

Washington University Global Studies Law Review

Volume 16 | Issue 2

2017

Legal Reform Related to Interracial Koreans

Sungjin Yoo

Washington University School of Law

Follow this and additional works at: https://openscholarship.wustl.edu/law_globalstudies



Part of the [Civil Rights and Discrimination Commons](#), [Comparative and Foreign Law Commons](#), [Law and Race Commons](#), and the [Law and Society Commons](#)

Recommended Citation

Sungjin Yoo, *Legal Reform Related to Interracial Koreans*, 16 WASH. U. GLOBAL STUD. L. REV. 365 (2017), https://openscholarship.wustl.edu/law_globalstudies/vol16/iss2/9

This Note is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Global Studies Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

LEGAL REFORM RELATED TO INTERRACIAL KOREANS

I. INTRODUCTION

Since the 1997 financial crisis, South Korea has strived to compete on the world economic stage and has now emerged as Asia's fourth-largest economy as well as a major player among the world's top developed nations.¹ Through private companies' cross-border transactions and the South Korean government's signing of free trade agreements with other countries, South Korea continues to globalize economically and grow as an international business hub.²

Yet, extensive globalization has not weakened South Korea's nationalistic mindset. According to recent polls by the Ministry of Gender Equality and Family and the Asian Institute, nearly eighty-seven percent of South Koreans stress the importance of Korean blood lineage while thirty-two percent of Koreans consider mixed-race families as a "threat to social cohesion."³ Eighty-three percent of South Koreans also believe Korean descendants living abroad still belong to the Korean ethnicity, even if they have become residents or citizens of a foreign country.⁴ Ethnic homogeneity based on blood and ancestry continues to play a key role in South Korean society.⁵

This ethnic nationalism, though crucial to cultural preservation during Japanese colonial rule, has had oppressive, discriminatory effects on those

1. Rajeshni Naidu-Ghelani, *South Korea's 10 Biggest Companies*, CNBC (July 20, 2012), <http://www.cnbc.com/2012/07/23/South-Koreas-10-Biggest-Companies.html?slide=1>. Leading Korean companies, such as Samsung and LG, have grown into multinational corporations, heavily committed to cross-border businesses through foreign direct investments. Gi-Wook Shin & Joon Nak Choi, *Paradox or Paradigm? Making Sense of Korean Globalization*, in KOREA CONFRONTS GLOBALIZATION, 250, 251 (Chang Yun-Shik, Hyun-ho Seok & Donald L. Baker eds., 2009). For further discussion on Korea's focus on foreign investments, see generally Sea-Jin Chang & Jay Hyuk Rhee, *Rapid FDI Expansion and Firm Performance*, 42 J. INT'L BUS. STUD. 979 (2011).

2. Shin & Choi, *supra* note 1, at 251. In fact, both inbound and outbound investments have been prevalent. For instance, LG, the electronics giant, recently completed its construction of a "second headquarters" in Beijing, while foreign investors own close to forty percent of the Korea Stock Exchange's equity value. *Id.*

3. Katharine H.S. Moon, *South Korea's Demographic Changes and their Political Impact*, 2015 BROOKINGS INSTITUTION EAST ASIA POLICY PAPER SERIES 10.

4. Shin & Choi, *supra* note 1, at 251, 252. Despite Korea's globalization, "deep down Korea remains mired in the cocoon of exclusive cultural nationalism." *Id.* at 252. For further examination of the globalization's subservience to nationalistic goals, see SAMUEL S. KIM, KOREA'S GLOBALIZATION 263-75 (2000).

5. GI-WOOK SHIN, ETHNIC NATIONALISM IN KOREA 232 (2006). Korean identity is tied to the notion of "body and soil," meaning that a Korean person is Korean, "regardless of class background." *Id.* at 216.

who do not fit the mold. Part II of this note will examine the background on Korea's ethnic nationalism. Part III will discuss Korea's historical and post-Korean War experience with non-Koreans. In Part IV, the treatment of two significant groups of interracial Koreans, the Amerasians and Koasians, will be examined. Part V will consider the current laws and legal reform regarding the better treatment of interracial Koreans.

II. BACKGROUND

Historically, the Korean peninsula has used race (*minjok*)⁶ “as a marker that strengthened ethnic identity, which in turn was instrumental in defining the nation.”⁷ The source of this ethnic national identity and idea of nation based on race is subject to debate by differing views.⁸

A. *Ethnicist*

The ethnicists view Korea's national unity as natural, as all Koreans are descendants of Tan'gun, the mythic founder of Korea.⁹ The Korean ethnic nation is defined as a by-product of those sharing the same bloodline and fate.¹⁰ Even political leaders and historians of differing ideological views have agreed upon that common origin.¹¹

Japanese colonial rule over Korea from 1910 to 1945 strengthened ethnic identity among Koreans, despite the division on the Korean peninsula.¹² As Japan gained control of Korea during colonial rule, it strived to make Japanese, not Korean, the country's dominant language.¹³

6. Race, ethnicity, and nation have been conflated with the result that the word *minjok* generally means “nation,” but can also refer to “race” or “ethnic group.” *Id.* at 4.

7. *Id.*

8. This article will focus on two of these views. There is also a group of scholars who dispute both these views. *Id.* at 6.

9. *Id.* at 4.

10. *Id.* at 4-5.

11. *Id.* at 5. Political leaders from the divided Korean peninsula could agree on one idea: *minjok*. After the Korean War split Korea into two nations, President Rhee Syngman of the South and leader of the North Kim Il Sung shared the view that “ethnic homogeneity of the Korean nation. . . spanned thousands of years and was based on a single bloodline.” Shin, *supra* note 5, at 5. Historians of opposite ideologies have also agreed upon this common origin. While the mainstream South Korean historian Son Chint'ae writes in 1947 that “[s]ince the beginning of history, [Koreans] have been a single race that has had a common historic life, living in a single territory. . . , sharing a common destiny,” a prominent Marxist historian Paek Namun noted in 1946 that “[t]he Korean nation is unitary nation with a common blood, territory, language, culture, and historical destiny for thousands of years.” *Id.*

12. *Id.* at 42.

13. *Id.* at 51. According to the Japanese, “Koreans were an inferior race needing the guidance of a superior race to bring about ‘civilization and enlightenment’ to their country.” *Id.* at 42. “The Japanese assimilation policy did not simply attempt to eradicate any notion of Korean identity; it

In turn, because language is a “critical element in the formation of national identity,”¹⁴ “Korean ethnic nationalism was an effort to promote Korean particularism against the Japanese version.”¹⁵ Korea’s experience with Japan and the threat of other foreign powers further established ethno-national solidarity in Korea.¹⁶

B. Modernist

Rather than focus on the common bloodline, modernists believe the rise of nationalist ideology in Korea occurred at the end of the Chosŏn dynasty, which lasted from 1392 to 1910.¹⁷ Confucianism¹⁸ was adopted during the Chosŏn dynasty and became politically institutionalized in Korea “in a manner that put Korea in a subordinate and obligatory relationship to China.”¹⁹ Korea continued to be in an inferior position to

attempted to create a new one.” *Id.* at 45. Japan “sought to subjugate Korea using the discourses of colonial racism” and in turn played a significant role in shaping the development of Korean nationalism. *Id.* at 42.

14. Mark Cleveland, Michel Laroche & Nicolas Papadopoulos, *You Are What You Speak? Globalization, Multilingualism, Consumer Dispositions and Consumption*, 68 J. BUS. RES. 542, 542 (2015) (“Language is the most fundamental form of communication, serving as a catalyst around which activities, histories, and interpretations coalesce; language is the mirror of culture; . . . ‘language is a part of culture and a culture is a part of language; the two are intricately interwoven so that one cannot separate the two without losing the significance of either language or culture.’ Language forms convey shared and unique meanings because culture is more expansive than language.”). *Id.*

15. Shin, *supra* note 5, at 56. Korean nationalists resisted the Japanese colonialist effort by considering “our language not only as a heritage from ancestors but also as the essence of our nation” and calling for the preservation of the Korean language to maintain the national spirit and consciousness. *Id.* at 51.

16. KYONG JU KIM, *THE DEVELOPMENT OF MODERN SOUTH KOREA: STATE FORMATION, CAPITALIST DEVELOPMENT, AND NATIONAL IDENTITY* 152 (2006). “Korea’s long isolational policy, bitter colonial experience and the division of nation further reinforced the strength of national solidarity against foreign countries. The experience of vulnerability and subordination in the world order has served to intensify national efforts of self-preservation in Korea.” *Id.*

17. Shin, *supra* note 5, at 5; Vladimir Tikhonov, *Race and Racism Discourses in Modern Korea, 1890s–1910s*, 36 KOREAN STUD. 31, 32 (2012). Chosŏn dynasty adopted “the Neo-Confucian vision of ideal society derived from what they consider to be the ‘ultimate form of governance of the three (Chinese) ancient dynasties.’” Chang Yun-Shik, *Introduction*, in *KOREA CONFRONTS GLOBALIZATION*, 1, 25 (Chang Yun-Shik, Hyun-ho Seok & Donald L. Baker eds., 2009).

18. “[Confucianism] was a more worldly system of belief providing guidelines for proper human conduct . . . the King ruled his kingdom with His mandate and it was believed that heaven closely monitored the King’s rulership.” *Id.* at 21. The goal was “to cultivate their minds and become self-regulating loyal subjects by ensuring that they are adequately educated, morally and ritually, and are not materially wanting.” *Id.* at 25.

19. *Id.* at 26. Confucianism did not nurture nationalist identity, but rather brought forth pan-Confucian ecumenism. *Id.* In a “status society with a clearly defined vertical dynasty, which divided people into elite, commoners, and slaves,” Korean elite would have found the idea of nationalism based on ethnicity as both strange and uncivilized because they would “have considered themselves to be members of a larger cosmopolitan civilization centered around China.” Shin, *supra* note 5, at 5. Even though Korea had a centralized bureaucratic state for over a thousand years, it was unconcerned with nationalizing its subjects, as ties were vertical, rather than horizontal. *Id.* at 6.

China throughout the Chosŏn dynasty,²⁰ in part because of Korea's isolationist policy.²¹

Influenced by a “group of young reformists”²² in 1897, Korean national identity was “born only with Korea's integration into the modern world system of nations” and therefore follows “the general pattern of nation building seen elsewhere.”²³ In an effort to build a new, modern Korea, the nationalist intellectuals attempted to “create a new national identity, spirituality or *zeitgeist*, to enable Koreans to be united.”²⁴

III. KOREA'S EXPERIENCE WITH OTHER RACES

Regardless of which of the above-mentioned views is more compelling and accurate, the “dominant ideas of nation and nationalism. . . based upon the ethnic and cultural homogeneity of all Korean people” are prevalent in Korea.²⁵ The next section will examine Korea's historical experience and interaction with other races.

A. Pan-Asianism

Historically, “Koreans had identified themselves as part of a China-centered regional order.”²⁶ By the nineteenth century, this regional solidarity included Japan and transformed into a Pan-Asian movement.²⁷

20. Whereas neighboring Japan restored the Imperial authority as symbol of power and ritual in the nineteenth century, “the Korean state, due in part to the legacy of its dependency on China, was unable to provide strong symbolism or military power.” Kim, *supra* note 16, at 26–27.

21. Because “Korean society followed an isolationist policy, in accordance with its view of itself as a self-contained society . . . [the Chosŏn dynasty] lost an opportunity at this juncture to reform its social structures and build a new national identity on more autonomous and more modern grounds.” *Id.* at 27.

22. These reformists “urged an end to the Confucian social order,” carried out a Western-style enlightenment movement, and led the formation of Korea as an independent imperial kingdom. *Id.* at 26. This was “a nationalist effort to re-establish Korea as country independent of Chinese ties and influences.” *Id.* As nationalist elites attributed the fall of the Chosŏn dynasty and Korea's “backwardness” to Confucian teachings, “[a] group of reform-minded civic leaders published a newspaper called *Doknipsinmun* (Independence) in [standardized Korean], embracing a wider audience”—traditionally Chinese characters were prevalent in literary and journalistic material. *Id.* at 26–27.

23. Shin, *supra* note 5, at 5–6. With the rise of ethnic-nationalist historiography that replaced the dynastic historiography, the history of the Koreans was characterized by *minjok*, “a category inclusive of every Korean without regard to age, gender, or status distinctions. *Id.* at 6.

24. Chang, *supra* note 17, at 27 (emphasis added).

25. Emma Campbell, *The End of Ethnic Nationalism? Changing Conceptions of National Identity and Belonging Among Young South Koreans*, 21 *NATIONS AND NATIONALISM* 483 (2015).

26. Shin, *supra* note 5, at 31. The idea of a “small China . . . was an important part of Korean elite identity during the Chosŏn dynasty.” *Id.*

27. Tikhonov, *supra* note 17, at 36. “The threat emanating from ‘White’ Russians and other ‘Whites’ could be countered by the alliance of the ‘Yellow’ East Asian peoples.” *Id.* Especially during

Characterized by the “yellowness,” this movement “was largely restricted to the idea of the East – and specifically Korea, China, and Japan.”²⁸ Social Darwinist framework and its rule of “the stronger wins and the weaker loses”²⁹ is useful to explain Korean intellectuals’ support of Pan-Asianism and regional solidarity.

B. Historical Experience with Non-East Asian “Others”

Chosŏn intellectuals, “influenced both by the contemporary Chinese and the Japanese attitudes and sources,” viewed whites with both appreciation and denigration,³⁰ By the late nineteenth century, there was deep-rooted prejudice against the West, particularly against Russians.³¹ Yet, with the rise of Social Darwinism, race was considered subsidiary as relating to civilization and progress.³² “However obnoxious ‘Whites’ and their predations might be, ‘civilization’ had to be learned from them.”³³ The failure to modernize was synonymous with the failure of race.³⁴ With

the Russo-Japanese War, which was regarded as a war between the “white” and “yellow” races, many Koreans garnered support from Japan in its fight against Western civilization. Shin, *supra* note 5, at 32.

28. Shin, *supra* note 5, at 31. Yun Chi’iho, a progressive leader of the Independence Club, noted his appreciation for a shared Asian cultural heritage in 1902 stating “Japan, China, and Korea must have one common aim, one common policy, one common ideal—to keep the Far East the permanent home of the yellow race.” *Id.* at 32. For Pan-Asianists like Yun, “Asian solidarity did not necessarily attenuate the sovereignty of each nation. Instead, alliance among the yellow people of Asia would provide both national independence and regional security.” *Id.*

29. *Id.* at 30. The “[y]ellow race community offered a glimmer of hope of acquiring some ‘racial strength’ and at least balancing to a certain degree the overwhelming power wielded by the ‘Whites.’” Tikhonov, *supra* note 17, at 45. Yet, some did not accept the Pan-Asian alliance and were especially skeptical of Japanese promotion of regional solidarity as they “were concerned that Japan might not prove as cooperative as it would have them believe.” Shin, *supra* note 5, at 34.

30. Tikhonov, *supra* note 17, at 35. While Chosŏn intellectuals praised Westerners for the Jesuit science as well as “prowess in maritime trade” and even described the Dutch as “strongly built fellows with good fighting skills,” they also did not hesitate to characterize Whites in a racist and pejorative manner. *Id.* For example, Whites were described as barbarians, “urinating like dogs, lifting up one leg.” *Id.*

31. Shin, *supra* note 5, at 32. As stated by Yun Chi’iho, the progressive leader of the Independence Club, “[t]he meanest Japanese would be a gentleman and scholar compared to a vodka-drunk, orthodox Russian.” *Id.*

32. Tikhonov, *supra* note 17, at 35. “By the end of the nineteenth century, the view of the sovereign nation-state embedded in Western theories of social Darwinism was appropriated by Korean intellectuals as a strategy to stave off imperialist powers.” Kim, *supra* note 16, at 151. The newspaper, Doknipsinmun, echoes this sentiment: “Among all the races, since whites are the most brilliant, diligent and courageous, they have gradually defeated other inferior races all around the world and acquired lands and trees. Therefore, some races among the inferior, which cannot learn whites’ knowledge and customs, should become gradually extinct.” Kim, *supra* note 16, at 205.

33. Tikhonov, *supra* note 17, at 51. The prejudicial characterization of Russians was influenced by “geopolitical logic rather than visceral anti-White racism,” given the “iron law of the survival of the fittest.” *Id.* at 39, 45.

34. Kim, *supra* note 16, at 212. According to Doknipsinmun:

whites and blacks³⁵ on opposite sides of the spectrum of civilization, Koreans justified their status in the world.³⁶ Thus, racial hierarchy in terms of development of civilization was “pivotal in establishing Korean nationalism.”³⁷

Human beings have five races. . . . First is Mongolian, second is Caucasian, third is African, fourth is Malay, and fifth is [Native] American (reds). . . . There are also many nations, such as a savage nation, a pre-enlightened nation, a half-enlightened nation, and a fully enlightened nation. A savage nation, so-called the worst, has no knowledge and thus cannot live like humans. . . . Although we have roughly explained, blacks and reds are no less than human beings.

Id. at 213.

35. Historically, Korea has not been familiar with “blackness,” “as expected from the absence of collective racial encounters.” Jae Kyun Kim, *Yellow over Black: History of Race in Korea and the New Study of Race and Empire*, 41 *CRITICAL SOC.* 205, 212 (2014). In fact, the earliest “record on ‘black’ in Korea comes from the Goryeo dynasty,” the kingdom that preceded the Chosŏn dynasty. *Id.* However, those “described as black by the first King of Goryeo” during the tenth century were actually people “from Thailand. . . .” *Id.* The annals of the Chosŏn dynasty indicate the presence of the first African black person on record in 1598 and describe him as a “sea ghost.” *Id.* A general from China’s Ming dynasty brought this individual, who was a slave-turned-mercenary from Portugal, on his visit to Korea. *Id.* The king of the Chosŏn dynasty was impressed and “very pleased with [the black mercenary’s] bravery.” *Id.*

36. Tikhonov, *supra* note 17, at 47. Whites occupy “the highest position in the world both physically and mentally and lives everywhere on Earth.” *Id.* On the other hand, “lazy [Reds] do not appreciate white civilization, and the blacks do not know how to use their natural resources and would be extinct soon.” Kim, *supra* note 16, at 212–13. An article in the independence newspaper echoed the thought that “the blacks are stupider than the Eastern race and very inferior to the whites.” *Id.* at 213.

37. Kim, *supra* note 30, at 213. A colleague of President Rhee once urged fellow Koreans a few years after colonization to “[s]top your duty if you want to follow the footsteps of the African blacks . . . [But] [f]ulfill your duty if you want to become a robust race of a prosperous nation.” *Id.* at 214. Both during Japanese colonial rule and thereafter, “[a]s opposed to blacks or racial others who had been hopeless without any glorious history, [Koreans] could claim the possibility to become independent and regain their glory.” *Id.*

C. Post-Korean War Experience³⁸

After the Korean War, President Park used ethnic nationalistic rhetoric to implement his policies in South Korea (hereinafter “Korea”).³⁹ At the same time, there had been an influx of foreign-born citizens. Migrant workers, U.S. military servicemen, and immigrant spouses have had a strong presence in Korea and serve as an impetus for reconsidering Korea’s ethnic nationalism.

1. Park Administration

After staging a coup in 1961, President Park⁴⁰ vigorously pursued export-oriented industrialization with the United States and Japan as key trading partners.⁴¹ President Park continued the nationalistic rhetoric of President Rhee⁴² and “accepted the basic premise of ethnic homogeneity

38. Ethnic nationalism continued to define the Korean identity in the divided peninsula. After the Second World War resulted in a pro-Soviet Union state in the North and pro-U.S. state in the South, Kim Il Sung of the North challenged fellow Koreans in the South, “[h]ow can our nation, which has a long history and time-honored culture put up with U.S. imperialist colonial rule and tolerate national humiliation and persecution?” Shin, *supra* note 5, at 153. In contrast, President Syngman Rhee of the South “established anti-Communism as the basis of a new Korea” and described the North as a “satellite Communist state dependent on the Soviet Union” without political legitimacy to present the Korean ethnic whole. *Id.* at 155–56. Against this background, the Korean War began. “Soviet-made tanks led tens of thousands of North Korean soldiers” into South Korea in 1950 and started the Korean War. Kathryn Weathersby, *The Korean War Revisited*, 23 WILSON Q. 91, 92, (1999). An armistice was eventually signed after “more than 33,000 Americans and millions of North and South Korean soldiers and civilians lay dead.” *Id.* at 95. Under leaders like Syngman Rhee and Park Chung Hee, “South Korea resorted to the power of nationalism in the postcolonial building of a new republic.” Shin, *supra* note 5, at 96.

39. President Park “mobilize[d] the force of nationalism in politics . . . based on a popular perception of ethnic unity” and “blamed Communists for breaking the unity of the Korean national community.” Shin, *supra* note 5, at 97, 103.

40. President Park was “born into a poor peasant family” and became a successful military officer after graduating from the Japanese military academy during colonial rule with honors. Shin, *supra* note 5, at 97.

41. Shin, *supra* note 5, at 97.

42. Park’s predecessor, President Syngman Rhee was “a product of deep-rooted Confucian culture, but became a strong exponent of Western liberal principles,” as he earned his doctoral degree from Princeton before returning to Korea to become the first president of the Republic of Korea. *Id.* at 96. Well-known for his long-standing hatred of Japan and Russia, President Rhee proficiently used anti-Japanese and anti-Communist rhetoric during his presidency that lasted from 1948 to 1960. *Id.* at 100, 102. This idea of a unified nation would “creat[e] a new history of [the] nation and a peace of the world.” *Id.* at 102. As Korea’s experiences and memories of Japanese colonial rule were still in the minds of the Korean populace, Rhee incorporated “Japan-bashing” and anti-Communism into his rhetoric as a political strategy to “mobilize[] the populace for his own political interests and agenda.” *Id.* at 101-02. In an attempt “to remove Communism and establish an eternal base of democracy,” President Rhee proclaimed that Koreans have “the same bloodline, the same fate, and the same ideology.” *Id.* at 102. For President Rhee, “freedom and Communism are opposite; they cannot be combined. Compromise with communism is impossible; it is like trying to mix oil and water. . . . [t]he

and the eternity of the Korean nation stemming from Tan'gun," the mythic founder of Korea.⁴³ He also focused on the promotion of economic development to establish the legitimacy of his rule.⁴⁴ Inherent in President Park's economic development policy was the "modernization of the fatherland project" with nationalistic undertones.⁴⁵ Korean modernization was a form of "national survival in the sense that it was the only way to prevent [Korea] from falling into another colonial or Communist rule."⁴⁶

2. *Non-Koreans in the Post-Korean War Era*

a. *Unskilled Migrant Workers*

In accordance with President Park's belief in "digest[ing] superior aspects of foreign civilization,"⁴⁷ Korea became a "labor-sending country from the early 1960s to the late 1980s."⁴⁸ Then, beginning in the late 1980s, Korea transitioned into a "labor-importing nation,"⁴⁹ as "the

only choice is to surrender to Communist totalitarian control or oppose it." *Id.* at 100-01. According to President Rhee's ethnic nationalistic rhetoric, Koreans were "regarded as belonging to a unitary nation and expected to have the same thoughts and behaviors," and the "stress on sameness and unity marginalized differences and diversity among individuals and social groups" continued. *Id.* at 102.

43. Shin, *supra* note 5, at 103.

44. *Id.* at 103. "Unlike [President] Rhee who was an independence movement leader and elected through popular election, [President] Park suffered from a legitimacy problem because he came to power through a military coup." *Id.*

45. This was about more than improving the living standards of Koreans or creating revenue for corporations. *Id.* at 104-05. His development policy proved to be very successful, as evidenced by the average annual growth rate of 8.6% in GDP during the Park regime. *Id.* at 103. President Park transformed Korea's economy from agriculture to industry, which increased from 21.5% to 39% from the 1950s to the early 1980s. *Id.* at 103-04. Korea's Park-led modernization focused on export-oriented industrialization, defined by foreign capital markets and exports, which was transforming Korea into "Asia's next giant," after Japan. *Id.* at 104.

46. *Id.* at 104-5. To do so, Korea had to "digest superior aspects of foreign civilization ... [and] use transnational forces to benefit Korea nationally." *Id.* at 105. "Nationalism was extensively mobilized as a key source for obtaining popular consent for authoritarian politics." *Id.* at 108. Park's dictatorship was "challenged by [democratic] activists and intellectuals" and ultimately led to Park's assassination by the chief of the Korean CIA. *Id.* President Park's legacy lives on despite his assassination, as "Korea's incorporation into the world capitalist system did not weaken the power of nationalism." *Id.* at 109.

47. *Id.* at 105.

48. Andrew Eungi Kim, *The Origin of Ethnic Diversity in South Korea: Issues and Implications*, 1 J. MIGRATION & SOC'Y 85, 87 (2010). In the 1960s and 1970s, "[t]housands of Korean workers migrated . . . notably to Germany, when miners and nurses made up the bulk of the outgoing migrant workers." *Id.* During the "construction boom" of the 1970s and early 1980s, "tens of thousands of Koreans were sent [to the Middle East] annually to work as construction workers for Korean construction companies." *Id.* In the 1980s, "more than 30,000 Koreans migrated annually as laborers to other countries." *Id.*

49. *Id.* Among other reasons, this labor shortage can be attributed to the "deceleration in the growth of the labor force as the rural labor surplus became exhausted and the participation rate of youth (15-19 age group) in the labor force declined significantly due to longer schooling" and "the

shortage of manual workers was estimated at 100,000” by 1987.⁵⁰ The number of migrant workers primarily from other Asian countries “entering Korea increased from 33,861 in 1994 to 49,345 in 2000, 106,688 in 2004, 99,232 in 2005, and 72,000 in 2008.”⁵¹

b. U.S. Military

With the end of the Korean War, the looming anti-Communist political climate and hostility of North Korea helped to establish a strong alliance between the United States and Korea.⁵² By the end of the war in 1953, there were over 392,000 American troops in Korea and the number of troops decreased to 39,000 by 1980.⁵³ Currently, there are around 28,500 American troops stationed in Korea.⁵⁴

c. Immigrant Brides

Recently there has been an influx of immigrant brides. A shortage of marriageable Korean women for certain groups of Korean men—specifically never-married men in rural areas, and divorced, widowed, or disabled men of low socio-economic status in urban areas—has contributed to the popularity of interracial marriages.⁵⁵ Societal preference

booming housing construction industry, which drew Korean workers out of relatively low-paying factory jobs into the higher-paying construction industry.” *Id.* at 87–88.

50. *Id.* at 87. In order to “mitigate the labor shortage in unskilled, manual jobs,” the Korean government began to systematically import and “control the inflow of, foreign migrant workers” in 1992. *Id.* at 88. The labor shortage in Korea occurred as “relatively better-educated, more status-conscious, and wealthier Koreans began to turn away from low-paying and less prestigious manual jobs, particularly those deemed 3-D (Dirty, Dangerous, Difficult) jobs.” *Id.*

51. Kim, *supra* note 48, at 88. “From the beginning, Korea attracted workers from a dozen or so Asian countries, including China (predominantly ethnic Koreans), Vietnam, Indonesia, Bangladesh, and the Philippines.” *Id.*

52. Chang Hun Oh & Celeste Arrington, *Democratization and Changing Anti-American Sentiments in South Korea*, 47 *ASIAN SURVEY* 327, 336 (2007).

Koreans almost uniformly considered the U.S. as their key ally and expected it to continue to protect the country from communist aggression, as it had during the Korean War. The presence of U.S. troops as well as substantial U.S. economic and military assistance demonstrated the strength of America’s commitment. The Korean media and education system inculcated in citizens an idealized view of the U.S. as an older brother sacrificing his interests for the defense and development of their country.

Id.

53. KWANG SUB KWANG, *THE UNITED STATES-ROK ALLIANCE, 1953–2004: ALLIANCE INSTITUTIONALIZATION* 90 (2007).

54. Kyle Mizokami, *It’s Time for the U.S. Military to Leave South Korea*, *THE WEEK* (Aug. 13, 2005), <http://theweek.com/articles/570764/time-military-leave-south-korea>.

55. Timothy Lim, *Rethinking Belongingness in Korea: Transnational Migration, “Migrant Marriages” and the Politics of Multiculturalism*, 83 *PACIFIC AFFAIRS* 66 (2010). A “surplus of bachelors and the movement of eligible women to big cities like Seoul have increasingly driven Korean men in rural areas to seek brides in poorer parts of Asia.” Martin Fackler, *Baby Boom of Mixed*

for male children has resulted in a population with fewer native-born women to marry.⁵⁶ In fact, in 2005, nearly three-fourths of the international marriages in Korea were marriages between Korean males and foreign-born females [primarily from other Asian countries], while in rural areas, more than a third of marriages were international marriages.⁵⁷

IV. INTERRACIAL KOREANS

As a result of the influx of non-Koreans into Korea, children have been born to Korean and non-Korean parents. These children are pejoratively called *honhyŏl*, which literally means “mixed-blood,” a term which carries a negative connotation.⁵⁸ Although there are interracial children from parents of various backgrounds, this section will focus on Amerasians, the “generations of people born to U.S. soldiers and Korean women (prostitutes and non-prostitutes) since the 1940s”⁵⁹ and Koasians, whose mothers are migrant brides from Southeast Asia and fathers are Korean.⁶⁰ Naturally, with the increase in interracial marriages, the number of interracial children has also significantly increased. According to the Ministry of Public Security, the total number of children from “multicultural families” in Korea rose from 58,007 to 107,689 from December of 2008 to May of 2009.⁶¹ The number of elementary, middle and high school students from interracial families reached 67,806 at the end of 2014, a 21.6 percent increase from 2013.⁶²

Children Tests South Korea, THE NEW YORK TIMES (Nov. 28, 2009), http://www.nytimes.com/2009/11/29/world/asia/29babies.html?_r=1. “With the rapid pace of industrialization from the 1960s, many rural young women migrated to urban areas for factory jobs; sex-selective rural-urban migration continued in the 1980s while the service industry expanded.” Yean-Ju Lee, Dong-Hoon Seol & Sung-Nam Cho, *International Marriages in South Korea: The Significance of Nationality and Ethnicity*, 23 J. POPULATION RES. 165, 166 (2006).

56. Fackler, *supra* note 55. The “economic gap between South Korea and the major sources of migrant brides is another salient factor. This gap reflects a more generalized phenomenon in which women from poorer countries move to economically wealthier countries as “marriage migrants.” Lim, *supra* note 55, at 66.

57. Byoung-ha Lee, *Incorporating Foreigners in Korea: The Politics of Differentiated Membership*, 1 J. MULTICULTURAL SOC’Y 35, 44 (2010). Of the 25,142 foreign brides in 2009, 78.8 percent were Chinese, 24.1 percent were Vietnamese, 5.1 percent were Filipinos, with the rest composed of various nationalities, including Thai, Mongolian, Cambodian, and Russian. *Id.* at 44–45.

58. Mary Lee, *Mixed Race Peoples in the Korean National Imaginary and Family*, 32 Korean Studies Mixed Race Peoples 56, 80 n.1 (2008).

59. *Id.*

60. *Id.* at 63.

61. Fackler, *supra* note 55. The number might have slightly undercounted. *Id.*

62. Kim Se-jeong, *Suicide Biggest Killer Among Korean Teenagers*, THE KOREA TIMES (Apr. 28, 2015), http://www.koreatimes.co.kr/www/news/nation/2015/04/116_177930.html.

A. Amerasians⁶³

The massive U.S. military presence in Korea has allowed for relationships to develop between American servicemen and locals in *kijich'on*, or military towns.⁶⁴ Undertaking stressful training and regular long marches, these American servicemen interact with Korean women both on U.S. bases, where Korean nationals are employed as workers, and around the bases, primarily in the *kijich'on*.⁶⁵

In the American servicemen-Korean women relationships, when the Korean women have children,⁶⁶ many GI fathers do not take the responsibility of raising their offspring for two main reasons.⁶⁷ First, “the transitory nature of [American servicemen’s] stay discourages and undermines the formation of long-term relationships and families.”⁶⁸ Second, the American servicemen do not intend to make “permanent

63. The Most Valuable Player of the 2006 NFL Super Bowl was Hines Ward, who was born to a Korean mother and an African-American father. Lee, *supra* note 58, at 56. Growing up as a “mixed-blood child” in Korea, Ward faced discrimination and hardship. *Id.* Following his stardom, Hines’ story exemplified Korea’s attempt at redemption in achieving “some sort of expedited closure on the issue of long-standing discrimination against interracial people.” *Id.* at 55–56. “[P]ublic debate on government-backed multiculturalism initiatives intensified during the Hines Ward craze.” *Id.* at 56. Despite the “Hines Ward craze,” for *honhyöl* people, “conditions have not changed much, despite the media focus on the success of some entertainers of mixed heritage.” *Id.* at 59.

64. Margo Okazawa-Rey, *Amerasian Children of GI Town: A Legacy of U.S. Militarism in South Korea*, 3 *ASIAN J. WOMEN’S STUD.* 71, 73 (1997). These towns include “institutionalized sexual and non-sexual servicing of military personnel in areas surrounding the bases.” *Id.* Although *kijich'on* “is a term originally coined to refer to residential and commercial areas situated near the major bases,” “[*kijich'on*] has become synonymous with sex market.” *Id.* at 79.

65. *Id.* at 74. Discouraged from bringing family members to South Korea, American “GIs tend to be in their early twenties, living outside the U.S. for the first time.” *Id.* at 73.

66. In fact, “[t]he number of Amerasians born in Korea since the Korean War is estimated by the Korean government to be between twenty thousand and sixty thousand.” Lee, *supra* note 58, at 60. However, the numbers are in all likelihood much higher because “[a]ccurate records were not kept and Amerasians were not officially monitored or classified by the state except in instances of regulating overseas adoption cases.” *Id.*

67. The first type of contact between GIs and Korean women is through prostitution. Against the backdrop of nationalism and economic development, the Park Administration “sanctioned and promoted prostitution as a diplomatic gesture to the United States military beginning in the 1970s.” Lee, *supra* note 58, at 66. “In a public effort to foster good relations between U.S. servicemen and the South Korean government, Park instituted the Camp-town Clean-Up Campaign, which promoted a disease-free prostitution program.” *Id.* This program “included medical screening and prostitution etiquette classes for the women participants.” *Id.* “This view clearly established sex work as a form of patriotic labor.” *Id.* “From the perspective of the Korean government, the [*kijich'on*] prostitutes had the opportunity to serve as personal ambassadors to the many GIs with whom they came in contact.” *Id.* The second type of interaction between GIs and Korean women is a dating relationship. While such contact might begin as a business interaction, it shows promise of a longer-term relationship with emotional intimacy and commitment. Okazawa-Rey, *supra* note 64, at 75. This relationship may include “additional non-sexual services, such as the women doing the GIs’ laundry, or the couple even living together.” *Id.*

68. *Id.* at 75. “GIs are transferred to another base, usually outside Korea, within short spans of time.” *Id.*

commitments, as they are often already married and have their own families back in the U.S.”⁶⁹ As such, American servicemen often leave their children and the mothers in Korea.⁷⁰ Given the persistent ethnic nationalism in Korean society, Amerasians are “not only subject to intense and pervasive interpersonal and social abuse but also to institutional discrimination.”⁷¹ Multiracial children were given pre-existing medical classifications that pathologized them and metaphorically compared their racial hybridity to physical and mental disability.⁷²

Amerasians continue to disproportionately face social and economic hardship. According to a 2002 survey by an international adoption agency, nearly ten percent of Amerasians in Korea failed to enter or graduate from elementary school, while close to twenty percent failed to complete middle school.⁷³ Many Amerasians claim they are unable or unwilling to finish their education due to the abuse from their classmates and teachers.⁷⁴ Employment turnover rates continue to be high for Amerasians because of stressful working conditions, and incessant harassment over race and social background makes life in a pure Korean society unbearable.⁷⁵ The Bureau of Statistics notes the average monthly income of Amerasians is

69. The possibility of life in the U.S. through marriage is especially enticing for the women in the *kijich'on*. Okazawa-Rey, *supra* note 64, at 76. In Korea, GIs enter into “marriages” of convenience to satisfy their needs and desires without making a genuine commitment to the women. *Id.*

70. *Id.* at 77. GIs perceive marriage to be Korean women’s “ticket to the U.S.,” although in rare cases, the GIs returned to Korea to take their children back to the U.S. *Id.*

71. Lim, *supra* note 55, at 64. For example, up until recently, Amerasian males were “barred from serving in the South Korean military.” *Id.* Military service has been “mandatory for every other Korean male and is ‘an institutional rite of passage which enables access to citizen rights.’” *Id.* Although “this law was revised in 2006 so that ‘mixed blood’ Koreans could voluntarily enlist for military service,” the Korean government must take additional steps to signify the equality of all Korean men by making military service also mandatory for “mixed blood” Koreans. *Id.*

72. Lee, *supra* note 58, at 60. “Amerasian mixed ancestry was represented as a type of physical disability, categorized among those with ‘harelip, deformity, prematurity, mental illness, and heart disease.’” *Id.* While many Amerasian children were placed up for adoption, “most of the children live with their single-mothers, or are cared for by their maternal grandmothers.” Okazawa-Rey, *supra* note 64, at 80. The “very first children who were sent overseas for foreign adoption in 1954 from Korea were mixed-race children born to African-American soldiers and Korean women.” Claire Lee, *Defining Racism in Korea*, THE KOREA HERALD (Sept. 4, 2014), <http://www.koreaherald.com/view.php?ud=20140904001088>. Regardless of whether the mother was a prostitute, social stigma arises because the children and mother do not conform to traditional Korean family norm, which emphasizes “patriarchal and patrilineal kinship as the primary basis for social organization.” Okazawa-Rey, *supra* note 64, at 88.

73. Lee, *supra* note 58, at 60. These statistics are alarming when compared to average dropout rates for Korean elementary and middle school students at 0.6% and 0.9%, respectively. REPUBLIC OF KOREA, EDUCATION FOR ALL 2015 NATIONAL REVIEW 10 (2015).

74. Lee, *supra* note 58, at 60.

75. *Id.* at 62. “Approximately 56 percent of Amerasians are currently unemployed, while only 24 percent of all Amerasians hold regular employment.” *Id.* at 62. “The areas of employment are most typically construction, factory work, restaurant work, or work in military camp towns. Such work is often unstable because jobs are acquired through unofficial channels.” *Id.*

\$1,223.35, an amount less than half of the \$2,571.46 earned on average by Korean nationals.⁷⁶ In terms of the emotional and psychological well-being of Amerasians, instances of abandonment and suicide are unfortunately far too common⁷⁷ and can be attributed to Korea's accustomed belief in "pure-blood nationalism."⁷⁸

B. Koasians

The second category of *honhyol* ("mixed blood") is Koasians. The high rate of birth of mixed children is the product of the growth in marriages between Koreans and those from Southeast Asia.⁷⁹ The economic gap between South Korea and the major sources of migrants supports the trend of women from poorer countries moving to economically wealthier countries as "marriage migrants."⁸⁰ Koasian children have faced educational obstacles. According to a "survey conducted by one of Korea's provincial education offices, students of mixed blood were ten times more likely to flunk their courses than 'general' students."⁸¹ In a society where the mother is responsible for handling her children's education, many mothers in interracial marriages are discriminated against because of their lack of Korean language proficiency and subsequently have little support in navigating through language and cultural barriers.⁸²

76. Lee, *supra* note 58, at 62. As a result of joblessness and underemployment, 66 percent of all Amerasians have accumulated personal debt averaging 41,187,000 won (\$34,511.00). *Id.* To compare, the average personal debt of Korean nationals hovers around 34,000,000 won (\$28,488.94)." *Id.*

77. *Id.* at 62–63. "Joblessness and poverty commonly feature as a part of their lived experiences, and teenagers continue to be ostracized by their peers to the point where emigration becomes their only hope for a better life." *Id.*

78. Korea as a homogenous nation and "its people don't seem to be prepared to accept or understand a multiethnic and multicultural society." *Id.* Perhaps "the ill-treatment of Amerasians was exacerbated by a patriarchal and hyper masculine sense of national identity: Amerasian children were associated with the 'shame' and 'humiliation' of a dominant Western power conquering and abusing Korean women for sexual pleasure." Lim, *supra* note 55, at 64. Moreover, the Amerasian children are considered to be the result of "betrayal of gendered and sexual loyalties to Korean men." Lee, *supra* note 58, at 67.

79. Martin Fackler, *supra* note 55 ("A surplus of bachelors and the movement of eligible women to big cities like Seoul have increasingly driven Korean men in rural areas to seek brides in poorer parts of Asia.").

80. *Id.*

81. Lee, *supra* note 58, at 63. "The survey measured the basics of scholastic ability, such as reading, writing, and arithmetic. These results were interpreted as an outcome of inadequate exposure to the Korean language during their formative years. Many migrant wives are unfamiliar with Korean and instead engage their children in their native languages." *Id.*

82. Stephanie K. Kim & Lupita H. R. Kim, *The Need for Multicultural Education in South Korea*, 12 IMMGR. & EDUC. NEXUS 243, 247 (2012). "Minority mothers are at an acute disadvantage when attempting to enroll their children into private cram schools and after-school tutoring programs because private institutions do not accommodate for minority rights." *Id.* "Even more egregious, the mothers' lack of Korean language proficiency weighs heavily against minority students in at-home

This often causes their children to receive insufficient educational opportunities. Korean people's obsession with the long-standing principle of pure-bloodedness as a source of national pride has caused Kosian children to face discrimination based on this backward concept of racial purity.⁸³ One study indicated thirty-four percent of students from multicultural families had experienced various types of discrimination and unfair treatment.⁸⁴ Discriminatory practices are also found in the classroom, as the textbooks used in Korean schools emphasize nationalistic and ethnocentric attitudes.⁸⁵ Teacher education programs fail to train teachers in how to implement multicultural education in classrooms and Korean teachers' negative stereotypes about Kosian children's intelligence are too common.⁸⁶ Emotional, verbal, and physical bullying from peer groups is also prevalent.⁸⁷ In fact, bullying can be so severe that "multicultural children [are] being taken out of school altogether."⁸⁸ There have to be laws that effectively educate Kosian

learning environments, while other Korean children's day-to-day Korean language skills are promoted through a systematic teaching-learning process." *Id.* In addition, "[g]iven a particular South Korean context where the majority of multicultural families come from rural areas and have a head of household with a low-wage job and poor educational background, students from multicultural families are expected to receive less educational support from their parents than native Korean students do." *Id.*

83. *Id.* at 248.

84. *Id.*

85. *Id.* "Many textbook descriptions are based on ethnocentrism and provide distorted images of other people and cultures, reflecting a Korean tendency to dehumanize other people rather than respecting the complexities of other cultures." *Id.* For further discussion on the ethnocentrism in textbooks, see C.H. Park, *A Critical Study on the Contents of Elementary Social Studies and Moral Textbooks in the View of Multicultural Education*, 17 KOREAN J. SOC. EDUC. 109–129 (2007).

86. Kim & Kim, *supra* note 82, at 248. Because "Kosian" children are increasingly perceived as problems within the Korean education system, public support for them is also waning. There is reluctance on the part of Korean parents to be supportive of children who they knew to be from multicultural families and "[a]lthough 80 percent responded favorably to the idea of supporting "Kosian" children, only 10 percent would be willing to pay higher taxes to actualize this support." Lee, *supra* note 58, at 64. Moreover, the parents of Korean students have protested to her and the school for "any special attention to mixed-race children." *Id.*

In Korea, the cost of education and other necessary activities that allow children to compete are extraordinarily high in terms of finances, parental/maternal investment of time, and emotional stress. Private tutoring and academy lessons, although technically supplemental, are crucial to students' successful study and exam-taking. In other words, education is more privatized than it has ever been in Korea. The idea of financially contributing to the children of migrant women wears on this already strained situation, and these frustrations are translated into a social problematization of "Kosian" people as viable and deserving national subjects.

Id.

87. Lee, *supra* note 58, at 64.

88. Anne Thomas, *Homogeneous South Korea Deals with Growing Multiculturalism*, DEUTSCHE WELLE (Apr. 5, 2012), <http://www.dw.com/en/homogeneous-south-korea-deals-with-growing-multiculturalism/a-15858944>. Kosians frequently experience *wangtta* from their classmates, which translates as a particularly malicious kind of alienating, teasing, or bullying. Lee, *supra* note 58, at 63. "[U]p to 30 percent of all biracial kids in South Korea stay home with their foreign mothers" and

children as well as protect them from discrimination from teachers and peers.⁸⁹ There must be systematic change.

V. THE ROLE OF LAW

A. *What the Law is Doing*

In 2007, the United Nations General Assembly's Report of the Committee on the Elimination of Racial Discrimination voiced the international community's concern regarding "the persistence of widespread societal discrimination against foreigners, including migrant workers and children born from inter-ethnic unions, in all areas of life, including employment, marriage, housing, education and interpersonal relationships" in Korea.⁹⁰ The Korean government responded to the systematic problems involving interracial marriages and passed the Support for Multicultural Families Act (hereafter "SMFA") in 2008, which was also amended in 2010.⁹¹

Article 5 of the SMFA mandates governments on the state and local levels to address cultural diversity through education.⁹² Article 6 of the SMFA is the provision for state and local governments to provide information necessary for daily life and educational support in Korea.⁹³ Article 7 of the SMFA deals with maintaining equality in familial relationship.⁹⁴

therefore are not receiving education or learning to speak Korean proficiently. *Id.*

89. Lee, *supra* note 58, at 63. "Korean children learn stereotypes and prejudice from their parents and through the media and feel unabashed to tease or bully their peers who they see as different."

90. See CERD, Report of the Committee on the Elimination of Racial Discrimination, 70-71st Sess., at 90, U.N. Doc. A/62/18 (2007).

91. Support for Multicultural Families Act, Act. No. 8937, Mar. 21, 2008, *amended by* Act. No. 9932, Jan. 18, 2010 (S. Kor).

92. Support for Multicultural Families Act, Act. No. 8937, Mar. 21, 2008, *amended by* Act. No. 9932, Jan. 18, 2010 (S. Kor). "State and local governments shall take measures, such as education and advocacy activities for understanding diverse cultures, as necessary for preventing social discrimination and prejudice against multi-cultural families and for encouraging members of society to acknowledge and respect the cultural diversity." *Id.*

93. Support for Multicultural Families Act, Act. No. 8937, Mar. 21, 2008, *amended by* Act. No. 9932, Jan. 18, 2010 (S. Kor). *Id.* "The State and local governments may provide married immigrants and naturalized citizens, etc. with fundamental information necessary for living in the Republic of Korea and may also provide them with support necessary for them to receive education for social adaptation and occupational education and training." *Id.*

94. Support for Multicultural Families Act, Act. No. 8937, Mar. 21, 2008, *amended by* Act. No. 9932, Jan. 18, 2010 (S. Kor). "The State and local governments shall promote programs for family counseling, couple relationship education, parenting education, family life education, etc. to help multi-cultural families maintain a democratic and gender-equal familial relationship. In such cases, efforts shall be exerted to provide specialized service, taking cultural differences into consideration." *Id.*

SMFA also brought about the establishment of multicultural family support centers throughout Korea.⁹⁵ These support centers have made some contributions on several fronts, especially in bettering the “quality of life for the second generation of multicultural families.”⁹⁶ However, integration has not been achieved completely. As mentioned *supra*, textbooks continue to have ethnocentric undertones,⁹⁷ while “even teachers themselves are underprepared for teaching in multicultural environments.”⁹⁸ Additionally, minority students are still bullied solely because they are interracial.⁹⁹ For integration to be achieved, institutional obstacles against both Amerasians and Kosians must be removed.¹⁰⁰

B. *What the Law Should Be Doing*

The Committee on the Elimination of Racial Discrimination notes Korea’s emphasis on ethnic homogeneity “may represent an obstacle to the promotion of understanding, tolerance and friendship among the different ethnic and national groups living on its territory.”¹⁰¹ The first step to eradicating this discrimination is to eliminate the use of racially-biased terminology, such as “mixed-blood” (*honhyŏl*) and “full-blood” in the public arena. As the word “mixed-blood” (*honhyŏl*) carries an especially

95. Kim Se-jeong, *Interracial Families in Korean Society*, THE KOREA TIMES (Oct. 8, 2014), http://www.koreatimes.co.kr/www/news/nation/2014/10/116_165995.html “Ranging from offering Korean language workshops to counseling, 217 support centers played - and still play - a crucial role in making immigrants’ transition to life in Korea easier.” *Id.*

96. *Id.* For example, in 2012 the number of interracial households that broke up within the first five years dropped by fifteen percent compared to 2009. *Id.* In 2012, 1.6 million people said they had received services from a support center, double the number from 2009. *Id.* “The support centers have already expanded counseling services and academic assistance for them to address these problems,” such as discrimination at schools and school performance. *Id.*

97. Kim & Kim, *supra* note 82, at 248. “When evaluating the national curriculum, an examination of Korean textbooks is required. Teaching in Korean schools tends to be dominated by textbooks endorsed by the Korean government and local educational authorities,” which dehumanize rather than respect other people of different races and the complexities of multiculturalism. *Id.*

98. Kim & Kim, *supra* note 82, at 248. “[Teachers] feel uneasy implementing multicultural education in their classrooms and have difficulty understanding cultural differences of the minority students, leading to a kind of cultural ignorance even as they earnestly attempt to help minority students achieve academic success.” *Id.*

99. *Id.* “Outside of the classroom, minority students also experience discrimination from their peers just because they do not have a native Korean mother.” *Id.* “This is only intensified by pedagogical practices that emphasize an ethnocentric Korean dominant culture that extends to students’ treatments of minority students.” *Id.*

100. “As a result of such structural barriers against the integration of minority youths in Korean schools, a substantial number of students from minority families suffer from reduced educational opportunity.” *Id.* This would be “unimaginable to mainstream Koreans.” *Id.* Kim & Kim, *supra* note 82, at 248. “It is reported that the disenrollment rates of minority students are ten to twenty times higher than that of most Korean students.” *Id.*

101. See CERD, Report of the Committee on the Elimination of Racial Discrimination, 70-71st Sess., at 90, U.N. Doc. A/62/18 (2007).

negative connotation,¹⁰² this distinction perpetuates the idea of racial superiority of “full-blood” Koreans over Koreans with one or more non-Korean parent.¹⁰³ In order to recognize and appreciate the increasingly diverse Korean society, words like “mixed-blood” (*honhyŏl*) and “full-blood” must be eradicated from the public vernacular. Removal of this distinction will allow people to embrace the “multi-ethnic character of contemporary Korea society and overcome the image of Korea as an ethnically homogeneous country, which no longer corresponds to the actual situation.”¹⁰⁴

As the United Nations Special Rapporteur on racism, Mutuma Ruteere, noted in 2014, a comprehensive anti-discrimination act must be enacted.¹⁰⁵ A proposed bill, the Discrimination Prohibition Act, would have “prohibited discrimination on the grounds of race, skin color and ethnic origin” as well as “indirect discrimination and advertisements that encourage harassment and discrimination,” but was discarded by the National Assembly in 2008.¹⁰⁶ Although the proposed bill would have prevented many types of discrimination, it “did not provide for the criminal punishment of the prohibited discriminatory acts.”¹⁰⁷ Passage of a comprehensive anti-discrimination act would enable appropriate institutions, such as the National Human Rights Commission, to play a greater role in addressing complaints from victims, investigating racial discrimination, and properly recommending when the Korean government should follow-up on the complaints.¹⁰⁸ In turn, by enacting a comprehensive anti-discrimination act, the Korean government will be adopting legislation that addresses and prohibits discrimination.

Government-enforced laws prohibiting racially biased actions, especially in schools and workplaces, would also help eliminate the

102. Lee, *supra* note 58, at 81.

103. See CERD, Report of the Committee on the Elimination of Racial Discrimination, 70-71st Sess., at 91, U.N. Doc. A/62/18 (2007). The Committee notes such words continue “to be widespread in Korean society.” *Id.*

104. *Id.*

105. OFFICE OF THE UNITED NATIONS HIGH COMM’R FOR HUMAN RIGHTS, *UN Expert on Racism Urges the Republic of Korea to Adopt a Comprehensive Anti-Discrimination Law* (Oct. 9, 2014), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15147&LangID=E>.

106. U.N. Committee on the Elimination of Racial Discrimination (CERD), Reports submitted by States parties under article 9 of the Convention: International Convention on the Elimination of All Forms of Racial Discrimination: Combined 15th and 16th periodic reports of States parties due in 2010: Republic of Korea, U.N. Doc. CERD/C/KOR/15-16 (Mar. 2, 2012), <http://www.refworld.org/publisherCERDKOR5064022520.html>.

107. *Id.* “Korea has no separate law for the punishment of criminal acts based on racial discrimination. This is due to the fact that crimes of this nature have rarely occurred throughout the history of Korean society, and it is already the case that racially motivated crimes can be penalized within the scope of existing legislation.” *Id.*

108. OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, *supra* note 106.

racism, xenophobia, discrimination, and disparate impact on multicultural Koreans.¹⁰⁹ Through better education and awareness, racism and xenophobia can be alleviated.¹¹⁰ Additionally, with forty-two percent of multiracial children encountering bullying and thirty-four percent of those students experiencing bullying because their mothers were foreign, such measures could serve to prevent this bullying from continuing.¹¹¹ Further, the government must take a more active role to dispel myths about multicultural Koreans and “clarify the situation in order to prevent the proliferation of racist and xenophobic movements.”¹¹² South Korean authorities should ensure “the media is sensitive and conscious of the responsibility to avoid racist and xenophobic stereotypes and that perpetrators are punished where appropriate.”¹¹³

Support for multicultural families must be made more effective and accessible.¹¹⁴ Although cultural centers have assisted multicultural families in their assimilation¹¹⁵ to Korean society, there are several

109. *Id.* As the independent expert tasked by the UN Human Rights Council to assess and report on the situation of racism notes, as “Korean society becomes more exposed to foreigners and migrant workers living in the country, it is important to continue addressing the issue of racism, xenophobia and discrimination.” *Id.*

110. *Id.* Ill-intended Korean children call their Kosian peers *kkamdungi*, which means “darky” or “blacky.” Lee, *supra* note 58, at 64. “[T]hese racial comments are frequently associated with the slower pace at which they learn in the Korean language due to the general lack of Korean spoken in the home. This kind of treatment is particularly prevalent among ‘Kosian’ students of Southeast Asian descent.” *Id.*

111. Moon, *supra* note 3, at 7. Kang Shin-who, *New Education Needed for Multi-Ethnic Society*, THE KOREA TIMES (Mar. 5, 2008), https://www.koreatimes.co.kr/www/nation/2017/03/181_20133.html.

112. OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, *supra* note 106.

113. *Id.* On Korean TV shows, the use of “black face” is prevalent and portrays those with darker skin in a negative and degrading light. Jung Min-ho, *Will They Ever Get It?*, THE KOREA TIMES (Feb. 3, 2014), http://www.koreatimes.co.kr/www/news/culture/2014/07/201_150883.html.

114. Kim & Kim, *supra* note 82, at 249–50.

Some systematic attempts have been made to better integrate multicultural families. In 2006, the Korean government implemented the Support for Multicultural Families initiative. This program provides educational support for Korean language learning, social adjustments, and legal counseling to multicultural families living in South Korea. The government has also integrated components of multicultural education by teaching biracial children about Korean language and culture, as well as attempting to cultivate positive minority identify attitudes. In 2007, the national curriculum was revised to include content on cultural diversity and universal human rights.

Id.

115. *Id.* The assimilation efforts of foreign brides are a result of coercion because social knowledge and a firm understanding of the Korean language are requirements for naturalization test, the passing of which allows for citizenship and access to social benefits. JiYoon Lee, *Amendment to the Naturalization Examination and Its Social Impact on International Marriage Immigrants in South Korea*, 44 TESOL Q. 575, 575, 580–81, 583 (2010). However, the level of difficulty of the test items, need for sociopolitical and historic knowledge, and embedded sentence structure as well as high-level vocabulary through the test resulted in an average test score of 47.1 among the migrant brides, far below the passing score of 60. *Id.* at 581–82. The low scores not only indicate:

problems with these programs. First, these cultural centers are located in urban areas and therefore not easily accessible to foreign brides and their children, who primarily live in rural regions.¹¹⁶ Additionally, most mothers in multicultural families are employed full-time and therefore have little time to travel for the programs held at the cultural centers.¹¹⁷ To provide better access to these centers, more cultural centers must be established in the countryside. A final problem with current cultural programs is that its goal “to better assimilate multicultural families and biracial children to Korean culture”¹¹⁸ is at odds with democratic values. Rather than forcing minorities to assimilate into the dominant culture, cultural centers need “a broader curriculum that aims to teach all Koreans to better understand and appreciate cultural differences.”¹¹⁹

Although Koreans take pride in their homogenous tradition and culture, education in multiculturalism is needed to reflect Korea’s current demographic makeup and future as a multi-cultural nation. Important measures can be taken to ensure Korean society fosters tolerance and acceptance toward multicultural families.¹²⁰ Curricula in schools should “offer further multicultural awareness and preparation to engage citizens in an emerging global society.”¹²¹ Given the importance of education and its role in shaping national cohesion, “[t]eacher education programs should prepare future teachers as agents for necessary changes.”¹²² How schools function, educate the future generation, and raise awareness regarding multiculturalism will determine Korea’s development into a more mature

insufficient education on the test contents but also of problems in the test itself. For instance, it is not realistic to expect that adult second language learners can acquire in just a few years . . . content knowledge at the level of fifth or sixth grade which is set for native-Korean-speaking children.

Id. at 581.

116. Kim & Kim, *supra* note 82, at 249. “One study discovered that a key reason why foreign brides are absent from government-sponsored Korean language programs is because of the long commute.” *Id.* Moreover, “multicultural families simply do not have information about these programs or feel they do not need them because they do not strongly value education, primarily due to their low socioeconomic background.” *Id.*

117. *Id.* at 249. Because “the mother is usually employed full-time while simultaneously taking on the responsibility for domestic duties and the children’s education,” there is little “time for the mother to take advantage of Korean culture and language programs, especially if they are located in distant locations.” *Id.* In fact, “another reason why foreign brides are absent from government-sponsored Korean language programs is because they lack a place to keep their children while they are away.” *Id.*

118. *Id.*

119. *Id.*

120. *Id.* Perhaps this may require “a deconstruction of mainstream Korean values and social orders, and a reconstruction of a pedagogical approach of critical inquiry and pluralism.” *Id.* at 249–50.

121. *Id.* at 250.

122. *Id.* For further discussion on the importance of education as a tool for social cohesion in Korea, see Hyo-Jeong Kim, *National Identity in Korean Curriculum*, 38 CAN. SOC. STUD. 3 (2004).

and robust multicultural society.¹²³ In a globalizing world, multiculturalism and cross-cultural understanding can best be learned through education.¹²⁴

Through these institutional changes, including anti-discriminatory measures and educational reform, Korean society can be transformed. This institutional framework will reduce the unfair practices, discrimination, and racism against those who are not “full-blood” Koreans.¹²⁵ It will also promote democratic national values that foster and appreciate diversity, tolerance, and multiculturalism among the populace.¹²⁶ Rather than viewing multicultural families as outsiders, the general Korean population should envision a society in which they can live and grow together not just as Koreans but as equal citizens of a democratic country.¹²⁷ Until it can do this, Korea will not be able to become “Asia's hub,” as this status requires the appreciation of cultural and ethnic diversity and flexibility.¹²⁸

VI. CONCLUSION

Ethnic homogeneity in Korea has long been a source of a patriotism and nationalism, which helped the country develop from a Third World country in the post-Korean War era to a major force in today's world economy. Through more legislative action and educational reform, Korea can alleviate much of the discrimination, xenophobia, and racism in its schools, workplaces, and society as a whole. Although official multicultural initiatives, instigated by international scrutiny and assessment, have been put in place, more time may be needed to unlearn the concept of Korean national homogeneity as an excuse for superiority toward multicultural families. Perhaps, through better education of teachers and public awareness, Korea will be able to embrace its cultural diversity in the generations to come and enable it to transform into a robust, tolerant, and multicultural society.

*Sungjin Yoo**

123. Kim & Kim, *supra* note 82, at 250.

124. *Id.* In a “world where we experience accelerated flows of people, ideas, and cultures, it is important to also foster a deeper appreciation for diverse backgrounds and heritages.” *Id.*

125. Gi-Wook Shin, *Korea's Ethnic Nationalism is a Source of Both Pride and Prejudice*, WALTER H. SHORENSTEIN ASIA-PACIFIC RESEARCH CENTER (Aug. 2, 2006), http://aparc.fsi.stanford.edu/news/koreas_ethnic_nationalism_is_a_source_of_both_pride_and_prejudice_according_to_giwook_shin_20060802/.

126. *Id.*

127. *Id.*

128. *Id.*

* Executive Articles Editor, *Washington University Global Studies Law Review*; J.D. (2017), Washington University in St. Louis; B.A. (2013), Calvin College. I would like to thank the editorial

board and staff of the *Global Studies Law Review* for their feedback, comments, and friendship. I also thank my family as well as David T. Pastors and his family for their continued love, support, and encouragement throughout my endeavors.