

## **Discourses on Discrimination in Korea and their Specifics**

*Sooyeon Lee, Fellow, KWDI*

*Moosuk Min, Fellow, KWDI*

### **Introduction**

The discourse on discrimination has a short history in Korea and discrimination has not been the object of attention until recently. Korean dialogue on discrimination emerged in relation to the feminist movements in the '70s and '80s. In multi-racial countries, the issue of racial discrimination initiated debates on discrimination and sensitized society to other discriminations, and, accordingly, led to the legislation of anti-discrimination laws. In Korea, which is considered to be a racially homogeneous society, racial discrimination in particular (or discrimination in general) has not been keenly recognized. The Confucian hierarchy system has had people take discriminatory treatment for granted. Patriarchy has been the major hierarchical system under which women have suffered and been repressed for a long time until they finally succeeded in putting forward the issue of sexual discrimination as a social agenda.

The nationwide social movements for democracy in the '80s further provided the impetus for taking up the issue of discrimination against different minority groups. The social sentiment that shunned authoritarianism and strived to construct democratic social orders contributed to the mobilization of people's empathy for minorities and endorsement of their participation in society on equal terms. People started to pay attention to different forms of discrimination other than gender discrimination such as regional discrimination, which refers to the exclusion of certain regions from economic development and to the dislike of their people, and discrimination against the disabled.

In the midst of the increasing gap between the rich and poor, resulting from the restructuring and radical change of the economic structure in the '90s, this anti-discriminatory movement expanded its scope to include other discriminated groups such as foreign laborers, non-standard workers, and the aged. Discrimination against these groups began to be debated since they are recognized as having unequal distribution and not being able to participate in society on equal terms or at all. From then on, the discourse on discrimination began to focus on economic distribution such as job stability and wage discrimination. The influx of foreign workers on a large scale also provided a momentum for Koreans to realize how discriminating they could be against outsiders.

The relatively short history of discourses on discrimination and people's indifference to discrimination implies that discrimination in Korea is treated different than in other countries. What people identify as discrimination, how sensitive they are to it, and what measures they think should be taken to resolve it might be different from other countries. In other words, the discourse on discrimination in Korea has its own specificities. In this paper, we will discuss journalistic and academic discourses on discrimination in terms of the historical and cultural background of discrimination and controversies and proposed measures for abolishing discrimination. The forms of discrimination considered most important and the ones considered controversial will be identified and discussed in relation to other countries. Discourses on discrimination include not only journalistic and academic accounts on discrimination but also laws and regulations in a broad context. Accordingly, judicial discourses will be also discussed.

### **Major Discourses of Discrimination in Korea**

The most commonly mentioned forms of discrimination in those countries with both long and short histories of discrimination debates are racial, gender, and age discrimination, and discrimination against the disabled. Among these kinds of

discrimination, the existence of discrimination against women and the disabled has been recognized and understood relatively longer in Korea than other kinds of discrimination since the object of discrimination is clearly demarcated. Racial discrimination had not been recognized or mentioned in the Korean context until recently since Korea is considered to be a nation composed of a single race. However, due to the increase of foreign workers starting in the late '80s, serious tendencies towards racial discrimination and resulting problems have been revealed. Age discrimination has been included in the debate since the society is rapidly aging.

## 1. Discourse of Gender Discrimination

Gender discrimination in Korean society has been acknowledged by a series of legislations concerning gender discrimination such as the Equal Employment Act, the Sexual Discrimination Prevention and Relief Act, and the National Human Rights Commission Law. The Equal Employment Act is the first case of anti-discrimination legislation and its effect is limited to discrimination in relation to employment. The Sexual Discrimination Prevention and Relief Act expands the scope of discrimination into the fields of politics, society, and culture. The National Human Rights Commission Law prohibits discrimination against all members of society including females and males in various areas including gender.

The Equal Employment Act was legislated in 1987 and revised four times afterwards. When revised in 1999 and 2001, it expanded the concept of discrimination to indirect one. It defines indirect discrimination as follows: "even though the employer applies the same working conditions to two sexes, these conditions may be considered discriminatory unless proven otherwise if the number of one sex who can meet them is remarkably smaller than that of the other and accordingly yield unfavorable results to that sex."

The Sexual Discrimination Prevention and Relief Act that was legislated in 1999 defines sexual discrimination as "all distinctions, exclusions and limitations based on sex without reasonable rationale for a person to recognize, enjoy or

exercise rights as a human in the political, economic and cultural lives." The revised act further provides the grounds for indirect discrimination by expanding the scope of sexual discrimination into indirect discrimination. The National Human Rights Commission Law takes sexual discrimination as seriously as other kinds of discrimination.

Even though gender discrimination is identified and prohibited by law, it is still condoned or often denied in real life since there are rationales to justify gender discrimination. We can identify at least three major discourses on justifying gender discrimination: the Confucian, biological, and economic ones.

The Confucian discourse advocates sexual discrimination based on sexual difference that is considered to agree with the order of the universe. Man and woman are basically different and not equal but complimentary, therefore treating men and women differently corresponds to universal order. As such, gender role division derives its justification from the Confucian gender philosophies. Many people believe it to be reasonable for men to manage the outside and for women to take care of the inside. They also believe that this sexual division of labor is a way to follow their tradition, fit to sexual characteristics, and augment both sexes' expertise. Following this discourse, the possibility of various sexual roles or differences within a sex is not taken into consideration.

The biological discourse maintains that biological differences between the sexes are innate and natural. In other words, masculinity or femininity is endowed according to the sex with which one is born and accordingly it is natural to have a sexual identity adequate to one's sex. Especially, women's biological function of childbirth and breast feeding is believed to stimulate their nursing instinct so that they tend to give priority to nursing over other things and results in defining their gender role. The belief in women's biological destiny and male physical superiority propagates gender role division in terms of rights, responsibilities, limitations and remunerations.

The economic discourse relies on the gender difference in productivity as justification for treating women and men differently. Women's role and

responsibility in childbirth and child rearing, and lack of motivation for career accomplishment are identified as major causes of low productivity in women. It maintains that the obligation to give women special treatment such as maternity and child-care leave for maternity protection burdens employers and therefore gives them cause to avoid hiring female employees.

These three discourses on gender discrimination are interrelated and reinforce each other. The biological discourse provides a quasi-"scientific" base for the other two while the Confucian one gives, the historical and cultural background and the economic one, the pragmatic rationale. The existence of these discourses allows gender discrimination to remain tenacious despite strong anti-discrimination movements backed by government initiatives.

## 2. The Discourse on Discrimination against the Disabled

The discourse on the disabled has been almost non-existent for a long time since the disabled themselves have been invisible. They have not been considered as legitimate social subjects but ignored, separated from the rest or even hidden. The recent statistical increase of the number of disabled must reflect change in people's attitudes toward the disabled rather than a sudden increase in their actual number. Social changes in attitude toward the disabled came in the late '90s, influenced by the national disabled movement that started in the late '80s as a part of the local democratic movement and the international movement for the rights of the disabled initiated by U.N. international organizations. These national and international movements provided momentum for raising the issue of treating the disabled as legitimate social subjects with the right to social activities and participation equal to, not excluded from, the rest of society. However, discrimination against the disabled is still serious and to resolve it, not only improvement of welfare for the disabled but also an overall change in social consciousness is required.

Discrimination against the disabled in Korea has been caused partly by insufficient economic resources, but mostly by discriminatory and derogatory attitudes toward the disabled. The derogatory discourse on the disabled has relied

on biological or fatal causality to which both Confucianism and Buddhism seem to have contributed. Confucianism has two extreme attitudes on the disabled aversion and compassion-both of which are affected by Confucian family ideology and hierarchism, and its value system which evaluates a person by the excellency of his or her body, speech, writing, and face (Chung, 2001, p. 266). Buddhism's fatalism must also have contributed to the negative attitude toward the disabled by attributing the cause of the misfortune to the disabled themselves.

Chung maintains that the nationalistic discourse in the period of Japanese colonization partly reinforced the negative attitude toward the disabled. Nationalism tends to advocate a strong race and therefore to negate its disabled members (Chung, 2001, p. 270). The Japanese military recruiting system applied a body classification system that caused further exclusion of the disabled. This official exclusion of the disabled was even more systemized under the obligatory enlistment system in which the disabled cannot fulfill military service. Hong (1997) even terms this phenomenon of excluding and discriminating against the disabled by the national and social systems as "the ideology of the disabled," which persuades that "the disabled are abnormal persons who cause society and the nation to assume unnecessary and unfair burden."

These Korean discourses on the disabled are not only discriminatory but even dangerous. Even the discourses on the disabled in welfare countries based on the individualistic model or the medical model have been criticized. The first focuses on adjusting the disabled individually to their disability by treating their disability as an individual problem and the second takes dependency of the disabled for granted and leave them under the control of the experts by considering the disability as a pathological tendency. The Korean discourses on discrimination against the disabled based on fatalism and nationalism need to be questioned and abolished to ensure the fair rights of the disabled.

### 3. Discourse of Age Discrimination

Age discrimination is a very new concept in Korea. While the overall underdevelopment of the concept of discrimination has been one of Korea's

cultural characteristics, it was even more difficult to conceive of age discrimination. In the traditional society under Confucian influence, age was not considered as a factor of discrimination but as a norm for keeping order. When hierarchy by age was firm, aging was not considered to be negative. Also, different treatments by age were not considered to be discriminative.

The advent of modernization and industrialization brought about a big change in people's attitudes on age. The change was in tune with global change in economic and market structures. Modernization in general emphasizes the importance of economic activities and therefore devalues the aged population that is retired from the labor market. Urbanization contributed to further marginalization, devaluation and alienation of the aged through dismantling the extended family system.

Global change in the economic structure in the '90s necessitated restructuring of our economic and industrial system and resulted in a big change in people's attitudes on viewing age. The concept of retirement age broke down and early retirement became a reality to many workers. This has caused serious problems to the relatively younger retired, seeking re-employment in a labor market that is not as flexible as that in more economically advanced countries. The accumulation of experiences and capabilities resulting from aging has not been acknowledged in this context. The devaluation of aging also has taken place on the cultural level. The values associated with youth such as being unrestrained, vividness, and idiosyncrasy have been more desired than those associated with the aged such as maturity, discretion and receptiveness. Dominance of the consumer and media culture has contributed to the proliferation of the values associated with youth.

The discourse on age discrimination in Korea is justified due to discourse on productivity, which is based on an assumed correlation between aging and the lowering of productivity. This discourse ignores individual differences in aging patterns and biological characteristics. It also justifies laying-off higher paid aged workers in order to lower labor costs of a company, hiding the inefficiency of a labor management system that lacks scientific evaluation of ability. This discourse is aided by changes in the global environment such as the slowdown of

global economic development, the crisis of a high unemployment rate, and the globalization of capital and labor that have necessitated flexibility in the labor market and cut down on labor demand.

The discourse on anti-age discrimination questions the concept of aging, in which aging is approached only from a biological perspective and accordingly is equated with a lowering of productivity, and that advocates anti-age discrimination regulations in the advent of aging society. It poses the question whether early retirement is an efficient measure for maintaining productivity and controlling unemployment in a society where a majority of population is composed of the aged. This discourse on anti-age discrimination criticizes the discourse on productivity for its ignorance of individual differences, assumption of statistical discrimination and resulting infringement on the labor rights of the aged. However, in terms of the scope and limit of policy intervention against age discrimination, the discourses on anti-age discrimination are not unified. The issues of retirement age and peak wage system are very controversial and under debate.

### **Discourses on Discrimination Specific to Korea**

The discourses on discrimination specific to the Korean context are those of educational and regional discrimination. These kinds of discrimination cannot be said to be non-existent in other countries. However, their impacts are more seriously felt in Korea due to its specific historical and cultural background. The fact that the National Human Rights Commission Law prohibits discrimination by region and social status attests to the seriousness of these kinds of discrimination.

In any society, high education and education in prestigious educational institutions are desired and those educated highly in prestigious institutions are rewarded handsomely. However, in Korea, such special treatments accrued from education are not received to be legitimate by people. This phenomenon is ironic considering the fact that education has been and is sought by most people with

full force. The discourse on anti-educational discrimination criticizes education-oriented society where distribution of prestige, status and power according to education is exaggerated and done out of proportion, and education becomes a capital thus reproducing the class system.

Regional discrimination is often discussed in the political context in terms of the political exploitation of 'regional sentiments'. While it is difficult to empirically confirm 'regional sentiments', which refer to discriminatory attitudes toward people from certain regions, they are maintained to have existed and deepened due to political exploitation. The discourse on anti-regional discrimination insists that regional discrimination is caused due to disproportional and unequal economic development in those regions and can result in social discontent. It maintains that regional discrimination needs to be abolished by rectifying discriminatory regional development policies and implementing balanced employment of government officials from different regions.

## **Conclusion**

As shown so far, there exist many different kinds of discrimination in Korea, even though they have not been fully acknowledged, and discourses that tend to be supportive and justifying of discrimination. Discrimination was considered as an unavoidable and natural way of life. The pro-discrimination discourses die hard since they have been successful in neutralizing ideologies and therefore maintaining the status quo. The discourses on anti-discrimination discourses appeared only recently. These anti-discriminatory discourses are mobilized by the general democratic movements and, especially, by feminist movements. They are gaining ground in academic and journalistic communities on certain issues. However, anti-discriminatory discourses are still facing many controversies, one of which being their lack of practicability and reconciliation with the market. The mission of anti-discriminatory discourses, therefore, is to support themselves with empirical proofs and market applicability.