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The Normalization of Universal Male Conscription in South Korean Society and the State Regulation of Draft Evasion and Conscientious Objection: 1950–1993¹

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I. Introduction

This paper aims to give a historical overview of how draft evasion and conscientious objection in South Korea (Republic of Korea, ROK) was handled by the state from the introduction of the mandatory conscription system and the outbreak of the Korean War to the end of the militarized regimes in 1993. It will also examine the normalization of universal male conscription and its impact on society, from the initial challenges faced by the Syngman Rhee regime (1948–1960) to the solidification of mandatory conscription and conscription completion as social norms during the Chung-hee Park regime (1961–1979).

The International Covenant on Civil and Political Rights of the United Nations Human Rights Commission defines a conscientious objector (CO) as “an individual who has claimed the right to refuse to perform military service on the grounds of freedom of thought, conscience and/or religion” (OHCHR). The two major CO groups in South Korea before the early 2000s consisted of the Jehovah’s Witnesses (JWs) and the Seventh-day Adventists (SDAs). The SDAs were noncombatant COs as they willfully served as conscripts but refused to hold weapons and participate in the training of harming or killing. After much persecution and stigmatization during the Chung-hee Park regime, they officially removed conscientious objection from their Church doctrine in 1976. The JWs refuse to be conscripted by the state to serve in the military for the same reason, but are willing to accept alternative forms of service if these

1. This paper is based on my master’s thesis, “The History of Conscientious Objection and the Normalization of Universal Male Conscription in South Korean Society” (2014), from the University of Toronto.

forms comply with their personal understanding of biblical principles. The labeling, persecution and social stigmatization of COs, as well as the actions of the state and the reactions of the church members, will be examined to reveal the impact of the implementation, normalization and the perpetual nature of universal male conscription in South Korean society.

Conscientious objection was indistinguishable from draft evasion in the South Korean government's perspective. The COs' willingness to disobey the state, which resulted from their conscience shaped by religious beliefs or self-conviction, was perceived as another excuse in committing a widely committed crime during wartime, on which the authorities began to crack down severely during the postwar period. The lack of distinction between a CO and a draft evader is rooted in the formation of the ROK military and the introduction of conscription. Universal male conscription was introduced by the first Conscription Law enacted in 1949, with no mention of conscientious objection.² Also, "freedom of conscience" was granted in the ROK constitution written in 1948, but the definition was obscure as the article that presented this issue was simply cut and pasted from foreign constitutions and there was no mention of how "freedom of conscience" should be dealt with when it conflicted with national agenda.³ Also, because North and South are officially still at

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2. Comparing the situation of ROK with West Germany reveals a clear insight of the relationship between universal male conscription and conscientious objection. As remilitarization and rebuilding of a military in West Germany became inevitable in the Cold War context, "the right of West German citizens to refuse military service was a measure against the resurgence of Nazism or militarism" (Mun, "Seodogeseo" 106-33). Conscientious objection also symbolized the new democratic armed forces in Germany and the 20,000 COs executed during the Nazi period authenticated the validity of their conscience. However, in Korean society, there was no historical background that would lead to social approval of conscientious objection and the self-governed ROK military became a symbol of the independent state after decades of colonization (Mun, "An Analysis" 252, 255).
 3. Freedom of conscience was guaranteed in Article 12 of the first South Korean Constitution enacted in 1948: "All citizens shall enjoy freedom of conscience. No state religion shall be recognized, and church and state shall be separated" (Mun, "An Analysis" 247-48). By analyzing the stenographic records of the National Assembly plenary sessions that took place in 1948, Soo-Hyun Mun concludes that the founders of the Constitution "had no clear notion of freedom of conscience" and "did not recognize the political connotations of political conscience" as it was simply "written into the Constitution with no serious consideration because many foreign constitutions had already guaranteed it" ("An Analysis" 249). There were much debate over the meaning of "conscience," such as

war after their armistice in 1953, this became and is the main justification of universal male conscription and military service as a “sacred duty” to defend the nation.

After the outbreak of the Korean War, draft evasion was uncontrollably rampant. The number of draft evaders from 1951 to 1959 was more than 1.3 million with a yearly average of around one hundred fifty thousand. There were approximately three hundred thousand draft evaders in 1953 and two hundred fifty thousand in 1958, revealing that the rate of draft evasion was massive, even during the post-war period. These numbers were successfully lowered by the militarized regime of Chung-hee Park that gradually solidified the normalization of mandatory conscription through the introduction of sociocultural impetuses, the promotion of equality through his form of sociopolitical governance and the intensification of state surveillance. The Park regime also normalized hegemonic/militarized masculinity in parallel with universal male conscription.

During the 1970s, the numbers of draft evaders and COs were reduced yearly, from 34,004 in 1970 to a mere twelve in 1978; a significant feat given that only two decades before in 1958, there were 247,259 draft evaders/COs in South Korea (Shin 158). This drastic reduction also resulted from an intensified national surveillance system such as the revision of the resident registration system, in which every citizen was located and documented. The remaining draft evaders and COs during this period were criminalized and punished severely, with some of their prison sentences lasting more than seven years. The severity of these punitive measures were justified by the media, which consistently stigmatized and labeled COs as social deviants and criminals who refused to follow social norms.

Much of the historical narrative will be supported and analyzed by Foucauldian approaches to disciplinary mechanisms such as normalization, surveillance and delinquency. Deriving examples from Michel Foucault’s *Discipline and Punish: The Birth of the Prison* (1975), these concepts will be applied in an attempt to comparatively comprehend the topic of national conscription and the relevant issues that arose alongside it in the South Korean context. These include the initial conflict that arose from the implementation

the differentiation between “good” will and “ill” will, as well as the separation of freedom of conscience from freedom of thought so that “conscience” would be separated from “thought” (*sasang*) and “ideology,” which were synonymous with “socialism” (248).

of a mandatory conscription system, mainly draft evasion and conscientious objection; the South Korean state's coercive sociocultural development of a nation-wide acceptance of universal male conscription and the rejection, stigmatization and criminalization of conscientious objection and draft evasion. Thus, these concepts are utilized to examine the normalization process of universal male conscription and the severe crackdown of draft evasion/ conscientious objection, which paralleled the implementation of a stronger surveillance system.

It is the power of normalization as well as the intensification of national surveillance that impacted the perpetual acceptance of universal male conscription as a moral duty and a social norm. Draft evaders and COs were presented and stigmatized as delinquents, and their existence, along with the potential existence of the infiltrating enemy, or “gancheop,” justified the intensification of surveillance during the 1970s. The newly developed surveillance system was used to track down and punish such delinquents, and abiding by the state regulations and accepting state defined norms became the obvious circumscribed choice for South Korean citizens under President Park's Administrative Democracy.⁴ These norms still exist today and have been the main battleground of the conscientious objection movement, a social movement that views the imprisonment of COs as a violation of basic human rights as COs are still legally persecuted and imprisoned. Thus, this project views the history of draft evasion and conscientious objection as a historical narrative that serves to exemplify the lasting social impacts of normalization and the intensification of state surveillance.

II. Early Postwar State Responses to Draft Evasion and Conscientious Objection

After the outbreak of the Korean War, martial law was declared on July 8, 1950 and able-bodied young men and boys were forcefully drafted until the Conscription Law was enacted on May 1951 (I. C. Kang, “Hanguksahoewa Yangsimjeok” 110). By the end of the war, conscription was widely perceived

4. Administrative Democracy was the Park regime's form of political governance, in which ROK society must follow his guidance to root out corruption and injustice, as well as cultivate sociocultural and economic growth.

by the public as a “poor man’s draft” as members of the ruling class and public officials were either placed on the rear lines as military police or given official conscription exemptions, which were justified by the government as “postponement for rightful placement” (Pak). The National Defense Force Corps Incident in the winter of 1950 solidified this negative view on conscription. When the government implemented the National Defense Corps Installation Order, 680,350 able-bodied males were conscripted and as they marched to the city of Jinju, around 120,000 conscripts either froze to death or died of hunger (D. C. Kim, “Hangugui Bundangukga” 182). It was later discovered that high-ranking officers smuggled supplies and embezzled large amounts of national funds meant to pay the conscripts. According to the statistics provided by the Military Manpower Administration (MMA), the numbers of draft evaders recorded during wartime were uncontrollably rampant. There were 175,931 in 1951; 182,166 in 1952; and an all-time high of 294,979 in 1953 (Shin 158).

To an ordinary citizen, defending the nation by being conscripted meant strong possibilities of sudden and unjust death from fighting, weather conditions or poor treatment. Thus, draft evasion became an obvious choice for a majority of the draftees since it was a crime they could easily get away with, especially during wartime. The failure to crackdown on draft evasion was caused by the inadequate identification of the population as well as the constant relocation and lack of permanent residency caused by war. The number of draft evaders dropped during the postwar period in the 1950s; however, before the military coup lead by Chung-hee Park, the yearly average was over 100,000 (158).

From the early 1950s, numerous newspaper articles emphasized the state’s attempt to persuade draft evaders to turn themselves into the authorities during given “amnesty periods” and reassured them they would not be imprisoned (“Jingyong Gipija”; “Byeongyeokbeop Wibanja”; “Byeongyeokmusojip Gipi”). One article emphasized that the purpose of the “amnesty periods” was “not to imprison but, re-gather conscripts” and surrendering draft evaders “will not be placed in jail cells, but given instructions and cautioned at the police station auditorium” (“Byeongyeok Gipija Jamneunde”).

At the same time, apprehended draft evaders were negatively perceived as unpatriotic social deviants. Those caught draft evading were stigmatized by the press as their addresses and full names were released along with detailed accounts of their crimes. One article revealed a young man named Yang-Soo Kim who “dressed as a woman and worked as a bar hostess and a housemaid



Fig. 1. Yang-Soo Kim. “Cheongnyeoni”

to evade the draft” (“Cheongnyeoni”). This article is one of the first published newspaper articles in Korea that deals with non-normative gendered behavior, such as cross-dressing and performance of opposite gender roles.⁵ What is more interesting is the labeling of Kim as a draft evader, not a cross-dressing sexual deviant who works as a bar hostess and a housemaid. This article also presents a picture of Kim wearing a wig and a *hanbok* (Korean traditional dress), a common dress code for bar hostesses, with the title emphasizing this action as one of “various methods of draft evasion” (Byeongyeokgipi Bangbeopdo Gajigaji). Here, *Gajigaji*, which directly translates to “various,” has a negative connotation that is used to describe unethical acts, such as schemes or excuses. This article methodically presents Kim’s cross-dressing as sort of a pathetic attempt at draft evasion, as well as an act of social and sexual deviancy. The press, while normalizing conscription as a moral duty, stigmatized draft evasion by packaging it with deviant behavior and criminal acts perceived as anti-societal and labeled the culprits as *pigungmin*, or anti-national citizens (Lim 399).

The Rhee regime called upon the moral conscience of the draft evaders to have a righteous mindset and attitude to repent their mistakes. Repentance, reclaiming honor, causing inconvenience to neighbors and letting down fellow citizens were some of the comprised moral language expressed by government officials. One newspaper article in March 1956 stated that draft evaders should

5. See Fig. 1.

all surrender to the authorities because increased surveillance through street searches and checkpoints would disturb the public and be undemocratic. This article states:

Because of only a couple of draft evaders, initiating searches on the street, at bus stations and even in coffee shops cause inconvenience for the whole citizenry; no, all young men become targets of searches, which cannot happen in a constitutional state. Also having checkpoints at bus stations is problematic and time-consuming.... Taking these issues into consideration, the decision has been made not to perform street searches or set up checkpoints for draft evaders. (“GipijaDansokgwa”)

The emphasis on equality and democratic values, as well as addressing the problems of conscription corruption in the National Assembly, reveals the Rhee regime’s attempt to discard the negative social views of conscription corruption, as well as the unequal class-based treatment of conscripts developed during wartime (“Jingbyeong, Jingjipbujeongdeureo”). Public morality was also shaped and defined by the state to persuade draft evaders to surrender with good will in an attempt to slow down the uncontrollable numbers of draft evaders. It also successfully camouflaged the state’s blatant inability to halt conscription evasion by presenting post-war ROK as a modern democratic nation that respects the rights of its citizens.

When COs began to attract media attention, their freedom of conscience was heavily criticized. JW’s and SDA’s were the only two religious CO groups that emerged in the ROK after conscription duties became mandatory. A *Chosun Ilbo* article published in 1957 titled “National Consciousness and Religious Consciousness” was highly critical of the freedom of conscience written in the constitution if it is understood as unlimited freedom of religion that defied national and familial duties (“Gukgajeok Uisikgwa”). The article stated, “for religion to develop normally, national consciousness and religious consciousness must coincide and be respected equally” (“Gukgajeok Uisikgwa”). It also suggested that the freedom of conscience granted by the constitution was invalid if the religious group takes advantage of it by defying the state. COs were presented as no different from draft evaders by the press and were labeled as social deviants, precisely as “religious fanatics” whose beliefs were unrealistic and nonsensical (“Hoengseolsuseol”; “Damdang Pansa”). Religious conscience that superseded national conscience began to

be negatively portrayed as “immoral,” while the prioritization of national conscience by the citizenry was distinguished as “moral.” Thus, we begin to see how the press distinguished the difference between a “good” citizen, who prioritizes national duties, and a “bad” citizen, who prioritizes religious ideals.

The experiences of the JW and SDA COs differed once they were in custody. Because the SDA members refused to obey orders and handle arms after conscription, they were tried in the military courts as acts of mutiny and disobedience, while JW COs were tried in the civilian courts for violation of the National Security Law and the Conscription Law (Mun, “An Analysis” 258). Because the judicial system was ill prepared to deal with COs, the punishment methods and the length of the prison sentences were different and inconsistent (112).⁶ In 1957, Minister of Defense Yong-U Kim issued a special order named Special Order 2288 (*gukbangchongje* 2288), which allowed the SDA conscripts to be handed such noncombatant roles as medics, where the use of weapons was unnecessary (Lim 400). This order was met with much negative responses from the press. One *Hankook Ilbo* article titled “Is Church Doctrine More Important than Constitutional Law?” criticized the request of noncombatant service as an act of seeking privilege and stated that if a clash of ideals between the state and religion occurs, the state must be given priorities (“Gyoriga”).⁷ Special Order 2288 lessened the physical violence and opened up opportunities for many SDA conscripts; however, unit commanders still allowed physical punishment of the conscripted SDA COs until 1958 when all conscripted COs were uniformly punished by the military courts with a 6-month to 1-year sentence (Lim 401).

6. Some were punished with physical violence and torture, but a fortunate few were allowed to serve in at non-combatant units at the discretion of their superior officers. The punishment for mutiny and disobedience in the military courts ranged from short imprisonment to execution, adding to the confusion. See Jae Sung Lim’s “Jingbyeongje,” Soo-Hyun Mun’s “An Analysis” and In-Cheol Kang’s “Hanguksahoewa Yangsimjeok.”

7. The public discontent towards the SDAs is also revealed by two articles in the *Seoul Sinmun*, fittingly titled “Outrageous! Petition for Refusal to Handle Arms” and “Pick Up Guns for Freedom of Religion: Outrageous Insubordination of Seventh-Day Adventists” that directly criticized the SDAs for their request, which was surprisingly approved by the state (Jin 202–03).

III. Normalizing Conscription and the National Suppression of Draft Evasion and Conscientious Objection During the Early Chung-hee Park Regime

Starting from 1961, new laws were implemented to make draft evasion extremely difficult and costly. The new military regime first and foremost targeted draft evaders of higher status throughout the early 1960s. On June 20, 1961, the “Special Measure for Individuals with Incomplete Conscription Duties” was implemented to remove from office all public officials who had not completed their conscription duties (Shin 157). The sudden aggressive crackdown of draft evaders, especially those of the privileged class was the Park regime’s way of publicizing military service as an equally mandatory and “sacred duty of each individual citizen” (C. H. Park, “Let Us” 230). The newspapers that presented the educated elites as representatives of national strength to justify early discharges and rear-line duties during the Korean War criticized the same group as draft evading anti-democratic citizens (Pak 5; “Byeongyeokgipijai Cheoji”).

Criminalizing the draft evaders of the privileged class was a way of regaining the trust of the disenfranchised who viewed the sacred duty of national defense as a discriminatory “poor man’s draft.” An article titled “Finished with Guilty Lifestyle, Bright Expressions During Amnesty Period” states, “[a] student in uniform carrying a backpack, another well-dressed like a gentleman and another dressed in shabby clothes. Young men of different social strata decide to put behind their previous guilty lifestyle, all of them with bright expression on their faces” (“Kkeorimchikadeon”). The classless basis of a draft evader’s “guilty lifestyle,” as well as the opportunity for young men of different backgrounds to amend their mistakes, was emphasized in this article to support the Park regime’s new agenda on conscription. Just as before in the 1950s, morality was defined and used by the state to justify the righteousness of, as well as the immorality of, draft evasion. During the Park era, this was methodically presented as indiscriminate and classless to fit into the military junta’s normalization of conscription as universally equal.

The new regime’s attempt to root out conscription corruption and draft evasion was portrayed by the media as having a positive impact on society. Many businesses, both private and public, willingly abided by the Special Measure for Individuals with Incomplete Conscription Duties and dismissed, as well as refused to hire, all who have not completed their conscription duties.

Even though the special measure was revised on October 1st of the same year to only prevent job placement for draft evaders, most job placements began to be reserved for those who had completed their conscription duties (“Pudaejeop”). However, at the same time, this stigmatized all men who had incomplete military records, both willingly and unwillingly. For example, one newspaper article claimed that Mr. K, a college graduate who scored high marks on his employment examination was unable to find employment because he had failed his physical examination and was thus rejected by the military (“Geuneuljin”).⁸ According to this article, many single women and their parents also were unwilling to consider men who had not completed their conscription duties.

This article reveals that conscription became a necessity and priority for Korean men to obtain a proper socioeconomic status. Social impetuses were created to normalize conscription completion and reveal the consequences of failing to abide by and complete, willingly or unwillingly, mandatory military service. While the previous regime avoided cracking down on draft evasion through random searches and checkpoints, as these methods violated democratic rights, the military junta prioritized the normalization of conscription completion over individual rights and special circumstances. By presenting draft evasion as a remnant of corruption and classism, as well as a failure of past regimes, the Park regime legitimized its own rule and at the same time solidified conscription as a universal and equalized duty. Along with conscription as a necessity for men to function socially and the severe punishments that were implemented gradually, draft evasion was slowed down drastically, and mandatory conscription began to be accepted as a social norm.

The punishment for draft evasion and conscientious objection would also become much harsher than before. The maximum sentence for the COs who refused to handle arms increased from one year to two years in 1962 with the enactment of the Military Criminal Act; then, to three years maximum in 1966; and finally, from three to ten years maximum in 1973 with the enactment of the Special Act on the Punishment of Violation of Military Service Act (Fautre 50). The massive gap between the basic two years maximum sentences (one year in 1961) and longer terms can be explained by the implementation

8. Medical exemption as completion of conscription duties for physically and mentally incapable individuals was introduced later during the Park regime, along with many other alternative methods of conscription completion. See Seungsook Moon's *Militarized Modernity*.

of *jungbokcheobeol* (repetitive punishments) and *gajungcheobeol* (additional punishments). After serving their first sentence of fewer than two years (three years from 1966), COs were forced back to basic training where they would refuse to handle arms and be tried and imprisoned up to four times (I. C. Kang, “Hanguksahoewa Yangsimjeok” 117–18). This repetitive process was *jungbokcheobeol*. *Gajungcheobeol*, on the other hand, determined the length of one’s prison sentence in accordance with the severity of the CO’s refusal to serve, which was decided by how many times the defendant had disobeyed his superior’s orders (Lim 403–04). It was the SDAs who were victimized by the repetitive and additional punishments throughout the 1960s. During this time, the JW COs were tried in civilian courts and served one-year maximum sentences for violating the Conscription Law. This would change in the 1970s, when they would be forcefully conscripted and go through the same process of repetitive/additional punitive measures endured by the SDA COs, for whose sake the church decided to completely remove conscientious objection from church doctrine in 1976.⁹

IV. The Intensification of Surveillance Mechanisms and the Decimation of Draft Evasion and Conscientious Objection under the *Yushin* System

In May 1968, the resident registration system was fully implemented

9. Even though the proponents for conscientious objection continued to exist in the church, the majority of conscripted SDAs accepted firearms training by 1963. Moreover, the church’s position in refusing to handle arms was compromised as early as 1957 by the SDA medics. Even though the SDAs were successfully conscripted as would-be medics, they still had to receive preliminary military training for 8 weeks and handling of weaponry was a necessity. The SDA Church began to allow firearms training in 1971, and in 1974 Samyuk University (operated by the SDA Church and alma mater for the church’s religious leadership) began student military training that included handling of firearms (I. C. Kang, “Hanguksahoewa Yangsimjeok” 123–26). The removal of conscientious objection from the SDA Church doctrine is a very complicated phenomenon, as examined and analyzed by I. C. Kang in his article and also in my thesis, but has been omitted from this paper to engage the central topic of the social normalization of mandatory conscription. This also explains why there is more focus on the JWs, so the stigmatization and persecution of JWs are explained in detail to reveal how rejection of social norms impacts a group labeled social deviants.

through the revision of the Resident Registration Law that universally issued resident registration cards and collected fingerprints from each individual over eighteen years of age (“Gaein Yeonggubeonho”). In the 1970s, the Resident Registration Law was revised to allow the government to request the presentation of individual identification cards. This was established to identify any changes, such as residences or marital status. In other words, continuous surveillance of the citizenry was completed by the 1970s in South Korea (Shin 159). Scholar Seong-Tae Hong has stated that the mechanism of surveillance initiated and completed during the Park regime heavily influenced the development of South Korea into a “garrison state” (“Yushin Dokjewa” 97). These included the resident registration system, fingerprint registration system, inheritance number system and resident registration chart system.

The introduction of the new social security system in 1968 was a preparative reform before the *Yushin* system was developed and implemented in the early 1970s. The implementation and intensification of surveillance mechanisms was a direct effect of the *Yushin* Constitution, enacted in 1972. On December 6, 1971, President Park declared a state of emergency in South Korea and also announced martial law to initiate the *Yushin* system, which included a series of reforms, as well as the intensification of national surveillance (Kahng 178). The threats posed by North Korea in an uncertain geopolitical atmosphere during the height of the Cold War period justified the intensified and militaristic attitude of the state.¹⁰ One of the main reasons for the *Yushin* system according to President Park was to prepare for a potential conflict with North Korea that would jeopardize national security, as he stated that the implementation of the *Yushin* system was to “gain a foothold in arranging an all-out war” (S. T. Hong, “Jumindeungnokjedowa” 270).

The social impact of this was the national crackdown on potential threats

10. President Park justified the introduction of the *Yushin* system and the declared state of emergency with consecutive geopolitics events in East Asia that were politically detrimental to the ROK as well as North Korea’s aggressive provocations against the South during the late 1960s to the mid-1970s. These included the North Korean commando raid on the blue house and the capture of the USS Pueblo and its crew in 1968; the attempted assassination of President Park in 1975, in which his wife was killed; and the Nixon Doctrine that resulted in the withdrawal of 20,000 U.S. soldiers stationed in South Korea, U.S. abandonment of Taiwan and its rapprochement with China, and the withdrawal of U.S. troops from Vietnam that resulted in the communization of South Vietnam (Moon, *Militarized Modernity* 29, 51; Shin 157).

amongst the population. The surveillance mechanism was implemented and intensified “to prevent *gancheop* (spies) and impure elements from infiltrating society and to track them down efficiently” (S. T. Hong, “Jumindeungnokjedowa” 270). This was a direct result of a domino effect that began with geopolitical events and national security concerns that inevitably linked the individual citizen to the state, as well as to the geopolitics of a region. This *gancheop* prevention initiative was widely publicized in public spaces and people were led to believe that *gancheop* (spies) could exist anywhere and everywhere. Banners and posters were posted, which included slogans such as “Let’s find the invading *gancheop* to pulverize the ambitions of communization”; “Let’s prevent impure schemes with a reporting (to the authorities) mentality”; “A *gancheop* does not rest. I should be the first to watch my mouth” (D. C. Kim, “Gancheop Mandeulgiui” 151). Other slogans, like “Check if the neighbor’s visitor is a *gancheop*,” were posted in villages across the nation that forced people to suspect that even law-abiding citizens could be spies in disguise (151).

The *gancheop* prevention initiative was also a process in which the citizenry were made to behave as “non-*gancheop*” by proving their loyalty; thus, people were fearful of being accused as *gancheop* and were basically in full compliance with the authorities and the regime (151). The goal of the *gancheop* prevention initiative was to achieve full compliance and obedience from the citizenry through auto-surveillance as well as the active participation of individuals in pointing out potential threats to separate themselves from the enemy. Because everyone was watching, observing and supervising each other, each person had to self-censor all remarks and behavior. The same method was used to crack down on and punish draft evaders and COs who were labeled alongside *gancheop* and impure elements as social deviants who did not obey the authorities. Unofficial “Villages Without Draft Evaders Movements” sprang up with the New Village Movement that revealed the public fervor in isolating social delinquents who would not accept the normalized “patriotic” identity (Shin 161).

This newly developed surveillance system had close ties with conscription. In a Foucauldian sense, surveillance is a disciplinary mechanism used to locate, track down and constantly observe every single individual in a large group setting. Surveillance allows the observation of behavior or actions in a group so that those who do not conform to the established social norm accepted by the majority could be singled out as delinquents or deviants. Surveillance, normalization and delinquency are all inter-working parts of the

disciplinary mechanism in which surveillance is used to observe the successful internalization of normality and to pick out, label and define delinquency. Through the revision of the Resident Registration Law in 1968, the state began the documentation of detailed personal information that allowed the tracking down of missing persons. Tracking down missing persons was a significant problem that lasted nearly two decades, due to the rampant draft evasion and conscription corruption that took place throughout the 1950s. An astonishing 320,863 out of 431,268 accused draft evaders could not be tracked down, as their whereabouts were unknown, and they were documented as “missing” from 1963 to 1967 (Shin 159). The implementation of the new resident registration system had an immediate impact on the prevention of draft evasion. In February 1969, the government identified 450,000 draft evaders, physical examination evaders and reserve service duty evaders through the resident registration system and cracked down on them (“Jeongbu Yeojeongchaeksim”). When it became possible for the state to track down draft evaders/COs, their identities were no longer obscure. There was no longer any need for “amnesty periods” and moral persuasion; draft evasion was fully illegalized and established as an act of social deviancy.

Chung-hee Park stated in 1963 that religious individuals, despite their freedom of religion as a universally democratic concept, cannot “be allowed to abuse their privileges for the sake of politics, or to subvert democracy, or to promote communism” (C. H. Park, *Our Nation's Path* 243). Rejection of conscription as an equal duty was a direct attack on President Park's political governance, thus, conscientious objection was presented as an illegal act as well as a form of injustice that must be dealt “under the principle of ‘punishing one to set an example for the multitude’” (243). While in the past the public was persuaded to prioritize national matters, this had become a given by the 1960s, making a clear way for official criminalization through multiple anti-draft evasion laws enacted during the 1970s. The first step towards this was the official denouncement of conscientious objection by the state in July 1969. Regarding conscientious objection, the Supreme Court ruled that “the conscientious objection of Christians to military service does not belong to the freedom of conscience protected by Act 17 of the old Constitution of Korea” (Fautre 51). Thus, by the 1970s, the Park regime was ready to fully clamp down on conscientious objection. COs became indistinguishable from draft evaders; moreover, they were labeled and presented as anti-national criminals and social deviants.

Draft evaders and COs were criminalized not for committing illegal acts like the murderers and the rapists they were listed alongside in the newspapers, but because they failed to conform to social norms, in this case, universal male conscription. Those who failed to achieve certain standards, “the whole indefinite domain of the non-conforming,” were the ones punishable by the “disciplinary penalty,” and abnormality was considered to be in the same category as the most severe crimes (Foucault 178–79). On February 1973, the Supreme Prosecutor’s Office began a campaign to “root out the six biggest social evils,” which were murder, hit-and run, drug trafficking, health product fraud, organized crime and draft evasion (“6dae Sahoeak”). Not abiding by the social norm of universal male conscription in South Korea, whether through evasion, refusal or incompleteness, was considered a severe crime on the same level as murder or kidnapping. Thus, the labeled identities of draft evaders and COs as social deviants were determined by their delinquency, which is defined by Foucault as “this anomaly, this deviation, this potential danger, this illness, this form of existence, that must be taken into account when the codes are rewritten” (255).

After the implementation of the resident registration system, the government, “by means of observation and assessment hierarchized, differentiated, judged, punished” (Foucault 299). The line between the “good” citizen and the “bad” citizen was clearly drawn with the subsequent actions taken by the authorities after the intensification of state surveillance. In 1972, names of draft evaders and COs were posted on public bulletin boards of the city and province of their residence (“Byeongyeokgipija Myeongdan”). Just a year later Executive Order No. 34 mandated the formation of a special task force to label draft evaders/COs as “individuals with unpatriotic behavior” and were determined to “limit their societal activities as well as track down and punish” them (Lim 406). The director of MMA stated that this blocking the “path of societal advancement” of draft evaders was justified and necessary to equalize universal male conscription and to “establish conscription completion as an ethos” (“Byeongyeokgipija Iljedansokgwa”). The equalized duty of universal male conscription and the illegality and denunciation of draft evasion/conscientious objection were slowly established by the press as a “moralized” social norm. The Park regime was able to internalize and normalize social regulations as public morality through the media, and conscription completion, as well as the intense surveillance of its deviants, “was at the highest level of public morality” (Shin 155).

On January 20, 1973, during an inspection tour of the MMA, president Park ordered, “from now on do everything it takes, even consider making a law, to build a social ethos that forces the draft evaders themselves and their parents to be unable to live in this society with their heads held up high” (qtd. in O. S. Kwon, “Ppalgaengi”). Park also ordered MMA to halt draft evasion at all costs so that the citizens will build a “social ethos” to normalize the criminality, abnormality and delinquency of draft evasion/conscientious objection. Following the rules, as well as abiding by state defined public order and public morality, was introduced and solidified as the social norm. And it was up to the populace to internalize these forms of order and morality then separate themselves from the “bad” by conforming to the norm, and to discipline themselves through auto-surveillance.

Positively responding to this order, the *Chosun Ilbo* published an article three days later titled “Military Service as a Human Duty” that labeled draft evaders and their parents as “antisocial human beings we cannot live amongst” (“Ingwanuimuroseoui”). Denunciation of draft evasion was very much internalized by the populace through local institutions in the 1970s. Signs and banners were posted in towns and villages as local MMA offices proceeded to increase surveillance and crack down on draft evasion. In 1974, the local MMA district office of Kwangcheon village declared 1974 to be the “year of draft evasion eradication” and ordered local officials to paint the label, “*Gipijau Jip*” (Draft Evader’s House) on the doors of their homes so that draft evaders and their families, as President Park had ordered, “cannot hold their head up in society” (“Mangsin Munbi”). They did so with red paint on the door of Mr. Kim whose son was a draft evader who left home to find work ten years earlier.¹¹ The literal labeling of his home had an extreme psychological effect on the Kim family as Mr. Kim stated, “I’m embarrassed to raise my face,” and attempted to commit suicide by burning his house down, which was promptly stopped by his neighbors (“Mangsin Munbi”). The trauma experienced by the Kim family reveals the severe effect of being consciously and literally marked as social deviants and delinquents. It also reveals the power of normalization that made Mr. Kim “accept the power to punish, or quite simply, when punished, tolerate being so” (Foucault 303).

During the 1970s, JW’s was the only group of COs in South Korea during the period of authoritarian dictatorship that ended in 1993. Starting from 1974,

11. See Fig. 2.



Fig. 2. Mr. Kim's home labeled with the "Gipijai Jip" (Draft Evader's House) sign.
"Mangsin Munbi"

the JW COs were forcefully drafted in order to complete President Park's set goal of 100% conscription rate. This meant that if they refused to perform orders after being forcefully conscripted, they would be tried in the military courts and be forced to endure the repetitive/additional punishments that the SDA COs had endured previously (I. C. Kang, "Hanguksahoewa Yangsimjeok" 120). MMA officials waited near the gathering places of JWs and forcefully dragged away any young men of military service age (Fautre 59). On March 1975, MMA agents raided all nineteen Jehovah's Witness Kingdom Halls and arrested and forcefully conscripted sixty-three men, including those who had served prison terms previously ("Yeohowau Jeungin Sindo 63myeong"). The severe punishments of the JW COs can be exemplified by the case of Chun-Guk Jeong who was imprisoned for seven years and ten months. Jeong spent ten months in prison for refusing conscription in 1969, and was re-conscripted and sentenced to three years in 1974, then four more years after he completed his three year term (Fautre 51).

In the barracks and military prisons, the JW COs were constantly beaten,

tortured and starved. This was nothing new as SDA COs were also punished by these “quasi-legal” methods of attempted coercion in the 1960s; however, the deaths of three JW COs (Chong-Sik Kim, Chung-Gil Lee, Sang-Bok Jeong) resulted directly from the severity of the physical punishments and torture in 1975 and 1976 (Mun, “An Analysis” 261, 263).¹² After the death of Kim, the military needed to formulate a method to physically and mentally torture COs without killing them. This was when the *dokgeoteukchang* (special solitary cell), a small closet-sized cell in which the prisoner could not sit or sleep, was devised by the Nonsan Military Police to specifically imprison JW COs.¹³ Gunuimunsajinsanggyumyeongwiwonhoe (Presidential Commission on Suspicious Deaths in the Military) that convened in 2008 stated that more than twenty JW COs were imprisoned for fifteen days to a month in these cells (812). In 1977, Geun-Hoe Gu, a JW CO, was tortured in front of other soldiers by his superiors in his barracks after he was forcefully conscripted (Fautre 76). They duct taped his mouth and shoved lighted cigarettes in his nostrils until he was on the brink of death by suffocation. However, this was not the worst he experienced, for in his testimony, he stated, “[w]hat was more painful for me was to see the reaction of other soldiers watching me get tortured. They looked at me as if I was a rare animal, and I couldn’t find a single expression of sympathy on their faces” (76). The immorality of conscientious objection had been fully denounced by disciplinary normalization and disciplinary power to inflict legal punishments in which legitimized violence was accepted.

In 1974, a coalition of the MMA, Public Prosecutor’s Office and the Police

12. Jong-Sik Kim was ordered to hold a gun, which he promptly refused. After refusing the same orders continuously, he was beaten, suffered water torture and humiliated. He died on the way to a hospital after he had fainted. The cause of his death was severe brain hemorrhage and brain contusion. Chung-Gil Lee was also humiliated, tortured and beaten, and his death was caused by a ruptured spleen as a result of being hit by a large wooden pole 14–15 times on the abdomen and back area. Sang-Bok Jeong endured similar physical punishments, such as being beaten with a rifle stock on the chest area; his death was caused by a damaged lung and internal bleeding. See *Gunuimunsajinsanggyumyeongwiwonhoe*.

13. Prisoners were only allowed to be out of their cell once a day to empty their feces buckets and were fed one third of the ordinary portion. They were only given ten seconds to finish their meal, and if they could not finish, they were beaten. Guards would also randomly push a switch to signal alarms and bulbs inside each cell and the prisoners had to push a button to turn them off. And if one prisoner was late in doing so, all were beaten.

Bureau formed the Illegal Military Affairs Prevention Committee (I. C. Kang, “Hanguksahoewa Yangsimjeok” 119). Even though this committee was created to prevent all forms of draft evasion; their main objectives were surveillance, prosecution and intimidation to force compliance from the JW’s.¹⁴ This Prevention Committee had official meetings with the JW Church leadership in each different region. In these meetings, the Prevention Committee released corrective measures to punish all members who assist JW COs in any way. One corrective measure presented by the Gyeongnam Province Prevention Committee in October 1974 stated, “All representatives of the Kingdom Halls who assist conscription evaders or hide them from the authorities will be punished under the Military Conscription Law” (I. C. Kang, “Hanguksahoewa Yangsimjeok” 119).¹⁵ Two JW’s were arrested for violating this measure during this period. A JW woman was arrested for hiding a JW CO in December of that year, and a man was arrested for refusing to receive his son’s conscription orders in 1975 (“Byeongyeokgipija Sumgyeojun”; “Yeohowaui Jeungin Abeoji Gusok”).

The JW leadership responded by obliging to some of the Preventive Commission’s decrees. In a MMA report on the impact of the Preventive Commission ordered by Chung-hee Park in 1975, the response of the JW leadership was that the draft evasion of JW members was accepted as a wrongful deed and they would assist in the prevention of draft evasion. However, there was no mention of any expulsion of membership from the church representatives. Also, Public Relations Officer Dong In Kim at the South Korea JW Headquarters stated that the leaders were pretty much threatened and coerced by the MMA officers to comply. This method of forceful compliance

14. Because JW COs were the only known religious group and the majority of convicted draft evaders, they were closely watched by the Committee. They kept records of the number of JW COs separately from the rest of the draft evaders who were grouped together as *gita* or “others.” See Republic of Korea Daetongnyeong Biseosil.

15. The Prevention Committee also presented the JW representatives with requests. For example, the Gyeongnam Province Prevention Committee listed four requests: 1) To keep a full list of conscription obligators (men aged eighteen to forty); 2) To encourage and persuade members who have received conscription orders to obey; 3) To persuade members that the completion of conscription duties comply to the church doctrines such as neighborly love, while the rejection of conscription duties is a severe misconduct that denies the nation; 4) To expel members who have not completed conscription duties and those who have assisted them (I. C. Kang, “Hanguksahoewa” 120).

has been reported more than once. For example, MMA officials threatened to torture JW member No-Gwon Park's sister and pressured his family members' workplaces to have them fired (Jeonjaengeomneun Sesang et al. 309). Even though the state persecution and pressure on draft evasion and conscientious objection were at an all-time high, draft evaders and COs continued to exist. In 1974, there were 210 convicted conscription evaders, with 132 of them being JW COs (Republic of Korea Daetongnyeong Biseosil). From 1975 to 1979, the number of conscription evaders per year was fewer than sixty, and there were only twelve in 1978, an all-time low in South Korea (Shin 158).

The internalization of conscientious objection as anti-societal and anti-national acts continued well into the 1980s. In 1986, 1,381 former JWs accused the Watch Tower Bible and Tract Society of Seoul of conspiring to commit anti-national activities and reported directly to the Seoul District Prosecutor's Office. The indictment papers stated:

The Jehovah's Witness Church uses religion as a mask to claim authority as the 'work of Satan' and the state administration as 'animals.' They persuade their members not to complete conscription duty, not to pledge their allegiance to the flag, and not to participate in national community services ... This anti-national religious group must be punished. ("Yeohowai Jeungin Jeonsindodeuri")

Whether it was the decades of persecution, stigmatization or the criminalization of JW COs, their reasons for giving up their faith is uncertain for these former members. What is striking is the nationalist rhetoric used by them being identical to the ones used by the media and the state to "educate" the public about anti-state activities and social deviancy. Here, we see the full power of normality internalized by the citizenry. This case exemplifies auto-surveillance, as the former JWs go even further by persuading the state to act upon the deviants they criminalized. These former JWs used an extreme form of identification or "hyperidentification" with the nation to separate themselves from the negatively labeled group that they were once part of in order to sever all ties to those accused of abnormality and delinquency, with whom they were formerly associated.¹⁶

16. The phenomena of "hyperidentification" is discussed by Takashi Fujitani in his book *Race for Empire: Koreans as Japanese and Japanese as Americans during World War II*

How the immorality of draft evasion and conscientious objection became normalized reveals the inner working of disciplinary power. It functions as a “relational power” that is “everywhere and always alert” and as a “network of relations from top to bottom, but also to a certain extent from bottom to top and laterally” (Foucault 176–77). In the previous section, we saw how President Park’s orders in his visit to the MMA—“I will make sure that draft evaders and their families cannot live with their heads raised in this society” (O. S. Kwon)—literally, word for word, transferred down to Mr. Kim’s voice: “I cannot raise my face” (“Mangsin Munbi”). Normalization as a relational power is revealed by how the action and language of the accused; i.e., their inability to “hold their head up” in society transferred from President Park’s orders to the media, local conscription offices and to the families who were incriminated alongside the draft evaders. Secondly, we see the inner workings of disciplinary power from top to bottom through how President Park’s orders to stigmatize draft evaders and their families transferred to the local governing body (local village movements to thwart draft evasion) and then internalized by the delinquent (trauma of the delinquent’s family). The trauma of the draft evader’s family reveals how power relations work laterally. By labeling the families of draft evaders as delinquents we see actions taken by the family to stop the draft evader or CO, and their failures resulted in their condemnation and stigmatization. Finally, we see how power works from bottom to top through the hyperidentification of the former JWs. Not only was this an attempt to separate themselves from their former association with delinquency, by reiterating nationalist rhetoric to denounce the JW Church and pursuing legal action, we see how power “functions like a piece of machinery” (Foucault 177).

After the implementation of the resident registration system in the 1970s, the numbers of draft evaders and COs dwindled. In 1970, there were 34,004 draft evaders/COs, and by the end of the decade in 1979, there were only thirteen (Shin 158). Ultimately, even with the establishment of a national surveillance system and the massive crackdown of draft evasion/conscientious objection, ROK society did not achieve the goal of 100% conscription rate set by Chung-hee Park. The authoritarian regime also failed to stop the JWs from rejecting conscription even though they were heavily monitored and

(2011). When Japanese Americans were forced into internment camps, some Japanese Americans actively cooperative with US intelligence services to prove their loyalty and “hyperidentified” with white American nationalist identity.

stigmatized, even with the COs themselves being punished with extended sentences and physical and mental torture that led to some deaths. Even at the height of the surveillance system's success in decimating the numbers of draft evaders and COs from the 1970s onward, there were at least five JW COs imprisoned in South Korea every month and every year from 1974 to 2000 (D. I. Kim). However, as Detlev Peukert explains, the inner workings and governing forces of the Nationalist Socialist system in his book *Inside Nazi Germany: Conformity, Opposition and Racism in Everyday Life* (1987), "no system is capable of punishing all infringements of its norms; any attempts to do so would make the system itself freeze up" (83). Byung-Sik Shin explains that a 100% conscription rate would mean that there would be no labeling of draft evaders and COs as delinquents and social deviants, normality might lose power and public opposition to universal male conscription might lead to political resistance (164). Having controllable and strictly monitored delinquents in society allowed the state to "present them as close by, everywhere present and everywhere to be feared" (Foucault 286). It is also the necessity of their presence as delinquents and exiles that allow "the constant division between the normal and the abnormal ... [and] the existence of a whole set of techniques and institutions for measuring, supervising and correcting the abnormal" (Foucault 199). In other words, COs and draft evaders work as agents of normalization; their existence justifies the need for disciplinary mechanisms in society, and the social acceptance of disciplinary mechanisms inevitably leads to normalization. The continued existence of draft evaders/COs as delinquents allowed the state to justify its power to control the whole population through systems of surveillance. This is precisely summed up by Foucault when he states that delinquency "constitutes a means of perpetual surveillance of the population: an apparatus that makes it possible to supervise, through the delinquents themselves, the whole social field. Delinquency functions as a political observatory ..." (281).

V. The Parallel Production of Hegemonic and Militarized Masculinity alongside the Universal Male Conscription System

The normalization of universal male conscription was also complemented by the production of hegemonic masculinity during the Park era. R. W.

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Connell, one of the preeminent scholars and critics of the social construction of masculinity, defines hegemonic masculinity as “the form of masculinity that is most domineering and considered to be ideal among the various norms of masculinities during a specific time, which functions as the basic element to sustain the structure of power and privilege in the nation, society, and organization” (37). To fully understand the inner workings of hegemonic masculinity in the South Korean context, one must examine the vital supporting role that military masculinity plays in producing and normalizing hegemonic masculinity. Cynthia Enloe has stated, “It is the masculinity of the combat soldier among all soldiers that functions as the criteria for defining the norms of masculinity of one’s society regarding hegemonic and military [or militarized] masculinity” (23). During the Park era, militarized masculinity was developed and produced alongside hegemonic masculinity to supplement each other. Militarized masculinity developed by South Korean militarism “shaped the modern national identity into its hegemonic form,” and serving in the military became the “key to obtain true identity of citizenship and hegemonic masculinity in Korean society” (Moon, *Militarized Modernity* 25; I. Kwon, “The Hegemonic”). Men were constantly exposed to “the cult of tough and aggressive masculinity” as masculinist rhetoric promoted conscripts as *jinjja sanayi* (real men) and conscription duty as a mandatory duty of a man, exemplified by slogans such as, “*Namjaneun saram gusilharyeomyeon gundae gatta waya handa,*” which means, “a man has to serve in the military to behave as a person should” (Moon, *Militarized Modernity* 49–53). Serving in the military with this mindset was heavily propagandized by the nation as the male citizens’ duty to protect their nation from the threat posed by North Korea. Thus, promotion of masculinity, along with the redefinition of conscription as an “equalized duty,” sets the foundation of the state-led normalization of universal male conscription.

Universal male conscription in South Korea also solidified dominant notions and practices of masculinity as military service began to be treated as a source of merit through the extra point system. This system was introduced under the Military Relief Recipient Employment Act of 1961, which allowed former conscripts to be guaranteed extra points in their employment examinations (Moon, *Militarized Modernity* 76). What is more important is “the symbolic currency of the system as the expedient marker of the state’s recognition of the hardship of military service” as the state and its male citizens exchange military service for privileged access to the labor market

(76). The conscription system also constructed “normal” “adult” masculinity as “military service serves to change young conscripted soldiers into responsible men who can support their families and cooperate in organized civil society” (I. Kwon, “A Feminist” 35). Universal male conscription as an all important, male-exclusive system that supplements socioeconomic livelihood was stated by former Army Chief of Staff Il-Gyu Do in 1997:

Through military service they learn about esprit de corps, and cultivate a strong body and mind. Military service also provides them with a good opportunity to learn abstinence, temperance and self-mastery, as well as cultivating such values as filial piety, friendship, sacrifice, and service. Therefore, I believe that these moral values and physical strength obtained through military service have become the very source of ‘the miracle of Han river.’ Hence, we commonly hear that a Korean man becomes a person after he serves in the military ... Recollection of military service must be a unique joy that only Korean men can entertain. (qtd. in Moon, “Trouble With” 72)

Thus, the production of hegemonic masculinity contributed immensely to the successful normalization of universal male conscription in South Korean society. The perception of universal male conscription had shifted from a poor man’s draft to a sacred and equal duty of national defense. This also justified the discrepancies that arose with Mr. K from part III. Mr. K’s lack of physical strength, the embodiment of masculinity, resulted in him failing to be conscripted and his consequent failure in obtaining a job. Even though he scored high marks on his employment examinations, the all-important-but-missing conscription completion caused his rejection. This along with single women and their parents not accepting men who had not finished conscription duties suggest that conscription completion had become a rite of passage for men to prove their readiness in contributing to society as well as becoming the family provider and *gajang* (master of the house).

The intersection of hegemonic/militarized masculinity and universal male conscription was another form of social stigmatization for the COs. In her research, In-Hwa Kang, states that when the COs were accused of cowardice, they defended their “bravery” by presenting themselves as having strong conviction (3). They justified their decision to object military service as something valuable enough to “put one’s life on the line” when they chose to

be imprisoned (3). Thus, we see the strong link between hegemonic/militarized masculinity and universal male conscription and the depth of its impact on South Korean society. They supplemented each other by normalizing one another in the sociocultural context. When COs defied mandatory conscription, they naturally defended their masculinity with mental strength (defined by bravery and strong conviction) and completely denied the existence of fear or weakness.¹⁷

V. Conclusion: Perpetual Normalization and Recent Developments

What the Park regime accomplished was much greater than the sought-for 100% conscription rate. It succeeded in the redefinition and perpetuation of normality. Universal male conscription, as well as the immorality of draft evasion and conscientious objection, became established, solidified and perpetuated throughout South Korean history as the social norm. “The power of the norm” became more widespread and “like surveillance and with it, normalization became one of the great instruments of power” in the modern period (Foucault 184). It was this established norm that outlived the Park regime to the 1980s and even passed the new millennium. The persecution of JW COs also outlasted the Park regime and was prevalent throughout the 1980s as two more JW COs died after being forcefully conscripted. Both Seon-Tae Kim and Yeong-Keun Kim committed suicide by hanging in 1981 and 1985, but Gunuimunsajin sanggyumyeongwiwonhoe (Presidential Commission on Suspicious Deaths in the Military) concluded that their deaths were caused by the continuous mental and physical violence inflicted upon them (628, 781). The continuous existence of violence inflicted upon JW COs as well as the continued social denunciation of JWs revealed by the actions of the former JWs reveals how the immorality of conscientious objection as a social norm stood firm in the 1980s.

The rhetoric of the “sacred duty of national defense” was used continuously during the civilian governments of the 1990s as a medium to perpetuate the

17. In-Hwa Kang’s research is on the masculinity of COs from the post 2000s, but how masculinity was navigated by the COs before the 90s has not yet been researched. Her scholarship, however, is a starting point of further engagement on merging masculinity with conscription and conscientious objection during the Park era.

normalized conscription system. While the Park regime defined the equalized duty of mandatory conscription as administrative democracy's preparation for political democracy, universal male conscription in the same context have been used to define the civilian government's role in promoting the same democracy for which the Park regime was supposedly preparing the ROK for. Draft dodging for the privileged class was problematized by the civilian government to stabilize military mobilization through emphasis on equal conscription that rationalized universal male conscription in a democratic South Korean society (I. H. Kang 24).¹⁸ In 1994, the additional sentencing of COs ceased to exist and the prison sentence for the violation of the Conscription Law changed to 3 years; sentencing stayed that way until 2001, when it was lessened to 1 year and 6 months (I. C. Kang 136).

Two trials in 2001 and 2004 challenged the Military Service Act when the defendants claimed that the law violated the Korean Constitution, citing Article 19, which provides that "all citizens shall enjoy freedom of conscience" (Choi 150). This was the first time the definition and context of "conscience" in the constitution was debated by state officials since the enactment of the Constitution in 1949. The court defined the conscience protected by the Constitution as "a strong and earnest voice from the heart that, in determining what is right and wrong, if not followed, would mean the collapse of an individual's very meaning of existence, an urgent and specific conscience" (150). However, the courts in both trials determined that national security superseded the right of conscience protected by the Korean Constitution and that an introduction of an alternative service would be recommended after a "national consensus" (Cho 207). Both defendants were convicted and sent to prison; however, the verdict in the 2004 trial was overturned by the Supreme Court after Seoul District Court Judge Jung-Ryeol Lee acquitted three JW's, the first in South Korean history. Five of the six justices at the Supreme Court concluded that the introduction of alternative service was an option; however, Justice Gang-

18. The high profile case of Hoe-Chang Lee, a nominee in the presidential election of 1997 and 2002, serves as one of the main examples of the policy change during civilian rule when draft evasion of upper class individuals was problematized. When Lee's son was accused of being exempted from military service for being underweight, his reputation and popularity dropped. Many suspect that this was the cause of his consecutive failures in elections. The legacy of Lee is that politicians and high-ranking officials began to prove conscription completion for family members and take the mainstream stance for equalization of conscription duties.

Guk Lee argued that the defendants were not guilty by stating, “The freedom of conscience has been sacrificed one-sidedly while the duty of military service has been completely fulfilled” (Cho 211). This was another first at the top level of the judicial branch in South Korea, as Justice Lee further pointed out that the defendant was willing to do his constitutional “duty of national defense” in non-military ways, in order not to violate the legal interests of other individuals in the State community (211–12). The government also received internal and external pressure from the National Human Rights Committee and the UN Commission for Human Rights in 2005 and 2006; the latter recommended that the South Korean government should compensate previously imprisoned COs and stop imprisoning COs (Oh 5). The Ministry of Defense did submit a draft of a new law allowing alternative service in September 2007; however, the new conservative administration of President Myung-Bak Lee halted the addition of alternative services on 24 December 2008 (5).

COs are still serving prison sentences today, and the majority has been JWs. For the JWs, after 75 years of persecution and more than 17,000 JW COs serving prison sentences, optimistic changes have started to be implemented by the government. After a meeting between the representatives of JWs and a high-ranking official in the South Korean Correctional Services in 2012, a relief measure for the imprisoned COs was agreed upon. Within five months of the meeting, more than 70 percent of JW CO inmates were separated from the general prison population and placed in cells with fellow JW COs (“South Korea Separates Hundreds”). This most recent development is a momentous event because JW COs are being separated from ordinary criminals, countering the actions of the Park regime in labeling the JWs as no different from the worst criminals in society.

“Going to *gundae* (military)” is a common topic of conversation in South Korea from lighthearted discussion of future plans with friends at pubs to small talk with taxi drivers on the way to work. Conversations about hopes of “not going to *gundae*” are as prevalent, but always silenced and brushed aside. The state has always directed the distress, fear and anger of men away by creating, labeling and stigmatizing those considered a threat to the socially normalized universal male conscription. For the persecuted COs, recent events have positively reinforced the hope for the introduction of alternative services. While the criminalization of conscientious objection has been halted with democratization and the introduction of the civilian government, the solidification of universal male conscription has never been fully challenged

and universal male conscription as a perpetual norm has continued to exist ever since the 1970s. As Foucault stated, “the perpetual penalty that traverses all points and supervises every instant in the disciplinary institutions compares, differentiates, hierarchizes, homogenizes, excludes. In short it *normalizes*” (183). Thus, the true power of normalization is explicitly exemplified through the unfaltering nature of universal male conscription in South Korean society.

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Abstract

This paper traces the history of conscientious objection and draft evasion in Republic of Korea, from the outbreak of the Korean War in 1950 to the end of the militarized regimes in 1993. Much focus will be given to the process in which universal male conscription was established and solidified as a social norm in South Korean society. It was during the Korean War period when universal male conscription began to be negatively perceived as a “poor man’s draft” and led to rampant draft evasion that the Syngman Rhee regime (1948–1960) failed to control. The normalization process began during the militarized regime of Chung-hee Park (1961–1979), when social impetuses were established alongside hegemonic masculinity and gender hierarchy to necessitate the completion of compulsory military service for men to function in society. It also coincided with the increased criminalization of draft evasion, as well as the persecution and stigmatization of religious conscientious objectors in South Korea, such as the Jehovah’s Witnesses and the Seventh-day Adventists, who were viewed indifferently from draft evaders. The negative labeling of draft evader and conscientious objectors as social deviants was also a state-led initiative to solidify universal male conscription as a social norm. This process was supported by the implementation of a national surveillance system which made possible the intensification of a nation-wide crackdown on draft evasion and conscientious objection. Much of the historical narrative will be analyzed using Foucauldian approaches to disciplinary mechanisms; in this case, normalization, surveillance and delinquency. The successful implementation of these disciplinary mechanisms perpetuated the normalized existence of universal male conscription and the persecution of its objectors, and its firm standing in South Korean society exemplifies the power of normalization.

Keywords: conscientious objection, South Korea, draft evasion, normalization, militarized masculinity, universal male conscription

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