1970s, female workers in light industry companies such as Dong-il Textile, Nam-young Nylon, Hae-tae Confectionary, and YH Trade became primary participants in the struggle for improved workplace conditions. In concert with like-minded leaders and groups such as church organizations, female workers fought for formal labor unions and humane treatment from their employers (Koo 2001). When the company announced it would be closing down, the YH Trade Union protested by staging a 40-hour take-over of the New Democratic Party headquarters. The riot police's brutal suppression of the strike killed female worker, Kim Kyung-sook, causing an uproar against the repressive Park Chung Hee government.

After Korea's transition to democratic governance in 1987, several women's movement organizations were instrumental in bringing reformative and progressive gender issues to the forefront. One significant group was the aforementioned United Korean Women's Association (UKWA). Given the active

role it played in the movement that led to the transition from authoritarian to democratic governance, the UKWA emerged as the representative reform-based organization of the women's movement. In February 1987, it was established as a national-level coalition and encompassed 21 affiliated women's movement organizations that consisted primarily of former democracy movement activists.

During the 1990s and 2000s, the women's movement achieved institutional ties within the government, creating a firm base for mobilization in and through South Korean politics. Its success is perhaps best explained by considering the work of social movement scholars who study mobilizing structures and the activities of movement organizations. Many of them attribute the successful outcomes of social movements to their unitary focus, centralized structure, lack of factions, and the formation of widespread alliances with local groups (McAdam *et al.* 1996; Gamson 1990; Giugni 1998b). In the case of South Korea, various organizations within the women's movement formed strong alliances and collectively worked toward the same goals.

In the 1990s, formerly disparate groups in the women's movement formed an alliance in order to incorporate gender rights into the broader political agenda. They cooperated with one another in support of diverse gender-related issues such as collective action pertaining to historical redress for Japan's trade in Korean sex slaves, educational issues by the Parents' League, or childcare issues (as demonstrated by the subsequent legislation of the *Infant and Childcare Act*). One exemplary alliance was the coalition made between the KNCW and UKWA, the two cornerstone organizations in the women's movement. After several preparatory meetings in 1993, they founded Women Korea, a new organization whose primary focus was to increase female participation in the National Assembly. Lee Yeon-sook and Lee Mi-kyung, the leaders of Women Korea, had respectively been the previous presidents of the KNCW and UKWA. Under the umbrella of Women Korea, fifty-six movement organizations united and worked in concert to enhance the political participation of women. Subsequently building upon the Women Korea coalition (1994–2002), the Women's Politics Network was also established in 1998 to advocate for the increased participation of women in institutional politics. Moreover, right before the 2004 election in, 321 women's movement organizations formed a coalition under the umbrella of the Women for Corruption-Free Politics in order to advocate for a minimum quota of female lawmakers.

Demands for the political engagement of women extended beyond increasing the number of female legislators in the National Assembly. Women's groups also stipulated the institutionalization of a gender-related ministry through which they could place their concerns on the political agenda. Beginning in 1977, the KNCW had been the main party that persistently submitted propositions regarding both the creation of such an institution and the increase of female politicians. By 1998, both presidents of the KNCW and UKWA began to advocate the need for a gender-focused ministry to both the public and the Kim Dae Jung administration.

The demands of the South Korean women's movement in the late 1990s were closely aligned with global trends related to the enhancement of women's

political participation, an agenda which was explicitly proclaimed in conferences such as the 1995 Fourth World Conference on Women (Beijing, China). Ninety-six organizations and approximately 600 representatives from South Korea participated. Following the conference, the women's movement changed its slogan from 'politics of influence' to 'politics of engagement,' highlighting the active role it intended to play in increasing female legislators and establishing a formal administrative body to represent their agenda. Adopting this slogan, both the UKWA and KNCW worked together to enhance female involvement in the political process, achieve political power, and pass legislation of gender-relevant bills.

Favorable political contexts: the Kim Dae Jung and Roh Moo Hyun administrations

Contextualizing the social movement in relation to the greater political environment in which it was situated is crucial to understanding its success (Eisinger 1973). Conceptualized by sociologists as *political opportunity structures* that provide external prospects and incentives for social movements (Tarrow 1994), political context is considered a crucial factor for determining their emergence and outcomes. The relative openness or closure of the institutionalized political system, the stability of elite alignments, the presence of elite allies, and the state's capacity and propensity for repression are all dimensions which shape and characterize the political environment (McAdam *et al.* 1996). In the case of South Korea, the successive reform-based regimes of Kim Dae Jung and Roh Moo Hyun (1998–2008) provided a generally favorable political environment that facilitated the cooperative efforts of the national women's movement.

Kim Dae Jung's rise to power in 1998 marked the first peaceful turnover of political power by the opposition party in 50 years, and the establishment of the first non-conservative administration. Both the Kim and Roh administrations were distinct from previous regimes in that they moved away from selecting political elites from Kyungsang province, and were ideologically less conservative and more reform-oriented. Within these reform-based governments, former democracy movement activists were able to secure political posts and serve as high-ranking officials in the government and legislators in the National Assembly (see Chapter 7). Given their joint participation in democracy movements throughout the 1970s and 1980s, these elites shared common experiences and orientations with other female women's movement activists. In sharp distinction from the past, during the Kim and Roh regimes, state elites were perceived as political allies rather than repressive antagonists. Capitalizing on this uniquely favorable political climate, women's movement organizations started acting on the 'politics of engagement' slogan by specifying their demands and aggressively lobbying for a gender-related ministry that would represent their concerns. One of Kim Dae Jung's election pledges in 1998 had been to establish a gender-related ministry. Similarly, during his campaign, Roh Moo Hyun's vowed to enlarge childcare services to facilitate the economic engagement of females.³ After their respective elections, both the

Kim and Roh administrations fulfilled their election promises by establishing, and subsequently enlarging, a gender-related ministry.⁴

In 1998, the Kim administration instituted the Presidential Commission on Women's Affairs, a special committee dedicated to gender policies. However, this commission was unable to independently initiate bills and had a limited administrative staff and budget. Therefore, numerous organizations including the UKWA and its 29 affiliated subgroups, as well as the KNCW and its 35 subgroups, merged under a single banner to rally for a ministry-level institution. In 2001, the Kim administration established the Ministry of Gender Equality (MGE). Subsequently, when the women's movement sought to further expand the ministry, the Roh Moo Hyun administration decided to add childcare policies to the MGE, expanding it to become the Ministry of Gender Equality and Family (MGEF).

The introduction of a new proportional representation (PR) system during Kim Dae Jung's presidency further contributed to the favorable political environment for the women's movement. Political scientists and sociologists have shown that in contrast to the previous plurality system, the PR system increases the chances for female politicians to be elected. Under the PR system, citizens vote for political parties that have pre-selected candidates who are later elected in proportion to the number of votes their parties receive. Analysts argue that this system compels parties to balance gender in their long lists of candidates. In contrast, within the plurality system, parties must choose only one candidate (regardless of gender) in each district, who is then elected according to the highest number of votes (Paxton 1997; Kenworthy and Malami 1999; Reynolds 1999; Paxton *et al.* 2007).

In South Korea, the majority of legislators had been elected through the plurality system, while only a small number through proportional representation. However, it is perhaps more accurate to refer to it as a quasi-PR system in that PR legislators were allocated in proportion to the number of votes earned by parties from the plurality system first. Accordingly, in July 2001, the South Korean Constitutional Court ruled the previous quasi-PR system unconstitutional and ordered the adoption of the new PR electoral system. After this ruling, local elections began employing party-registered proportional representation beginning in 2002, and in general elections from 2004. This system-level change opened the political opportunity for women to increase their numbers in the National Assembly.

As part of their advocacy efforts for a minimum quota of female lawmakers, conservative and reformative organizations joined coalition organizations such as Women Korea, Women's Politics Network, Women Solidarity, and Women for Corruption-Free Politics. When the Political Party Law passed in 2004, their joint demands for a quota of 30 percent in the plurality system and 50 percent in the PR system for female candidates were finally answered. Due to this law, major parties found it difficult to ignore or violate the gender quota since 50.9 percent of the constituency consisted of women.

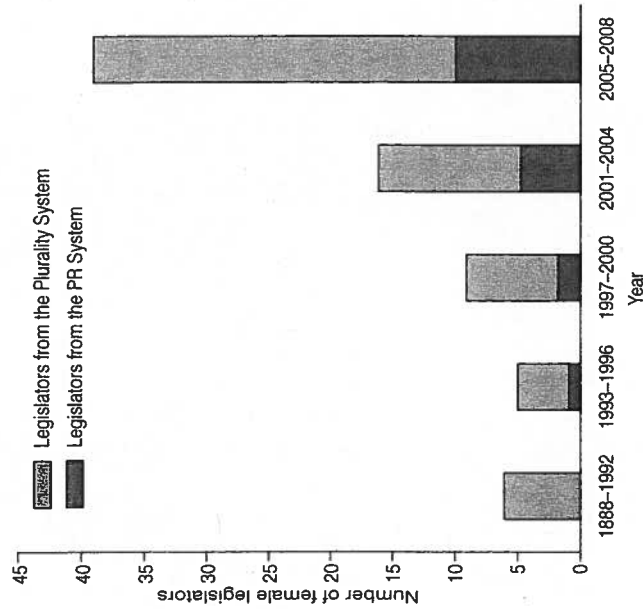
Institutionalization of the women's movement

Meyer and Tarrow (1998) define institutionalization as the creation of a repeatable and self-sustaining process in which authorities and challengers can resort to well-established and familiar routines. Feminist Studies scholars such as Ferree and Martin (1995) expand upon those definitions by submitting that the institutionalization of women's movement organizations is the development of regular and routinized relationships with other existing institutions. Fusing these two strands of sociological and feminist scholarship, we define the institutionalization of the South Korean women's movement as the creation of a self-sustaining process through which women's movement organizations and activists were able to influence the decision-making of political organizations such as the government and the National Assembly. The amplified presence of female legislators and organizational change in the government (through the establishment of a gender-related ministry) are the conditions which indicate the institutionalization of the women's movement (Viterna and Fallon 2008). In order to assess the degree of this institutionalization, we first analyze the increasing number of female legislators in the National Assembly, a frequently used parameter in estimating women's political representation (Kenworthy and Malami 1999; Paxton *et al.* 2007). Next, we explore the accessibility of administrative officials in the establishment and enlargement of the MGE.

Increasing women's participation in the National Assembly

Figure 9.1 shows the gradual increase in the number of female legislators in South Korea. In the 1992 General Election, there were only five female legislators. Four years later in 1996, there were nine females, and 16 in 2000. By the 2004 election, the number rose to 39. Although female legislators comprised only 13 percent out of the 299 legislators in 2004, this proportion is remarkably higher than the 5.9 percent in the 2000 election.

The dramatic increase in female legislators from 2004 to 2008 can be largely attributed to the new PR electoral system that was instated in 2004. Major parties followed the new Political Party Law which stipulated a 50/50 gender quota in the list of PR candidates for the 2004 election. As a result, the number of PR female legislators rose to 29 in 2004, exceeding the cumulative number of all female legislators elected in both 1996 and 2000. In the 2000 and 2004 General Elections, there was equal representation amongst female legislators in both the conservative and reform-based parties. In 2000, eight legislators were affiliated with the reform-focused New Millennium Party, while seven legislators were affiliated with the conservative Grand National Party. Likewise, in 2004, 16 females belonged to the reform-oriented Uri Party, and 17 to the Grand National Party. Although the number of female legislators in the two parties was equivalent, their personal backgrounds were dissimilar. In the 2004 election, female legislators such as Han Myung-sook, Lee Mi-kyung, Lee Kyung-sook, Kang Hye-sook, Chang Hyang-sook, and Kim Hee-sun of the Uri Party had been activists in earlier women's movement organizations

Figure 9.1 The increasing number of female legislators³

Source: The Korean Women's Development Institute

such as the UKWA, Korean Womenlink, Korean Women's Hotline, and Differently Abled Women United. In contrast, female legislators in the conservative Grand National Party had all held successful careers in their respective fields. For example, Kim Ae-sil was the first female Ph.D. in Economics, Chun Chae-hee, the first female mayor, and Park Chan-sook, the first female news anchor; Lee Kye-kyung had been the representative director of Women News, and Na Kyung-won had been a judge in the Seoul Administrative Court.

The Ministry of Gender Equality

Soon after Korea's transition to democratic governance under Roh Tae Woo, a preliminary form of the Ministry of Gender Equality (MGE) was concomitantly established with the creation of the Ministry of Political Affairs II in February 1988. Although the MGE was subsumed under the Ministry of Political Affairs, its formation was significant. Independent of the Ministry of Health and Society for the first time, it primarily focused on policies pertinent to women. However, its role was restricted to mediating or executing gender-related policies that were *first* initiated by the president, prime minister, or other independent ministries. In lieu of such limitations, in the 1990s, women's rights activists insisted upon

a ministry-level institution solely dedicated to instilling gender policies. In response, the Kim Dae Jung administration introduced the Special Commission on Women's Affairs in 1998, the first independent political institution for gender policy in South Korea. The commission was able to independently initiate bills such as the *Act on Abolition of Gender Discrimination*. However, dissatisfied with the Commission's limited administrative staff and budget, the women's movement subsequently requested that an independent ministry be established in its place. Once again, the Kim Dae Jung administration's compliance sanctioned the establishment of the Ministry of Gender Equality (MGE) in January 2001.

Initially, the scope and size of the MGE was modest, consisting of three departments with approximately 100 staff members. However, working in close cooperation with women's movement organizations, the MGE was instrumental in successfully proposing and passing gender-related bills such as the *Abolition of Patriarchal Family Register System Act*, *Anti-Prostitution Act*, *Special Act against Sexual Violence*, and others. Based on this success, in 2004, the Roh Moo Hyun administration expanded the MGE into the Ministry of Gender Equality and Family (MGEF). This allowed the MGE to take over childcare policies from the Ministry of Health and Welfare and combine it with other gender policies created to enhance women's economic and social participation. The MGEF later grew to include four departments with 176 officials.

The successful formation and expansion of the MGE created opportunities for women's movement activists to obtain administrative posts within the government and participate in the political process from the inside. Due to their expertise on gender problems in Korean society, women's rights activists were recruited by the MGE whereby top positions were typically reserved for important leaders in the larger women's movement. For example, Yoon Hu-jung, the first minister of the Special Commission on Women's Affairs, and former president of both Ewha Women's University and the Korean Association of Women's Studies, had been involved in the movement to abolish the Patriarchal Family Register System since 1974. Han Myung-sook, also one of Korea's most famous female activists, had been the first minister of the MGE, and had worked as an activist since the 1960s; she served as secretary of the Christian Academy, lecturer at Ewha Women's University, and president of both Korean Womenlink and the UKWA. During her tenure as minister, the UKWA and KNCW functioned as advisory bodies of the MGE. The second minister of the MGE, Ji Eun-hee, previously served as the president of Korean Womenlink and the UKWA. Chang Ha-jin, the third minister of the MGE and the first minister of the MGEF, had been the president of the Korean Women's Development Institute. The former affiliations and experiences of these ministers were crucial to facilitating communication and cooperation between women's movement groups and administrative officials working in the government.

Consequences of institutionalization

Previous studies on the outcomes of social movement mobilization assert that the structures and activities of organizations and activists, changing political

opportunities, and public opinion all influence policy outcomes (Giugni *et al.* 1998; McCommon *et al.* 2001; Soule and Olzak 2004). Scholars have examined these contingencies, noting that the mobilization of movements bears particularly positive effects on policy when aided by a favorable political climate (Amenta *et al.* 1992; Amenta *et al.* 1994; Cress and Snow 2000).

In the previous section, we described how the synthesis of successive reform-based administrations and the coalition of women's movement organizations led to the successful institutionalization of the women's movement. In this section, we concentrate on the significant impact this institutionalization had on the legislative process in terms of the number of gender-relevant bills that were proposed and presented to the National Assembly. We contend that both the increasing number of female legislators as well as the creation and enlargement of the MGE facilitated the successful legislation of gender-related bills; similar to the opportunities afforded by the reformative Kim and Roh governments, such factors contributed to a favorable political climate for the women's movement.⁶

Gender-relevant legislation: impact of the MGE and female legislators

Gender-related bills can be categorized according to the relevant National Assembly committee responsible for their review. Before 1999, these bills had been under the jurisdiction of many different committees, including the Health and Welfare Committee, the Legislative and Judiciary Committee, the Environment and Labor Committee, and others. Following the establishment of the Ministry of Gender Equality, however, gender-relevant bills fell under the jurisdiction of the Gender Equality Committee, a corresponding committee of the MGE (Figure 9.2).

Typically, smaller ministries in the administration are not represented by independent committees in the National Assembly. For example, although the Ministry of Labor and the Ministry of Environment are separate entities, they are both housed under the larger and independent Environment and Labor Committee. In contrast, the MGE had its own committee, which allowed the minister and other officials to participate in committee meetings and provide their

13th to 16th Assembly (1988–2004)				
Health and Welfare Committee (29%)	Legislation and Judiciary Committee (27%)	Gender Equality Committee (14%)	Environment and Labor Committee (13%)	Others (17%)
17th Assembly (2004–2008)				
Gender Equality (and Family) Committee (100%)				

Figure 9.2 Committee change concerning gender-relevant bills

Source: The National Assembly of the Republic of Korea

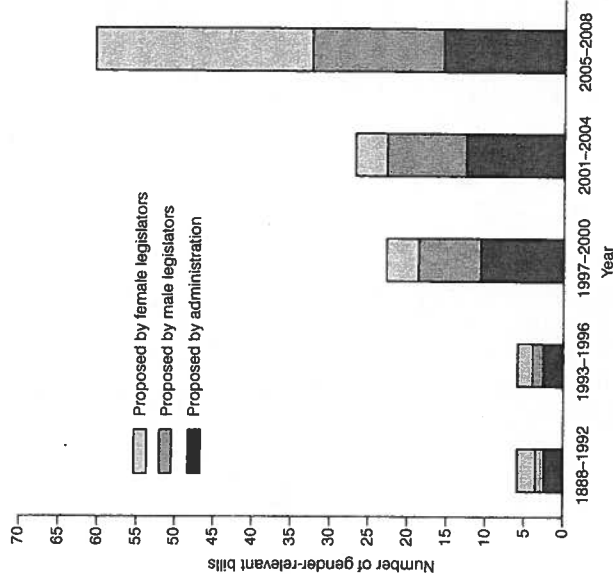


Figure 9.3 Gender-relevant bills, 1888–2008

Source: The National Assembly of the Republic of Korea

input and expertise regarding the bills under examination. The Gender Equality Committee's prioritization of gender-relevant bills naturally led to the increase in the number of proposed and approved bills. Figure 9.3 illustrates the increase in the number of bills proposed since 1988, along with the characteristics of the legislators who proposed the bills.

Within the time span of the thirteenth (1988–1992) and seventeenth Assembly (2004–2008), the number of proposed gender-relevant bills increased tenfold. In relation, Figure 9.3 reflects the increase in the number of female legislators supporting gender-relevant bills as well. Alongside the gradual boost in the number of bills proposed by the administration and male legislators, the bills proposed by female legislators increased significantly from 2004 to 2008. During the seventeenth Assembly (2004–2008), 45 percent of the gender-related bills (28 out of 61) were put forward by women, revealing the significant role of female legislators in supporting gender-relevant bills.

Previous studies have suggested that underrepresented groups such as women or racial minorities are more likely to be supported by ideologically liberal parties (Matland 1993; Caul 1999). In this sense, the Korean case is unique. In Korea, many female legislators belonged to the conservative party instead of the reform-oriented Uri Party. Although the MGE, and later the MGEF, were established during reform-focused regimes, seven out of the 15 female legislators who

proposed gender-relevant bills during the seventeenth Assembly were affiliated with the conservative party. An equal number was affiliated with liberal parties (six legislators were members of the Uri Party and one with the Democratic Labor Party). Notwithstanding their divergent personal backgrounds and political ideologies, female legislators shared common understandings about the urgency of gender problems in South Korea and were willing to transcend party affiliations in proposing gender-relevant bills.

Content of bills

Based upon a four-bracket categorization used in a previous study (Chong 2006) we categorized the gender-relevant bills promoted by the women's movement according to five areas: economics, family, childcare, prevention of sexual harassment and prostitution, and historical issues. Figure 9.4 demonstrates the overall scope of each subject in the gender-relevant bills.

As Figure 9.4 reveals, there was a dramatic increase in gender-relevant childcare issues between 2004 and 2008. This increase is largely due to the expansion of the MGE to the MGEF, and its ensuing authority over childcare issues from the Ministry of Health and Welfare. In the following section, in addition to childcare issues, we discuss legislation related to two of the most salient issues for the women's movement.

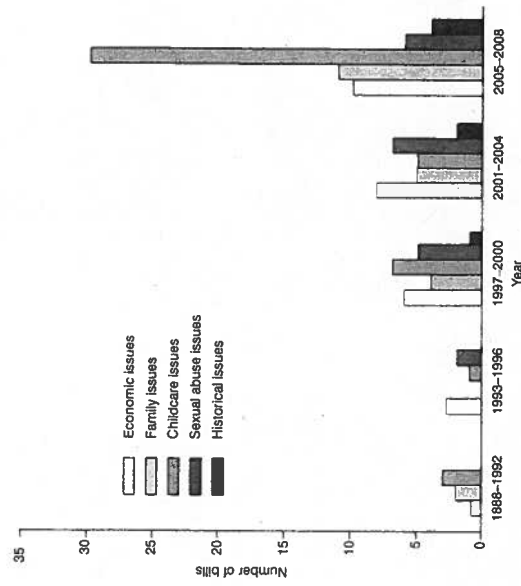


Figure 9.4 Categories of gender-relevant bills, 1988–2008

Source: The National Assembly of the Republic of Korea

The Abolition of the Patriarchal Family Register System Act

A major objective since 1957, the South Korean women's movement rigorously fought to eradicate the old family register system – *hochuche* – and replace it with a system based on individuals. The *hochuche* system, a symbol of the dominant patriarchal structure in South Korea, prohibited women from officially heading families. In 2000, activists created a coalition organization, the Civic Solidarity for the Abolition of Patriarchal Family Register Act (*Hochuche p'yechi simin yondae*), which consisted of 22 various movement organizations including the UKWA and KNCW. In September 2000, Kwak Bae-hee of the Korean Legal Aid Center for Family Relations,⁸ Eun Bang-hee of the KNCW, and Ji Eun-hee of the UKWA submitted a petition to the National Assembly with over 26,000 signatures, calling for the abolition of the old family register system. The petition demanded the elimination of three clauses which gave males exclusive rights to serve as the heads of families. It also proposed that individuals have the right to choose whether to adopt the last name of their father, mother, or both. This petition was significant in that all three organizations represented the entire ideological spectrum of conservatives, moderates, and progressives.

In 2003, the Roh Moo Hyun administration demonstrated its firm support of the movement when they announced that the abolition of the Patriarchal Family Register System was one of its 12 key tasks. The Minister of Gender Equality, Ji Eun-hee, and the Minister of Justice, Kang Keum-sil, also played critical roles in proposing the bill and persuading various legislators. Recognizing the long and persistent demands for the abolition of the *hochuche* system, male and female legislators from both the governing Uri Party, the opposition Democratic Party, and Democratic Labor Party all supported the bill. Although the conservative Grand National Party neither explicitly supported nor criticized it, the abolition of the household system had more or less been secured across party lines – especially amongst female legislators in the Gender Equality Committee. In March 2005, the bill was passed in the National Assembly, heralding the abolition of the Patriarchal Family Register System and the establishment of an individual-based register system in South Korea. There was some dissent from society members who opposed the abolition of *hochuche*. For example, legislators elected in conservative-dominant districts argued that eradicating the old system would lead to a “crisis of the family.” For the most part, however, the majority of people in society supported this change. The women's movement in particular was greatly encouraged by this achievement.

The Act on the Prevention of the Sex Trade and Protection of its Victims

In comparison to the long battle to abolish *hochuche*, the anti-prostitution bill was proposed and legislated within a relatively short period of time. From 1998 to 2001, Kang Keum-ja, the first South Korean female police superintendent, fought to resolve the problems caused by prostitution. As the head of Chong-am police in Seoul, she prohibited and regulated the prostitution of women under 18 in the red-light district. Her activities became a national sensation due to intense

media publicity, and were the catalyst for public concern regarding the issue of prostitution.

The tragic fires that broke out in 2000 and 2002 led the UKWA to petition for the protection of prostitutes and the punishment of brothel owners. Following the petition, Cho Bae-sook, a female legislator from the Democratic Party, proposed a similar anti-prostitution bill that included strict punishment of brothel owners and male clients as well as protection of female victims of prostitution. More than 86 legislators across party affiliations signed on as co-proposers of this bill. Once again, the MGE played a critical role in proposing and lobbying for the bill. Shortly after, in March 2004 (one year before the abolition of *hochuche*), the *Act on the Prevention of the Sex Trade and Protection of its Victims* was approved at the General Meeting of the National Assembly.

In spite of the wide-ranging support this bill received, its legislation created heated controversy. No one had predicted that hundreds of female prostitutes would campaign for their individual right to work in the sex industry. Although procurers played a role in instigating and staging the protests to some extent, there had also been sincere opposition from various groups. Some argued that the law revealed the chasm between middle-class female politicians and activists, and lower-class female prostitutes. Some women's advocacy groups from leftist movement organizations such as the People's Solidarity for Social Progress and Power of Working Class argued that prostitutes should have the right to engage in the sex industry as sex workers; however, they failed to consider the latter's exploitation by the brothel owners who profited enormously from their employees. Many young feminists expounded upon their theoretical perspectives and criticized the perception that female prostitutes were victims. Some conservatives argued in favor of the sex industry, claiming that due to its deep historical roots, it was indispensable to society.

In an effort to compromise, Kang Keun-ja, the initiator of the anti-prostitution campaign, argued that the government should focus on prohibiting prostitution of women under 18 and regulating coercion and violence in the red-light zones. Other proponents of the Act maintained that governmental support for prostitutes should include education and job placement programs; one solution they advocated for was that the profit made by brothel and property owners from the redevelopment of former red-light zones be used to support prostitutes.⁹ Ultimately, the bill was passed and the Act on the Prevention of the Sex Trade and Protection of its Victims was touted as yet another achievement by the women's movement. Nevertheless, the controversy it caused was a precursor of the emerging discord between institutionalized actors and other diverse groups in the women's movement.

Limited legislative success

In the previous section, we demonstrated how diverse gender issues were proposed and passed at an increasing rate in the National Assembly. However, despite some significantly successful legislation, not all bills fared so well. The passing rate of proposed bills shown in Figure 9.5 reveals limited legislative success.

On the one hand, the figure shows the gradual rise in the net number of gender-relevant bills. However, this increase was offset by an unexpectedly low passing rate in the seventeenth Assembly (2004–2008). Upon further examination, we discovered that 47 gender-relevant bills were pending in December 2007 when Lee Myung Bak, presidential candidate of the conservative Grand National Party, was elected as a president. During the period between the presidential election of Lee Myung Bak and the general election of members for the eighteenth National Assembly in May 2008, only nine out of 47 bills were passed. Considering the pending termination of the seventeenth Assembly, it was perhaps too optimistic to expect that the majority of bills would have been passed. However, the correlation between the low passing rate and the announcement of the Lee Myung Bak Transition Committee's intent to abolish the MGEF was undeniable, since it discouraged the MGEF from playing the key role of cooperating with women's movement organizations and facilitating the legislation of bills.

In order to assess the character of bills from a different angle, we compared the number of enactment bills (bills that introduce new legislation) with revision bills (those that amend previous acts).

Beginning in 1996, a high proportion of revision bills was used to amend previously passed bills. This was a strategy used by legislators and the MGE to maneuver around the political process. Given that enactment bills aroused heated societal debates, during the National Assembly's deliberation, they were toned down in order to circumvent potential controversies. In turn, the toned-down bills were passed with less difficulty in the National Assembly; once the

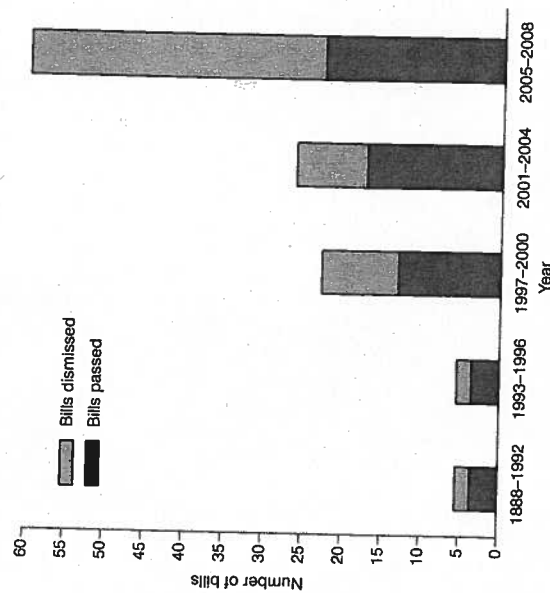


Figure 9.5 Gender-relevant bills accepted by lawmakers, 1988–2008

Source: The National Assembly of the Republic of Korea

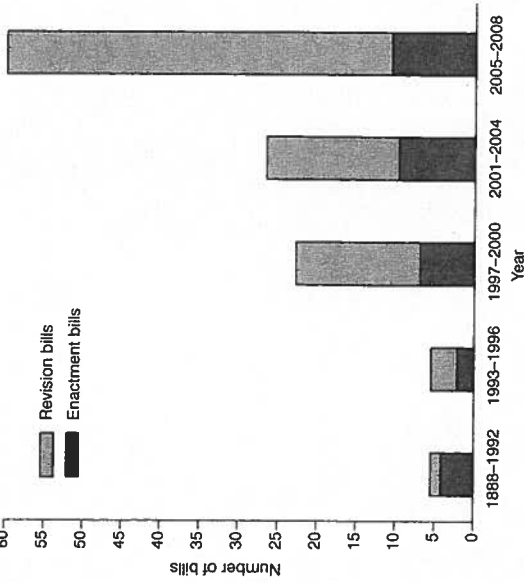


Figure 9.6 The proportion of enactment and revision bills, 1888–2008

Source: The National Assembly of the Republic of Korea

bills had been enacted into law, the MGE proposed revisions that restored some of the depth and breadth that was lost when the enactment bills were originally passed. This gradualist strategy proved to be quite successful not only in getting the National Assembly to pass gender equality laws, but also in preserving the original intent of these laws. After an initial round of negotiation, legislators of the MGE subsequently proposed revision bills that would make the enactment bill more palatable.

Although the gradual approach was an effective strategy for passing bills in the political arena, it created friction within the women's movement. Some groups criticized the lack of radicalism in enactment bills or the excessive gradualism in revision bills. The younger and more radical groups criticized the reform-oriented bills supported by the MGE and its allies, the UKWA and KNCW. In addition, some critics claimed that both the institutionalized and non-institutionalized sector (organizations such as the UKWA and KNCU) had become bureaucratized and isolated from the public. Women's groups that felt marginalized from the political process withdrew their support, accusing the MGE and its supporters of making arbitrary decisions and being undemocratic. As exhibited by the paucity of voices that rose to the fore in the controversy surrounding the Act on the Prevention of the Sex Trade and Protection of its Victims, the women's movement organizations and activists were becoming increasingly diverse. With the increasing antagonism towards the institutionalization and bureaucratization of the women's movement, previously supportive constituencies became inactive or indifferent to gender-relevant activities of political and social actors. The impact of certain factors on

the women's movement is neither uni-directional nor straightforward. On the one hand, it can be said that the increased diversification led to the expansion of the women's movement as a whole and aided its ability to create a more powerful platform. At the same time, however, diversification within women's movement organizations led to cleavages that inhibited unanimous support of institutional strategies.

In conjunction with the dwindling support base for the women's movement, hostile male and conservative constituencies were on the rise. Not only did a significant number of males feel their status was being threatened by women, conservatives believed their values were being challenged. As a result, they began expressing antagonism towards the women's movement, and in particular, the MGE for playing a key role. They formed informal online network groups on the Internet to criticize the movement and devalue the legislative work of the MGE. By the end of the Roh administration, the women's movement – the MGE in particular – was regarded with much enmity.

In 2008, the women's movement encountered another challenge: the new conservative regime led by Lee Myung Bak. Unlike the progressive regimes of Kim and Roh, the new government attitude toward the women's movement was dubious and inconsistent. During his presidential campaign, Lee promised to retain the MGE as an arm of the government; however, in 2008, his transition committee announced a governmental reform act that included the abolition of the MGE, provoking significant resistance from both the opposition parties and women's movement groups. Thus, rather than eradicating the MGE, the Lee administration reverted the ministry to the smaller and more limited MGE. Then, in 2009, the government restored the MGE to the MGEF. Childcare policies were transferred to the Ministry of Health and Welfare, and then returned to the domain of the MGEF again. Along with the repetitive transfer of the childcare policy, the budgets for other gender policies such as the Aid for Female Prostitutes, Aid for Japanese Sex Slaves during World War II, and Women's Development Fund drastically decreased in 2008 and 2009.

The ambiguous attitude of the conservative administration and the tenuous position of the MGEF weakened the link between non-institutional movement organizations, the institutionalized MGEF, and female legislators, consequently impacting the legislation of gender-related laws. As a result, reformative women's movement organizations such as the UKWA, Korean Womenlink, and Differently Abled Women United proclaimed in 2009 that gender equality policies were all but abolished under the Lee Myung Bak administration.

The negative impact of the Lee administration on the women's movement supports the conclusion that a favorable political environment is essential to achieving movement institutionalization. Despite these set-backs, however, the inability of the Lee administration to eradicate the MGEF illustrates the durability and strength of a movement once it has been institutionalized. Moreover, the increase in the number of female legislators from 39 in the 2004 General Election, to 41 in the 2008 General Election is evidence that the women's movement has become a force that can withstand new challenges. Although unfavorable political

environments may destabilize movement institutionalization, the constant and vigilant efforts of women's movement activists and female politicians safeguard institutionalization as well.

Conclusion

In this study, we emphasized the *specific* historical conditions and mobilization efforts that contributed to the various accomplishments of the South Korean women's movement. This movement is an exemplary case of how direct engagement and close cooperation with established political institutions led to the successful legislation of gender-relevant bills. The partnerships forged between institutionalized and non-institutionalized women's movement actors, and the way in which female activists raised awareness and advocated gender issues were vital components in enhancing women's rights and achieving successful institutionalization. Not only was the women's movement able to dramatically increase the number of female legislators in the National Assembly and establish a formal political institution (MGE) to spearhead their cause, the institutionalization of the women's movement consequently led to the legislation of bills such as the Abolition of Patriarchal Family Register System Act, the Act on the Prevention of the Sex Trade and Protection of its Victims, the Special Act against Sex Violence, and the Anti-Domestic Abuse Act.

Despite its remarkable achievements, the women's movement faces many difficulties and challenges ahead. The institutionalization of the women's movement itself has created internal fissures and conflicts within organizations and amongst actors that were formerly praised for their unity and close cooperation. Such challenges are not unique to the South Korean women's movement. According to Ferree and Martin, the tension within diversified women's movement organizations is intrinsic to feminist politics (1995). Moreover, a dwindling support base coincides with a rise in the number of conservative male constituencies that are creating Internet networks to express antipathy toward women's movement organizations and the MGE. In 2010, the political environment under Lee has exhibited a lack of commitment to the feminist goals of the women's movement.

In addition to the antagonism towards the movement itself, many gender problems in South Korea remain unresolved. While the legalization of women's issues has provided a broader opportunity structure for solving problems, this has not led to the direct improvement of women's status. According to the World Economic Forum's gender gap index, in 2007, South Korea ranked ninety-seventh among 128 nation-states, and in 2008, 108th out of 130 nation-states. In 2009, however, South Korea's rank dropped even further to one hundred and fifteenth out of 134 nation-states. Moreover, women only account for 14 percent of all legislators in the eighteenth Assembly, ranking eighty-first among 187 countries (International Parliamentary Union report). In addition, according to the International Trade Union Confederation's report in 2007, the average wage for females is only 64 percent of male wages, which is substantively lower than the Asian average of 83.4 percent, and the world average of 84 percent. In

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short, women in South Korea still face significant economic, political, and social challenges.

Confronted by these challenges, activists and supporters of the South Korean women's movement are at a crossroads. Should they wait for the next political opportunity and restore the previously institutionalized mechanism, despite the various challenges posed by institutionalization itself? Or, should they invent a new non-institutional model through which they can enhance women's rights and abolish gender discrimination? Or, could there be an alternative in which the institutional and non-institutional models are effectively combined? Whichever option they choose, the primary solution to gender problems might only be found through continuous dialogue and cooperation between diverse women's movement groups and their supporters.

Notes

- 1 Interview with Ji Eun-hee in the *Women Times* on December 10, 2004.
- 2 The institutionalization of the women's movement in our chapter is defined as the creation of a self-sustaining process through which the women's movement is able to influence institutional politics. It is the political institutionalization of the movement rather than the institutionalization of the movement organizations themselves.
- 3 The Kim Dae Jung administration announced a baseline public policy focus on "mainstreaming gender" (Hwang 2001). This included better representation of women in politics and a national educational effort to enhance women's competitiveness. The mainstreaming concept was based on the theory that the government should build tighter connections with women's movement organizations. The Korean Women's Development Institute acted as a mediating organization in this regard. The institute adopted the movement's agenda and then advised the administration on certain issues. It was this institute that consistently reported on the inefficiency of the Presidential Commission on Women's Affairs and proposed the establishment of a ministry-level legislative taskforce (Kim and Chu, 2001).
- 4 Despite their campaign promises, votes cast by the female constituency for reformative candidates Kim and Roh in the 1997 and 2002 elections did not exceed their votes for Lee Hoe-chang, the conservative candidate from the Grand National Party. This is because Lee Hoe-chang (as well as the conservative candidate Lee Myung Bak in 2008) solicited women's votes with his electoral promises.
- 5 Data from the website of the Korean Women's Development Institute. This number refers to female legislators elected during the General Election, and does not include those who joined the Assembly outside the election cycle. The number of legislators since the thirteenth Assembly has been 299, with the exception of the sixteenth Assembly when there were only 273.
- 6 When examining the legislative outcomes of various bills, we analyzed all gender-relevant bills put forward after the democratic transition, specifically from the thirteenth Assembly in 1988 to the seventeenth Assembly in 2008. Data were collected from the webpage of the National Assembly of the Republic of Korea. We used a two-phase method to determine gender relevance. First, we selected all legislative bills that fell under the jurisdiction of the Ministry of Gender Equality or the Ministry of Gender Equality and Family. Then, all bills that had been put forward prior to the establishment of the Ministry of Gender Equality were examined using the previously selected bills as a reference set. Bills that had vocabulary in common with the reference bills were first selected and categorized. Those that had to be abrogated due to superseding alternative bills were eliminated from our sample in order to avoid

counting them twice. There were a total of 123 gender-relevant bills that were passed, revised and passed, or abrogated due to the end of a government term (1988–2008).

7 The total number of proposed bills has increased gradually since 1998; it went from 1439 in the thirteenth Assembly, 1,458 in the fourteenth, 2,614 in the fifteenth, and 3,254 in the sixteenth. Strikingly, in the seventeenth Assembly, the number of proposed bills increased dramatically to 8,592, approximately 2.5 times more than the previous Assembly. The increase in the number of gender-relevant bills proposed in the sixteenth and seventeenth can be partially explained as an overall trend throughout each progressive Assembly. At the same time, however, we eliminated the abrogated bills from the sample of gender-relevant bills. If we include the bills that we eliminated, the number of bills proposed in the seventeenth Assembly would increase dramatically from 39 to 58, about 1.5 times higher than before.

8 The Korean Legal Aid Center for Family Relations is a government-funded movement organization that engaged in counseling services for women who were fighting for female legal liberation. KLAC became the first non-government organization to be registered under the country's new legal aid law in 1988. Since then, it has maintained a very close relationship with the government.

9 "The Last Winner of Land, the Brothel Owners in Mia-ri." In *Hankyoreh* on November 21, 2006.

Part III

Spin-off movements and diffusion processes