
LEAVING WOMEN BEHIND: UNDERSTANDING THE IMPACTS OF HISTORICAL, POLITICAL, AND SOCIAL FACTORS ON THE REPUBLIC OF KOREA'S PERSISTING GENDER INEQUALITY

Sojung Ha

Yonsei University

From bearing the title of “third-world country” to becoming part of the economically developed Global North in a short period of 40 years, the Republic of Korea (ROK) has achieved significant development in all aspects of society. Yet, nearly 40 years after it ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and implemented gender equality laws, realistic progress in gender equality continues to fall behind. This article employs a postcolonial and intersectional feminist framework to examine the roles of historical, political, and social factors on the persistence of gender disparity. It examines the connection between Japanese colonial legacies of legally sanctioned gender inequality, the Cold War’s empty gender politics, the ROK government’s lack of commitment to women’s rights, and lastly, the socialization agents reinforcing gender normative roles and silencing women who resist. The author highlights the importance of the government’s effective implementation of gender parity legislation to overcome the discrepancy created between de jure and de facto due to historical and political factors, which are perpetuated by socialization agents.

Keywords: *feminist praxis, colonial legacy, US constitutionalism, Republic of Korea, socialization agents, gender equality, intersectionality, gender politics*

Introduction

According to the United Nation’s Human Development Index (HDI), which takes into account the health, education, and economic power of a country, the Republic of Korea (ROK) has achieved tremendous growth in all criteria. In a short period of 40 years, the ROK came from bearing the title of “third-world country” to becoming part

of an economically developed Global North. In 1990, the ROK held an HDI value of 0.7 out of 1.0, ranking around 100th worldwide. Today, with an HDI value of 0.906, it ranks 22nd.¹ However, despite overall national growth, one element continues to fall behind. According to the World Economic Forum (WEF)'s "Global Gender Gap Report," the ROK ranked 108th out of 153 countries in the overall gender inequality ranking, 127th in economic gender inequality, 101th in educational gender inequality, and 79th in political gender inequality.² Although the ROK's overall HDI indicated progress, gender-equality rankings are showing retrogression, dropping 13 ranks since 2006.

While international indices provide a comprehensive look at Korean society, they also represent standardized calculations with somewhat limited cross-cultural contextualization and sensitivity. However, a national study conducted by the Korean Institute of Criminology (KIC) on persisting gender-based violence (GBV) presented an even graver depth of gender discrimination. According to KIC's survey (2017) of 2,000 Korean men, 79 percent of participants reported having physically or psychologically abused a girlfriend. Of that 79 percent, 71 percent said they had controlled their girlfriends' behaviors and activities by excessively checking-in, prohibiting certain clothing, and restricting their interactions with friends or family members.³ Because violence against women, understood here as "the manifestation of historically unequal power relations between men and women," enforces women's subordinate position in personal relationships and society as a whole,⁴ it is imperative not to merely question why an individual may be abusing or discriminating against women, but to question what systemic factors allow for such behavior to prevail.

Evidently, the issues that relate to development and the lived praxis of feminism in Korea are deeply institutionalized and socialized, and, therefore, cannot be explained within a singular discipline. Rooted in intersectional postcolonial theory, this paper will tackle such issues using a multidisciplinary analysis of three major factors. Firstly, the historical factors of Japanese colonialism and American occupation will be considered to examine how gender-related laws and an equality-based constitution have been used as political tools of control and alignment. Secondly, factors relating to the politicization of gender equality agendas, as well as the Korean government's lack of implementational commitment will be assessed to argue that meaningful and substantial effort in institutionalizing gender equality is

1 "Human Development Reports," *UNDP*, 2020. <http://hdr.undp.org/en/countries/profiles/KOR>.

2 "Global Gender Gap Report 2020," *World Economic Forum*, 2020, <https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality>.

3 Nicola Smith, "Almost 80% of South Korean Men Have Abused Girlfriend, Study Claims," *The Telegraph*, August 24, 2017, <http://www.telegraph.co.uk/news/2017/08/24/almost-80-south-korean-men-have-abused-girlfriend-study-claims/amp/>.

4 "Republic of Korea: Submission to the Committee on the Elimination of Discrimination against Women for the adoption of the List of Issues." *CEDAW*, 2017.

needed to translate laws into practice. Lastly, the social factor of peers as socialization agents will be examined to understand why the Korean public often perceives feminist movements as “extreme,” which further ostracizes feminist practice. Using a postcolonial and intersectional framework, the paper comprehensively considers the elements that have legitimized gender inequality and the structures that allowed for it to persist. By understanding such contributing limitations in actualizing gender equality, the need for the government’s effective and committed implementation of gender parity legislation will be emphasized.

Literature Review

When considering gender inequality in Korea, many existing works focus on either the progressive legal reforms of the patriarchal legislation throughout history, or the current feminist movements against gender-based violence and discrimination.⁵ Scholars also debate the effectiveness of gender equality-based legislation. In 2020, the WEF’s annual report attributed to Korea one of the lowest positions in terms of gender equality, while CEDAW’s periodic report congratulated the government for its effort to implement the clauses.⁶ The government-based publications emphasized the efforts to implement legislation and pointed to the logistical difficulties that constrain immediate enforcement.⁷

In the past decades, with the changes of leadership in the Korean government, the discourse on women’s position in society shifted from pro-patriarchy and family values to pro-choice and women’s political participation.⁸ While there are minor fluctuations in culture and politics in Korea that affect the gender agenda, the overarching problem of gender inequality is best explained by systemic factors, such as the country’s colonial legacy, political will, and socialization agents. My analysis draws on the existing work of Jung Kyungja, *Practicing Feminism in South Korea: The Women’s Movement against Sexual Violence*, as well as on a multitude of international institution’s publications. Jung interviewed local women’s rights activists to gain an insider perspective into feminist praxis and considers the emergence and achievements of the movement from a chronological perspective.⁹ Her work demonstrates how, because of governmental inaction, women had to take it upon themselves to call for action. Drawing on Jung’s work will allow this paper to holistically evaluate criticisms towards the feminist movement in South Korea.

5 Kyungja Jung, “Practicing Feminism in South Korea: The Women’s Movement against Sexual Violence,” *GARLAND Science*, 2017.

6 Hyun-Back Chung, “Consideration of Report Submitted by State Parties under Article 18 of the Convention: Eighth periodic report of State Parties”, *Convention on the Elimination of All Forms of Discrimination against Women*, 2015

7 Ibid.

8 Archie Resos, “The Empowerment of Women in South Korea”, *Journal of International Affairs* (2014).

9 Jung, “Practicing Feminism.”

This paper will intervene in the existing debate by answering how historical, political, and social factors, when taken together, help us understand not only today's discrepancy between policy and practice of feminism, but also the delegitimization of feminist movements in South Korea.

Historical Factors

The Japanese Colonial Legacy of Legally Sanctioned Gender Inequality

Korea's history of socio-political struggle and transformation traces back approximately 4,000 years. From a relatively historically gender-equal society, the 17th century adoption of Confucianism shifted the politics of gender, as it positioned people according to dichotomous and innate hierarchies. When the Japanese colonized Korea in 1910, they considered such a gendered hierarchy to be an "authentic culture" worthy of being preserved. Thus, they used the colonial Civil Ordinance codes that "followed the Korean customs" to solidify systems of oppression.¹⁰ This legal sanctioning of gender inequality included the patriarchal Family Headship Law, which allowed only for the male adult family member to establish his own family as the representative, and the "Wise Mother and a Good Wife" ideology; the official teaching of normative femininity where womanhood was defined by domestic realms and maternal roles.¹¹ While different legal theories debate the impact of the codification of the gender inequality agenda, the interplay between customs and power is clear. As customary law theory and Japanese colonial legislators would argue, these laws were developed from authentic Korean customs. Thus, for the colonized population, the patriarchal laws may have become a part of the national identity as it appeared significant to Confucian history. On the other hand, positive law theory shows the role of political power. For the colonial legislators, the creation of systemic oppression through group-based hierarchies (which in this case was gendered) may have allowed for the effective maintenance of power structures.¹² Altogether, the codification of patriarchal laws allowed and justified discrimination against women on both the personal and national level.

The American Constitutionalism and Building Gender Equality on a Shaky Foundation

After the Japanese colonial era ended, Korea, like any other nation with generational traumas of colonial legacy, needed time to decolonize and heal. Unfortunately, the

10 Hyunnah Yang, "A Journal of Family Law Reform in Korea: Tradition, Equality, and Social Change," *Journal of Korean Law* 8, no. 1 (2008): 77-94.

11 Ibid.

12 Jim Sidanius, T.J. Sa-Kiera, George Davis Hudson, and Robin Bergh. "A Social Dominance and Intersectionalist Perspective." *The Oxford Handbook of Behavioral Political Science* (2018).

transitional period for Korea was rapid and muddled. Instead of being granted the time to process and decolonize from experiences of oppression and legally sanctioned gender inequality, the divided Korean peninsula endured three years of proxy civil war between the Cold War powers. This left a huge impact on the ROK government's commitment to gender equality, as the constitutional, international, and legal commitments to it were built on dubious foundations.

During the Cold War, the divided Koreas had to make their decisions in a bipolar world order led by the US and the Soviet rivalry for hegemonic power. Accordingly, the democratic South declared its ideological solidarity to the West, while the communist North aligned itself with China and the Soviets. Naturally, the promulgation of the Constitution of South Korea in 1948 was heavily influenced by the Cold War rhetoric and the US Military Government in Korea (USAMGIK)'s presence in the region.¹³ Consequently, the newly adopted constitution carried strong overtones of American laws and democratic values.¹⁴ As Ahn states in *The Influence of American Constitutionalism in Korea*, one of the USAMGIK's explicit goals was to "de-Japanize" the Korean legal system by replacing colonial influences with American laws. This included addressing the codified laws of legalized gender inequality. The US occupation pushed for women's suffrage in South Korea and eventually led to equal civil and political rights as promised under the imported constitution.¹⁵

Yet, the US was promoting democracy and gender equality while also supporting Rhee Syngman's presidency, which was known for its repressiveness and political corruption. While the political actions taken may have been influenced by the red scare, the Rhee regime employed the National Security Law to restrict political activity and press freedom. Therefore, in the era of US constitutionalism and USAMGIK occupation, constitutional equality became a political tool of ideological alignment, rather than a sincere commitment. Furthermore, the import of foreign ideology constituted a challenge to "post-colonial" discourse as it disregarded new forms of resistance arising from foreign exploitation and assumed that colonialism had ended.¹⁶ In a sense, Korean women were "spoken for" for political gains, and their chance to contextualize their needs was taken away.¹⁷ The gender equality agenda following Japanese colonialism was built around Cold War power relations more so than gender equality itself. As it was built on shaky foundations that did not need to be substantiated, the ROK government continued to fail to make future

13 Jiyoung Suh. "The 'New Woman' and the Topography of Modernity in Colonial Korea." *Korean Studies* 37 (2013): 11-43.

14 Kyong Whan Ahn. "The Influence of American Constitutionalism on South Korea," *Southern Illinois University Law Journal* 22 (1997): 71-116.

15 Ibid.

16 Linda Tuhiwai Smith. *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 2002), 1-18.

17 Linda Alcoff, "The Problem of Speaking for Others," *Cultural Critique* (1991-1992): 5-32.

implementational commitments.

Political Factors

The ROK Government's Use of Gender Equality for Political Alignment

Similarly, the ROK government's ratification of CEDAW in 1984 as well as legal reforms to ensure gender equality have been part of a process of decolonization and alignment with the Global North. According to Frances Raday, a member of the UN Human Rights Council Working Group on Discrimination against Women, "CEDAW's tools for addressing cultural, social, and economic intersectional differences between women are offshoots of the core right to equality." Yet, this conceptual clarity has not been met in the state parties' implementation.¹⁸ In other words, while CEDAW functions to provide theoretical and normative tools for nations to overcome their gendered discrimination, there exists a gap between *de jure* and *de facto* in application.

Article 28 of CEDAW is a reservation clause, which allows for "a state to ratify an international treaty without obligating itself to provisions it does not wish to undertake."¹⁹ The nature of the international convention allowed for the ROK government to express solidarity with the international community on women's human rights without committing to the decisions included in the convention. When the ROK ratified CEDAW in 1984, they entered reservations to Article 9 and Article 16(1)(c), (d), (f), and (g) without explanation.²⁰ Article 9 states that "State Parties shall grant women equal rights with men to acquire, change or retain their nationality" and to "grant women equal rights with men with respect to the nationality of their children. Article 16 states that "State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations," including (c) "the same rights and responsibilities during marriage and at its dissolution," (d) "the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children," (f) "the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children," and (g) "the same personal rights as husbands and wife, including the right to choose a family name, a profession and an occupation."²¹ While the other

18 Frances Raday, "Gender and democratic citizenship: the impact of CEDAW," *International Journal of Constitutional Law* (2012): 512-530.

19 Jennifer Riddle, "Making CEDAW Universal: A Critique of CEDAW's Reservation Regime under Article 28 and the Effectiveness of the Reporting Process," *The George Washington International Law Review* (2002).

20 Marsha Freeman, "Reservations to CEDAW: An Analysis for UNICEF," *UNICEF*, 2009.

21 "Convention on the Elimination of All Forms of Discrimination Against Women," *United Nations Human Rights Office of the High Commissioner*, December 1979, <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

reservations were withdrawn in the 1990s, ROK's reservation to Article 16(1)(g) remains today. In fact, the State Party's Sixth Periodic Report to CEDAW in 2008 stated that the ROK shows no intention to withdraw from its existing reservations, and noted that such persisting patriarchal attitudes and normative gender roles are reflected in women's career opportunities, limited participation in public life, and continuing gender-based violence.²² This suggests that despite the ratification of CEDAW, the Korean government continues to hold on to the patriarchal structures that allow for gender inequality to persist.

On a national level, while there are still limitations to implementation, the ROK government undertook numerous legal reforms to reverse the discriminatory gender laws with an equality-based constitution and an international commitment to gender equality. Some notable reforms include The Equal Employment Opportunity Act of 1987 and the Decriminalization of Abortion in 2019. There were also a series of Family Law Reforms that took place in 1990 and between 2005-2008. The Family Law Reforms are comprehensive reforms of the Confucian Patriarchal structures, including family structures and property rights.²³ These series of reforms focused on redefining "family", the abolition of the ban on women's remarriage period, separate property systems, and permitting marriage between parties with same surnames. Most importantly, the Head of the Family system, which positioned men as the head of the family and the rest as "members", was abolished in 2005.²⁴ However, despite legal efforts, progress is stagnating: the "Global Gender Gap Report" shows a 13-rank drop since 2006. Although laws, as a socialization agent, align people's behaviors with national written expectations, the failure to actualize gender equality suggests that there may be larger systematic factors that allow gender inequality to prevail.

The Lack of Commitment and Implementation

While the lack of political commitment to gender equality was exemplified by Korean presidents throughout the 20th century, contemporary politicians have publicized their commitments and efforts. However, the ways in which gender-equality laws are being enforced show otherwise: gender equality laws have ineffective or no monitoring mechanisms, and there is a lack of private sector intervention. Effective implementation mechanisms are key to turning women's rights from a principle into a reality; and if the gender equality framework does not contain meaningful implementation or enforcement mechanisms, it will once again be a façade only

22 "Consideration of State Party Reports, Sixth Periodic Report of the Republic of Korea," CEDAW, March 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/262/87/PDF/N0726287.pdf?OpenElement>

23 Whasook Lee, "Transformation of Korean Family Law," *International Survey of Family Law* (2008): 237-252.

24 Ibid.

useful in upholding the perceived progressive status of the country.²⁵

In the ROK, gender equality and family fall under The Ministry of Gender Equality and Family (MOGEF). This categorization not only reinforces the gender normativity around familyhood, but also raises the concern that gender equality might be overlooked in order to uphold family structures and values.²⁶ Furthermore, according to the Ministry, “gender” exclusively refers to heterosexual and cis, a biological dichotomy-based binary use which disregards the LGBTQ+’s legal rights and protection. This problematic definition fails to embrace the equality clause of both the Constitution and CEDAW. Hence, by hiding behind gender equality, the very ministry in charge of women’s human rights is implicitly perpetuating heteronormativity, gender norms, and patriarchal family values.

Furthermore, MOGEF has one of the lowest budgets among the Ministries, accounting for only 0.18 percent of the entire government budget. Only 43.3 percent of its funds are used for main projects and programs, while 56.7 percent are dedicated to labor and “logistics.” Of the 43.3 percent, only 9.2 percent are devoted to “gender equality and women’s economic participation,” while the rest is used for children and family, national development, or comprehensive development.²⁷ This means that only 0.00016 percent of the entire government budget contributes to gender equality efforts. Budgeting is the most evident way of prioritizing government agendas. That the Ministry of Gender Equality is not only grouped together with Family but also receives one of the lowest budgets testifies to the government’s lack of sincere commitment to the effective realization of gender equality laws.

Monitoring, reporting, and implementation difficulties are natural consequences of the lack of budget available to the Ministry of Gender Equality and Family. Gender Equality Policy encompasses six major projects and 22 implementation strategies, including cultural, economic, representational, social, safety, and implementation.²⁸ Yet, none of the implementation strategies involve direct intervention in private sectors, nor does it include any reporting and monitoring mechanisms. The Gender Equality Framework Acts forces all sectors to provide mandatory training on the prevention of sexual harassment and violence towards women. However, as there is no monitoring and evaluation mechanism, the participation of senior managerial officials was low and most training sessions

25 “In Larger Freedom: Toward Development, Security, And Human Rights for All.” *General Assembly Report of the Secretary-General A/59, United Nations*, 2005.

26 Chung, “Convention on the Elimination of All Forms of Discrimination against Women,” 2015.

27 Sojung Huh, “Status of Budget.” Ministry of Gender Equality and Family, “*Department for Planning and Finance*, 2019.

28 “Gender Equality Policy,” Ministry of Gender Equality and Family, 2015. http://www.mogef.go.kr/eng/pc/eng_pc_f001.do.

were done in collective settings through handout materials.²⁹ Since most workplace sexual harassment is characterized by the abuse of hierarchical power structures, the lack of senior officials' participation makes training ineffective and reinforces the idea that their status exempts them from such accountability.³⁰ Furthermore, even in school systems, the training and awareness-raising policies listed in CEDAW and national laws are not integrated into curricula. After more than three decades of CEDAW, an "in-process" status should no longer justify the lack of government effort to structurally translate gender-equality policies into common lived praxis.

The lack of governmental efforts to implement and monitor gender equality practices indicates that the goals of progressive reforms and the ratification of CEDAW were not to reach gender equality itself, but rather to "modernize" Korean society and align the country with other Global North nations. The lack of awareness, integration, and implementation encourages societal compliance and allows for discrimination and GBV to prevail. Unless rights are effectively translated into realities through efficient implementation and enforcement efforts, the laws will remain tools of political leverage, and systematic gender inequality will persist.

Social Factors

"Peers" as Socialization Agents that Silences Women Who Resist

Living a Feminist Life considers feminism as experiential, subjective, and intersectional.³¹ In other words, the author argues that women who are discriminated against and hold "theory in flesh" must speak for themselves to effectively change the status quo in gender inequality.³² If women are silenced, there is no way to theorize or realize gender equality in society. Korean women did not remain silent despite governmental inaction or media reinforcement of gender inequality. Their efforts contributed to numerous legal reforms. However, "peers," as socialization agents, largely othered the feminist movement in Korea, which harmed the gender equality agenda both politically and socially. "Peers" here should be understood as people within proximity to an individual, who provide direct negative or positive feedback to actions taken. To study the silencing of women through the socialization agents of "peers" and understand how the societal rhetoric around feminism was established,

29 Korean Women's Association United, "Republic of Korea: Submission to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) for the Adoption of the List of Issues," *CEDAW*, 2017, 1-8.

30 Steven H. Lopez, Randy Hodson, and Vincent J. Roscigno, "Power, Status, and Abuse at Work: General and Sexual Harassment Compared," *The Sociological Quarterly* 50 (2009): 3-27.

31 Sara Ahmed, "Bringing Feminist Theory Home," in *Living A Feminist Life* (Durham: Duke UP, 2017).

32 Cherrie Moraga, "Theory in the Flesh" in *This Bridge Called My Back: Radical Writings by Women of Color* (San Francisco: Aunt Lute Books, 2015), 23.

the comment sections of the top eight South Korean newspapers were analyzed.

Analyzing the comment sections of articles related to large feminist protests that held place from August 2018 to March 2019 in South Korea showed how people silenced women who spoke out by framing them as “irrational,” “angry,” “unfair,” “men-haters,” and “extreme.” There were also frequent patterns of victim-blaming and references to “reverse sexism.” In studying news articles on the protests that received the most attention from the eighth major newspapers – whether those were conservative, central, liberal, government-produced, or independent – there were only two comments that stood in solidarity with the women who took part in the demonstrations.

One striking and common characteristic in the comment sections was the generalized association of feminist movements with “Megal.” *Megalian* was a website shut down by the government in 2017 because of its misandry and crime towards men. *Megalian* contained homophobia, criticism of conscription and soldiers, child molestation, and the spread of illegal videos. It is considered to be a dark chapter in the history of “bad feminism” in South Korea.³³ “Peers” logic, however, is that all feminism equates to *Megalia*. Through that association, they are depicting anyone who speaks out for women’s rights as extreme and misandric. According to Kimberly Norwood, the particularized stereotype of women as angry often “deflect[s] attention from the aggressor and project[s] blame onto the target.”³⁴ While *Aggressive Encounters and White Fragility* focuses on the intersectional experience of Black women, it successfully argues that the worst negative stereotypes, including “disagreeable, overly aggressive, and physically threatening,” shift the attention from underlying injustices to deflecting the blame on women. The process of “othering” women who resist by associating them with the most extreme stereotypes dismisses and ostracizes the overarching feminist movement, and consequently promotes existing patriarchal social behaviors.

Another common trait was justifying GBV through victim-blaming. Feminist protests were also a reaction to Spy Cam and drugging incidents that happened at Burning Sun, a major nightclub run by a Korean celebrity. In these incidents, some female women were intoxicated. Peers commented: “If there are 10 bad men, there are 100 women who fall for him. They know that nightclubs are filled with them, but still insist on going. And when they become ‘victims’, they don’t blame themselves.”³⁵ Another wrote: “The protestors are all feminist pigs. Do they think all women get filmed? All the women who are worthy of being filmed are on a date because

33 Sooyeon Lim, “‘Megalia, Warmad’ Comments, Clearly Slander,” *Media Today*, July 28, 2018. <http://www.mediatoday.co.kr/news/articleView.html?idxno=143783>.

34 Trina Jones and Kimberly Jade Norwood, “Aggressive Encounters and White Fragility: Deconstructing the Trope of Angry Black Woman,” *Iowa Law Review* 102 (2017): 2017-2069.

35 JTBC, “Gender Discriminatory Spy Cam Investigation: The 4th Protest at Gwangh-wamoon Gathers 10,000 Women.” *JTBC News*. Aug 4. 2018.

it's a Sunday. It's not you, don't worry."³⁶ These types of narrations contradicted themselves by shaming women who were victims of GBV, while arguing that no man would desire feminists. They are depicting feminists as sexually undesirable, aggressive, unwanted, and deserving of the violations. This rhetoric also contributes to "othering" and silencing women who speak out by shaming and invalidating their claims.

While understanding that real-life "peers" may be different in their expression of thoughts towards feminism and that online discourse may be more exaggerated, these types of framing of feminist movements leave detrimental impacts on feminist praxis. Describing all feminist movements as man-hating "Megals", victim-blaming, and depicting the women who speak out against societal injustice as "crazy" and undesirable polarizes the conversation. This may lead to women siding with normalized sexism to feel accepted in workplaces where men hold positions of power, and within friendships so as not to be ostracized. This leads to the isolation and silencing of feminist movements as a whole. The most important aspect of feminist praxis, the experiential, is removed from legal and social conversations through the silencing of women. This, together with the lack of the government's effort to implement the laws more effectively and the media's reinforcing of gender stereotypes and promotion of toxic masculinity, essentially disempowers the realization of feminism in Korean society.

Conclusion

The quick switch from the codification of gender equality during Japanese colonialism to the import of equality-based constitutional principles during the American occupation shows how gender-equality has been used as a political tool of control or alignment. While the discrepancy between *de jure* and *de facto* may have begun here, the current Korean government's lack of implementational commitment and the socialization agents that promote conformity allow for the persistence of discrepancy within gender inequality. The failures of the gender equality agenda in the rapidly developed ROK persists due to these elements that create a society where gender inequality can prevail without consequences, and perhaps, even be rewarded. Thus, the ROK government must bridge the gap between legal and constitutional promise of gender equality and praxis by effectively implementing monitoring and enforcement mechanisms. Further, both the laws and peers' roles as socialization agents in perpetuating and reinforcing gender normativity and patriarchy must be examined. Lastly, the experiential theory of women's experiences needs to be heard, rather than silenced. By understanding the historical, political, and social causes behind unachieved women's human rights, future study in how to effectively change the dialogue around gender equality and how to successfully implement the legal promises is required to finally fulfill the long-overdue promises of an equality-based

36 Sangji Hong, "The Era of New Feminism: Why Did 60,000 Women Shout "Jai-Ting" At Hyehwa Station?" *Jung Ang News*, July 8, 2018.

constitution, women's rights laws, and feminist praxis in the ROK.