<u>Human Rights, the Boomerang Pattern, and Their Limitations: The Case of South Korea's</u> <u>LGBTQ+ Rights Movement</u>

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Introduction

South Korea has undergone a societal metamorphosis as discourse on social issues such as homosexuality have proliferated in past decades. Heated debates on these issues have reached a fever pitch while divisions grow starker; for example, polling from the Spring 2019 Global Attitudes Survey revealed that South Korea has the largest generational divide in acceptance of homosexuality of any country surveyed by a margin of 20 points, with 79% of South Koreans aged 18-29 responding that homosexuality should be accepted by society as compared to just 23% of respondents over 50.1 What's more, these divided opinions have repeatedly butted heads in court — in October of 2023, the Constitutional Court upheld for the fourth time the clause prohibiting same-sex intercourse between soldiers, while, earlier that same year, the High Court ruled that withholding health insurance benefits to same-sex couples constitutes illegal discrimination.³ As these rulings are challenged, more lawsuits filed, and new legislation introduced, the coming years promise a radical re-evaluation of the queer subject in South Korean society; after all, despite resistance in the judiciary, as decades pass and more accepting younger generations take the reins of society, a fundamental shift in public perception seems inevitable.

¹ Jacob Poushter and Nicholas Kent, "The Global Divide on Homosexuality Persists," Pew Research Center, June 25, 2020

² Ryan Thorseon, "South Korean Court Upholds Military 'Sodomy' Law," Human Rights Watch, October 30, 2023.

³ Lina Yoon, "South Korea Court Recognizes Equal Benefits for Same-Sex Couple," Human Rights Watch, August 2, 2023.

Much of South Korea's LGBTQ+4 rights movement's success can be attributed to its human rights framing; as Tari Ju-yeong Na writes, "the impact of the international human rights framework on LGBTI rights [in South Korea] cannot be overstated," in part because major leaders such as former UN Secretary General and South Korean diplomat Ban Ki-moon have increasingly recognized the importance of the issue.⁵ In a 2013 speech to the Oslo Conference, for example, he referred to discrimination against LGBT individuals as "one of the great, neglected human rights challenges of our time" and pointed out governments' "legal duty to protect everyone," despite the fact that "far too many still refuse to acknowledge the injustice of homophobic violence and discrimination." Beyond these discursive successes, there have also been minor judicial victories. While courts have generally been less sympathetic to the entreaties of the LGBTQ+ community in October of 2023, for example, the Constitutional Court upheld for the fourth time the clause prohibiting same-sex intercourse between soldiers — the High Court ruled earlier that same year that withholding health insurance benefits to same-sex couples constitutes illegal discrimination, although an appeal to this ruling has yet to be resolved.8

Yet, despite these reasons for optimism, the South Korean queer rights movement has undeniably struggled, especially when compared to similar movements. The migrant workers' rights movement in South Korea serves as an excellent point of comparison. Both movements gained

⁴ In this essay, I follow colloquial habits in using the terms LGBTQ+ and queer interchangeably, with both intended to be umbrella terms encompassing individuals with non-normative sexualities and gender identities.

⁵ Tari Young-Jung Na, "The South Korean Gender System: LGBTI in the Contexts of Family, Legal Identity, and the Military," Translated by Ju Hui Judy Han and Se-Woong Koo, *Journal of Korean Studies* 19, no. 2 (2014): 358.

⁶ Ki-Moon Ban, "Secretary-General's Video Message to the Oslo Conference on Human Rights, Sexual Orientation and Gender Identity," United Nations Secretary-General, address presented at the Oslo Conference on Human Rights, Sexual Orientation and Gender Identity, April 15, 2013.

⁷ Thoreson, "South Korean Court Upholds Military 'Sodomy' Law."

⁸ Yoon, "South Korea Court Recognizes Equal Benefits for Same-Sex Couple."

traction in the same period (late 1990s and early 2000s), primarily limit their scope to South Korea, frame their causes as human rights issues, feature the struggles of a social minority, appeal to international actors, and have sought to leverage politics of international shaming against the South Korean government. Yet, despite these similarities, the migrant workers' rights movement has realized more substantive gains; starting in 2002, both major political parties endorsed a work permit system specifically for migrant foreign workers (Lee 2008), and, in 2007, the Foreigner Policy Commission was created under the Roh Moo-hyun administration, which had specifically listed discrimination against minority groups as one of its key issues. Furthermore, beyond merely tolerating migrant workers, the government has moved to aid them with assimilation by establishing the Multicultural Family Division within the Ministry of Gender Equality and Family and numerous Multicultural Family Support Centers, which provide Korean language training and aid with cultural assimilation. In contrast, the gains for LGBTQ+ rights NGOs have been far more limited in scope, restricted to discursive shifts (e.g. the 2003 declassification of homosexuality as "harmful and obscene" and minor legal concessions (the Supreme Court's 2017 ruling that an LGBT rights foundation must be allowed to register as a charity¹¹). The neglect of queer populations is often structural and subtle, yet pernicious. Emblematic of this trend is the fact that nobody even knows how large the queer South Korean population is, as the government does not publish any statistics regarding queer communities which measure their size at the national scale (such as a

⁹ Seo-Hyun Park, "Between Globalization and Nationalism: The Politics of Immigration in South Korea," *Asian Perspective* 41, no. 3 (2017): 389-391.

¹⁰ Joel Guinto, "South Korea Court Upholds Ban on Gay Sex in the Military," BBC News, October 27, 2023.

^{11 &}quot;South Korea: Supreme Court Affirms LGBT Rights," Human Rights Watch, August 4, 2017.

census). While the aforementioned victories are worthy of celebration and representative of extensive hard work, they fall short of the legal protections and institutional support extended to migrant workers in South Korea. Thus, without discounting the real and ongoing struggles that migrant workers face (many of which intersect with queer identities), there seems to be a disparity in the successes of these two movements that warrants investigation. How, given the shared context and strategy of these two movements, can we interpret their varying degrees of success? Why has the queer rights movement in South Korea faced such stronger headwinds despite employing the same political tactics in the same place at the same time?

To answer these questions, I draw on my interdisciplinary background to point to potential political and symbolic factors. To begin, I will discuss the power and limitations of a human rights framing, giving special attention to Keck and Sikkink's concept of the Boomerang Pattern. After discussing this theory and contemporary scholarship building upon it, I will suggest several contextual factors which impeded progress in the queer rights movement in South Korea; that is, rather than critique these concepts on a theoretical level, I dissect the messiness of their application to a real-world scenario, mapping out some ways in which South Korea's queer rights movement resists the application of generalized theory. Through this analysis, I hope to contribute to scholarly understandings of both the particularities of the queer movement in South Korea and the practical limitations of the Boomerang Pattern theory and human rights framings in general, which will assist scholars applying these concepts to other instances across the world.

¹² Youngshik D. Bong, "The Gay Rights Movement in Democratizing Korea," Korean Studies 32 (2009): 87.

Frames and Human Rights

Often overlooked yet immensely powerful, frames structure every movements' interactions with the world. While most social and political movements are associated with their content and claims, frames serve as interpretive lenses through which movements are interpreted by members, opposition, and outsiders. As Francesca Polletta and M. Kai Ho remind us:

The term "frame" reminds us that persuasion works in part by demarcating and punctuating important aspects of reality, that is, by making events and circumstances intelligible as much as by advancing a compelling point of view. If we think of a frame as the structure of a building rather than the perimeter of a picture (Gamson 2004), the concept also points to the deeper logics structuring political contention. While actors instrumentally frame situations so as to press their case, their very understanding of what is instrumental is shaped by taken-for-granted frames. In that sense, frames are both strategic and set the terms of strategic action.¹³

As politically strategic choices which mediate understandings of the context, content, and stakes of a movement, frames play a crucial role in structuring a movement and determining its ability to attract attention, garner sympathy, spark outrage, recruit and galvanize supporters, win over the general public, demobilize detractors, collaborate with different institutions, ally with other movements, choose the site of its struggle (e.g. public opinion, the judiciary, NGOs, etc.), and ultimately score political wins.

Given the broad and often amorphous nature of frames, Polletta and Ho also note the importance of distinguishing between frames and ideology. They write:

Ideologies... are usually conceptualized as complex systems of belief. They are more encompassing and elaborated than frames and are explicitly normative. Frames are

¹³ Francesca Polletta and M. Kai Ho, "Frames and Their Consequences," in *The Oxford Handbook of Contextual Political Analysis*, ed. Robert Goodin and Charles Tilly (Oxford: Oxford University Press, 2006), 188.

derived from ideologies, but they are also oriented to the strategic demands of making claims effectively. (Italics in original.)¹⁴

To further elucidate this distinction, we can consider their later example of competing movements for and against abortion rights. On one hand, pro-choice and pro-life movements are ideologically diametrically opposed; there is no overlap in their goals, and they position themselves in direct opposition to each other. However, despite these contrasting stances, they both utilize the same frame of individual liberty and bodily autonomy, simply applied to different subjects (the woman and the fetus, respectively). As such, while it is true that "[f]rames are derived from ideologies," they ultimately depart from ideology because of their orientation toward practicality. In simpler terms, if ideology constitutes the "what" of the movement — what we want to achieve — frames constitute the "how." This conceptual distinction between frames and ideologies can be fruitfully applied to the case of LGBTQ+ rights movements in South Korea. While many of these movements employ frames of human rights, civility, and safety with the ideological goal of advancing protections for queer individuals, we see similar framings used by protestors against queer movements as well. Through arguing that LGBTQ+ people pose a moral, religious, military, or epidemiological threat to the nation, they employ the same frames to opposite ends. 15

Having established the importance of frames, we can now turn our attention to human rights, which are the primary frame of choice for many political organizers in contemporary South Korea, including the queer rights movement. Despite its roots in longstanding societal ideals, the

¹⁴ Polletta and Ho, "Frames and Their Consequences," 191.

¹⁵ Wondong Lee, Joe Phillips, and Joseph Yi, "LGBTQ+ Rights in South Korea – East Asia's 'Christian' Country," *Australian Journal of Asian Law* 20, no. 1 (2019): 1–17.

international regime of human rights is a relatively new invention. The sweeping, universal concept of human rights, which "holds that each and every born human being has inherent dignity and is inviolable," holds that each and every born human being has inherent dignity and is inviolable," adoption of the Universal Declaration of Human Rights. Ranging from the right to life to rights to rest and leisure, this suite of central and fundamental rights has been accepted in most countries as "universal rights, and not simply rights associated with a particular political ideology or system." As a putatively universal framework, human rights has mobilized wide, global support and been applied effectively around the world, profoundly shaping both international and domestic policy and reshaping the way that scholars, activists, and policymakers envision and approach human subjects. As a putatively.

Despite its effectiveness, the human rights regime has attracted substantial criticism on behalf of its inclination toward generalization and uncriticality. To begin, we must note that human rights fundamentally makes key assumptions about what constitutes 'good' for people; namely, that "the individual is the unit that matters, that choice is paramount, that individual suffering is of no value and is never justifiable by reference to the good of something outside the individual, that suffering should always be prevented and that all people deserve the same treatment."²¹ Additionally,

¹⁶ Michael J. Perry, *Toward a Theory of Human Rights: Religion, Law, Courts* (Cambridge, UK: Cambridge University Press, 2007), xi.

¹⁷ Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," in *The Power of Human Rights: International Norms and Domestic Change*, ed. Thomas Risse, Kathryn Sikkink, and Stephen C. Ropp (Cambridge, UK: Cambridge University Press, 1999), 1.

¹⁸ Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," 2.

¹⁹ Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds. *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, UK: Cambridge University Press, 1999).

²⁰ Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, eds, *Restructuring World Politics: Transnational Social Movements, Networks, and Norms* (Minneapolis: University of Minnesota Press, 2002).

²¹ Rachel Wahl, "Language and Freedom in Critiques of Human Rights," in *Critical Perspectives on Human Rights*, ed. Birgit Schippers (Lanham: Rowman & Littlefield International, 2019), 6.

the universalist language of human rights frameworks has been interpreted as generative, delimiting which claims are intelligible and only endorsing the contestations which are legible by the internal logic of human rights frameworks. This generative potential extends to the individual realm, as agents are re-formed as subjects through their engagement with human rights frameworks, stuffing themselves into ontological boxes so as to be digestible by this hegemonic ideological regime — summarily, "discourses constructing individuals."^{22, 23} Furthermore, the purported universality of human rights necessitates extensive homogenization; thus, especially when played out along historic fault lines of colonial power, international appeals for human rights tend to be portrayed in a way which presupposes the weakness and backwardness of the non-West²⁴ and denies the subjectivity and agentic power of its citizens.²⁵

While the human rights situation in South Korea has indubitably improved over the last century, much of which was scarred by egregious human rights abuses, ²⁶ the state's relationship with human rights has been strained since its nascence. The Human Rights Division of the South Korean government, for example, was established under the martial law of military dictator Park Chung-hee, thereby betraying an insurmountable barrier between discursive posturing and practice. ²⁷ This blatant disconnect between formal endorsements of human rights and praxis

²² Wahl, "Language and Freedom in Critiques of Human Rights," 15.

²³ Matthew Waites, "Decolonizing the Boomerang Effect in Global Queer Politics: A New Critical Framework for Sociological Analysis of Human Rights Contestation," *International Sociology* 34, no. 4 (July 2019): 390-391.

²⁴ In this paper, I understand the West not as a geographic designation but rather a loose and porous group of states defined by a shared racial-cultural identity and primarily led by North/Western Europe, the United States, Canada, Australia, and New Zealand.

²⁵ Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," *boundary 2*, On Humanism and the University I: The Discourse of Humanism, 12, no. 3 (1984): 333–58.

²⁶ Amnesty International, South Korea: Violations of Human Rights (London: Amnesty International Publications, 1986).

²⁷ Ian Neary, "Human Rights in South Korea," in *Human Rights in Japan, South Korea, and Taiwan* (London: Routledge, 2002), 89.

continues today; in stark contrast to its technical outlawing of discrimination on the basis of gender in the workplace, ²⁸ the South Korean government refuses to acknowledge rampant structural misogyny despite possessing the largest pay gap of any OECD country, ²⁹ and the incumbent administration of President Yoon Seok-yeol has even announced its intention to dissolve the Ministry of Gender Equality and Family amidst a rise in anti-feminist sentiment among young South Korean men. ³⁰ Specifically regarding LGBTQ+ rights movements, South Korean activists have protested the fact that the South Korean government's Committee for Ethics of Information and Communication censored LGBTQ+ websites despite the government's signing an international treaty advocating for "rights to protection from discriminations based upon sexual orientation." ³¹ As such, while talk certainly is not cheap in the case of queer rights, accountability has proven far more elusive.

South Korean LGBTQ+ rights activists, in particular, have drawn heavily upon human rights frameworks in their efforts to gain social acceptance, political recognition, and legal protections for queer individuals and communities. Two of the largest LGBTQ+ advocacy organizations, Chingusai (친구사이) and Haengseongin (행성인) both explicitly refer to themselves as human rights organizations (인권단체).^{32,33} This choice of framing was crucial in the movement's nascency, as it associated the fight for queer rights with other human rights struggles, thereby drawing broad

²⁸ Bureau of Democracy, Human Rights, and Labor, "2022 Country Reports on Human Rights Practices: South Korea," U.S. Department of State, 2022.

²⁹ Yoon-tae Chai, "South Korea Shown to Have Highest Gender Pay Gap in OECD," Hankyoreh, June 12, 2023.

³⁰ Jeong-yoon Choi, "Gender Ministry on Course for Disbandment," The Korea Herald, February 22, 2024.

³¹ Youngshik D. Bong, "The Gay Rights Movement in Democratizing Korea," 92.

³² "About Chingusai." Chingusai. Accessed March 17, 2024. https://chingusai.net/xe/intro01.

³³ "Movement Principles and Direction [활동 원칙과 방향]." Solidarity for LGBT Human Rights of Korea [행동하는 성소수자 인권연대].

support and generating traction despite a lack of existing support. The ability to draw upon the existing power and wide recognition of human rights was especially important given the longstanding, near-total ignorance about queerness in South Korea³⁴ and the repression of social minorities by colonial oppressors, military dictators, and even anti-government movements, which marginalized the protests of oppressed classes such as women and LGBTQ+ people in order to unify support for the struggle for democracy.^{35,36} However, this economy of resources has come at a price, as it hinders queer organizers' ability to accentuate issues unique to the LGBTQ+ community.³⁷

The Boomerang Pattern and Its Limitations

Another key element of queer activists' tactics has been their strategic appeals to international allies as a means of pressuring their home country, a phenomenon which Keck and Sikkink coined "the Boomerang Pattern" in their 1998 book, *Activists Beyond Borders*. Rejecting the disciplinary distinction between international relations and comparative politics, they study the ways in which "transnational advocacy networks" effect domestic change through appealing to international allies. This strategy, they note, which they refer to as the Boomerang Pattern, is most common when campaigns seek change at a governmental level yet have found little success in domestic activism, and is especially visible in human rights campaigns.³⁸ This pattern fits into what

³⁴ Dong-Jin Seo, "Mapping the Vicissitudes of Homosexual Identities in South Korea," in *Gay and Lesbian Asia: Culture, Identity, Community*, ed. Gerard Sullivan and Peter A. Jackson (New York City: Harrington Park Press, 2001), 66-68.

³⁵ Kyeong-Hee Choi, "Neither Colonial nor National: The Making of the 'New Woman' in Pak Wanso's 'Mother's Stake 1," in *Colonial Modernity in Korea*, ed. Gi-Wook Shin and Michael Robinson (Cambridge, USA: Harvard University Press, 1999), 223.

³⁶ Bong, "The Gay Rights Movement in Democratizing Korea," 88.

³⁷ Bong, "The Gay Rights Movement in Democratizing Korea," 96.

³⁸ Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders* (Ithaca: Cornell University Press, 1998), 4-12.

they describe as "leverage politics," which is the means by which "weak groups gain influence far beyond their ability to influence state politics directly" through "leveraging more powerful institutions." Leverage can take the form of either material leverage, the tying of material support to activist concerns, or moral leverage, where governments are scrutinized and shamed at an international level.³⁹ Given that states often make discursive concessions as a form of appeasement without implementing substantive reforms, Keck and Sikkink also describe accountability politics, which is the means by which actors investigate and expose the disparity between governments' discursive positions and the realities of their practice.⁴⁰

While these strategies for change are often effective — Keck and Sikkink discuss in particular the efficacy of issues involving violence against vulnerable populations and legal inequalities, noting that these movements have even affected the stability of different regimes — they also note important practical limitations. For example, since legal infrastructure plays a key role in mediating both domestic and international appeals, all efforts at bringing about reform will ultimately be affected by the potential afforded by judicial structure and efficiency. Despite the efficacy of any movement's framing or the reach of their influence, they are most often restricted to operation within the very systems that they may wish to challenge. Additionally, political scientist Rochelle Terman points out the relational aspect of human rights shaming between states, noting that external pressure may not always be effective. Despite the wide acceptance of human rights ideals in international discourse, she posits, there exists no central authority with the capacity to

³⁹ Keck and Sikkink, Activists beyond Borders, 23.

⁴⁰ Keck and Sikkink, Activists beyond Borders, 24.

⁴¹ Keck and Sikkink, Activists beyond Borders, 26-27.

⁴² Keck and Sikkink, Activists beyond Borders, 24-25.

actually enforce these ideals and punish infractions. As such, shaming must happen between states, and, as she astutely notes, "the critic matters as much as (and perhaps more than) the criticism" (italics in original). States tend to be quick to shame their enemies for the sake of political gain, but slow to criticize allies for fears of scarring their relationship; as such, while shaming from allies is far more effective than shaming from adversaries, the former is far harder to come by. 43 While she focuses primarily on interactions between states, her focus on the relational dynamic between shamers and their targets also applies to any study of the Boomerang Pattern; the pre-existing relationship between the shamer and the shamed (e.g. international human rights organizations and the South Korean government) will invariably affect the success of said shame. Finally, particularly in discussions of locally contentious issues such as LGBTQ+ rights in South Korea, it is important to remember that Boomerang-Pattern politics can be employed both by rights groups and their opponents. In her paper on comfort women denialism in Japan, Sachiyo Tsukamoto notes how revisionist networks utilize the exact same mechanisms as Keck and Sikkink's 'transnational advocacy networks' to an opposite effect. 44 Especially given rampant anti-queer sentiment in South Korea (which is afforded further elaboration below), then, it is crucial to address the potential of local opposition utilizing similar political mechanisms against queer rights movements.

Similarly, states are not passive targets of the Boomerang Pattern, quietly enduring shame; rather, they may respond to provocation from internal and external pressures. Any application of the Boomerang Pattern signals a threat to the legitimacy of sovereign states, since their citizens

⁴³ Rochelle Layla Terman, *The Geopolitics of Shaming: When Human Rights Pressure Works - and When It Backfires* (Princeton: Princeton University Press, 2023), 5.

⁴⁴ Sachiyo Tsukamoto, "The Counter-Boomerang Effect of Transnational Revisionist Activism on the Memory of 'Comfort Women," *Memory Studies* 15, no. 6 (2022): 1346–59.

resorting to recourse to international NGOs as a means of forcing their countries to change signifies both a lack of state responsiveness to citizen needs and a susceptibility of the state to external pressures. In this way, the basic underlying logic of the Boomerang Pattern fundamentally "undermine[s] absolute claims to sovereignty," and thus may incense target states. 45 In extreme cases, these "international battle[s] over status and submission" may even exacerbate human rights violations, such as when state-sponsored violence spiked in Uganda following condemnation from Western states in 2014. 46, 47 Furthermore, states often bolster their resistance to external pressures by framing these threats to their legitimacy within narratives of colonialism, imperialism, and resistance. As Altman and Beyrer note, state-sponsored homophobia "is almost always linked to the rhetoric of opposing degenerate western influence." Thus, they argue, punitive actions taken by Western nations against homophobic governments often end up backfiring, as they validate the concept that non-normative sexual and gender identities are a Western concept being forcibly disseminated on a global scale. 48 However, this putative threat to state sovereignty is not total. After all, any movement which seeks recognition by the state inevitably reinforces the state's role as the mediator of legitimacy. 49 In other words, by seeking benefits or recognition from a state, a movement symbolically legitimizes that state and reinforces the government's dominant position. Furthermore, despite severe instances of backlash such as Uganda, researchers have maintained that

⁴⁵ Keck and Sikkink, Activists beyond Borders, 36.

⁴⁶ Terman, The Geopolitics of Shaming: When Human Rights Pressure Works - and When It Backfires, 2-4.

⁴⁷ Fernando G. Nuñez-Mietz and Lucrecia García Iommi, "Can Transnational Norm Advocacy Undermine Internalization? Explaining Immunization Against LGBT Rights in Uganda," *International Studies Quarterly* 61, no. 1 (March 2017): 196–209.

⁴⁸ Dennis Altman and Chris Beyrer, "The Global Battle for Sexual Rights," *Journal of the International AIDS Society* 17, no. 1 (2014).

⁴⁹ Judith Butler, *Undoing Gender* (London: Routledge, 2004), 115.

transnational advocacy and shaming remains an important tool for enforcing human rights worldwide. 50

Responding to Keck and Sikkink's Boomerang Pattern, Matthew Waites offers a critical re-interpretation of the model rooted in decolonial theory. While he praises the model's recognition of agency in local contexts — local activists are the primary impetus for change, in comparison to more simplistic theories which envisions human rights originating in the West and being unilaterally exported — he points to how it uncritically accepts the notion of human rights without analyzing the social constructedness of human rights, the colonial power latent within it, and how engagement with international human rights institutions is affected by colonial contexts. He instead offers a reworked model of the Boomerang Pattern influenced by decolonial theory, which focuses instead on the various definitions present within human rights frameworks as they translate across language and culture, the resources required to make and sustain claims through the Boomerang Pattern, and the necessity for broader and historically informed socio-cultural context when analyzing specific cases of the Boomerang Pattern. Additionally, he applies theories of subjectivation (Butler's term adapted from Foucault's assujettissement⁵¹), noting the ways in which the figurative throwers of the boomerang (e.g. local activists) are re-constituted as subjects through the process of appealing to international organizations.⁵² In more practical terms, this would mean asking new questions when considering applications of the Boomerang Pattern: how are the claimants to rights

⁵⁰ Michelle Giacobbe Allendoerfer, Amanda Murdie, and Ryan M. Welch, "The Path of the Boomerang: Human Rights Campaigns, Third-Party Pressure, and Human Rights," *International Studies Quarterly* 64, no. 1 (October 11, 2019): 111–19.

⁵¹ Judith Butler, The Psychic Life of Power: Theories in Subjection (Redwood City: Stanford University Press, 1997), 11.

⁵² Waites, "Decolonizing the Boomerang Effect in Global Queer Politics: A New Critical Framework for Sociological Analysis of Human Rights Contestation," 390-391.

in the Boomerang Pattern affected by their roles? What are the power dynamics at play, and what is the historical context behind these dynamics? (This question is similar to the emphasis on relationality in Terman's book.) Do the language and categories which structure Western human rights discourse translate cleanly into foreign contexts? What do they assume, elide, destroy, or construct?

These many theoretical vantage points on the Boomerang Pattern offer fruitful insight into the particularities of South Korea's queer rights movement. As mentioned before with the example of government censorship of LGBTO+ websites, activists have publicly juxtaposed the South Korean government's discursive commitment against discrimination on an international stage with the systemic inequalities that it perpetuates domestically; by engaging with the government at this level, activists may garner international attention and challenge the government's credibility at a global level. The position in this political dance of South Korea's most significant ally, the United States, is complicated yet illuminated through Terman's lens. Despite State Department reports which identify discrimination against LGBTQ+ populations and call for change, the issue is consistently swept under the rug within the public sphere.⁵³ (Consider, for instance, that, just days after diplomats in the U.S. embassy in Seoul controversially hung up a large Pride flag on the front of the building in June 2020, they were forced to remove it shortly after.⁵⁴) This is presumably due to the high cost of criticizing one's own allies that Terman explains; while the United States has heaped criticisms onto other states for their human rights abuses, the critical diplomatic, military, and economic partnership between the two countries subjugates LGBTQ+ rights to concerns that are perceived as more

⁵³ Bureau of Democracy, Human Rights, and Labor, "2022 Country Reports on Human Rights Practices: South Korea."

⁵⁴ William Gallo, "US Embassy in Seoul Displays, Then Removes Black Lives Matter Banner," VOA News, June 15, 2020.

consequential. Even under the current Biden administration, which has proactively sought to support queer rights abroad through diplomatic channels and funding for foreign activist organizations, ^{55, 56, 57} social issues are ultimately dwarfed by other topics. In a list of the Biden administration's top priorities, they identify "restor[ing] America's standing in the world" and "rebuilding democratic alliances across the globe" — while human rights receives a mention shortly after, it is ultimately overshadowed by concerns perceived as more existential.⁵⁸

Despite this inaction at the highest level, though, organizers have found definite success at a smaller scale through enactment of the Boomerang Pattern. Through raising awareness of rampant discrimination against queer South Korean communities at the international level, activists have drawn the attention of large human rights NGOs with a wide-reaching media presence such as Amnesty International. ^{59,60} Additionally, the Biden administration's ambassador to South Korea, Philip Goldberg, openly announced his intention to advance LGBTQ+ rights in South Korea and attended the Seoul Queer Culture Festival within a week of his arrival in Seoul, where he and the British ambassador affirmed their commitments to supporting queer rights amidst not only festival participants but also a vast crowd of anti-gay protestors. ⁶² This attraction of high-profile,

⁵⁵ "Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World," The White House, February 5, 2021.

⁵⁶ Rep. Interagency Report on the Implementation of the Presidential Memorandum on Advancing the Human Rights of LGBTQI+ Persons Around the World, United States Government, 2022.

⁵⁷ "Fact Sheet: U.S. Agencies Are Advancing the Human Rights of LGBTQI+ Persons Around the World," The White House, April 28, 2022.

⁵⁸ "The Biden-Harris Administration Immediate Priorities," The White House, September 20, 2021.

⁵⁹ "SOUTH KOREA 2022," Amnesty International, 2022.

⁶⁰ "South Korea: Amnesty International Makes Submission to Supreme Court Ahead of Ruling on LGBTI Rights," Amnesty International, February 5, 2024.

⁶¹ Min-ho Jung, "US Embassy Vows to Continue Openly Promoting LGBTQ Rights," The Korea Times, July 11, 2022.

⁶² Mee-yoo Kwon, "US Ambassador Voices Staunch Support for Equality at Seoul Queer Festival," *The Korea Times*, July 16, 2022.

international support in the face of domestic opposition marks a definite victory for queer South Korean organizers. Therefore, even if obstacles remain to Terman's formal state-state shaming, the LGBTQ+ rights movement has continued to use the Boomerang Pattern to great effect.

Through understanding the successes and failures of human rights frames and the Boomerang Pattern in queer South Korean rights movements, a clearer picture of the movement's interaction with academic theory emerges, serving as a useful empirical example of these concepts. However, the picture remains somewhat obscured; by focusing on Western theory and analyzing these movements from a top-down lens, one can only account for part of the picture. Thus, having addressed Keck, Sikkink, and Terman's theoretical contributions, we must now turn to Waites and the imperative of decolonial theory. How can we understand the context of South Korea's queer movements, particularly as it relates to histories of colonialism and the subjectivity of lived experience? What specificities of South Korean society evade bird's-eye theorization, and how do we incorporate them into our understanding of LGBTQ+ social movements?

Contextual Considerations: Protestantism, Heteronormativity, and Language

Any discussion of queer rights movements in South Korea would be incomplete without mention of evangelical Protestant opposition. The influence of Christianity on South Korean politics and society is massive; despite comprising just under a third of the population, Christians hold massive sway over religious discourse, in part because a majority of South Koreans are are ligious. ⁶³ Protestants in particular account for around a fifth of the South Korean population and

⁶³ Lea Yoon, "Population Distribution in South Korea as of November 2023, by Religion," Statista, January 26, 2024.

are known for their fervency; the United States is the only country to send more missionaries abroad than South Korea, South Korean Protestants pray and attend services with a higher frequency than any other country, and the gap between merely nominal Christians and active practitioners of the faith is much lower than countries such as the United States. Additionally, South Korean Protestants have a strong history of political involvement prior to the twenty-first century. Ruthless treatment under North Korean forces during the Korean War seeded a deep hatred toward communism in the community, and the evangelical American missionaries who spread Protestant Christianity in South Korea come from a tradition which is known in the United States for its social conservatism and involvement in domestic and international politics. In these ways, South Korean evangelicals constitute a highly organized and vocal minority, as their fervor and politicized history has predisposed them to social mobilization.

As with most evangelical Christian communities, conservative Biblical exegeses lead most South Korean Protestants to oppose acceptance of queer communities. This trend is especially unsurprising given South Korean churches' close associations with U.S. evangelists, who have derided LGBTQ+ individuals for decades and disseminated a narrative of Christian victimhood, wherein evangelists are persecuted by the state for living by their conservative beliefs. The power of this aversion to queer communities is significant; in their survey studying of LGBT acceptance in South Korea, researchers found that affiliation with Protestantism substantially decreases one's

⁶⁴ Andrew Eungi Kim, *The Rise of Protestantism in Modern Korea: A Sociological Perspective* (Cambridge, UK: Cambridge Scholars Publishing, 2022), 13.

⁶⁵ Kim, The Rise of Protestantism in Modern Korea: A Sociological Perspective, 11-12.

⁶⁶ Chung-shin Park, Protestantism and Politics in Korea (Seattle: University of Washington Press, 2003), 119.

⁶⁷ Joseph Yi, Gowoon Jung, and Joe Phillips, "Evangelical Christian Discourse in South Korea on the LGBT: The Politics of Cross-Border Learning," *Society* 54, no. 1 (February 2017): 31-32.

likelihood to support gay marriage. 68 Furthermore, the intensity of Christian scrutiny of queerness has increased in recent years, as research finds that homosexuals are set to overtake North Koreans as the primary outgroup of South Korean evangelicals. ⁶⁹ However, further reading complicates these findings. Despite American scholars' repeated finding that religious affiliation reduces or destabilizes the common increase in tolerance resulting from personally knowing a queer person, 70, 71 Gowoon Jung finds that evangelical South Korean women who have spent time living abroad are markedly more tolerant of LGBTQ+ communities than their peers who have not as a result of both exposure to queer individuals and acclimation to a socially liberal society which prioritizes equity and human rights. 72 Moreover, a 2017 study on Evangelical Christian discourse in South Korea reveals a fascinating emerging trend — just as the Protestant antipathy for queer communities in South Korea seems to have originated from American evangelical communities, an alternative narrative of Christian empathy is now emerging from those same transnational Christian networks. This framework, which exhorts Christians to demonstrate compassion toward queer communities rather than condemnation, began circulating in South Korean Christian cyberspace in the 2010s and has increased in popularity ever since.⁷³

⁶⁸ Timothy S. Rich, Isabel Eliassen, and Madelynn Einhorn, "Religion, Contact, and LGBT Acceptance: Survey Evidence from South Korea," *Korea Observer* 52, no. 4 (2021): 634.

⁶⁹ Wondong Lee and Joseph Yi, "South Korean Evangelical Narratives on North Koreans and Homosexuals," *Journal of Homosexuality* 68, no. 12 (2020): 1933-36.

⁷⁰ Sue Ann Skipworth, Andrew Garner, and Bryan J. Dettrey, "Limitations of the Contact Hypothesis: Heterogeneity in the Contact Effect on Attitudes toward Gay Rights," *Politics & Policy* 38, no. 5 (2010): 887–906.

⁷¹ Andrew Garner, "Ambivalence, the Intergroup Contact Hypothesis, and Attitudes about Gay Rights," *Politics & Policy* 41, no. 2 (2013): 241–66.

⁷² Gowoon Jung, "Does Transnational Experience Constrain Religiosity? Korean Evangelical Women's Discourse on LGBT Persons," *Religions* 7, no. 10 (October 10, 2016): 124–35.

⁷³ Yi, Jung, and Phillips, "Evangelical Christian Discourse in South Korea on the LGBT: The Politics of Cross-Border Learning," 32.

Reflecting on this complex religious opposition to LGBTQ+ rights in South Korea, we gain deeper insight into the failures of the Boomerang Pattern. While some activists have successfully made claims to human rights publicly enough to draw the attention of ambassadors and NGOs, pervasive religious homophobia has an intense silencing effect on many queer South Koreans. Furthermore, returning to a decolonial approach, we must recognize that human rights frameworks and the Boomerang Pattern assume a subject which actively resists oppression and wishes to be publicly recognized and accepted as queer. This presumption is challenged by work such as Apoorva Ghosh's 2020 article "From moral ambivalence to differential congruence: Understanding transnational sexuality using cultural schemas." In this important work, Ghosh differentiates between two sexual schemas, or culturally-informed approaches to sexuality. Whereas homosexual people in the U.S. tend to follow the schema of "sexual exuberance," a viewpoint which seeks constant public recognition, individuality, participation in capitalism, and categorical identification, their Indian counterparts follow what Ghosh terms "moral ambivalence," or a perspective which prioritizes privacy, responsibility to one's family, and tolerance. ⁷⁴ Considering cultural differences between the United States and South Korea, it would be a mistake to assume that queer South Koreans desire the "loud-and-proud" schema of sexual exuberance described by Ghosh; rather, given the prevalence of conservative Protestant and Confucian ideology, 75 queer South Koreans may eschew hyper-visibility and individuality in favor of something akin to a moral ambivalence schema. Finally, while some researchers have studied the experience of gay South Korean Christians in the

⁷⁴ Apoorva Ghosh, "From Moral Ambivalence to Differential Congruence: Understanding Transnational Sexuality Using Cultural Schemas," *Sexualities* 23, no. 4 (June 2020): 555-558.

⁷⁵ Gowoon Jung, "Evangelical Protestant Women's Views on Homosexuality and LGBT Rights in Korea: The Role of Confucianism and Nationalism in Heteronormative Ideology," *Journal of Homosexuality* 68, no. 13 (2020): 2097–2121.

United States,⁷⁶ there remains a crucial dearth of Anglophone scholarship on queer South Korean Christians. Further study on how this group understands their identities and roles within society will crucially contribute to scholarship by centering those whose very personhood straddles the apparent ideological contradictions at the heart of South Korea's queer-Protestant conflict; their modes of self-perception and self-identification may prove indispensable in addressing this apparent societal tension and understanding the incompatibilities of a homogenizing human rights framework with the realities of lived experience.

Attuning ourselves to a gender studies lens, we can further contextualize the struggles of South Korea's queer rights movement in comparison to the successes of the migrant worker rights movement by analyzing the symbolic threat posed by subverting heteronormativity at both the national and individual levels. Queer rights movements seem to pose a unique symbolic danger to the state by entailing ideas which fundamentally destabilize the heteronormative binaries around which both state institutions and national identity are constructed. In the case of South Korea, for instance, each citizen's identificatory Resident Registration Number begins with one's birthday before including either a one or two, with the former designating male and the latter female. While changing this administrative system to accommodate genderqueer citizens may at first glance seem to be a small task, it would represent an upheaval of how individuals are construed as citizens by the state. For example, this change would destabilize the gender binary which determines who must serve in the military; in this way, seemingly insignificant bureaucratic distinctions betray a far deeper

⁷⁶ Patrick S. Thomsen, "Coming-Out in the Intersections: Examining Relationality in How Korean Gay Men in Seattle Navigate Church, Culture and Family through a Pacific Lens," *Journal of Homosexuality* 68, no. 6 (December 4, 2019): 1015–36.

practical and symbolic importance.⁷⁷ Thus, whereas migrant workers are relatively easily assimilated into pre-existing institutional frameworks, the fluidity of queer identity threatens an overhaul of the system from its most atomic components.

Furthermore, on an even more basic level, acknowledging the existence of queer individuals threatens the gender essentialism which undergirds heteronormativity. Especially in a country like South Korea, which conforms to strict gender roles in the wake of centuries of state-sponsored Neo-Confucianism, the mere existence of queer individuals undermines the concept that these rigidly interlocking categories of gender and sexuality are natural and immutable rather than socially constructed and flexible. While granting legal protections to racially diverse migrant workers may strain notions of national belonging in an ethnonationalist state, they can still be accommodated within pre-existing institutional and symbolic frameworks. Queer individuals, on the other hand, subvert the very language and categories through which the system operates, and thus pose a far greater symbolic threat to fundamental social categories like the family. Kinship systems (such as marriage, child rearing, and family) are discussed in Butler's *Undoing Gender* (2004), where they write, "[v]ariations on kinship that depart from normative, dyadic heterosexually based family forms secured through the marriage vow are figured not only as dangerous for the child but perilous to the putative natural and cultural laws said to sustain human intelligibility."78 With the heterosexually oriented family — a father, mother, and child(ren) — perceived as the most basic organizational components of modern society, any aberrations from this model are considered alien and

⁷⁷ Ruin, "Mobile Numbers and Gender Transitions: The Resident Registration System, The Nation-State, and Trans/Gender Identities," trans. Max Balhorn, in *Queer Korea*, 1st ed., Duke University Press, 2020, 362-364.

⁷⁸ Butler, *Undoing Gender*, 104.

unintelligible by modern society. Moreover, this apparent threat extends beyond the institution, permeating society to the level of the individual. If an individual understands himself as a man within traditional frameworks of gender essentialism — that is to say, an individual with certain innate traits, roles, and communities by the mere fact of his sex — the normalization of men who reject these attributes implicitly destabilizes the category of his own identity. While the acceptance of migrant workers largely takes place external to the citizen's self, then, the acceptance of queer individuals necessarily affects every member of society by challenging the gender binary within which individual identity is constructed. This issue becomes particularly salient given the particularities of South Korea's history; following Joseon-era neo-Confucianism, socially repressive Japanese colonial rule, and the conservative United States's postcolonial control over South Korea, one would reasonably expect negative perceptions of queer individuals to be exacerbated at every level. Thus, because of its broad and highly personal impact on national and individual identity, LGBTQ+ rights movements may face greater resistance at every level than similar campaigns.

Finally, we can apply Waites's insights to the self-identificatory language of queer South Korean communities to understand how human right frameworks may subject communities to Western interpellation. Just as with English, South Korea has many terms to refer to homosexuality, most of which are used in different contexts and registers: 케이 (gei/gay), 퀴어 (kwi-eo/queer), 성소수자 (seongsosuja/sexual minority), 동성애자 (dongseong-aeja/same-sex lover), 이쪽 (ijjok/this side), and 이반 (iban⁷⁹), among others. 케이 (gei) and 퀴어 (kwi-eo) are transliterations of the

⁷⁹ The word 이번 (*iban*) is a play on the word 일번 (*ilban*), which means "dominant," "universal," or "first class." The first syllabic block of 일번 (*ilban*), 일 (*il*), means one; thus, by changing it to the homophonically similar 이 (*i*), meaning two, one creates 이번 (*iban*), which conveys alterity and marginality. For useful (yet perhaps outdated) discussion on this term and others, reference Seo, Dong-Jin, "Mapping the Vicissitudes of Homosexual Identities in South Korea," 69-71.

English words gay and queer, respectively. Interestingly, the rise of these two terms in particular over the past couple of decades coincides with appeals by South Korean activists to international human rights frameworks. Compared to terms like 이쪽 (ijjok/this side)and 이번 (iban), which resist direct translation into English, 게이 (gei/gay) and 퀴어 (kwi-eo/queer) are easily understood by Anglophone organizations. Thus, due to their strategic benefit, these words are centered in the discourse of international-facing organizations. Whereas activists might have originally seen themselves as 동성애자 (dongseong-aeja/same-sex lover) or 이반 (iban), any attempt to 'throw the Boomerang' and appeal to international human rights organizations necessitates that the 'thrower' be interpellated through an Anglophone lens, transformed into a subject comprehensible by foreign institutions. As Waites describes, "the boomerang thrower, rather than being best conceived as an independent entity from the boomerang and its travels, may in fact become reconstituted as a subject as they (metaphorically) launch, watch, and receive its returning flight."80 Herein we see yet another limitation of homogenizing human rights frameworks — a reliance on intelligibility to an exogenous (and typically Western) audience may overlook cultural and linguistic incompatibilities, generate tension in communities, and coerce 'boomerang throwers' into inauthentic modes of self-identification.

Conclusion

While South Korea's queer rights movement has seen limited success in past decades due in part to its human rights framing and use of the Boomerang Effect, specific contextual elements such

⁸⁰ Waites, "Decolonizing the Boomerang Effect in Global Queer Politics: A New Critical Framework for Sociological Analysis of Human Rights Contestation," 391.

as resistance from conservative Protestants, assumptions about cultural schemas, the symbolic threat specifically posed by a movement related to gender and sexuality, and linguistic incompatibilities reveal the limitations of this frame and political strategy. While human rights and the Boomerang Pattern are certainly theoretically valuable concepts, decolonial theory warns us of generalizations, specifically when they follow a West to non-West trajectory. The case of South Korea's queer rights movement serves as a valuable example of the importance of cultural specificity when assessing the potency of any political strategy.

The implications of these findings stretch far beyond South Korea. While my analysis has culminated in several critiques of human rights frames and the Boomerang Pattern, I do not deny their successes or potency to effect future change in many countries around the world. Instead, scholars and activists may utilize critiques such as the ones offered above to contribute to the success of local movements and innovate upon human rights frameworks through emphasizing historical context, recognizing cultural and linguistic untranslatability, and employing a decolonial self-criticality. In this spirit, I recognize my positionality as a white, American male when writing this paper, and understand that, through conducting theoretical study on South Korea, I contribute to the top-down alignment of scholarship endemic in Western academia. As such, I would like to emphasize the importance of responsible ethnographic work in building a literature which *starts* from the experiences of queer South Koreans and builds upwards, rather than starting with theories and laying them over individuals' lived experience. Through such practices, scholars may optimally

In calling for responsible ethnography, I seek to recognize the abuses committed against the queer South Korean community through exploitative scholarship in recent years, in particular the case of *Queer Korea*. For further context and commentary, see: *Queer Research Ethics Council*, X, March 2023.

contribute to social change by learning from and giving back to communities rather than parasitically studying them as an academic object, thereby contributing to the growing literature in the field of global studies merging the scopes of the local, domestic, international, and transnational.

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