

Racial Discrimination in South Korea: Korean Academics Offer Proposals for a Solution, but What if the Solution is Inherent to the Korean Constitution?

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Abstract

Korea has been a homogenous culture for over five thousand years. Although it has faced incursions and occupations, it has always repelled those advances and maintained racial, linguistic, and cultural purity with surprising resoluteness. However, Korea's modernization and economic expansion required alliances and policies that introduced multicultural forces into its once pure society, creating sizable racial minorities for the first time in history. The government's shift from authoritarian rule to liberal democracy has given voice to these minorities. These groups are demanding admittance to an exclusive society, along with equal and humane treatment. The people and government of Korea are now faced with the dilemma of dispensing with the exclusive dominance of their age-old, 'pure' culture to accommodate different ethnicities and practices. This paper will discuss the problems and potential solutions, including one that may already exist untapped in the Korean constitution.

Keywords: Anti-globalization; Korean racism; Korean pureblood superiority; Multi-cultural Korea; Anti-discrimination

1. Introduction

"The Master said: 'The nobler type of man is broad-minded and not prejudiced. The inferior man is prejudiced and not broad-minded [1].'"

Today, Korea can safely be called one of the most racially and culturally homogenous places on earth, but that is quickly changing. For millennia, Koreans have practiced a form of pure-blooded racial superiority. Traditionally outsiders have never been welcome unless they came for a particular purpose and left shortly afterward. A mixed marriage was considered the ultimate cultural taboo. Multiracial offspring were rejected and cast out [2].

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I have personally known US citizens who were the children of US soldiers and Korean women who fraternized during the Korean conflict and afterward. Such children were usually quickly abandoned at an orphanage to be adopted internationally, a perfect example of the Korean mindset toward outsiders and foreign culture. The strength of that mindset is evident when one pauses to consider a tender child was shown no mercy. Until a few short years ago, society expelled or excluded any person who was not racially pure, similarly. Now, unable to force immigrants out because of government changes spurred on by NGO initiatives pushing reform, native Koreans shun and discriminate against minority groups [2].

Over the centuries, Korea has repelled numerous attempts by China, Mongolia, and Japan to conquer and annex or colonize it. Japan brutally ruled the country for 35 years, from 1910 to 1945. Considering that Korean homogeneity and culture have managed to persist through dramatic, coercive, and violent events for thousands of years, its recent morphing into a multicultural society due to economic, demographic, and political circumstances seems a bit surreal [3].

The gradual change taking place is real. The foreign population surged from a less significant 99,000 in the 1990s to 2,524,656 as of 2019. That is 4.9 percent of the nation's total population. Five percent is the threshold that academics call a society multicultural [4]. Academic research and census demographics point toward steady growth in immigrant and migrant populations and a steep decline in the Korean population. Growing along with these new groups is unrest and a demand for equal rights in a newly evolving democratic society. Changes are evolving slowly. One thing is sure. More will need to be done to accommodate them [5].

1.1. Cultural Philosophy

Racially homogenous is not the only term that could describe Korea. It could also be called the most Confucian of all the East Asian nations influenced by eastern philosophy. Asia has been influenced by Confucian, Taoist, and Buddhist thought for over 2,000 years, but Confucianism especially took hold in Korea. The rulers of the Joseon Dynasty adopted many Confucian tenets and transformed them into the country's legal code because the philosophy directly preserved the status of the ruling class [6].

Confucianism demands adherence to a strict social hierarchy, requiring perfect respect for authority and societal roles, considered divinely ordained. Historically, social status was initially determined by effort but shortly evolved into a birth rite, eliminating mobility between classes. The class structure was as follows. The Yangban (양반) were the elite class: rulers, nobles, aristocrats, and gentry. The next class was called Joongin (중인), a sort of middle class, not necessarily comparable to what we would associate with the term, and was comprised of doctors, scientists, professors, and other professionals. Below that group was the Sangin (상인) or commoners acting as merchants and tradespeople. Finally, the lowest class was called Chunmin (천민), meaning inferior people. Certain historians claim that foreigners fall beneath the inferior Chunmin, in an untouchable class [7].

This social structure was legally codified and still practiced as late as 1910, just before Korea's Japanese invasion and occupation. This hierarchy is amalgamated into the Korean language using caste-like honorifics that specify age, occupation, and distinct familial and societal relationships. As long as the language promotes inequality, it may as well be impossible to eliminate discrimination even among Koreans themselves [8]. While one might conclude that this is ancient history, researchers suggest it is significant today because many Koreans still make sense of the world in terms of Confucian principles and hierarchy, adapted to suit modern society. It is a foundational Confucian principle to respect and honor a person's position. It is unconsciously and inextricably woven into the contemporary cultural fabric. Wealth and education have produced a new caste system similar in structure. It is also important to note that even though Korea divides itself into regions, accents, and castes, it is a very nationalistic and collectivist culture. When all is said and done, all Koreans feel bound together by ethnic nationalism purity of bloodline and are less likely to make individual stands on ideology and reform, which would violate the sanctity of the group [9].

1.2. Economics, Politics, and Demographics

Korea faces a pressing problem as to whom its citizens will bequeath its culture and history. To reiterate an important point, there is a massive decline in the Korean population [10]. The rapid decline of the native Korean population and the rapid growth of Korea's immigrant and migrant populations is directly attributable to economic issues and government policy.

The steep decline of Korea's birthrate can be traced to military dictator Park Chung-hee (father of the infamous democratically elected president Park Geun Hye). When he seized power in the 1960s, he was concerned over the high birth rate of six children per family. His goal was to force the country to educate, modernize, and industrialize to develop into an economic powerhouse, rivaling post-war Japan. In his assessment of the task, he felt that the economy could not support families that size. He immediately created a policy initiative to promote economic growth, including educational reforms and a family planning program.

During the 1980s, unhappy with the results of the family planning campaign, the government continued Park's policies after his assassination. It intensified its efforts to reduce the birth rate by sponsoring a voluntary sterilization program. In 1973, the government had already legalized abortion. In the 1980s, millions of citizens were offered low-interest loans and housing to induce them to undergo sterilization. In 1983, the government suspended maternity benefits on health insurance for parents with more than three children. The new efforts, coupled with the ready availability of abortions, combined with the Confucian preference for boys, left an unnatural imbalance in the male to female ratio. Men found it hard to find wives, especially those living in less affluent rural regions [11].

Park's promotion of education, which has become a national obsession, and the trend toward large-scale urbanization compounded the effects of the birth control campaign. The more educated the population becomes, the longer people wait to marry in Korea. Long years of study delay relationships and marriage. Young adults prefer pursuing education and building a career to the prospect of building a family. Women, in particular, wait until their thirties to have what is usually their first and only child. Many families forgo children altogether.

These trends have shrunk the birth rate to an average of 1.1 children per family [10]. The population is aging, and the government fears the shrinking workforce and economy will not produce taxes sufficient to support the social programs for the elderly.

Korean citizens prefer to live in more entertaining and economically upscale metropolitan areas. Women like these areas, mainly because they can find upwardly mobile husbands, but many women are moving to the city to marry their careers, eschewing marriage altogether. Forty-two percent of all women in a recent poll stated that marriage was not a goal in life. Those who do choose marriage and family face staggering costs. Family life is expensive throughout Korea, but especially in urban areas. Despite the costs, there has been a continuing population shift away from rural cities and provinces to large cities with millions of inhabitants [10].

The migration away from cities, the imbalance in the ratio of males to females, and the reluctance of women to marry have created a shortage of brides for rural Korean men, who, in turn, seek to import wives to build families. Because Korea is a homogenous place, men choose East Asian women from developing countries accustomed to living in poorer rural areas, who will give their husbands children that more closely resemble Korean children. The preferences are for Chinese, Vietnamese, and Philippine wives [2].

These immigrant mothers have a higher birth rate than native Koreans. By 2020, 5% of the population is projected to be multiracial, reaching 10% by 2030 [10]. Traditionally, children of these marriages are shunned and bullied because of their appearance, cultural differences, and language deficit. Korean is not the primary language in homes. Multiracial children lag behind most Korean students in all studies, not just language. School teachers and educational policy tend to favor ethnic Koreans and ignore the unique needs of multiracial children, further isolating them [2].

Fortunately for multiethnic families, attitudes change as the younger generation becomes more progressive. Younger Koreans are increasingly open to civic nationalism rather than the ethnic nationalism of the past, which bodes well for government policy change that will be needed to support the growing numbers of immigrants, migrant workers, and multiracial children as the trend of foreign population growth continues. The mention of migrants brings the discussion to the issue of economics and the labor force [12].

The declining Korean population has placed the Korean economy in danger of contracting. The labor force was projected to peak in 2016-2017 and decline. In the absence of a surge in Korean births or other viable policy measures, immigration and multicultural families are still the only proposed solution to counter this shortfall. The resulting population growth will allow continued economic expansion, military staffing, and tax dollars to support vital government programs and social spending [10].

Migrant workers have and will continue to play a role in the workforce and economic expansion. Migrant workers were the pioneers of the immigration boom in the nineties. Without any strategic immigration policy, the Korean government allowed businesses to determine their own needs and import labor from neighboring underdeveloped countries with very little regulation. The purpose was to drive down labor costs while filling positions for work that native Koreans did not want to do. The job classifications these laborers filled were

termed 3D (difficult, dirty, and dangerous). There was no regulation, such as minimum wage, hourly limits, or safety requirements applicable to these workers. Workers were imported without a valid visa, only a work permit [12].

In Korea, the law states that an immigrant must remain in Korea on a valid visa for at least five years to attempt naturalization. To keep these unskilled workers from achieving that goal, they were only issued a work permit for a maximum of three years, which was done to assure that the workers came, did their work, and went home, which in theory would keep Korea racially and culturally homogenous. There was a boom in migrant laborers and many problems needing resolution, including negligent deaths and injuries. As these occurrences increased, workers demonstrated publicly on numerous occasions asking for concessions from the government. Under pressure from the United Nations and a host of NGOs, the government yielded specific issues [5].

A majority of these imported workers are male. They are the other side of the marriage coin. Many become involved with Korean citizens, get married, and have children. As married family members, these men are issued family visas and are technically allowed to work. Yet, very few industries will hire them for jobs other than what they usually receive as migrants. These men only exist in the immigration database on the fringe of society. Despite their status and being husbands and fathers of Korean citizens, they do not exist in standard government databases or family registries, which provide vital paperwork for required daily living. The bureaucratic system resists making necessary accommodations to prevent sully the racial purity of Korean lineage, which it was meant to preserve. Women who have married Koreans and have been widowed or divorced due to maltreatment and abuse find it impossible to register with the government for vital bureaucratic paperwork. As a father with sole custody of a Korean citizen, I also face frustration with the impossibility of getting paperwork when attempting to take care of my son [2].

All these immigrants are creating a burgeoning problem in the eyes of traditionalists and the government. Multiculturalism has been introduced into Korean society, but society rejects immigrants and their children. Still, the new liberal democracy and its constitution technically afford them a voice and potentially more significant legal rights [2]. As they are discriminated against and cry out for change, the frustration occasionally bubbles over in public demonstrations, gaining valuable media attention. The exposure and the resulting pressure from concerned citizens, the United Nations, and NGOs sometimes result in concessions [5].

In response to the outcry of migrant workers, the United Nations put pressure on Korea to pass a comprehensive anti-discrimination bill in 2007, but conservative elements gutted the law [13]. It was passed without any mechanism to punish offenders [14]. The parliament's more liberal members attempted to pass a bill again in 2013. Still, it was gutted by conservative lawmakers who were lobbied aggressively by the nascent Christian right to exclude pregnant women, homosexuals, and members of different racial groups as protected classes. Its originator withdrew the bill due to the level of resistance it received [15]. In 2014, the United Nations issued another unflattering report on Korean progress regarding the problem of discrimination. Still, there has been no response in the proposed legislation yet [16].

In response to the United Nations' request in 2007, the conservative president Lee Myeong Bak extended the

working period for migrants to five years, allowing them the right to pursue naturalization, even without a qualifying marriage. The government also gave workers the right to change employers three times during their sojourn, which would allow them to evade dishonest employers, poor conditions, and abuse. He and President Park Geun Hye created initiatives to draw in professionals and investors, allowing them the right to permanent residency for qualifying services or large investments that employ Korean citizens. However, large inequities remain [12].

The government conceded on the issue of dual citizenship too. Conservative Koreans have long resisted dual citizenship to prevent what they perceive as a threat to mandatory military conscription and the multicultural elements it might usher into the culture. The liberal Roh Administration introduced an initiative in 2006 to allow dual citizenship of children born to a Korean parent. The conservative administrations, which followed, over the subsequent eight years, passed the original measure and have expanded dual citizenship to all deserving parties, perfecting the policy essential to the military, which is facing critical troop shortfalls [12]. Multicultural Koreans, who were once passed over for military service, can now serve their country the same as native Koreans [10].

Thus far, these actions have allowed immigration to staff the country. Businesses are thriving, but in the process, multiculturalism has been introduced into a five-thousand-year-old, homogenous culture, which has forced Koreans to be exposed to diversity against the will of the majority. Their resistance has caused minorities to be mistreated and denied rights that their legal status or citizenship affords them, often making it appear that the country issues first, second, and third-class levels of citizenship resembling the Confucian class structure, which was outlawed in the Korean constitution [5].

Even some more conservative elements in government recognize that a liberal democracy must address equal rights by protecting the minorities in its jurisdiction while extending them all the rights they should be afforded. The public is essentially against this inclusion, fearing loss of cultural identity and loss of jobs through increased competition, but considering that few Koreans aspire to fill the positions that most migrants fill, that fear is unfounded. However, unless the government or other stakeholders can engineer a policy that resonates with native Koreans to reverse the decline in birthrate, the only way to combat the labor shortage, economic contraction, and the failure of vital government programs supporting an aging populace is to import wives, workers, and adopt a multicultural policy which tolerates them, outlaws discrimination and assimilates them [2].

In discussing the background of this policy issue, we have incidentally been introduced to specific stakeholders. Now let us identify all valid stakeholders and understand them thoroughly.

1.3. Identifying Stakeholders

Several stakeholders have already been mentioned in the preceding section. The groups mentioned were very specific.

- 1.) Lawmakers
- 2.) Individuals and corporations with business interests may need to import foreign labor.

- 3.) Young and old Koreans, a number of whom harbor racist attitudes even while married to an immigrant spouse.
- 4.) Migrant workers.
- 5.) Multiracial children.
- 6.) Immigrant spouses (marriage migrants) from all over the world.

It is important to note that being married to a Korean spouse does not automatically solve racial discrimination within the family, making immigrant wives second-rate family members and second-class citizens [2]. For the sake of a more general discussion, these groups, whose problems are individually diverse and complex, can be condensed into three key groups.

- 1.) The government driven by a substantial majority of traditional native Koreans.
- 2.) Immigrants.
- 3.) Non-Governmental Agencies (NGOs), including the United Nations (Figure 1).

As we have established, Korea is one of the most culturally and racially homogenous countries globally. One of the prime factors driving their racism is that they are very concerned about losing their culture and diluting their bloodline as a race. One of the critical elements that drive the importance of culture and their view of superiority is a legend about Dangun, a God-like, Korean, racial, and cultural progenitor who has grown to fuel an ideology of pure-blooded Korean superiority [17]. Aside from the ugliness that such a myth inspires in racists, Korean legend and culture are a unique and beautiful heritage. In my estimation, having lived here for so long, loss of culture is a valid concern. While many traditions are evolving to suit the needs of a modern society, it is not so much that they are lost, just transformed. We have also established that it is a collective culture that bands together to exercise ethnic nationalism. However, the younger generation is slowly adjusting to a civic nationalism that may at times be slightly more inclusive [18]. It has been further established that the traditionalists, who still comprise an overwhelming majority, adhere to the concept of pure-blooded racial superiority, which advances that all other races are inferior [2].

1.4. Government and Korean Stakeholders

Traditional Koreans still have a deeply embedded sense of Confucianism subconsciously influencing the need to establish a stratified social hierarchy based on birth, position, wealth, and power, making it extremely difficult to change social status [18]. The Confucian principles and social hierarchy that teach unwavering obedience to authority are important factors making Korea a high-power distance culture. They are willing to accept inequalities and preferential treatment for certain groups who are believed to be more deserving [19]. These people are more particularistic, meaning they operate on principles that favor special treatment over equal treatment under the law and special perquisites for people within a privileged class [20].

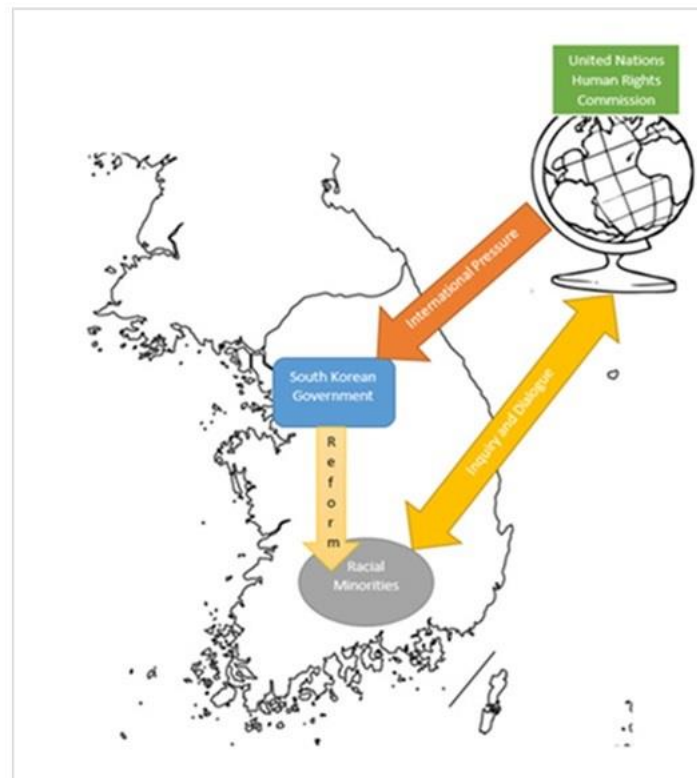


Figure 1

Even as a growing minority of native Koreans, who have become accustomed to living in a liberal democracy, develops the view that such behavior is unethical, there is a cultural and philosophical disconnect that drives the belief that such behavior is pre-ordained and not illegal because social position and hierarchy are the natural order established by heaven. Confucianism also teaches the need for harmony among classes and obedience to authority [21]. Thus, petitioning the government or courts with grievances or demands for constitutional or legal rights upsets Confucian harmony. People who do such things, even native Koreans, are considered troublemakers who should be avoided [22]. Therefore, in the opinion of traditional Koreans, immigrants who disrupt harmony in search of rights that are against the ordained order are blamed for all the country's ills, which is the mindset of Korean stakeholders who drive government anti-discrimination policy, or lack thereof, whether it be in how they conduct their personal affairs, business matters, or exercise their political views. They believe they are rightly protecting their culture and race from being defiled [18].

It should be said that there is growing discontent among a significant number of young Koreans. These young people are developing a more open attitude about who can rightfully be called a Korean. The young people are joined by other Koreans who have lived and studied abroad, have a more accepting attitude toward multiculturalism, and people who have adopted religious and philosophical beliefs that teach a more egalitarian viewpoint. Some of these more open-minded Koreans have found it necessary to import wives to build a family because of the shortage of available native Korean wives willing to marry a rural spouse. These people are a nagging, nascent force demanding change in government policy and services to accommodate their differences and special needs. They have been spurred on toward ethical change due to morality or have a practical, vested interest in seeing that their family can survive and flourish [10].

The Korean government is an inside stakeholder driven by all these internal voices. The government is responsible for the Korean population. It has done studies to determine the viability of its health and retirement insurance, social programs, and the military. The aging population is a concern. The workforce is thinning and aging. It reached its peak numbers between 2016 and 2017. Currently, there will not be enough Koreans to staff businesses, the military, or pay taxes to support the government's responsibility to the aged, who worked a lifetime to earn benefits from social entitlement and insurance programs. Businesses, the military, and the aged are pivotal stakeholders pressuring the government for results. The general population does not want to cede its superiority or jobs to immigrants or equal treatment. Yet, the government knows that unless attitudes toward childbirth change, it must use immigrant labor to solve these problems. Even if attitudes change, it will take a generation or two for those children to be accepted. Representatives feel pressure to maintain tradition but know that something more drastic must be done to solve the problem. As already stated, attitudes toward immigrants and multicultural children are ever-changing among the younger generation, but that is not happening quickly enough [10].

1.5. Immigrant Stakeholders

Some immigrants have no Korean bloodline. My son is one of them. They are naturalized Koreans or children of a naturalized Korean and a resident foreigner. My son was born of a naturalized mother, and I am a permanent resident. He is a citizen without a Korean genetic origin. Children bully or shun him, but he still loves and defends Korea to his last breath. He only knows himself as a Korean. Children of marriage brides of mixed heritage are called Honhyul (혼혈), a pejorative term meaning half-breed. There is a litany of such terms, unfortunately. I won't bother listing them all. Suffice it to say, such people are considered inferior, which places them at the bottom rung of social status [7].

Some laborers have answered the call to fill the void caused by the impending labor shortage or staff special education and technical positions. Many of these individuals have spent significant time, talent, and effort in Korea. These people have developed an affinity to life here or a family connection. They would like to transition to citizenship or permanent residency after many years of sojourn, feeling that their contributions warrant a place as respected members of Korean society. Even if these people achieve legal status or acquire citizenship, most are denied any hope of equality or assimilation [12].

Another subdivision of the immigrant group is a large majority of East Asian women who have come to this country because of the shortage of Korean women willing to marry and raise children. Men who want families have little choice but to import East Asian brides. They have lovely families who face substantial discrimination. The multicultural children born of these marriages are often treated with contempt and disdain because they are believed to be a product of immorality. Some immigrant wives are despised by in-laws and are enslaved by their husbands as childbearing objects and indentured servants. All these immigrants who are granted visas or who acquire citizenship, including multicultural children who inherit citizenship, are denied the rights that the democratic Korean constitution promises them, and despite their status, are refused respect as human beings, jobs, services, housing, and even the most basic acceptance into society [2].

1.6. Non-Governmental Organizations as Stakeholders

There is an outside stakeholder that has a tremendous influence on what is occurring in the country. The United Nations Human Rights Division has been watching what has happened in Korea since the 1990s when the immigrant and mixed-race population were less than 100,000. Discrimination problems have grown exponentially as multicultural residents have grown [5]. The UN has applied consistent international pressure in delegations and human rights reports. In 2007, a United Nations report resulted in an anti-discrimination bill being introduced to parliament. Conservative members attempted to appease the commission by passing a law condemning discrimination without including any means to punish offenders. The UN was not satisfied and has not backed down. There is a growing outcry among vulnerable immigrants and other outside stakeholders in dialogue with the UN, asking it to intervene on their behalf [16].

There is a perpetual dialogue between politicians and their constituents, individuals and businesses, NGOs such as the United Nations, and the immigrant population. The communication happens directly through the courts and elected representatives and indirectly through the media and private research. These vital stakeholder dialogues create a push and pull that shapes changes and several potential alternatives to Korea's problems.

1.7. Some Proposed Alternatives and the Presentation of a Radical Concept

We will discuss a few popular alternatives addressed in research and the media. Then, in conclusion, I will then propose my radical thoughts that Korea already has a comprehensive anti-discrimination law but has not realized it must enforce it.

The first involves native Koreans preserving their ethnic and cultural purity by discouraging government involvement in immigration reform and reversing social spending already committed to in the form of twenty years of retirement and healthcare funding, which would further require reversing the declining birth rate, maximizing technology to make labor more efficient, thereby decreasing the need for imported labor and slowly freezing out future immigration [12].

It is a policy developed by extreme rightists launching demonstrations and information programs to persuade Koreans to protect their culture and bloodline. They disseminate information that criticizes and defames foreigners as the cause of all national problems, including welfare spending and crime, which still leaves well over 2.5 million immigrants in the country as second-class citizens, a population that will no doubt perpetuate its own growth, denied equality the Korean constitution explicitly promises. These groups do not offer viable proposals for dealing with naturalized immigrants and multicultural children already in the system [12].

Another proposed solution is the industrial interest-based 'society bottom-up' approach. The proponents of this approach argue that the only avenue for progress for immigrants has come from the introduction of the newly revised constitution and liberal democracy in 1987, giving them a voice to dissent [5]. This laissez-faire alternative comes in the form of struggle after struggle, which finally results in a tenable solution that benefits all stakeholders (figure 2). The driving rationale behind this alternative is that the structure of economics (free global movement of capital and labor), traditional state intervention, race relations, and historical cultural will

reciprocally interact with the agency of international pressure exerted by NGOs, the state, and political parties. The clash of extreme rightists, immigrants, and ordinary citizens will naturally produce workable educational, cultural, social, labor, citizenship, immigration, and integration policies favoring multiculturalism, in the same way, these events happened in Europe and the United States when the conditions were ripe [12].

	Comprehensive Antidiscrimination Law	Increased Immigrant and migrant labor to counter population decline	Relaxed immigration and liberalized work regulations	Increased tax revenue and premiums to vital social programs facing critical shortfalls/failure due to population decline	Multicultural expression	Immigrant admission to the military to counter shortfall due to population decline
Traditional Korean Citizens (majority)	X	O	X	O	X	X
Modern Young Koreans (minority)	O	O	O	O	O	O
Conservative Korean Government (majority)	X	O	O	O	X	X
Liberal Korean Government (minority)	O	O	O	O	O	O
Korean Businesses (major policy influence)	X	O	O	O	X	NA
United Nations (nagging outside influence)	O	O	O	O	O	O
NGO's (nagging minority influence)	O	O	O	O	O	O
Immigrants (naturalized citizens, legal visa holders, legally imported migrants) (minority of about 1.5 million people)	O	O	O	O	O	O

Approve	O
Disapprove	X

Figure 2

Justifications for this alternative are as follows. Korea has never had any history of cultural diversity with which to contend. Democracy is still young. Most citizens still live under the shadow of a history of totalitarianism and Confucian ideals and do not fully appreciate the rights afforded them. Learning to understand and exercise their rights and respecting the free exercise of the rights of others will require time and adjustment. In addition to learning to live under a new system, the Korean people need to be exposed to multiculturalism firsthand to adapt and appreciate it. People will become more tolerant as time progresses. This tolerance will eventually lead to the legalization of non-discrimination. Once legalization takes place, the immigrant population and their accompanying multicultural influence will grow and become accepted as a norm. Immigrants will have to exercise substantial political power to produce enough change to achieve this. Proponents point to a certain amount of growing influence, which is already taking place at a natural pace [12].

The natural pace of change still has not put a firm anti-discrimination policy in place. Whatever laws are on the books, such as cultural and language adaptation programs, are gains that have been made by natural developments attributable to the give and take between the needs of business, pressure from demonstrating immigrants, and NGOs urging reform on their behalf. The liberalization of the attitude of each successive generation is evident in studies that show a steady change in attitude over the last 20 years. The Korean people gradually show a willingness to change policies, laws, and traditions. This alternative proposes that the process continue until the emerging solution is reached [12]. This idea is to acclimate all parties who will slowly become invested in the need for change and devise suitable outcomes. That all sounds well and good but invites years of suffering and inequality until solutions are reached. The process is haphazard, and there is no definition of success or deadline to achieve it.

Finally, we are presented with the 'state top-down' alternative. This policy proposes that the government

intercede and hasten an ethical solution by legally defining protected classes of minorities, thereby imposing a level of equality for them. Such a law would impose civil or criminal penalties for discriminating against protected classes. Under this alternative, the Korean legislature is encouraged to use similar laws that have been successfully passed and implemented by other governments as a template to draft a comparable version of anti-discrimination. This alternative does not provide time for citizens to acclimate themselves to the issue of multiculturalism before passage, which creates potential problems with enforcement [12]. There is a history of resisting new legislation expanding rights for immigrants and foreign workers. Different governmental departments interpret and enforce laws unevenly depending on the overall political influence in the administration of specific departments [5].

The United Nations is a major proponent of this alternative and has persistently insisted on passing a comprehensive anti-discrimination law since the 1990s, when the country had less than 100,000 immigrants. The pressure that the UN exerts is driven by international approval and the prestige that comes along with it. As the South Korean government complies with international pressure on global issues, which the UN and the international community see as vital, it is welcomed into lucrative trade groups and diplomatic delegations, avoiding sanctions and public embarrassment, which is a disruption of harmony and a blemish on authority [5]. I suppose that Korea had added incentive to respond favorably to suggestions made by the UN at the same time the secretary-general was Korean. The Confucian model of respecting authority and ethnic nationalism, along with the collective nature of the culture, gave Ban-Ki Moon and UN recommendations issued under his leadership added weight.

With this power, as time passes, the UN carries out dialogues with stakeholders and the government, continually pushing the boundaries by adding newly defined protected classes. The law they have proposed would specifically enumerate a broad range of protected classes, not limited to race, which goes into the realm of sexual preference, women's rights, and at least eight other very controversial issues among Koreans [15]. Passing the racial discrimination issue alone will be an uphill battle without the addition of the other classes.

2. Conclusion

Of the three alternatives presented, there truly is only one goal that is just and ethical: to afford the rights that the Korean constitution freely grants to its citizens also to its legal residents, along with a law that prevents citizens from discriminating against immigrants and other marginalized groups. After examining the pertinent information, identifying stakeholders, and viewing a few academically proposed alternatives, the paper has indirectly entertained the idea of 'what's in it' for the Korean people and government to grant equal rights and outlaw discrimination. There are inherent benefits that native Koreans do and have been enjoying already because of the increased presence of immigrants and multicultural elements, without repaying the oppressed parties according to the law as it stands. These benefits are, at minimum, low-cost labor and intellectual contributions to business and society.

There really should be nothing to trade for rights that are justly due to the entire family of humankind. Equality

in Korea is a constitutional mandate, just as it has been in the USA throughout its 200-year struggle with slavery and racial inequality. Article 11(1) of the Korean constitution reads: "All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion or social status [23]." The document does not mention race, but it specifies the word citizen, which strangely restricts to a specific cultural majority a humane practice that the United Nations has agreed should be afforded to all people regardless of their origin, religion, sex, or age, and so forth.

I have lived in Korea for 15 years. I have personally felt the sting of discrimination. I once asked a lawyer about the applicability of those constitutional clauses to lawful residents. He answered in almost a haughty, matter-of-fact tone, "That only applies to Koreans." After he said it, he seemed to feel the uncomfortable awkwardness evoked by the brutish quality of his statement, but not enough to qualify it or retract it.

I have heard it a thousand times being turned away from restaurants, apartment rentals, fighting to own an automobile, trying to get government documents for my son who is a Korean citizen, being told regardless of my immediate status as a Korean Civil Service Official and professor, that I am not Korean. I will never be qualified or recognized as an official designee by Koreans who legitimately hold such positions. I have had my contract illegally broken twice, but lawyers seem to avoid representing an outsider against a Korean no matter how unjust the situation. When I finally found a willing lawyer, I still got the distinct feeling that he defended me with one hand behind the back. At the moment that he made the previous statement; I wanted to point out that not even Koreans are equal in each other's eyes due to the modern practice of a perceived Confucian caste system based on sex, wealth, education, and the region where one lives. Citizens of different sections of Korea belittle and rank each other. One might casually right that off as harmless sibling rivalry, but it is not done lightheartedly [24].

The lawyer's response led me to read the constitution with a more critical eye. I read it with the mindset that we may have been misreading it. What if anti-discrimination in a form as liberal as western laws of that type is inherent to the Korean Constitution? I also looked beyond the constitution for related information on international law regarding human rights; I came across the following fascinating discoveries. What I had not noticed before is crucial to note. The constitution defers to treaties and generally recognized rules of international law with the view that they are as binding as domestic laws. The treatment of aliens is similarly governed.

"(1) Treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea.

(2) The status of aliens shall be guaranteed as prescribed by international law and treaties [23]."

Suppose the Korean Constitution indeed accepts international law as binding as its own. In that case, it should be noted that Korea is a signatory of 'The International Convention on the Elimination of All Forms of Racial Discrimination' as a state party. This could be regarded as international law and a sort of treaty against inhumanity to humankind. Suppose international law is as binding as domestic law, and the status of aliens is

guaranteed by international law and treaties. In that case, Korea already has an antidiscrimination law as broad as Europe, Britain, and the USA. The act demands prosecution, remedies, and just and adequate reparations from the government. I will provide pertinent sections of the agreement.

“The International Convention on the Elimination of All Forms of Racial Discrimination Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural, and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit, and

eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture, and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance, and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention [25].”

It is essential to understand that this was not an agreement thrust upon the Korean government. Korea signed on to this agreement voluntarily toward the end of the twentieth century, much later than the agreement’s inception and after the institution of the present constitution. After reading this document, it seems to me that Korea has

failed to live up to its obligations to stop human rights abuses as it has sworn to do. That would be a tort worthy of a lawsuit on behalf of all who suffered during the country's willful neglect.

When the law of the land promises its inhabitants equal treatment as citizens while excluding legal residents, then there is no alternative but to correct the inequity firmly and expeditiously. According to a plain reading of the constitution and Korea's international agreement, Korea is already spurning its constitution and a binding international agreement. As I read it, Korea's political DNA obligates it to follow international legal agreements by passing a comprehensive anti-discrimination law that gives a clear definition of unlawful prejudice, creates public education for all citizens and residents, eliminates institutional discrimination, a deadline to impose the policy, along with stiff, enforceable penalties for disobeying the law. Otherwise, the government is willfully negligent in carrying out its sworn duties.

I asked the same lawyer if my argument had any merit and if he would include it in his case representing me. He answered, "Sometimes I think my country needs a law like that. Perhaps, but it would take a long time. Now you have to let me do what I need to as a lawyer to win your case." So, he only thinks the law is necessary occasionally, and it would be too long and expensive a case to file. I understand that a legal case like this would be outlandishly expensive and very complicated. The resistance would be overwhelming. Despite all that, I hope that an idealistic lawyer or a principled majority of assembly members would do the right thing.

Following through on constructing a law on the framework of the UN agreement would alleviate unnecessary suffering for millions of deserving people. At the same time, native Koreans would be required to adjust to multicultural influences that are now a new embellishment to their already rich cultural legacy. We must counter the Korean inclination to view someone who pursues his/her inherent rights as a disruptive individual who destroys harmony, as legal scholar, Hahm Pyong Choon has written [26]. How can a legal scholar deny justice to the deserving? That is the very purpose of the law. Koreans must understand that there is no threat to traditional Korean culture. Immigrants are only asking to co-exist in harmony side by side with native Koreans. It is not their goal to supplant, replace, or dilute Korean culture. This is not too much to ask for naturalized citizens and legal residents with a vested interest in the success and prosperity of a country they, too, have come to love.

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