

# **Take *Homo Sacer* Down from the Cross**

**- Biopolitics and Reproductive Justice in the Korean  
Protestant Church\***

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• 국 문 초 록 •

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호모 사케르를 십자가에서 내려오게 하라: 한국 개신교회의 생명  
정치와 재생산 정의

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이 논문은 한국에서 재생산 정의를 실천하기 위한 여성 진영의 투쟁과 한국 개신교의 불충분한 응답과 얽힘을 소개하며 한국 개신교회의 분발을 제안한다. 논문은 한국 기독교인들이 전제하고 있는 재생산에 대한 다층적인 가부장적 상징을 보여줌으로써 재생산 문제에 대한 개인주의적 접근이 왜 불충분한지를 검토한다. 둘째, 이러한 개인주의적 접근을 넘어서기 위해서 재생산 권리를 생명 정치라는 더 큰 맥락에서 배치한다. 이와 더불어 한국 개신교회가 어떻게 국가 생명정치와 결탁해왔는지 살펴본다. 셋째, 이 국가 생명정치라는 큰 맥락은 생명 옹호 대 선택 옹호의 프레임을 국가 대 여성의 프레임으로 이행할 수 있도록 한다는 것을 소개한다. 마지막으로 자신의 재생산권을 빼앗긴 여성들을 십자가에서 끌어내려 “폭넓은 친생명적 틀”을 구축하자고 제안한다.

주제어: 임신중지, 재생산권, 한국의 생명 정치, 호모 사케르, G. 아감벤

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## I. Introduction

Extreme Conservatism is on the rise around the world. In South Korea, Yoon's government has become increasingly far right, and in the United States, Trump returned to power. In Russia, Putin has paved the way to maintain his power forever in office by amending the constitution. Le Pen's surge in France is remaining vigilant, even though she has fallen short of a majority. In this era of far right, we can expect increased sexism and regression of women's rights. *Roe v. Wade* already been overturned by the U.S. Supreme Court.

In 2019 the Constitutional Court of South Korea ruled an abortion ban unconstitutional. However, many Korean Protestant churches are still reluctant to admit women's reproductive rights. This is because they are trapped in the rhetoric of a pro-life versus pro-choice binary in mainstream media and are blind to the concrete and urgent truths about women's real situations. To move beyond this rhetorical framework, we need, feminist theologians argue, to be aware that women have their right to abortion and that becoming a mother is deliberate moral decision. However, South Korean Christian women often feel that asserting their reproductive rights is violation of their Christian identity. As a Christian, the South Korean woman has been trained to value sacrifice. She naturally comes to believe that asserting her rights is inconsistent with her Christian identity. This appears similar to western Christian women, but there is a different religious layer for a South Korean woman: Confucianism and Buddhism. Thus, a South Korean Christian woman must break through an old and heavy multilayered

ceiling to claim her reproductive rights.

This paper introduces a struggling story of South Korea's decriminalization of abortion and the remaining tasks for churches and theologians of South Korea. This story also provides life-giving energy to other Christians around the world who are struggling for women's reproductive rights in an age of the far right. For these it demonstrates the multilayered patriarchal symbols of birth and maternity for South Korean Christians. Thus, it makes it clear why an individualistic approach to reproductive issues is insufficient, and a structural and intersectional approach is required in South Korea. To go beyond an individualized approach, we must situate the discussion of women's reproductive rights within the larger context of biopolitics, where birth itself is controlled by state and religious power. This paper then describes the history of the state biopolitics in South Korea and how Korean Protestant churches have conspired with this biopolitics. Additionally, the paper states how and why the South Korea's feminist camp succeeded in the campaigns of decriminalization of abortion. In the conclusion, this paper suggests that the theological task is of taking *homo sacer* down from the cross. It helps us build a "broadly pro-life framework."<sup>1)</sup>

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1) Kira Schlesinger, *Pro-Choice and Christian: Reconciling Faith, Politics, and Justice* (Louisville, Ky.: Westminster John Knox, 2017), 114.

## II. The Reality of Reproduction in South Korea

### 1. Honesty toward Reality and *Homo Sacer*

In November 2012, a 19-year-old female teenager, 23 weeks pregnant, dies during a procedure at a maternity hospital. The young woman, who had not told anyone about her pregnancy until after she had completed her CSAT, was unable to find a hospital for the procedure. Even after telling her mother, she had to search online to find one. She died of hypovolemic shock due to a perforated uterus caused by a doctor who failed to perform even basic tests.<sup>2)</sup> This shocking incident occurred as the Pro-life Doctors' Associations was organizing a campaign to prosecute hospitals that perform abortions. Nayong argues that "while the Pro-life Doctors' Associations were encouraged by Cardinal Jinseok Jeong to 'resolutely oppose all acts that threaten the dignity of human life,' women were being pushed into situations that further jeopardized their lives."<sup>3)</sup>

According to Nayong, there are many women around the world who are put at risk 'in the name of God.' Jon Sobrino argues that when we react to a tragedy we need "honesty toward reality." We need to be "hearing the cry of reality."<sup>4)</sup> Patriarchal states and religions claim to be for both women and fetus, but they manipulate reality to sub-

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2) Nayong, "'Be fruitful and multiply.' Is it a blessing or a command?" in *Battle Ground*, ed. Sexuality and Reproduction Forum (Seoul: Humanitas, 2018, 2020), 115.

3) Ibid.

4) Jon Sobrino, *Where is God?: Earthquake, Terrorism, Barbarity, and Hope* (Maryknoll, NY.: Orbis Books, 2004), 29.

jugate women's bodies to their authority. The very act of trying to choose between life and choice is a false choice of and a strategy of hiding, distorting, and falsifying reality. When we see that abortion rates are lower in countries where abortion remains legal.<sup>5)</sup> We should always “letting reality to be what it is.”<sup>6)</sup>

If we are looking through reality ‘to be what it is’, we can capture a glimpse of a Crucified people, *Homo Sacer*, who resides in the “state of exception.”<sup>7)</sup> A pregnant woman can be called *Homo Sacer* because she is deprived of her political life by the State. Jon Sobrino says that “this world [El Salvador] is one gigantic cross for millions of innocent people who die at the hands of executioners.”<sup>8)</sup> Based on Sobrino, the task of theology is to bring them down from the cross.

## 2. Stolen Birth and the Insufficiency of Individualistic Approach

To honestly face reality, we should go beyond the pro-life versus pro-choice binary. This binary is built on ideal of individualism, “the liberal definition of freedom.”<sup>9)</sup> In the movie, *Under the Same Moon*,

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5) According to a 2018 report by the Korea Institute for Health and Social Research, even countries that allow abortion on request or for socio-economic reasons and have more liberal abortion laws and system, often have lower abortion rates than South Korea. Hae Won Lim, “[Fact Check] Will the Abolition of ‘Abortion Law’ Increase Abortion Rates?”, News Road (November 15, 2020). (accessed April 9, 2024)

6) Jon Sobrino, *Where is God?*, 29.

7) Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*. trans. by Daniel Heller-Roazen (Stanford, CA: Stanford University Press, c1998), 9.

8) Jon Sobrino, *The Principle of Mercy: Taking the Crucified People from the Cross* (Orbis Books: Maryknoll, New York, 1994), 4.

9) Ivone Gebara, “The Abortion Debate in Brazil: A Report From an Ecofeminist

Carlitos, a 9-year-old boy, crosses the US/Mexican border to find his mom. She works as an undocumented laborer in US to send money to her mother and son. On his journey to find his mom, Carlitos complained about his mom leaving him behind. His fellow traveler, Enrique, scolded him and said to him that some people do it because they have no choice but to live that way, not because they want to. Ivone Gebara argues that the liberal understanding of freedom cannot adequately capture a poor women's reality. For some women there are no options to choose. The word 'choice' masks the diverse situations in which women terminate pregnancies--such as the lack of material resources to support and raise a baby. Gebara mentions that in this context, we cannot resolve this problem by emphasis on 'personal morality' which particular Evangelicals seek.

Likewise, suggesting that we should move from the "framework of justification" to the "framework of reproductive justice," Rebecca T. Peters argues for intersectional and structural approaches.<sup>10)</sup> According to Peters, in a patriarchal society, women must validate their decision for abortion, forcing women to fit into a binary framework of pro-life versus pro-choice. This results in an erasure of the complex, concrete lives of pregnant women, leaving only the abstract question of whether abortion is right or wrong. Peters indicates this occurs within the framework of justification based on an individual ethics. Instead, learning

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Philosopher Under Siege," *Journal of Feminist Studies in Religion* 11 (Fall 1995): 130.

10) Rebecca Todd Peters, *Trust Women: Progressive Christian Argument for Reproductive Justice* (Beacon Press, Boston, 2018), 6-7.

from women of color, she insists on a need to analyze “combined issues of race, class, and gender contributed to reproductive oppression.”<sup>11)</sup> She describes the breeding of the enslaved to increase the labor force, the promotion of white women’s fertility, and the forced sterilization of women deemed unfit to reproduce. By looking back at the history of control and repression of the lives of people with disabilities, migrants, non-white people, refugees, and people in camps, we become aware that the liberal individualistic approach of ‘it’s my body, I’m in charge’ can lead to the illusion that women can make reproductive decisions.

I agree with Peters, but in the case of South Korea, except that besides race, class, and gender, there is one more factor that must be analyzed.<sup>12)</sup> This is religion. Throughout history, religion and patriarchy has infected and reinforced with each other. South Korea is a multi-religious country and thus, it has strong patriarchalism. Thus, it is not easy for a South Korean Christian woman to break through the patriarchalism of symbols related to reproductive rights such as birth and maternity. There’s a line in Cheol Jeong’s poem that goes something like this. “My father begat me, and my mother nourished me.” Jeong, a politician and poet of Joseon Dynasty (1536-1594), borrowed this line from the Book of Odes, one of Confucian Scriptures. Confucianism, the state ideology of the Joseon Dynasty (1392-1897) has reinforced and influenced patri-

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11) Ibid., 99, 189.

12) Peters also considers religion in her new book, *T&T Clark Reader in Abortion and Religion: Jewish, Christian, and Muslim Perspective* but unfortunately for lack of time and space, this paper does not cover it. I will leave this for my own follow-up research.

archy in South Korea even up to present day. Before the introduction of Confucianism, we regarded *samsinhalmeoni* (old woman of amnion) as Goddess of childbirth in Shamanism and Buddhism (which was already in South Korea). Confucian patriarchy sought to skew birth in an androcentric direction and delete Goddess of childbirth. This kind of notion of birth is exactly founded in the Scripture: “You are my Son; today I have begotten you” (Ps 2:7, Acts 13:33, cf. Heb 1:5, 5:5 NRSV). This biblical notion of birth formed in Jewish patriarchal tradition and interpreted in Christian and western patriarchal traditions, was easily incorporated into and compromised with this Korean patriarchal religious notion of birth. In Plato’s *Symposium*, the priestess Diotima teaches Socrates the wisdom of escaping the limits of mortality and speaks of male procreation: a man sexually unites with a woman’s body to produce a child who will carry on his name and memory.<sup>13)</sup> Adriana Cavarero calls this an act of “expropriation,” critiquing it for turning a woman’s experience into a male procreation.<sup>14)</sup>

Outside of this expropriation in Confucianism, the fact that Koreans have a more collectivist identity is important for women’s reproductive rights—although we are admittedly getting more westernized and individualized. South Korean women tend to make decisions not for themselves but for family, community, and nation. Moreover, in Confucianism, *ren*, the ethical principle of moral virtue makes it less

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13) Grace Jantzen, *Becoming Divine: Towards a Feminist Philosophy of Religion* (Bloomington and Indianapolis: Indiana University Press, 1999), 141.

14) Adriana Cavarero, *In Spite of Plato: a Feminist Rewriting of Ancient Philosophy* (Cambridge: Polity Press, 1995), 107.

easy to get an abortion. Mencius explains that *ren* is the compassion that all human being has when a suckling baby is about to fall into a well (*yuja-ibjeong*). The object of *ren* could be extended to potential human life and it leads to being reluctant to have an abortion. Confucianism also emphasizes prenatal education that Confucianism considers the fetus to be a person. Additionally, in Confucianism, personally practicing *ren* practices filial love (*xiao*). In Confucianism, the closest blood relatives are more important to love than distant neighbors, and the first object of *ren* is one's parents. When they were alive, people were expected to take good care of their parents, follow their wishes, and when they died, honor their wishes by offering sacrifices, and have offspring to ensure that the sacrifices would continue. Confucian society is basically pro-birth, although preferring sons over daughters. Finally, we should not forget Buddhism's ahimsa (nonviolence) in South Korea. It extends its effect to issues of birth and maternity; we must not kill any life including a potential human life.

Under this multilayered patriarchalism of religious traditions, female agency is erased from the outset of birth and procreation. Thus, we have learned empirically that individualistic approaches to positioning women as moral agents are less effective. Under this oppressive culture to women, we necessarily ask the questions: who makes reproductive decisions, whose reproduction is welcomed and whose reproduction is socially problematic?<sup>15)</sup> To approach reproduction rights structurally,

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15) Young Gyung Paik, "Prologue: How Abortion Abolition Became Common Sense," in *Battle Ground*, ed. Sexuality and Reproduction Forum (Seoul: Humanitas, 2018, 2020), 17.

the next section of this paper traces the history of state's biopolitics and the Korean Protestant churches' conspiracy with it. Depending on state's biopolitics, they change their policies on reproductive rights: they did not always take the side of pro-life.

### III. Biopolitics and Reproductive Justice

#### 1. Biopolitics of South Korea and Conspiracy of the Korean Church

Michel Foucault explains biopolitics by tracing the changed meaning of political power. In the classical age, there was sovereign power which 'takes' life or lets live. It was complemented by biopower which 'makes' live and lets die in modern age. Biopower, then, was developed into two kinds in the modern age. In the 17th and 18th centuries, biopower disciplined the bodies of individuals—this was called “anatomy-politics”, the technology of discipline.<sup>16)</sup> But in the late 18th century it shifted to control and regularize “living man,” “man-as-species,” which is called “biopolitics of the human race”, the technology of regularization.<sup>17)</sup> After seizing power over individual bodies, the state began to control all the life- process and phenomena such as “the ratio of births to deaths, the rate of reproduction, the fertility of a population, and so on.”<sup>18)</sup> In sum biopolitics is the State's control and management

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16) Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76* (New York: Picador, 2003), 243.

17) Ibid., 242.

18) Ibid., 243.

of all life process.

It is easy to assume that the Korean Protestant churches have always denied women's reproductive rights and defended the life of the unborn. However, they did not always take the pro-life position. Depending upon the state's biopolitics, they took different policies towards reproduction. South Korea's biopolitics of reproduction is tied to following two factors: 'the rivalry between the divided South and North' and 'the issue of ultra-low birthrates.' First, the competition between the divided nations infected the population policy of the nation. In the 1950s, South Korea suffered from the aftermath of the Korean War. Because of dead or injured men, women's roles shifted, and they had to provide a livelihood and take care of their family financially. The reality faced by women was not easy, and abortion became desperately necessary. However, President Syngman Rhee wanted population growth to defeat North Korea if a general election was held.<sup>19)</sup> For this reason, in 1953 Abortion as a Criminal Act (Articles 269 and 270) was

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19) On Dec. 16, 1945, U.S.-British-USSR Foreign Ministers met to discuss postwar handling of World War II. Among the discussion of resolution on Korean affairs, there was establishment of a five-year trusteeship of the U.S.-USSR-British-CPC. After that, four nations' trusteeship was reduced to two nations, U.S.-USSR. However, everyone opposes the trusteeship in the context of the left-right confrontation on the Korean Peninsula. In the meanwhile, the issue of the Korean Peninsula was turned over to the United Nations, which proposed that a general election be held, and the winning side establish a government. Syngman Rhee needed to win the general election to establish a South Korean-centered government, and he thought that having a large population would be an advantage. However, the Soviet Union opposed the election because North Korea's population was smaller than South Korea's, so North Korea did not participate in the general election, and only South Korea held the election, establishing a South Korean-only government.

enacted.<sup>20)</sup>

On May 16, 1961, President Chung-hee Park came into power in a coup. He desperately wanted his regime to be legitimately recognized, and in doing so, make South Korea richer than North Korea. The rapid growth of the population (total fertility rate of 6.3 and annual population growth rate of 3%), then, was not good news. Abortion was used as part of the population control policy. A family planning program was initiated in 1962. Due to this policy, the country received international aid for economic development. In fact, the Korean Protestant churches had already founded the “Korean Christian Family Life Committee” to support state’s family planning program, but in 1970 they began to participate in it in earnest.<sup>21)</sup> The most important reason for their participation was that the Protestants, armed with a strong anti-communist ideology, agreed that economic development was the key to competing with communist society and chose family planning as a short-term strategy.

At that time, the government retained the crime of abortion in the Criminal Act while it enacted a special law, the Maternal and Child Health Act (1973, 1974, 1976) which allowed for an effect of abortion. Abortion was allowed in: a eugenic or genetic disorder; an infectious disease; pregnancy by rape; pregnancy between relatives prohibited by law; or when the mother’s health was threatened by pregnancy. This

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20) Yu Na Shin and Kyu Jin Choi, “History of Legal Disputes and Legislation & Amendment of Korean Criminal Abortion: Focusing on Social & Political Background,” *Democracy and Human Rights* 20, no. 2 (2020): 173.

21) Sookjin Lee, “Protestant Family-making and Bio-politics in Korea before 1945”, *Asian Journal of Religion and Society* 12, no. 1 (2024): 73.

dual legal structure shows how the government shifted responsibility onto women and acquired the effect of nationalistic control of reproduction.<sup>22)</sup> Since then, demands for amendments to the abortion law continued because there was a big gap between the reality and the law. Despite the abortion law, every day we experienced and heard cases of abortion including economic reasons, unwanted pregnancy, family issue, etc. However, in 1987 and 1995 the amendments failed to pass.

Meanwhile, things have changed: there has been an ongoing low birthrate and an increase of the aging population. In the 2000s, the birth rate rapidly decreased (total fertility rate in 2021 was 0.88%). It is the second factor that infected Korea's biopolitics of reproduction. The basic condition of the population completely changed to promote a population growth policy emphasizing abortion prevention. Protestant churches ran programs to support state's pro-life policy such as the "Happy Camp to encourage women of childbearing age to give birth."<sup>23)</sup> At that time, a conservative government came into power. President Myong-bak Lee was an elder of a presbyterian church and he stuck to keeping abortion a criminal offense. In 2009 the Pro-life Doctors' Association declared a suspension of illegal abortions. Meanwhile, after 2000, the number of the Korean Protestant churches began to decline rapidly. The churches, then, took on fundamentalism

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22) Yu Na Shin and Kyu Jin Choi, "History of Legal Disputes and Legislation & Amendment of Korean Criminal Abortion: Focusing on Social & Political Background," 179.

23) Sookjin Lee, "Protestant Family-making and Bio-politics in Korea before 1945": 73.

as a survival strategy. They used abortion to promote their identity and consolidate their power. But to the contrary, this period reached social democratization and increased gender sensitivity outside of the church, which led to a movement to abolish in the society. The Korean Church has fallen behind Korean society in human rights awareness.

What is impressive is that we forgot the history of the Korean Protestant churches' collaboration with state biopolitics and instead pretend that they have always been against pro-choice. However, we cannot deny that the State was actively involved in the process of population control and life-selection and that the churches conspired with it. Additionally, churches have been theologically and ethically influenced by U.S. Christian fundamentalists.

The U.S. fundamentalism of Protestant churches began in late 1800s. It was formed by people whose previous ways of life and values were shaken by modern industrialization and urbanization. They resisted the pluralized complexity of society and regarded new social and cultural changes as threatening to their identities, beliefs, and values and thus, heretical. They thought that modernism contaminated their purity.<sup>24)</sup> To make matters worse, the Reagan camp used fundamentalist Christianity for their presidential campaign.<sup>25)</sup> Since then, the conservative parties in the U.S. have colluded with fundamentalist Christianity in every election. This collusion between conservative party and fundamentalist

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24) Nam-Soon Kang, "Religions Fundamentalism Discourse and Gender," *The Korea Theological Study* 123 (2003): 95, 97.

25) They were opposed to abortion and the Equal Right Amendments but supported creationism which refuses to dialogue with science and reads the Bible as a scientific text by interpreting it literally.

Christianity was imitated and repeated in South Korea.<sup>26)</sup> For example, fundamentalist Christians supported Myong-bak Lee's presidential campaign, and he was elected. During his government, when the Pro-life Doctors' Associations (formed in 2009 and also imported by the U.S.), an anti-abortion organization, accused hospitals of abortions. This momentum helped fundamentalist Christianity pressure law makers to uphold abortion law. In the aftermath, the Constitutional Court ruled that the criminal abortion law was constitutional in 2012.

Before we turn to the next section, it would be interesting to check out how the Korean Protestant churches interpreted the Bible verses for their own ends. For example, in colonial times, the text "Be fruitful and multiply" (Genesis 1:28) was interpreted to mean that birth control was a rebellion against God.<sup>27)</sup> However, after the family planning programs of the 1960s, the text was interpreted to mean qualitative growth rather than quantitative growth: "multiply" does not mean "numbers" but "the offspring of faith."<sup>28)</sup> Depending on the country's biopolitical poli-

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26) In the 2012 U.S. presidential election, the Republicans waged "the war on women." Republican opposition to Obama's signing of "birth control mandate," which required all health insurance providers to cover the cost of abortion, was a major factor. In the aftermath, after Trump presidency, the U.S. Supreme Court in 2022 overturned abolition of abortion crime. Rosalyn Diprose, & Ewa Plonowska Ziarek, *Arendt, Natality and Biopolitics: Toward Democratic Plurality and Reproductive Justice* (Edinburgh: Edinburgh University Press, 2018), 192.

27) Dooyong Song, "Fertility and Birth Control," *Seongseo Joseon* (Bible Korea) (August 1931): 170-171, quoted in Jeong-ran Yoon, "State-women-religion: The Family Planning Program and Christian Women in the 1960s-1970s," *Women and History* 8 (2008): 72.

28) Chun-Hye Oh, *Christianity and the Population Problem* (Seoul: Jomunsa, 1961), 28-32 quoted in *Ibid.*, 72-73.

cy, the biblical text was sometimes interpreted to support pro-choice and sometimes to support pro-life.

## **2. From Pro-Life versus Pro-choice to the Government versus Women**

Up to this point, I explored how the political, economic, and religious conditions in South Korea have affected reproductive justice issues and how Korean Protestant churches changed their positions in response to these national political and economic policies. Through this, we learned that the pro-life versus pro-choice binary based on an individualistic premise that cannot cover the complicated and multi-layered reality of women. To improve reproductive justice, the shift in the framework is needed. The following section describes South Korea's campaigns success in decriminalizing abortion and why it was effective.

There were two big campaigns for the decriminalization of abortion in South Korea. First, as mentioned before, during Lee's government (after the Pro-Life Doctor's Association, formed in 2009), an anti-abortion campaign began in public and earnest. As a response to it, progressive civil society including feminist camps (led by the Network for Women's Right to Decide Pregnancy and Delivery) campaigned for the decriminalization of abortion. Unfortunately, in 2012, the Constitutional Court decided the abortion ban was constitutional, and the campaign failed.

Since 2012 the first campaign failed, Korean feminists have taken part in 'black protest'<sup>29)</sup> movements, gaining momentum for abortion rights.

This second campaign was initiated by Women with Disabilities Empathy in 2015 which was extended to and renamed the Joint Action for Reproductive Justice (Joint Action) in 2017. They realized that without mentioning the forced sterilizations and abortions of women with disabilities, they could not resolve the problem of women's reproductive rights. They deemed the loss of the 2012 movement as failure of a framework-change. Thus, they shifted the framework from 'pro-life versus pro-choice' to 'the government versus women'. They changed their attention from an individual rights towards social justice.<sup>30)</sup> At last, on April 11, 2019, the Korean Constitutional Court ruled the abortion ban unconstitutional. The decision came 66 years after abortion was criminalized in 1953. Turning their attention to biopolitics was effective.

As mentioned above, the second Korean campaign for the decriminalization of abortion in South Korea began to consider the biopolitics of the state. It led to changing of the framework of campaign and in turn gained public support. Public who are reluctant to recognize women's reproductive rights were persuaded, looking at in the issue within the state's biopolitics: someone's life is selected but the other's life is abandoned. They understood that reproductive rights are not only women's issues, but also all of life's issue. The Joint Action introduced concrete examples of 'bare life' in South Korea to the public as part

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29) It comes from wearing black to protest the legalization of abortion in Poland.

30) Sunhye Kim, Na, Young, and Yurim Lee, "The Role of Reproductive Justice Movements in Challenging South Korea's Abortion Ban," *Health and Human Rights Journal* 21, no 2 (2019): 100.

of the reproductive movement. For example, there is the National Sorokdo Hospital which the state established for the purpose of separating people with Hansen's disease from society in Japanese colonial era. It forced the sterilization and abortion Hansen people by early 1990s. The author points out that the state selected those who should not reproduce, and then controlled their sexuality and reproductive rights. She adds that this is directly related to the contrary of the bio-politics of states that criminalize abortion and talk about protecting "unborn life" as if it were all of it, while pre-selecting those who should not be born.<sup>31)</sup>

It is beyond our individual free choice. Under biopolitics, a person may be placed in a situation where they are unable to choose. Giorgio Agamben calls these people *homo sacer* (sacred human), bare life. In Roman law, *homo sacer* could not be a sacrifice to God but the killer of *homo sacer* was exonerated from the crime of murder. They resided in a double exclusion zone and were protected by neither divine law nor human law. According to Agamben, as for where biopolitics occurs, Foucault just envisioned a place like a prison which is supported by legal structures. Agamben argues that this is inadequate as it doesn't consider exceptional situations—like a camp—which exists outside the reach of normal legal order. Could we then call a pregnant woman 'bare life' under the state's biopolitics? The next section deals with *Homo Sacer* from a perspective of reproductive rights based on Hannah

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31) Migyeong Jo, "Sexual and Reproductive Rights in Internment Camps" in *Battle Ground*, 202.

Arendt's concept of biopolitics.

### 3. Reclaiming Neither Zoe nor Bios but Both Zoe and Bios

Diprose and Ziarek claim that a woman who cannot claim her reproductive rights, is put in a state of exception by state biopolitics.<sup>32)</sup> According to Agamben, Arendt is the first thinker of biopolitics. Based on Arendt, they claim that a woman in a state of exception becomes the “abstract naked” or “animal laborans” (laboring animal).<sup>33)</sup> Arendt argues that a fundamental deprivation of human rights means being deprived of a place in the world that makes words and actions meaningful.<sup>34)</sup>

In order to discuss women's reproductive rights through the lens of Arendt's biopolitical thought, it is necessary to examine her unique concept of 'natality'. Natality means birth, a neologism coined by Arendt as an alternative concept to mortality. Critiquing the Western intellectual tradition's obsession with death and the afterlife, Jantzen argues that underlying this death impulse is an unrecognized foundation that underpins this notion: the material, maternal foundation of what Arendt calls natality. We are neither thrown into this world as Heidegger and other male philosophers say, nor “come from nothing” as Christian theologians say about *ex nihilo*, but are born from our mothers.<sup>35)</sup>

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32) Rosalyn Diprose & Ewa Plonowska Ziarek, *Arendt, Natality, and Biopolitics*, 188.

33) Hannah Arendt, *The Origin of Totalitarianism* (New York: Schocken Books, 2004, 1951), 297-300, 377, Hannah Arendt, *Human Condition* (Chicago: the University of Chicago Press, 1958, 1998), 69.

34) Hannah Arendt, *The Origin of Totalitarianism*, 376.

Moreover, in the midst of struggling with a totalitarian regime which imposed uniformity and dehumanized people, Arendt came up with a way to build a democratic society for her whole life. She suggests natality as the human condition. In *the Human Condition*, she suggests that it is natality which starts a new world against totalitarian nation. Although Arendt, a Jew, was neither a Christian nor a Christian theologian, her thought is permeated with Augustine's ideas. What Arendt draws attention to is Augustine view that 'human creation by God' is 'the introduction of newness, a new beginning.' Before Augustine, in the Neoplatonist view of eternity, there was no room for change or renewal. They believed that everything was always circular. "Since created things have come into existence, they change and alter. Their coming into existence was the first change, from non-being into being, and thus the law of change will from then on preside over their destinies."<sup>36)</sup> Human birth brings a new dimension to time, which breaks the cyclical movement of the universe, bringing radical newness, contingency, and invention, which is the foundation of freedom.<sup>37)</sup>

Natality then brings three basic activities which human performs: labor, work, and action.<sup>38)</sup> There is labor performed for one's own and species' survival. Labor is a cyclic activity like metabolism and is constantly in and out of existence. There is also work which produces arti-

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35) Adriana Cavarero, *In Spite of Plato*, 61

36) Hannah Arendt, *Love and Saint Augustine*, ed. by Joanna Vecchiarelli Scott and Judith Chelius Stark (Chicago: The University of Chicago Press, 1996), 52.

37) Rosalyn Diprose & Ewa Plonowska Ziarek. *Arendt, Natality and Biopolitics*, 196.

38) Hannah Arendt, *The Human Condition*, 7.

facts through material. It creates a relatively permanent artificial world. Finally, there is action, that is political activity which is the creation of a permanent identity through speech and action. Accepting these two kinds of life, *zoe* and *bios* Aristotle distinguishes, Arendt seems to presuppose that among these three activities, labor and work belong to *zoe* (natural and biological life) in oikos, the private sphere and action belongs to *bios* (political life) in polis, public sphere.<sup>39)</sup> Among them, Arendt draws attention to the *bios* in public sphere because what makes us human is to be liberated from the cyclical labor of organisms for necessity, their needs, and desires. They then need to engage in the act of freedom, that is, political activity. As in the ancient Greece, slaves and women were not allowed to enter the polis, only those who were free from labor for survival could join political activities. Some feminists criticize Arendt for insisting on keeping male at the centered of thought and a private-public binary.<sup>40)</sup> From a feminist perspective, if this binary is maintained, what happens in the household (oikos), is in the private sphere and the people who work in it can be excluded and discriminated against. For example, victims of domestic violence cannot be discussed in the political sphere because it is a private matter.

However, Mary Diez argues that feminist reading of Arendt's texts transmutes Arendt's triplet category of labor, work, and action into just doublet category of private-public in which gender binary is inscribed.<sup>41)</sup> Diez is aware that Arendt's three activities are rooted in natality

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39) Ibid., 13.

40) Rich, 212; O'Brien, 100, quoted in Grace Jantzen, *Becoming Divine*, 144.

41) Mary G. Dietz, *Turning Operation* (Routledge: New York and London, 2002),

which initiates something new and is foundation of freedom. Arendt's original intention was to expose the modern fallacy of fixing the category of private-public binary based on gender binary and to displace it through action with concept of politics.<sup>42)</sup>

Additionally, natality is inextricable from worldliness. "Labor and work, as well as action, are also rooted in natality in so far as they have the task to provide and preserve the world for, to foresee and reckon with, the constant influx of newcomers who are born into the world as strangers."<sup>43)</sup> Labor and work prepare the world for new persons (possessing the capacity of beginning something new) born into the world. Action (which the newcomer performs), brings something new in the world. The person who has already begun, can do something new with their life and through something new, he or she becomes a human being in the world. Thus, there are two kinds of birth: the first birth is our physical appearance in the world, while the second birth is the process of becoming human in the world. What is important here is that human birth has both natural life and political life.

In this sense, for Arendt's natality, birth does not simply seem to be in *zoe* but also *bios* because all three activities of labor, work, and action coming from birth, are interwoven with the world from the start. Thus, natality is penetrable and porous between natural life and political life. It spans two areas; *zoe* and *bios* and it does not maintain private-public dichotomy. For these reasons, her natality is never only located in the

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101-102, 125-6, 129.

42) Ibid., 129.

43) Hannah Arendt, *The Human Condition*, 9.

private sphere, but always presupposes the political sphere, and thus has an inherent dynamism and permeability that allows it to deconstruct the rigid public-private dichotomy that feminists criticize. Natality provides for the reproduction of the species, but it also concerns the realm of action, where the species becomes truly human. Natality always takes place in the world and toward the world. In the same vein, women's reproduction has both public and political significance, and women who give birth are therefore political agents capable of making ethical decisions.<sup>44)</sup> It shows that concept of birth has a dual meaning: both the physical labor of the mother in the production of a species, and also political action. Thus, a mother has the ethical agency to decide the matter of reproductive right. What the state or church control to make live or let die not only denies women political agency, but also undermines democracy, the mechanism of a plural society which finds and welcomes newcomers who are born into the world and subsequently become human beings. The pro-life movement's persistent opposition to the right to choose, by locking human life at the point of conception, reduces human beings to organic life and perpetuates the perception of women and motherhood as animal labor or biological life forms that lack agency. It is not really pro-life- just pro-birth.

Thus, a pregnant woman under the state's biopolitics is deprived of her political life and remains in the realm of private life, the naked abstract, the *homo sacer*. Korean Protestant churches should learn from the second campaign for the decriminalization of abortion in South

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44) Rosalyn Diprose & Ewa Plonowska Ziarek. *Arendt, Natality and Biopolitics*, 176.

Korea and pay attention to South Korean women's actual reality under state's biopolitics--actively supported by multi religious patriarchalism. If we would learn this, we could engage in the task of theology: to take *homo sacer* down from the cross.

#### **IV. Conclusion: Ever after; Towards Broadly Pro-life**

After the Constitutional Court ruled abortion ban unconstitutional, it ordered that the relevant provisions of the law be amended by December 31, 2020. The government recommended that after the 22nd week of pregnancy, abortion remains criminal because at that week of gestation the fetus can survive independently outside the mother's body. However feminist camps did not accept this government adjudication. They want complete freedom for women to have abortions. Their lack of trust in the government is due to the fact that the nation has historically used abortion for economic reasons and as a means of population policy, not for women's right to self-determination for reproduction. The amendment failed to pass due to oppositions from many pro-lifers: the Pro-life (a successor to the Pro-life Doctor's Association and the Anti-abortion Coalition), Roman Catholics, and many fundamentalist Protestants. The legislation has been delayed for five years until present day. Meanwhile many Protestant churches do not want to get involved in this delicate issue or simply take sides with the pro-life camps.

Since 2018, a year before ruling abortion ban unconstitutional in South Korea, I have investigated the theme of reproductive justice. In

the context of teaching, giving a sermon, and pastoring, I have experienced a deep sense of helplessness regarding my ability to persuade my students and church members towards reproductive rights. Once I talk about right to abortion, I fear I've been stigmatized. I have come up against an iron wall of the 'prolife versus prochoice' which cannot simply be knocked down. One of reasons why this wall in South Korea seems to be thicker than any other western societies, seems to be patriarchalism of religions. I believe that Christian women in South Korea, living in multi layered patriarchal culture mediated by religions, are like *homo sacer*. They live in *zoe*, natural life, depriving of *bios*, political life which guarantees their right to self-determination. They are stuck in the 'prolife and prochoice binary' and can't get out of it.

From the pulpit of a church, women who do not give birth to children are often accused of being selfish and of not fulfilling God's mission. Today, South Korea has entered an ultra-low birthrate society. The total fertility rate of 2023 is around 0.6 children. From the pulpit, one more accusation is added: not giving birth is unpatriotic. *Homo sacer* is not only deprived of political life but also accused of being a traitor. Jeong Heejin suggests that the underlying fear of low birthrates stems from the early modern notion of population as national power. However, she continues that deliberately increasing birthrates is not the right answer, given the reality of the Nordic countries (which have small populations but are doing relatively well), or the problem of youth unemployment.<sup>45)</sup> She also adds that a low birthrate is also a commit-

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45) Jeong, Hee Jin, "Declining birthrates are not a solution," *Kyunghyang Newspaper*,

ment to not bequeathing a dehumanizing competitive society to future generations. In prior sections, we identified how much the biopolitics of South Korea has selected life and produced *homo sacer* for economic reasons. As Agamben said, quoting Foucault, capitalism has developed through “docile bodies.”<sup>46)</sup> Capitalism is parasitic on women’s body and nature. It lives by mining women’s bodies and nature.

It’s natural for organisms to be self-preserving by not having children when they can’t support them. In *Mother Nature*, Sarah B. Hrdy tries to understand maternal instinct not based on romanticized natural law but based on scientific investigation.<sup>47)</sup> Analyzing not only animal societies, but also human groups across cultures, she argues that all mothers make trade-offs between survival and reproduction. It may seem like a heartless act that goes against her maternal instincts, but she’s doing what’s best for her child. Things like spacing out births or letting the oldest eat the food of the weaker youngest, are all, finally, for the flourishing of her children.

Likewise, to live in age of low growth and the shrinkonomics (economics for decreasing population and an aging society), we need to think outside the box. Hyun-jae Lee maintains that when population policy is viewed as a matter of raising or lowering birth rates for the sake of “the economy” or “growth,” it can lead to the objectification of women’s bodies and a failure to consider the position of minorities.

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March 5, 2024.

46) Giorgio Agamben, *Homo Sacer*, 3.

47) Sarah Blaffer Hrdy, *Mother nature: maternal instincts and how they shape the human species* (New York: Ballantine Books, 1999), 31-32, 42-44, 80-83.

Therefore, population policy must now be designed with the recognition that the economy is built on social reproduction such as care, education, gender relations, and intimacy.<sup>48)</sup>

Of course, we can reinterpret patriarchal traditions of religion from a feminist perspective. For example, ahimsa of Buddhism which originally comes from Jainism, can be read to save both the dead and the slain who suffers from it. Daehaeng, a famous Buddhist monk in South Korea said to a man who earns his living by catching chickens; the one who dies is pitiful and the one who kills is pitiful, and that both should be saved, not one or the other. If we were to establish it as a sin, then word would become law, and we should be weighed down with a heavy burden all our life. It is against Buddha's compassion.<sup>49)</sup> Thus, we should understand that karma is caused by the law of cause and effect, but also to realize that karma is not real. Therefore, the important thing is to dissolve karma, not to impose it on someone.

In the same vein, Sesoria Kim, a feminist Confucian philosopher argues that ignoring the conditions under which women who choose abortion have no choice but to do so, and by judicially condemning them, it cuts them off from the essentially Christian ethical process of saving (not condemning) life through forgiveness of the sinner to freedom, repentance, and maturity.<sup>50)</sup> Reformed feminist theologian, Serene

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48) Hyun-Jae, Lee, "[Women's Commentary] We need a feminist population minister," *Women's News Paper*, July 8, 2024, (accessed August 1, 2024)

49) Daehaeng, *One-Mind-Book* in Misong Goh, "What does it mean to reflect on the abortion issue Buddhistically?," *The Literature, History & Philosophy*, 21 · 22 (2010): 160-161.

50) Sesoria Kim, "Women's Philosophical Reflections on the Abortion Discourse in

Jones also claims that the discourse of sin should serve to strengthen Christian faith, not weaken it. It needs to be designed not “to harm people to break their spirits, to marginalize them, to destroy their sense of beloved-ness, or to -constrain the conditions of their flourishing.”<sup>51)</sup>

However, this paper focuses on frame change to take *homo sacer* from the cross. Considering state’s biopolitics and *homo sacer*, helps us move the debate over women’s reproductive rights from a binary, myopic paradigm of choosing between the right to life and the right to choose to a three-dimensional, macro-paradigm that promotes inter-relational freedom and pluralism in our shared world. We can call this a “broadly pro-life framework,” neither a pro-birth nor just pro-life.<sup>52)</sup> It is a rich system that includes not only birth but also the meaningful care of children that respects life so that no one is rendered naked by state power; one that does not stigmatize women who choose to terminate their pregnancies for a variety of reasons. If we are truly pro-life Christians, we must work to end war and we must work to strengthen and expand the web of life.

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Korean Society: Focusing on the Criticism of the Korean Catholic Church’s Opposition to the Abolition of Abortion,” *Times and Philosophy* 30, no 1 (2019): 64-65.

51) Serene Jones, *Trauma and Grace: Theology in a Ruptured World* (Louisville• Kentucky: Westminster John Knox Press, 2009), 101-102.

52) See Rebecca Todd Peters, *Trust Women*, 19-20.

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• ABSTRACT •

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## Take *Homo Sacer* Down from the Cross

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This paper introduces the struggle of the women's movement for reproductive justice in South Korea and its entanglement with the insufficient response of the Korean Protestant Church. The paper examines why an individualistic approach to reproductive issues is insufficient by showing the multi-layered patriarchal symbols of reproduction that Korean Christians presuppose. Second, it places reproductive rights in the larger context of life politics in order to move beyond this individualistic approach. It also examines how the Protestant Church in South Korea has colluded with national biopolitics. Third, we show that this larger context of national biopolitics allows us to shift the framing of pro-life versus pro-choice to government versus women. Finally, it proposes to build a "broader pro-life framework" by taking down the cross of women who have had their reproductive rights taken away.

**Key words:** Abortion, Reproductive Rights, Biopolitics of South Korea, *Homo Sacer*, G. Agamben

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