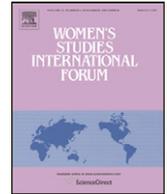


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## Women's movement and the politics of framing: The construction of anti-domestic violence legislation in South Korea

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### SYNOPSIS

This article discusses the emergence of the campaign to construct and pass anti-domestic violence legislation in South Korea. It introduces aspects of the political and cultural context and analyzes choices and negotiations involved in deciding on an effective strategy to support legislation—a framing strategy. The framing strategy was intended to transform and subvert problematic cultural concepts that deemed wife abuse a private, trivial and even benign aspect of married life. While the article demonstrates that the framing played a crucial role in arousing government response to the issue of violence against women, it also shows some unanticipated consequences that resulted from the agreed upon frame and from the institutionalization of responsibilities for implementing the legislation. By exploring feminist movement against domestic violence in the local context, the article suggests that success of the anti-domestic violence legislation movement and unintended consequences of state intervention in domestic violence can be relatively discussed and anticipated.

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### Introduction

The rise and growth of the battered women's movement internationally was a direct result of the women's liberation movement of the late 1960s and early 1970s in both Britain and the United States. This second wave developed out of the civil rights movements and proposed that wife beating should be understood through a frame of gender subordination and male domination (Dobash & Dobash, 1992; Renzetti & Bergern, 2005; Schneider, 2000). Although many feminists were successful in defining violence as a problem of women in their countries and around the world as early as 1990,<sup>1</sup> strategies to address the problem and to increase public recognition of violence against women as a problem have varied greatly from country to country.

The South Korean feminist movement has successfully transformed the hidden problem into a social issue that deserves a place on the public agenda. In 1997, the South Korean government responded to domestic violence by enacting the *Prevention of Domestic Violence and Victim Protection Act* and the *Special Act on the Punishment of Domestic Violence Crimes*. Although the feminist movement in Korea played a crucial role in the construction of these

anti-DV Acts, feminist activists have pointed out that state intervention and increased public attention have not done enough to challenge cultural attitudes toward domestic violence. More importantly, many also argue that state policy and institutional interventions have been applied in ways that have defrauded the true spirit and intent of the Acts, which were to support battered women and end wife beating.

Rather than simply focusing on such positive and negative consequences of engaging with the state to combat domestic violence, this article will shed light on the ways in which contemporary Korean feminists' struggles have been constructed, operationalized, negotiated, and regulated by social relations and socially dominant discourses. The contextual nature of constraints and opportunities can be best understood through frame theory, a useful way to analyze social movements. By focusing on the roles of "meaning work" in producing, "mobilizing and countermobilizing ideas and meanings" (Benford & Snow, 2000: 612–3), social movement scholars theorize the significance of meaning construction in the study of social movements. Given the assumption that individual understanding and interpretation of social problems or issues is closely related to movement participation, frame theory contributes to illuminating the social

construction of social movements. It also broadens our understanding of the process and course of social movements along with the more widely used concepts of “political opportunity” and “resource mobilization” (Benford & Snow, 2000; Noakes & Johnston, 2005; Snow et al., 1986).

In order to examine the conceptualization and interpretation of domestic violence and anti-domestic violence discourse and legislation in South Korean society, I analyze various documents including minutes of National Assembly, reports, public hearings, forums, and debates. By using interviews with 21 feminist activists who have been closely involved in the anti-DV legislation movement, I explore the context in which domestic violence has been constructed as a public issue in South Korea. In this way I attempt to trace the ways in which feminist actors critically examine their situated contexts, and negotiate their personal and institutional relations in local contexts to address domestic violence as a social problem. Through the contextualization of feminist construction of violence against women in the local context, I will show the significant role that culturally resonant framing plays in the construction of wife beating as a social problem. The issue of violence against women can be interpreted, represented, and manipulated to different ends within specific social and cultural contexts. Given this reality, I will explore how the success in passing anti-violence legislation resulted in an unintended consequence of state intervention in domestic violence: dissociating domestic violence from other forms of violence against women.

### Feminist constructions of wife beating

Many scholars have pointed out that wife beating has existed in every known culture and throughout history and that women have actively sought help (Dobash & Dobash, 1992; Schechter, 1982; Schneider, 2000; Tierney, 2005). But the 1970s were the first time battering, or wife abuse, was challenged publicly at both a social and a political level (Dobash & Dobash, 1992; Ferarro, 1996; Gordon, 1988). In this sense, constructing wife beating as a social problem was both a goal and an achievement of the battered women's movement (Breines & Gordon, 1983; Gordon, 1988).

The first step in identifying wife beating as a social issue was the employment of gender as a crucial category for analysis. This was an attempt to illuminate male violence in a male-dominated society where women's lower social status forced them to depend on men. In this sense, a feminist perspective on the problem placed violence and the family in their broader social context. By relating family to the public/private distinction, to a capitalist society, and to the specialization of restrictive gender roles, this approach conceptualized male violence as a means of exerting power and control rather than as a series of individual events or as the consequence of perpetrators' psychological traits (Breines & Gordon, 1983; Mauricio & Gormeley, 2001; Yllo & Bograd, 1988). Another feminist approach was to reveal and reflect on battered women's experiences, thereby defining the experience of battering from their perspectives (Gordon, 1988; Schneider, 2000; Yllo & Bograd, 1988).

Defining wife abuse as a social problem, the battered women's movement realized the need for social change but pursued it in different directions. A radical feminist approach that views violence against women as the result of inequality

in gender relations tends to emphasize the empowerment of women through practices supporting self-esteem, decision making, and the assertion of independence—often by encouraging women to leave the batterer (Bograd, 1990; Yllo & Bograd, 1988). Many feminists holding this position rejected any engagement with the state because they believed that the patriarchal state enforced and maintained all forms of male violence against women. For these feminists, a priority strategy was preserving feminist philosophy and egalitarian organizational structures (Ahrens, 1980; Murray, 1988; Rodriguez, 1988).

For liberal feminists who also believed in women's empowerment, however, it was important to recognize that law and policy play key roles in helping women attain autonomy and in holding men responsible for their violent or abusive behaviors. From this perspective, women's safety and independence would be improved through change in formal criminal justice systems and with formal support such as state-funded shelters and other services (Charles, 1995; Dugan, 2003; Smart, 1989). In Western countries, in this respect, discourses and policies of criminalization of battering are influential, along with the provision of a variety of support and educational services for battered women and batterers as well.

Yet, the literature does not appropriately reflect feminist movements against violence against women in other contexts and settings. That is, analyzes and research firmly place the Western battered women's movement as a part of the second wave feminist movement, itself a beneficiary of the civil rights movement. It was possible for Western actors to establish important concepts such as gender and women's rights as core concepts for the movement; however, in other national settings such as South Korea where the women's movement was developed in association with other social protest movements in the context of colonialism, national division (North/South Korea), underdevelopment, and military authoritarianism, problematizing violence against women itself was very difficult. In addition, Confucianism should be considered as an important factor to contextualize the Korean women's movement against domestic violence. Under dominant Confucian cultural values that promote a “unique family-centered culture” (Jones, 2006: 35), the preservation of the family is considered more important than the welfare of individuals in the family. As a result, there is a very different trajectory for the emergence and development of the Korean feminist movement against violence against women. Analyzing this trajectory reveals why the Korean anti-DV movement has used the term “the preservation of the family” to fight domestic violence.

### The Korean progressive feminist movement

A Korean women's group that politicized the issue of wife beating (*a-ne guta*) was formed in the 1980s during authoritarian military rule. At the time, Korean feminist activists and intellectuals recognized women's movements as one of many social reform movements, including the democratization movement. This strategically placed women's oppression within the context of other forms of oppression, including imperialism, military dictatorship, and capitalism. In this context, the women's movement of the period deliberately prioritized the issues of democracy

(*Minjujueui*) and nationalism (*Minjokjueui*) (Jung, 2003). This does not mean, however, that the Korean women's movement overlooked the gender issue during the struggle to end military dictatorship and reconstruct a democratic society. Rather, women's movements attracted national attention and recognition by problematizing gender-related issues such as sexual harassment and gendered violence against female workers and female activists. In this context, the suffering of women factory workers continued to be the motivation and justification for continued struggles and eventually for the creation of independent women's labor organizations. Furthermore, the establishment of autonomous women's labor groups played a significant role in fostering a progressive feminist movement in the 1980s.

Based on the ideology and practice of women's labor movements and the anti-military movement in the 1970s, some labor activists, women intellectuals, and student activists began to form a progressive feminist movement based on their understanding and awareness of structural oppression associated with patriarchal capitalism, male domination, and military regimes. In other words, progressive women became interested in women's issues and activities through their involvement in labor and democratic movements under the brutal military regime, and they used to their advantage whatever political opportunities emerged during and following military authoritarianism. This contributed to a crossing of boundaries to support shared causes in spite of differences as factory workers, students, or intellectual women. For example, Korean women's movements remained prominent in resisting sexual assaults committed by police. During the fight against state-sponsored sexual violence, Korean women activists sustained collective actions by suspending attention to differences among them related to the women's diverse backgrounds and other, competing issues. Such cooperation facilitated the subsequent establishment of autonomous and independent women's groups. Among those groups, Korea Women's Hotline (KWH), founded in 1983, was the first women's group to exclusively focus on the "women-only issue (wife battering)" (Lee & Jung, 1999: 109).

Under the hardship of the military regime, however, civil society organizations did not appreciate the formation of independent women's groups that focused on issues like wife beating, which was considered a "private matter." Furthermore, progressive activists regarded KWH's activities on the issues of violence against women as a disturbing activity of secondary importance at a time when building a democratic nation should be the primary goal (Lee & Jung, 1999: 111).

Under such circumstances, most of the progressive women activists who struggled against the repressive authoritarian military rule concurred that achieving women's emancipation and democratization should be pursued simultaneously. This was an important strategy; through their active participation in the democratization movement, women's movements gained legitimacy among other anti-government activists and groups (Kim, 1996: 72), a move that would pay off in the following decades as women sought support for anti-DV legislation.

### **Framing operationalized**

Because social movements and social change are dynamic and complicated processes, it is difficult to simplify all the

factors that affect the progress and development of either. Nevertheless, it is important to identify some key and crucial elements associated with both an evaluation of the anti-DV movement's transformation and relative success, as well as the subsequent trajectory of social change. The theoretical approach that emphasizes resource mobilization and political opportunities as keys to analyzing social movements is one that has been widely used to identify primary factors that affect the emergence and growth of movements. However, although this particular social movement approach may explain the policy success of some social movements, it does not make a meaningful link between the process (strategy) of movements and their policy outcomes. In this paper I demonstrate how the very advantages of using the frame of "the preservation of the family" determined the direction of relevant policy outcomes.

Feminist theorists have made effective use of frame theory. Sylvia Walby (2005: 324) notes that frame theory has significant implications for theorizing gender mainstreaming by providing "a fluid vocabulary to engage with the contestations over and shifts in meaning that are key to the understanding of social movements and related civil society activities." Feminist theorists apply the potential of framing theory to gender-sensitive analysis (Ferree & Merrill, 2000) and to women's movements under unusual conditions such as authoritarianism (Noonan, 1995). Furthermore, the role and effects of framing in women's movements are discussed more specifically, including in the abortion debates (Ferree, 2003) in gay/lesbian movements, in violence against gays and lesbians (Jenness, 1995), and in domestic violence (Krizsan, 2005).

The emphasis on the significance of meaning construction in social movements implies the importance of cultural dynamics in which social movements arise and operate. This returns us to the issue of context. As Ferree (2003: 304) points out, "a movement's objectives, opportunities, and choices are socially constructed and culturally variable." Taking the case of the civil rights movement, Rita Noonan (1995: 85) indicates that the frame of "liberty and justice for all" played a key role in the success of the movement because this frame "struck a chord in dominant [American] cultural beliefs." Benford and Snow (2000: 619) identify this "mobilization potency" or "the issue of the effectiveness" as *frame resonance*. The concept of frame resonance has significant implications for thinking about the contexts and circumstances in which social movements are developed and elaborated. Noonan (1995: 86) rightly points out that "social movement participants do not frame their campaigns in a cultural or social vacuum."

Ferree (2003) also emphasizes the role of discourse in women's movements in tracing the activities of movement actors who recognize opportunities and the flow of material conditions and resources within their environments. In this vein, the concept of frame resonance provides an important clue to understanding the sociopolitical and cultural contexts in which movement actors are situated and the ways in which movement participants negotiate for movement success.

While culturally-based frame resonance is one of the factors that affect movement recruiting, cultural resonance should be balanced in terms of appealing to existing cultural value systems and challenging the status quo (Hewitt &

McCaddon, 2005: 34). In her study of abortion debates both in the United States and Germany, Ferree (2003) demonstrates that resonance was a costly choice for feminist movements in that cultural resonance sacrifices feminist ideas and renders certain groups of women invisible. As will be seen in the following sections, cultural resonance also was a contradictory alternative for South Korean feminists in their struggle to pass legislation and institutionalize domestic violence as a crime and a social problem.

### Anti-gender violence legislation movement in South Korea

The issue of violence against women had long been regarded as a private matter in South Korea. Determined to challenge these notions and to address the problem of wife abuse, KWH opened two crisis lines and provided counseling programs and temporary refuges for abused women. Establishing shelters and providing services without state funding was important in ideological terms and in terms of practical autonomy. However, just as their counterparts in Western societies ultimately had to turn to the state out of financial need, so did the KWH. Korean feminist activists hypothesized that state engagement through financial and institutional support potentially could play a crucial role in enhancing the understanding of the problem and its seriousness. Jung Choun Sook, President of Seoul Women's Hotline, described the biased views they confronted during campaigning and lobbying:

When we first held anti-wife beating campaigns in streets, people's most common responses were that "battered women deserve it" or "don't you have anything better to do?" or "where are those people in this country?" Legislators were not aware of actual condition. What they said was that "does it really happen?" or "it is wrong for the state to intervene in domestic matter." It was really difficult to challenge those patriarchal understandings and misconceptions (Interview with Jung Choun Sook, 5 April 2006).

Confronting a deeply-rooted patriarchal ideology that permeates all levels of society, feminist activists identified establishing anti-DV law as a priority on their agenda. Because of the particular cultural significance of the legal system and respect for its authority in Korean society, feminist activists believed that anti-DV legislation would be the best way to challenge practices and transform this ignored "women's issue" into a public issue. In the same vein, they also believed that criminalizing all forms of gender violence in the name of social justice would be the fastest way to get people to accept gender violence as a serious crime. In what Rebecca Emerson Dobash (2003: 315) calls the "symbolic" effect, state intervention in gender violence itself can contribute to challenging traditional attitudes and assumptions regarding violence against women. Korean feminist activists decided at this time that the first task was to develop a new way to conceptualize the problem and to identify solutions.

Based on their own theorizing/understanding of gender-based violence and recognizing the state as a significant site for ending violence against women, the KWH initiated the anti-gender violence legislation movement. They held the first public hearing on a special act for eliminating gender

violence on 18 April 1991 (Lee & Jung, 1999: 143). KWH activists defined gender violence as addressing all forms of violence against women. However, this concept of gender violence created an internal controversy among feminists and women activists. One group of actors agreed with a comprehensive definition of gender violence that would combine wife abuse and marital rape with stranger rape and sexual assault. Another group wanted to limit the concept of gender violence to sexual assault and rape. Although many continued to share a comprehensive notion of gender violence, they were skeptical that the issues of wife abuse and marital rape would be accepted by both the National Assembly and the public for a comprehensive law on gender violence. Furthermore, it was argued that the inclusion of wife beating in the concept of gender violence might jeopardize the passage of the anti-sexual violence law that was a parallel feminist legal project at the time (KWH, 1992). Given the realities of political constraints and an unfavorable political climate, feminist activists decided that the broader definition of gender violence was not appropriate for the feminist politics of the time. Moreover, confronted by the urgency to pass a law against sexual assault, feminist activists reached an agreement that the issues of wife abuse and marital rape should be dealt with separately. These actors believe that this decision contributed to the passage of the Act on the Punishment of Sexual Assault Crimes and the Protection of the Victims in 1993. Cho Young Hee, previous Executive Director of The National Campaign Center for Legislation on Domestic Violence Prevention stated that most reached an agreement early on over the need for engaging with the state and this need outweighed other considerations regarding feminists' ideals and values:

The ideals we were aiming for were high and comprehensive...But we had to focus on achieving the first priority, the legislation and to do that, it was important to persuade relevant actors and institutions. We faced two paths: adhere to feminist ideals? Follow reality? We opted for a dream based on reality (Interview with Cho Young Hee, 19 June 2006).

### Framing domestic violence as a matter of "the preservation of the family"

The failure to conceptualize gender violence as incorporating all forms of violence against women can be blamed on widely accepted cultural understandings of differences between rape and wife beating. Rape was more easily defined as a crime based on the cultural assumption that it is usually committed by strangers. In comparison, wife beating was more difficult to define as a crime because it always occurs within the family and involves family members. In strategizing over the best way to change cultural attitudes about the problem, Korean feminists were keenly interested in the possible effects of state intervention and law enforcement. They decided to rely on authorized institutions such as the justice system as the best option because it could define "what is deemed to be 'right' or 'wrong'" and would establish "what will or will not be tolerated within society" (Dobash, 2003: 315). Given the circumstances of the time—including

that the issue of violence against women was not really considered a problem—constructing legislation and demanding state funding were believed to be crucial means of challenging the lack of public awareness and attitudes regarding the importance of gender violence.

Another consideration for grassroots feminists and activists' was that their long-term work with battered women helped them fully understand what battered women needed and wanted. Therefore, the movement's real concern was to find ways of best meeting battered women's needs. Given that the continuation of their activities was threatened because of political and financial pressures, activists decided that it was premature to focus on the question of whether state funding would undermine movement principles. In seeking engagement with the state, activists may have sacrificed what [Stephanie Riger \(1994: 282\)](#) terms “the spirit of feminism”, but this sacrifice did not cause great tension within Korean feminist groups at that time.

The question of the strategy that feminists decided on to gain public attention and support is inevitably related to the context in which the feminist movement emerged and developed. Western societies such as the United States and Britain were able to use a rights discourse to justify state intervention by arguing that “battered women deserved the same rights as any other crime victims” ([Schechter, 1982: 159](#)). However, faced with goals of raising public consciousness and gaining support for concrete changes, Korean feminist activists knew that they had to find realistic and practical strategies that did not revolve around unfamiliar philosophical positions or ideological definitions. Once Korean feminists realized that there was such a huge gap between the feminist view and the general social understanding of the issue, they shifted their emphasis and redefined the problem in order to draw attention and to gain support from the public and the government.

For this reason, feminist activists deliberately decided to reinterpret the problem to make it more politically and culturally acceptable. Although Korean feminist were ambivalent about this strategy, they heeded realistic advice from the very legislators who had the most influence in constructing laws. If the first goal of the anti-DV movement was to construct and pass legislation on domestic violence, activists needed to lobby legislators effectively. Feminist activists' contact with legislators pushed them in the direction of using the family preservation frame and avoiding arguments that might provoke resistance among conservative legislators. The concern expressed by one of the few women legislators at the time is an indication of the importance of the family preservation discourse for passing the laws. In urging the movement to articulate more strongly that the “real interest” of the law was to preserve the family, she argued:

It is important to develop a logic that emphasizes that this draft is designed for the preservation of the family by effectively intervening in families in danger of breaking up, that is, to avoid family breakdown or privacy violations ([Minutes from a public hearing on draft for anti-DV law, 1996: 49](#)).

Although defining a social problem is a fundamental step in starting a self-help organization and recruiting activists

and members, developing a social movement requires more than clarifying a view or position on an issue. In this respect, certain social phenomena become public issues as a result of their interpretation and recognition by the public rather than due to any inherent existence as “objective entities” ([Araujo, Guzmán, & Mauro, 2000: 150](#)). The experience of Korean feminists' during the anti-sexual violence legislation movement made them realize the great difficulty involved in using the notion of “gender violence” (which relates all forms of violence against women to gender discrimination and inequality). Instead of employing this gender violence frame, they needed to (a) recognize contextual limitations in order to build the social consensus necessary to construct the problem as a social issue and a subject of public policy; and (b) decide between the idealism of ending patriarchy and more realistic choices for generating support for anti-DV legislation.

Under such conditions, Korean feminists employed the frame of “the preservation of the family” to construct the issue as a public one. The decision to reinterpret the problem was an outcome of the political realization that feminist explanations of domestic violence were likely to cause a backlash rather than to promote responsible public concern. Korean feminists recognized the essential contradictions in using the rhetoric of family preservation to address the issue. On the other hand, the opportunity to reconstruct wife beating from something considered a private matter to something recognized legally and politically as a serious social problem also offered the opportunity to deconstruct the very concept of “family” itself. Given Korean values that emphasize family, this seemed to be the only feasible strategy. It was at this moment that something once considered an obstacle to the anti-DV movement turned into a campaign strategy.

### **Framing, proliferation of the issue, and movement development: Passage of the Acts**

In terms of provoking state responses to violence against women, autonomy or independence often are mentioned by researchers as necessary pre-conditions for women's movements. But organizational autonomy or independence does not imply power or social influence. [Weldon \(2002: 80\)](#) points to “widespread public support” as one important factor that helps movements become powerful and influential. It has also been acknowledged that “media interest [has been] crucial to the growth of the battered women's movement” in diverse settings ([Tierney, 2005: 250](#)).

Given that one of the major political goals of the Korean battered women's movement in its earliest period was to make the issue of domestic violence a focus of national discussion, the media became a primary tool to achieve the goal. If constructing a culturally resonant frame is important to maintain and develop social movements, mass media serve to define and circulate the frame and to justify social activism on the issue. The framing of “the preservation of the family” had strong cultural resonance at the time, and it was immediately picked up by mass media that had rarely treated wife beating as a problem prior to the emergence of the anti-violence movement. In fact, the movement's frame provided the media with a convenient way to report on a variety of

related social issues and to have an opinion on them without causing strong resistance or a backlash among the public and politicians. Seen from this perspective, the framework of “the preservation of the family” developed by the Korean battered women’s movement was not only a tool to legitimize the issue of wife beating as a social problem but also a primary tactic to gain public attention and support.

In propelling social support, the Korean women’s movement—under the leadership of Korea Women’s Association United (KWAU)<sup>2</sup> and KWH—was also able to secure the participation of 22 respected and influential civil society organizations and groups in the anti-DV coalition. This coalition exerted crucial influence, generating sympathetic public opinion and media coverage and eventually enacting the anti-DV Acts. Although a prior relationship of trust that existed between feminist activists and other civil society activists because of previous shared experiences in other movements partly explains coalition building, the framing of “the preservation of the family” was also critical. This framing reflected not only Korean political reality, but also battered women’s realities, in particular women’s economic vulnerability and the social bias against divorced women. In terms of social mobilization, the frame strengthened civil activists’ sense of a moral obligation to address domestic violence as an undeniable problem and did not force groups to confront their members’ cultural and personal beliefs or the patriarchal nature of society or social movements themselves. Given these framing politics and coalition building, legislators began responding to the problem, attracted by their own concern over family breakdown.

Although media interest and an ad hoc coalition building might have contributed to mobilizing public support, the existence of media interest and public concern itself should not be confused with the success of the battered women’s movement. While the term “wife beating” is a description of a social phenomenon, the framing of “the preservation of the family” implies an idea that family reunion is more important than women’s individual rights as human or citizen rights. In this respect, the framing reshaped the non-issue of wife beating into a national problem because of its emphasis on the increasing risk of family breakup and harm to society.

Legislative discussions in South Korea showed early on how the legislation was being interpreted in ways that could be used against battered women’s interests and threaten the more feminist and woman-focused services that might serve their needs for protection. The way that domestic violence was defined and interpreted in the legislative process in South Korea in 1996 clearly demonstrates the powerful link between the chosen frame and subsequent policy outcomes. “The preservation of the family” gave the issue of domestic violence both legal and cultural legitimacy, but it also led to government responses that were made in the narrow context of the societal value of preserving families—in direct contradiction to the needs of individual battered women, children, and the elderly. As noted in the *Minutes of the Special Committee on Social Welfare* (1996: 7–8):

Each provision indicates the need for the establishment of counseling centers to help victims of domestic violence escape from the danger of violence... But these facilities should be designed to help victims return to their home

and be careful not to be used as a tool for escaping from home... Because the ideal would be for the problem of domestic violence to be resolved within the home, solving the problem through shelters and counseling centers should be allowed only for a limited number of cases.

The framing of “the preservation of the family” hence played a crucial role in the passage of the 1997 Act against Domestic Violence.<sup>3</sup> However, the Act, whose purpose was articulated in terms of preventing family breakdown and promoting “healthy” families, also contributed to the “de-radicalization” of the broad-based women’s movement against violence against women and to a split between feminists and non-feminist service providers.

### Consequences of institutionalization

The most visible consequence of state intervention in domestic violence has been a proliferation of agencies and shelters to serve battered women and their children.<sup>4</sup> As a result, the number of counseling centers has grown rapidly. According to the Ministry of Gender Equality and Family (MGEF), 302 domestic violence counseling centers were in operation as of December 2007. Since there were only 17 counseling centers around the nation in 1998, feminists at first regarded the increased number of centers as a great achievement (Park, 2007: 191). However, it is not possible to make a direct link between the proliferation of domestic violence facilities and any improvement in the treatment of domestic violence or even of MGEF commitment to the problem. On the one hand, feminist-run centers have been displaced and MGEF has become antagonistic to feminist services. MGEF prefers services that focus on temporary shelter, counseling for reunification, and counseling for a “healthy” family life.

The marginalization of the KWH stems from the decision made by feminist activists to separate the anti-DV legislation movement from the anti-sexual violence legislation movement. After the passage of the Act on the Punishment of Sexual Assault Crimes and for the Protection of the Victims passed in 1993, state agencies agreed to fund KWH to run rape counseling centers (Lee & Jung, 1999: 76–77). But KWH has not received consideration for government subsidies for shelters and counseling centers against domestic violence because KWH already receives funding for rape centers and cannot receive funding for both. This differentiation of services opened the way for other organizations and institutions to become a dominant force in anti-DV services; the result has been a growing importance for non-feminist, pro-government private organizations to cooperate in addressing the issue of domestic violence and the strengthening of family preservation as the goal of the anti-DV movement. This split between feminist leadership for both DV and sexual violence has served to divide the two issues and has made difficult any public and programmatic discourse that could point to shared causes and potentially shared solutions to both types of violence. This division is associated with a political retreat on the part of state agencies and the legislature. There appears to be no political will for creating a comprehensive understanding of gender violence.

Given its stated purpose of “promoting the recovery of peace and stability in families and fostering a healthy family,” defined in Article 1 of the Punishment Act interferes with and contradicts the possibility of charging perpetrators with a violent crime. The Punishment Act was designed to resolve the problem of domestic violence in two ways. On the one hand, it criminalizes domestic violence to punish perpetrators and to improve public awareness of the illegality of DV. On the other hand, it provides perpetrators with counseling to give them an opportunity to change and then rebuild family relationships.<sup>5</sup> Results of a separate study of crime data reported by police departments throughout the country shows, however, that only 0.9% of 12,837 accused batterers who were reported to the police in 2006 were incarcerated (Korean National Police Agency, 2007).<sup>6</sup> Although the state agency categorizes domestic violence as a crime, it does not express any concern over the low rate of prosecution. Rather, it confirms that the purpose of state stance in domestic violence is to “smoothly restore the family” (Korean National Police Agency, 2006: 187). That is, the report explicitly argues that prosecution would threaten the stability of the Korean family system and justifies the criminal justice system's use of the law to decriminalize domestic violence. Under such a reality of family-oriented legal responses, it appears unlikely that law enforcement can or will play any role in creating a symbolic link between domestic violence and real criminal behavior.

Given this reality, it should not be a surprise to find that batterer programs are not effective in terms of educating batterers or correcting their abusive behavior. Lee Moon Ja, Director of the counseling center, KimPo Women's Hotline, who has dedicated her life to work for and with battered women since 1988, expressed serious concern over how family-oriented legal intervention has functioned to spread the idea that domestic violence is a matter of family reunion and not a real crime:

I have met perpetrators who have received court-ordered counseling four or five time... They are full of complaints saying “Why do I have to be here?” “Why is that woman (wife) free despite the fact that she deserved battering?” ... Even when they injured the women with weapons, they still only get a counseling order. Is that normal? Is that really the law? (Interview with Lee Moon Ja, 8 September 2006).

Korean feminist advocates' experience with batterer programs demonstrates that although rehabilitation in the name of family protection is a cultural and even a legal ideal, it cannot be effective when it neither holds offenders accountable nor condemns domestic violence as a serious crime. This observation is supported by numerous studies in other settings. In her study comparing state response to domestic violence between the United States and Sweden, for example, Peter (2006) argues that the state's attitude toward domestic violence determines “the way in which police gather evidence in such cases” (102). This observation also has a significant implication: the attitude of law enforcement personnel cannot be changed unless the state clearly condemns domestic violence and supports women's efforts to change their life situation and conditions. This can be taken

further: the role of the criminal justice system ought to be to resolve domestic violence by defending victims, not by protecting perpetrators.

## Conclusion

The historical struggle of the Korean women's movement has been to name the isolated, shamed, and hidden experiences of violence in women's lives. Although there were political and strategic difficulties and controversies in developing the battered women's movement, feminist activists agreed that government should provide appropriate support for battered women and criminalize battering in the family. But in redefining the problem as a public concern, Korean feminists faced dilemmas. The need to disrupt patriarchal discourse about wife beating became tied to the strategic value of calling on certain aspects of the patriarchal family code to draw public support and gain legitimacy for a public agenda that would include wife beating. At the time, what seemed to be a realistic approach was not considered an obstacle to feminist ideals of helping battered women. It was because of this that the Korean battered women's movement framed the issue as a matter of family breakdown rather than one of male domination. The term “domestic violence” then replaced feminist concepts of “wife beating,” “gender violence,” or “violence against women” before these concepts had been fully conceptualized and developed. Domestic violence was identified and accepted as an important social problem not because it threatened women with harm, but because it threatened a traditional form of family in Korean society. Given such an understanding of wife battering, it is not surprising that feminist efforts to criminalize marital rape have also confronted institutional and cultural backlash.<sup>7</sup>

While Korean feminist activists tried to undermine traditional patriarchal family relationships and to institute an innovative, new definition of family emphasizing individual rights and autonomy in their discussions of the notion of “the preservation of the family”, they could not control how others chose to interpret the notion of “preservation of the family”; neither did they anticipate how easily others (politicians, prosecutors, and the public) would re-link it to traditional notions of family. Ultimately, their framing was interpreted in traditional ways within the established cultural context and did not produce an alternative concept of “family” based on gender equality.

Given the way most social movement theories define movement success (see Bush, 1992, 588–9), the Korean anti-violence movement would be classified as successful because of its achievements in promoting legal reform, encouraging new state funding for the issue, and because the new Ministry of Gender Equality (MGE) established in 2001 and the Ministry of Justice were assigned roles of institutional support, as well as of interpretation and implementation of the new Acts. Nevertheless, as Bush (1992: 589) points out and as Korean feminists are now aware, these indicators are insufficient because they do not answer the question of whether or not “movement success at reforming state policy actually creates changes” that are meaningful and transformative.

South Korean feminists are not alone in their expectations that state intervention will be a solution. Among feminists around the world, maintaining an independent and solid

feminist base has been considered important to challenge mainstream institutions that reproduce and reinforce social conditions that foster violence against women. Yet, at the same time, the tendency has been to consider engagement with the state as a significant objective for many women's movements at national and international levels—particularly in new democracies (for example, in Latin America) (Alvarez, 1990; Franceschet, 2001; Okeke-Inejirika & Franceschet, 2002; Razavi, 2001; Waylen, 2000). In order to have access to key resources and political opportunities, Korean feminist theorists and activists believed that enhancing their relationship with the state should be one of their main strategies to combat violence against women.

Nonetheless, following the initiation of the state's increased role of what feminists thought would be their counterpart to advancing women's interests in both symbolic and practical ways, Korean feminists have realized that state engagement *per se* does not guarantee the political influence of the women's movement on state policy. Instead, state intervention led to a discontinuation of movement influence. It was feminists who identified the problem of domestic violence and who helped draft the very Acts that have resulted in their marginalization and disempowerment.

The disappointing consequences of engaging with the South Korean state should not be accepted as inevitable or the “just expected” outcomes of the institutionalization process. Rather, it is important to investigate more deeply the ways in which state policy and institutional interventions have reconstructed the problem in ways that are counterproductive to the goal of ending domestic violence. This knowledge will be important to feminists' plans to reestablish relations so they can influence the state and its institutions and to once again work at constructing more appropriate mechanisms for combating violence against women.

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### Endnotes

<sup>1</sup> By 1994, 31 democratic governments such as the United States, Australia, Canada, France, Sweden, Ireland, Israel, and New Zealand had addressed violence against women by adopting policy initiatives (see Weldon (2002 30–32) for a detailed list of countries).

<sup>2</sup> Korea Women's Associations United is a national coalition of women's organizations that includes 21 diverse women's organizations and groups that include religious, professional, farming, housewives', labor, environmental and human rights issues.

<sup>3</sup> The 1997 Act comprises two separate “sub”-acts. One is the “Prevention of Domestic Violence and Victim Protection Act” that focuses on victim services and the other is a “Special Act on the Punishment of Domestic Violence Crimes” which details police intervention and punishment for batterers. The Ministry of Gender Equality and Family is in charge of implementing the former while the latter is the responsibility of the Ministry of Justice.

<sup>4</sup> The Prevention Act specifies a state obligation for providing facilities to protect battered women. The Ministry of Gender Equality and Family (MGEF) has primarily focused on offering limited financial support to existing and new counseling centers and shelters. The Ministry of Gender

Equality (MGE) was established in 2001. In June 2005, the MGE was renamed the MGEF; it was renamed MGE in 2008.

<sup>5</sup> Under the category of a family protection case, the family court can issue a restraining order, social service order, treatment order, or probation order. The Punishment Act amended in 2007 strengthened leniency toward perpetrators by making it easier for prosecutors to suspend indictments “with consultation.”

<sup>6</sup> After the enactment (1997) and implementation (1998) of the anti-DV law, the reporting of DV to the police steadily increased from 1999 to 2003. From 2004, however, it decreased. This may imply either an actual decrease in domestic violence or battered women's distrust in justice system arising from the lack of protection and the high rate of impunity.

<sup>7</sup> The Korean women's movement has considered the issue of marital rape as a pervasive form of violence against women. Feminists introduced a suggested draft for amending the Punishment Act in 2005 to indicate that the crime of domestic violence includes rape and sexual abuse. However, the amendment to the Punishment Act that finally passed on 2 July 2007 did not criminalize marital rape.

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