CHAPTER 6
Policy Change: Differing Logics of Political Contestation

While legal advances alone cannot eliminate discrimination against women, laws expanding the rights of women interact with and reinforce broader processes of cultural change. The process by which de jure rights are translated into de facto rights may be frustratingly slow, but the latter is impossible without the former.

Haas, 2000: 1

Whereas women’s movements in many nascent democracies continue to struggle to enact progressive legislation on, for example, divorce, sexual crimes, and access to contraception (e.g., Caldiera, 1998; Willmott, 2002), a wide range of gender-related legislative and policy reforms has been undertaken in Korea over the past 15 years. Women now enjoy a comprehensive range of formal rights encompassing bodily integrity, civic and political participation, and workplace equality (see Jones, 2003). Gender experts identified legislative change as the area in which the greatest progress has been made since the transition (Kim Y. et al., 2001), while the UN Commission on the Status of Women singled out Korea as a model case for advances in formal gender equality in 1999 and 2000 (Lee H., 2003 interview).

These advances are all the more impressive, given the low baseline in the 1980s from which the women’s movement has had to struggle. Although women’s workplace participation and access to higher education rose dramatically over the 1960s–1980s period, Korean women remained subject to strict Confucian gender roles and prescriptions on the eve of the 1987 democratic transition. They had no right to equal inheritance or to a public pension in the case of divorce, lacked child custodial rights, were subject to harsher penalties than men for adultery.
and remarriage after widowhood, and could not pass on their nationality status to their children if married to a non-Korean. In the workplace, women lacked any guarantees of equal employment rights or wages, and were without redress for either sexual harassment or discrimination in the case of marriage and childbirth. In the sphere of education, women were excluded from conventionally male fields, ranging from taxation policy to volunteer service abroad to the police academy. In terms of human rights, sexual violence was recognized as a crime against family honor rather than against individual women, and family violence was largely ignored. Antiprostitution laws penalized providers rather than buyers or profiteers, just as the government continued to tacitly support the industry. Furthermore, although women had been granted suffrage rights in 1948, upper limits remained on women's representation in the civil service, and early governmental agencies for women were weak and without enforcement powers. In short, women did not gain full citizenship rights until well after the democratic transition.

The importance of the eradication of these discriminatory regulations notwithstanding, some observers offer rather negative assessments of Korean gender-related legislative reform efforts because of disparities between legal passage and implementation (e.g., Kim S. H., forthcoming). Although such concerns are certainly valid and are addressed here, I nevertheless argue that it is important to recognize the significance of the breadth of reforms achieved in the Korean context. Most basically, although the Korean ppalli ppalli (quick-quick) mentality tends to foster a “glass-half-empty” approach when assessing policy advancements, it is important to take stock of recent history and acknowledge the dramatic post-transition changes that have occurred. Moreover, if we place Korea within a broader comparative perspective, the range of reforms secured is particularly striking (e.g., Friedman, 2000; Johnson, 2002). Such progress signals that Korean women and their allies enjoy sufficient influence on the political stage to prevent conservative opposition groups from silencing public debate on a diverse array of issues, while effectively cajoling gender-blind (or even reactionary) politicians to vote for advances in women's rights.

Bearing in mind Haas's (2000) observation that “while legal advances alone cannot eliminate discrimination against women, laws expanding the rights of women interact with and reinforce broader processes of cultural change” (1), it is important that we unpack the cluster of actor- and institution-centered variables that account for Korea's success. I begin by mapping the overarching dynamics of gender-policy development. I argue that key ingredients in improving women's