

# **ANTI-SEXUAL VIOLENCE MOVEMENT AGAINST HARSH PENAL POLICY? : THE ACTIVISM OF KOREAN WOMENLINK AS A FEMINIST PRACTICE**

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## ABSTRACT

In the Republic of Korea, there have been intensive media reports of extreme sex-crimes against children since the mid-2000s. Around these cases, punitive turn has emerged in public opinion and government policies, which include harsher punishment on particular sex-crimes and social segregation of sexual assaulters. The punitive tendency in criminal policies and public sentiment has been pointed out all over the world, however, some scholars argued that the tendency towards punitivism was caused by the feminist movement against sexual violence, labelling it as “carceral feminism”. In this thesis, I provide a critical, empirically driven examination of this widespread thesis of “carceral feminism” in the Korean feminist movement against sexual violence. Through a content analysis of documents of feminist organizations against sexual violence, combined with data collected from interviews with activists, this thesis shows that they have actually built their strategies and activities in opposition to this recent punitive turn in public discourses and penal policies. Conclusively, I argue that the Korean feminist movement against sexual violence offers a counter-example in the debate on carceral feminism, and the role of feminist activism against sexual violence by demonstrating that the punitive turn should be considered in various dimensions such as the purposes of activities, the diverse relationships around the movement, and a comprehensive stream of its activities.

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## Introduction

In the republic of Korea, since the mid-2000s, several violent crimes against children containing sexual violence have been revealed to the public through intensive media reports focusing on the brutality of the cases. People's anger burst out against the assaulters and government policy which did not play its proper role to prevent those terrible crimes. Public demand for harsher punishment against sexual offenders – mainly perpetrators of sexual acts against children - rapidly increased, including measures such as the death penalty and zero-tolerance of sex crimes against children. In each case, the government presented several plans focused on toughening sentences and social segregation of sex offenders. Being conscious of the public sentiment, many politicians also hurried to present legislative bills related to sex crimes against children.

Many Korean researchers in legal studies and sociology have pointed out that the tendency to use harsh punishment not only in the case of sex crimes, but in general criminal policy, has recently emerged in the Korean society (Sung 2015; Choo 2014; Choi 2014; Kim 2012; Jang 2012; Lee 2011; Kim 2010). Jang (2012) also addresses that this 'punitivism trend' has likewise emerged in many countries, especially in North America and Western Europe (Garland 2008; Pratt 2007; Wacquant 2009; Simon 2007).

However, feminist movements have been criticized for playing a critical role in facilitating the emergence of the penal state. Existing research on recent feminist movements have labeled this shift towards juridical solutions -for sex trafficking, sexual violence, and other types of violence against women (VAW)- as "carceral feminism" (Bernstein 2007, 2010, 2012; Bumiller 2008; Gottschalk 2006; Reece 2011). Those studies argue that feminist struggles against sexual violence result in victimization of women and criminalization of the marginalized even if the movements

do not intend it. Some Korean legal scholars also have argued that the trend of harsh penal policy in criminal law was a result of the Korean anti-sexual violence movement (Kim 2010; Lee 2010; Lee 2010).

In the Korean society, issues of sexual violence have been socially problematized by the feminist movement (Shin 2008). Feminist organizations, on the one hand, have advanced legal/institutional activism for establishing the supporting system for sexual violence victim-survivors, as well as regulations and statutes for preventing and punishing sexual violence. On the other hand, they have carried out cultural activities for raising public consciousness and challenging rape culture in daily life in various ways (Lee 2012).

However, most leading feminist organizations against sexual violence in Korea took an opposite stand to governmental policies on harsher penalties. They have explained their concern about the public opinion which demanded harsher punishment for sex crimes against children. Emphasizing the fact that, based on the statistics of their counselling activities (e.g., Korean WomenLink Sexual Violence Relief Center 2011), more than 70% of sexual violence cases are carried out by acquaintances, they have been pointing out the limitations of strengthening sentence and surveillance policies based only on a small number of violent crimes (ibid 2011).

Paying attention to the different reactions within the Korean feminist movement and comparing these to other countries' cases of 'carceral feminism', this paper aims to understand how the Korean feminist movement against sexual violence has reacted to the punitive turn in the recent decade. Focusing on Korean WomenLink's activities against sexual violence as a case study, I will examine the organization's legal and institutional activities, the activists' perception regarding the punitiveness tendency, and their strategy under the punitive turn.

In the first chapter, I review existing studies focusing on 1) the Korean anti-sexual violence movement, 2) punitive turn, penal populism, and carceral feminism. I will also elaborate on my

research method. The second chapter explores how the organization's legal/institutional activism has been carried out since the mid-2000s, in relation to the harsh penal trend. The focus will be on the movement's rationale and purpose, and on how the activists have utilized legal and institutional activism as a tool of movement for social change. In the third chapter, I analyze interviews with activists about how they perceive public demands for harsh punishment and government penal policy, and what kind of dilemmas they have about the punitivism trend in sexual violence cases. The last chapter explores how the perceptions and dilemmas of activists have been reflected in their strategies and activities.

# **1. Literature review and theoretical framework**

## **1.1 An overview of Korean feminist movement against sexual violence**

In Korean society, to define Anti-Sexual Violence movement (ASV movement) is contentious work. Byun states that “ASV movement in Korea began with naming sexual damage against women by men – rape, indecent assault, and sexual harassment – violation of the right of sexual self-determination” (2004:41). Shin argues that the term ‘ASV movement’ in Korea has been developed in unique and different historical context to anti-Violence Against Women (VAW) movement in western countries such as the United State and the U.K. (2008b), which has placed a high importance on sexuality rather than gender. Lee (2012:33) explains that “there is a wide consensus to define ASV movement as a movement that problematize sexual norm which is violent and routinized by gender hierarchy and sexism”, even though it needs to be researched and discussed more to clarify its definition.

Korean ASV movement emerged within the flow of social democratization in the mid and late-1980s. Feminist activists concentrated on independent systematization against patriarchal democratization movement organizations. In the early 1990s, those feminist movement groups remarkably supported for victim-survivors of a couple of particular sexual violence cases which were such issues at that time, arguing the issue of sexual violence as a structural problem in the society which infringes the right of sexual self-determination. As supporting the sexual violence cases, they realized the absence of legal device concerning sexual violence issues to punish sexual violence acts and to support victim-survivors. As a result of their concentrated efforts, they achieved the establishment of Act on the Punishment of Sexual Crimes and Protection of Victims Thereof in 1994 (1994 Act).



From the beginning of ASV movement, in order to listen to the female victims and help them, the external forms of ASV movement was built in a way of establishing Sexual Violence Relief Center (SVRC) such as Korea Sexual Violence Relief Center (KSVRC) which is the first established counselling center which is specialized to sexual violence issue. Since 1994 Act, based on statutory duties of government to set plans supporting sexual violence victim-survivors and preventing sexual violence crime, civil SVRCs and shelters for sexual violence victim-survivors began to be built. Currently there are 161 SVRCs and 30 shelters as of January 2016, according to the Republic of Korea Ministry of Gender Equality and Family (Ministry of GEF).

As Ferree and Martin (1995) stress the importance and impact of various feminist organization's efforts over a couple of decades upon social changes, and that social changes are also an indicator of those organization's success, the status of VAW in Korean society is also a result of the anti-VAW movement led by feminist groups (Shin 2007; Lee 2012). Suh (2014) notes that it is hard to find general consensus upon the evaluation of Korean women's movement including the anti-VAW movement. However, he emphasizes that both at domestic and foreign, Korean women's movements have been highly approved its achievements which contribute to not only enactment and policy-making for gender equality, but also establishment of governmental departments regarding sexual violence and domestic violence (Jones 2006; Suh 2014).

However, it is not all of those SVRCs who identify themselves as feminist movement group against sexual violence. As Matthews (1995) accounts that Rape Crisis Centers (RCCs) in the United State vary in terms of their form, agenda, and willingness to accept fund from the government, in the case of Korea also only a few of them define themselves as a feminist movement organization against sexual violence, who set plans for ASV activities, conduct and evaluate the

activities as their core works. Most of those SVRCs which have led ASV movement from the beginning, identify themselves as progressive women's organization.

The SVRCs who identify themselves as a feminist organization, distinctively, feature to have the principles such as feminist perspective, victim-survivor-centered perspective, and activities to take back women's right to sexual self-determination. After the enactment of 1994 Act, during contentious process of institutionalization, feminist NGOs against sexual violence in Korea have strived to maintain its radical spirit and activism as a feminist movement group while supporting sexual violence victim-survivors in daily works and confronting demands of bureaucracy from government (Jung, 2003; Lee, 2012). Studies on ASV movement in the West point out the crisis of the movement that RCCs and battered women's shelter established by the influence of radical feminism came to lose their radical feminism spirit and autonomy in organizing and even they were required by the government to become professionalization and public service since they received a financial support from the government and as a result some of them rejecting the government's requirements had to be closed (Collins & Whalen 1989; Matthews 1995; Jung 2003). In Korea, moreover, tracing the phenomenon that autonomy was lost in the dichotomy of institutionalization and autonomy in the relation between ASV movement and the government, and analyzing the ways in which ASV movement became institutionalized in what political dynamics have been researched (Kim 2000; Kim 2006), which reveals the side-effect of the interruption of the government.

Shin (2008a), who attempts to overcome the binary position whether in favor of or against institutionalization, criticizes that the context of institutionalization in Korea is different from that of the West to regard institutionalization as decline of autonomy and sees that balancing between securing autonomy of NGOs and institutionalization is possible, depending on the variables of

movement capabilities that protects autonomy and keeps the perspectives of movements. Furthermore, Shin (2008b:2-3) argues that the capability of sexual politics that the notion of sexual violence entails has become inheritance of the past and also points out that “sexual politics for women’s rights is an incomplete project” and “it needs to be reconsidered in order to face the new challenge”, although ASV movement led to establish policies and institutionalization for women’s rights in the past decades.

Based on those historical context, Shin (2007) argues that South Korean anti-sexual violence movement is worthy to be researched as an example case of diverse developments of the women’s movement to end VAW, as it has its own features such as constant mobilization and unique dynamics in different conditions of background to the U.S and the U.K.

Lee accounts that Korean ASV movement put a lot of efforts on enactment movement in order “to emphasize that sexual violence is a crime which has serious illegality thus must be constrained by law” under the circumstance in which sexual violence is normalized in everyday life (2012:33). Gottschalk (2008) and Chung (2006) also point out that feminist legislation movement and law reform against sexual violence has significantly contribute to shift public attitudes toward sexual violence. However, according to McGlynn, Westmarland, and Godden (2012), although it is true that feminist movement has resulted in many outcomes through legal activities, criminalization and penalization have not succeeded to build safe society for women, nor satisfied the victim-survivors’ expectation. They also point out that meanwhile, there have been increased public demand for harsh punishment toward sex crimes (McGlynn, Westmarland, and Godden 2012).

## **1.2 Punitive turn, penal populism, and carceral feminism**

The emergence of punitive turn in contemporary society has been discussed by many scholars in social science study (Matthews 2005; Garland 2008; Pratt 2007; Wacquant 2009; Simon 2007). Examining the phenomena of the expansion of prisons and emergence of harsh penal policies in the United State and Western European countries, Loic Wacquant (2009) sees that the emergence of punitive turn such as tolerance-zero policy in 1980s in the US is related to neoliberalism. He argues that precariousness of labor market and dissolution of welfare state accompany an increase of the poor, and punitiveness is resulted from neoliberal governing logic as an alternative of the decay of welfare in order to extricate itself from the responsibility for insecurity of class structure (Wacquant 2009). And in those precarious situations, extreme moralism and individual responsibility are highly required by the penal state controlling social insecurity by punishment (Wacquant 2009). Wacquant also mentions a symbolic dimension of gender in operation of punitivism, for example, the public execration of sex offenders whose images are demonized such as the stranger pedophile “serves to symbolically purify the family and reassert its established role as a haven against insecurity even as accelerating neoliberal trends in the culture and economy undermine it” (2009:235).

John Pratt (2007), accounting ‘penal populism’ as a government policy has been affected by the message of ‘zero tolerance’ which has been spread by public demands, politicians’ manifestation, media, and so on, also understands that penal populism emerged in liberalistic value by which people demand their right to be protected by the state. He emphasizes a role of new media technology which spreads social insecurities and stereotypical images of criminal victims, and politicians utilize public sentiment influenced by the media, but at the same time they are also led by public discourses (Pratt 2007).

However, in the center of this trend of punitive turn, feminist movements against sexual violence have been argued as they have played critical role to form the penal state. Simon (2007) who interprets contemporary crime policies more actively as a political strategy of governing which has emerged similarly over class, race, and ethnicity, argues that feminist movement against rape and domestic violence has served to form a punitive frame. Further, several researches on recent feminist movement have labeled those feminist movements focusing on juridical solutions for sex trafficking and sexual violence as ‘carceral feminism’ (Bernstein 2007, 2010, 2012; Bumiller 2008; Gottschalk 2006; Reece 2011). Those studies mostly criticize that feminist struggles against sexual violence result in victimization of women and criminalization of the marginalized. Pointing out that feminist movement against sexual violence has focused on criminal law reform, Bumiller (2008) also argues that the feminist struggles against sexual violence have been appropriated by neoliberalism.

Bernstein (2012), one of the leading scholars who criticize carceral feminism, points out that feminist movements have been involved in ‘carceral policies’ combined with neoliberalism. Even though she mainly analyzed feminist organizations against trafficking women in the U.S., she also mentioned the politics of feminist movements against sexual violence in a same way. She defines ‘carceral feminism’ as ‘a cultural and political formation in which previous generations’ justice and liberation struggles are recast in carceral terms’ (Bernstein 2012:236).

Against those critique of carceral feminism, Gotell, viewing the criminal law reform in Canada as a “feminist strategy”, raises the need to be aware of the ‘carceral feminism’ framing (2015:53). She accounts that feminist law reform aims to gain public recognition about gravity of sexual violence, and feminist activists have been not only aware of the risk of overly paying attention to juridical struggles but also emphasizing the importance of extralegal strategies (Gotell

2015). While pointing out the sexual libertarianism and anti-statism in the critique of carceral feminism, she argues that without criminalization strategies, sexual violence might have been re-privatized causing regressive impact on punishment against sexual assaulters (Gotell 2015).

In South Korea, there also have been many researches on punitive turn which has emerged in Korean society since 2000 (Kim 2010; Chong 2015; Lee 2011), and even though ‘carceral feminism’ is not a common concept so far, there are a few studies arguing that Korean anti-sexual violence movement in the nineties resulted in the punitive turn in overall criminal policy (Kim 2010; Lee 2011; Lee 2010). Kim (2010) argues that there has been excessive intervention by ASV movement in the process of legislating laws regarding VAW including 1994 Act, thereby the punitive trend on criminal law has developed.

Several feminist studies also deal with the recent punitive turn around sex crimes against children in Korea. Analyzing the way media reports sex crimes against children, Kwon and Lee (2011) reveal how media reports intensively focusing on gossips of violent sex crimes affect public fear of sexual violence. Pointing out that the attitude of media reports and governmental measures regarding sex crimes against children are not value neutral, they argue that the discourse around sexual violence produced through media reports and government reaction results in social control over women such as encouraging a self-censorship of women to avoid crime, and increasing maternal responsibility to protect children (Kwon and Lee 2011).

Jang (2012) who examines the punitive tendency on public sentiment and government policies regarding sex crimes against children comprehensively, understands the punitive turn in Korean society as global phenomenon emerged all over the world since 1990s. She points out that describing sex offenders against children as monsters influences to increase social fear of sex crimes, and the fear results in the demand for harsh punishment and social segregation of sex

offenders. The recent penal policies which are based on those public demands feature social segregation of sex offenders to the maximum, prevention by intensifying judicial police power, and expansion of the government involvement (Jang 2012). Criticizing that “the recent government measures for sex crimes are focused on particular types of sex crimes and abnormal sex offenders”, Jang suggests to return to the orientation of feminist movement towards fundamental solution of sexual violence in the recent tendency of focusing on punishment against specific sex crimes (2012:231).

Choo (2014) pays attention to the discourse and its implication which enable the punitive trend in the recent penal policies. She understands the punitive turn which has emerged in Korean society since the mid-2000s as the result entangled with these components: “1) post-authoritarianism in which to toughen sentencing reflecting public sentiments toward law and punishment is regarded as democratic value, 2) neo-liberalism in which individuals have a responsibility to avoid occurrence of damages, and 3) the discourse of victim protection which has been strengthened by emphasizing seriousness of damages” (Choo 2014:77). She argues that the recent penal policies have intensified pathologization and sorting of sexual violence victim-survivors, and also have made the problems of sexual violence the matter of control on situations and opportunities.

Although those feminist researches deal with the recent punitive turn around sex crimes against children in various dimensions, the study which examines Korean feminist movements in regard to the punitivism trend has not been conducted yet. Even though Lee (2012) also mentions the risk of punitivism while she is developing her argument that ASV movement has been and should be radical, it does not consider how feminist movement against sexual violence has interacted with the punitive turn.

Therefore, in this background, this paper pays attention to Korean feminist organizations' activism against sexual violence as a counter-example to the discourse of carceral feminism in the recent punitive turn. Sharing Gotell's view on critiques of the carceral feminism, I attempt to reveal the complexity and multiple layers of reactions of feminist organization to harsh penal tendency. Through examining various dimensions of feminist activism interact with the punitive turn, this paper contributes not only to fill the research gap, but also to expand understanding Korean feminist movement against sexual violence in the recent decade within the debate on the implication of feminist movement against sexual violence for the punitive turn.

### **1.3 Research method**

#### ***A case study: Focusing on activism of Korean WomenLink***

The subjects of ASV (Anti Sexual Violence) movement in Korea are various in terms of their organizational formations, their aims, and methods. In this paper, I focus my attention on a restricted range of ASV movements based on feminist practice, given that this research project aims to grasp how the Korean feminist movements against sexual violence has interacted with the punitive turn in policies. I also pay attention to feminist organizations rather than other subjects of ASV movement. This is because the feminist legal activities which are considered to have determined the punitivist tendency in ASV legislation have been led by those feminist organizations.

However, although the legal/institutional activities against sexual violence in Korea have mostly been carried out through a solidarity of feminist organizations, it is also controversial to define which organizations are feminist organizations in terms of ASV movement. Moreover, while the organizations have carried out joint activities, each organization has experienced diverse dynamics in these situations, depending on their type of organization and activist members. Thus,



this research focuses on a specific organization, the Korean WomenLink Sexual Violence Relief Center (K-WomenLink<sup>1</sup>), as a case study. K-WomenLink has also actively engaged in legal activities against sexual violence associated with other organizations, therefore it is an appropriate case for understanding main stream of legal activism of ASV movement in Korea.

K-WomenLink is “one of the larger progressive women’s groups” (Jones 2006) and one of the most well-known and leading feminist organization in Korea, which was founded in 1987 promoting women’s activism in everyday life. It is one of the organizations which politicized sexual violence as a social problem for the first time in Korean society and led the enactment of the “Act on the Punishment of Sexual Crimes and Protection of Victims Thereof” in 1994 (1994 Act). K-WomenLink launched the “Family and Sexual Counseling Center” in 1995 and transformed the center to “Sexual Violence Relief Center” in 2005. From the beginning, it has paid attention to the importance of cultural change in daily life and people’s perception on sexuality and gender, therefore its activism has equally covered both legal/institutional struggles and non-legal activities (K-WomenLink 2008). Especially since the mid-2000s, K-WomenLink has actively manifested its concerns about the punitive turn on sex crimes in various ways and has been performing diverse non-legal activities with the purpose of drawing attention to the issue and challenging stereotypes of sexual violence in daily culture.

### ***Research data***

As the aim of this study is to grasp how the Korean feminist movement against sexual violence has reacted to the punitive turn, I mainly look through sources produced by and related to the organizations, combined with interviews with activists from Korean WomenLink. The basic sources which this research draws upon are K-WomenLink’s official documents and ten semi-

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<sup>1</sup> K-WomenLink is a non-profit incorporated association which consists of its members and a board of directors. Its actual activities are mainly run by full-time activists and volunteers.

structured in-depth interviews of activists from five feminist NGOs against sexual violence, including K-WomenLink. The organizational data includes annual reports, statements and official reviews, news articles containing K-WomenLink activists' interviews or their activities, regular newsletters for its members, its history book, and source books produced for various projects and events from 2005 to 2015. I also conducted ten semi-structured in-depth interviews with activists who have worked at feminist NGOs against sexual violence including four activists of K-WomenLink.

This research views activists as main actors of the feminist movements in Korea. Pointing to the NGOization of Latin American feminist movements, Alvarez (1999) explains NGOization as being characterized by a bureaucratic organizational system, contracting-out projects, and mainly being run by full-time activists. Kim (2005) also addresses the professionalization and NGOization of Korean feminist movements, also arguing that in these settings, activists play an important role as main actors of the feminist movement.

The selection of informants was considered according to various dimensions. The main criterion for selecting informants was that the activists were currently working or had worked during the recent couple of years, at least since 2009 or before, as I pay attention to a famous sex crime case against children which took place in 2009 ('Jo's case' - I deal with this case in the next chapter). Apart from four informants from K-WomenLink, I also interviewed activists from other feminist organizations against sexual violence for these reasons: 1) to develop a more accurate understanding of joint legal activities through other organization's experience, 2) to compare whether the perceptions and dilemmas of activists –which are not officially expressed- vary depending on the organizations. Thus, considering the diverse features of each organization, I conducted more interviews with: 1) three activists from Korean Sexual Violence Relief Center (KSVRC) which is the oldest and largest Sexual Violence Relief Center (SVRC) in Korea, 2) one

activist from Korean Women's Hotline which deals with sexual violence and domestic violence simultaneously, 3) one activist from Women with Disabilities Empathy which is specialized in counselling and supporting sexual violence victim-survivors with intellectual disabilities, and 4) one activist from one of the branches of K-WomenLink, which has mainly focused on local activities. The informants' positions and careers as activists of feminist NGOs are illustrated below.

<b>Informant</b>	<b>Position</b>	<b>Period of working at feminist organization</b>	<b>Career as an activist</b>
A	Executive secretary	2009-2015	6.5 years
B	A manager	1999-2015	16 years
C	team manager	2006-2016	10 years
D	Executive secretary	2005-2015	10 years
E	A manager	2004-Present	11 years
F	A manager	2004-Present	11 years
G	A manager	1998-Present	17 years
H	A manager	2008-Present	7 years
I	A manager	1991-Present	24 years
J	team manager	2002-present	7 years

**Table 1. List of Interviewees**

I recruited most of the informants through personal contacts, as I had worked as an activist at K-WomenLink from 2008 to 2012, and emailed a couple of informants after I was recommended to contact them by other informants who understood the aim of this study. All interviews were conducted during my field work for this research project which was performed in April 2016 in Seoul, Korea, except one interview conducted in the city of Gyeonggi-do, Korea. The interviews were one-to-one meetings at cafes or organization's office, and the length of interviews varied from an hour to 3 hours, but 2 hours on average.

## **2. The legal activism of K-WomenLink against sexual violence since 2005**

### **2.1 An overview of legal activities of K-WomenLink**

Lee (2007) addresses that the ASV (anti sexual violence) movement in Korea has focused on raising public consciousness of gravity of sexual violence, preventing secondary damages from governmental authorities on the juridical process, and challenging victim blaming culture. K-WomenLink's activism against sexual violence has also covered legal/institutional activities and cultural activities rooted in daily practices. According to its history book, K-WomenLink has carried out its activities focusing on 1) supporting sexual violence victims/survivors and raising claims upon problems of sexual violence cases, 2) setting legal system and institutional devices, and 3) sex education emphasizing sexuality as a right (K-WomenLink 2008).

After the ASV movement achieved to enact the “Act on the Punishment of Sexual Crimes and Protection of Victims Thereof” in 1994 (1994 Act), K-WomenLink has continued to carry out various legal activities addressing omissions or problems within the juridical system, such as law reform or monitoring of the juridical process. Those law reform and legislation activities were usually carried out in solidary with other organizations. K-WomenLink has also organized activities aimed at establishing a better supporting system for sexual violence victims/survivors as well as making certain sexual violence cases public.

#### ***Law reform and legislation activities***

In terms of law reform, feminist organizations' comprehensive orientation of law reform and additional legislation regarding sexual violence during the recent decade is well presented in the source book on the open forum which was held by the organizations in 2004 to commemorate the 10th anniversary of 1994 Act. In this forum the organizations discussed outcomes and

limitations of the enactment and law reform in view of feminist jurisprudence. The key speakers pointed out 1) the limitations of 1994 Act itself such as the article mentioning crimes subject to victim's complaint, an absence of a clause for rape without violence or intimidation, and the problems taking place on application and interpretation of 1994 Act including impeaching a victim-survivor, accusations from assaulters for defamation or calumny, and 2) the implication of the concept of sexual violence in law for women as the subject of their sexuality. Those issues pointed out at this forum were constantly dealt with by the organizations in their subsequent legal activities in the form of propositions to a revised criminal bill, a signature campaign, and submission of a written opinion to Supreme Court.

In addition to activities for law reform, K-WomenLink also pushed additional legislation in order to supplement inadequate articles. Especially in terms of stalking crimes, although the issues of stalking has been raised numerous times by feminist organizations previously, there had not been any juridical sanctions against stalking actions until 2012 while the proposed bills regarding stalking had been repeated to bring in and to be discarded. However, in 2012 regardless of the claims of the organizations, the Minor Offenses Act including the stalking action was passed in the National Assembly, thereby stalking actions became a punishable action which is fined 80,000 KRW (around 70 USD). K-WomenLink, with KSVRC (Korea Sexual Violence Relief Center) , opened a debate on April 2014, which pointed out that the gravity of damages from stalking which might cause more violent situations such as murder under the circumstance in which stalking is treated as a misdemeanor. They urged to legislate against the stalking action.

Through these legal activities of K-WomenLink and other feminist organizations, the range of punishable sexual violence actions has been expanded. However, as Gotell states that the purpose of feminist law reform is "to gain recognition of the harms caused by sexual assault, not

to punish and incarcerate perpetrators” (2015:69), the orientation of legal activities of K-WomenLink has been also social relief of sexual violence through institution. K-WomenLink also states that “there are still many cases which cannot be dealt with by law or in which secondary damages by the administrators of juridical process in police office and the prosecution, even though laws regarding VAW (violence against women) has constantly reformed and supplemented” in its Annual report (K-WomenLink 2008:132).

### *A rationale behind the claims for strict punishment*

Despite the existence of regulations, the lenient practices and attitudes of the authorities’ toward sexual violence are resulting in K-WomenLink demanding a more stringent punishment on sexual violence. However, the demands for a strict application of regulations on sexual violence have been mainly directed towards cases which had serious problems of procedure, or which were judged influenced by victim blaming or sympathy for the assaulter’s narrative. For instance, in the case of sexual molestation against a number of children by a priest in 2003 in Busan, Korea, the police officer lost the video tape which contained the testimonies of victim children, and the prosecution did not accept the credibility of the additional testimonies. The perpetrator was not accused. K-WomenLink along with many organizations jointly demanded reinvestigation of the case and urge to punish the perpetrator, the claim was not accepted and rather the assaulter accused the representatives of organizations of defamation.

Other cases targeted by the organization were those with socially high-positioned. Especially K-WomenLink’s claims for stringent punishment on specific cases have targeted sexual violence cases involving members of the National Assembly (MNA). For instance, in 2006 when the indecent assault case by one MNA was taken place, K-WomenLink and other organizations urged to reform the National Assembly Act enabling a disciplinary punishment against sexual

violence action by MNAs, and demanded that the perpetrator voluntarily resigned. The perpetrator was given a suspended sentence in the appellate trial overturning the judgement on the first trial sentencing 6 months in jail with probation for 1 year. In the joint statement announced on June 14<sup>th</sup> 2007<sup>2</sup>, K-WomenLink and other feminist organizations criticized the fact that the court resulted in spreading the notion that sexual violence is a minor offense.

Feminist organizations' claims based on 'zero tolerance' against sexual assaulters particularly targeted the socially high-positioned including politicians, as there was a strong customary practice which was generous towards these perpetrators of sexual violence. This trait offers a counter-example to existing research which argues that the feminist movement facilitated criminalization of the marginalized (Wacquant 2009; Bernstein 2012). Furthermore, it is also need to be attended that although the feminist movement against sexual violence had argued strict application of punishment, it was not in a way of making individual perpetrators 'monsterized', but in a way of placing the matter of sexual violence as social problem. Including those cases above, in every statement and official review regarding specific sexual violence cases from 2005 to 2015, K-WomenLink raised the structural dimension of each case and claimed to establish or supplement institutional devices. This is a very important feature of K-WomenLink's legal activism distinguished from the punitive turn which emerged in penal policies led by government, which I examine in the next part.

## **2.2 The emergence of punitive turn on sex crimes and K-WomenLink's early reaction**

The trend of demanding to strengthen punishment around sex-crimes against children has explicitly emerged in Korea since 2006 (K-WomenLink 2011; Lee 2012; Jang 2012; Choo 2014).

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<sup>2</sup> <http://womenlink.or.kr/statements/2660> [last accessed 12 June 2016]

In February 2006 a case of rape, murder and abandonment of the corpse of an 11 year-old-girl took place in Yongsan, Seoul (Yongsan case). The press reported this case highlighting the fact that the murderer was a middle aged shoe shop owner who had a previous conviction for a sex crime. Public concerns on sex crimes against children rapidly increased and the demands for surveillance of sex offenders against children became stronger.

When the Yongsan case became known to the public by the press, K-WomenLink and other feminist organizations which had argued sexual violence as a matter of gender hierarchy, stood in the same position claiming to strengthen a system of community notification for the public regarding sex offenders against children. In the joint statement titled ‘We want to protect our children from sex crimes. Do strengthen the Juveniles Law!’ announced on February 21<sup>st</sup>, feminist organizations strongly argued for the expansion of accessibility to information about sex offenders (K-WomenLink 2007). Also in the joint statement announced before the first trial on 30th March, the organizations stated that “the case could have been prevented if there was a system of community notification for the public regarding sex offender against children which had been argued by women’s organizations and youth organizations” (K-WomenLink 2007:317). Furthermore, after the first trial which sentenced to life in prison for the perpetrator, and to three years in prison for the accomplice of abandonment of a corpse, the organizations, in their joint official comment on April 25th, blamed the written judgement which included the practice of judiciary in which reduce sentence for the reason why it occurred without intentionality and the perpetrator regretted the crime (K-WomenLink 2007). They also stated that they would watch whether or not the other practice in which reduce sentence at a trial on an appeal maintained.

In terms of sex crimes against minors, K-WomenLink had taken a firm stand on it even before the Yongsan case like other feminist organizations. Particularly feminist organizations



agreed with the introduction of the community notification system modeled on Megan's Law<sup>3</sup> in the United States. According to KSVRC, the organization agreed with the establishment of the notification system for these reasons: 1) to build a community safety net and through it, to overcome the culture of blaming sexual violence on the victim-survivor, 2) to provide a system for preventing recidivism, and 3) to change the reality in which a perpetrator is not identified, but a victim-survivor is exposed (Lee, Lee, and Jang 2011). After the establishment of the community notification system, the organizations had claimed reforms of the Act on the Protection of Children and Juveniles against Sexual Abuse (Juveniles Act) including aggravated punishment and strengthening public notification systems regarding sex offenders against children, as well as restriction on employment of sexual offenders.

Choo (2014) points out that the emphasis of the seriousness of sexual violence against minors and people with disabilities is not only a recent phenomenon, exemplifying the reform of 1994 Act in 1997 which included an expanded application of intellectual disabilities as requirement for quasi-rape, and application of offense indictable without complaint and aggravated punishment on rape and sexual molestation against children under aged thirteen. Thus those demands for stringent policies by feminist organizations can be understood as being in the direction of the movement's legal activism which had urged rigorous punishment against sexual violence as I

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<sup>3</sup> "In 1994, 7-year-old Megan Kanka was raped and murdered by Jesse Timmendequas, a convicted sex offender who had been released after serving a maximum sentence. In response to this event and other sex crimes, community members successfully lobbied for the enactment of a law requiring sex offender registration and public notification that a sex offender is living and working in the community" (Internet Homepage of National Institute of Justice, USA) <http://nij.gov/topics/corrections/community/sex-offenders/Pages/about-megans-law.aspx> [last accessed 06 June 2016].

addressed above, and also in the context in which they actively considered the fact that the victims of crime are children and minors who are regarded as the object of social protection.

However, in the first joint statement regarding the Yongsan case, while the organizations including K-WomenLink took a hardline stance toward sex crimes against minors, on the other hand, they also argued to strengthen education for sex offenders and to set a long-term plan for preventing sexual violence. This plan proposed an extension of sex education into the official educational system and an increase of the actual budget for implementing this plan. In another joint statement regarding the judgement of Yongsan case the organizations also mentioned that they had tried to avoid claiming a death penalty in this case considering its extreme effect, despite the sufferings of the victim's family. They also pointed out that the problems on the juridical process which did not consider and support the family of victim, and manifested that they would carry out litigation movement against the government for its responsibility in preventing sex-crimes. This also reveals that the organizations basically viewed sexual violence as a structural issue – correctable through education and counselling.

Since then, around a series of sex-crimes against children reported almost every year, there have been discussions on following measures; An expanding application of the electronic anklet system, aggregated punishment on sex-crime against children under aged thirteen, building a DNA database of sex offenders, removal of the condition of drunken status as a factor of commutation, raising the maximum limitation of imprisonment, extension and exclusion or abolition of prescription of a public prosecution, expansion of the disclosure system of personal information of sexual offenders, pharmacologic treatment of sex offenders' sexual impulses, management of sexual offenders, system of care and custody, restriction on employment of sexual offenders, penalty on possession of child or juvenile pornography, and so on.

The overall pattern on those penal policies led by the government is clearly different to those feminist organizations who have argued for law reform as a fundamental solution for sexual violence. In 2007 feminist organizations including K-WomenLink, jointly with several MNAs, proposed a revised criminal bill. The bill contained inserting a clause concerning punishment on sexual action without consent, abolition of conditions “by means of violence or intimidation<sup>4</sup>” as requirement for rape, abolition of conditions “inability to resist<sup>5</sup>” in terms of sexual violence against people with disabilities, and abolition of the article providing crime subject to victim’s complaint. While the policies on sex crimes proposed by the government mostly focused on strengthening punishment as a priority way, the organizations’ interests were more imposed on expanding possibility of punishment. Even though the public sentiment seemed to be highly interested in sexual violence matters since the Yongsan case and several sexual violence cases including the MNA’s indecent act, the revised bill was delayed to be discussed, and eventually discarded at the termination of the term of the 17<sup>th</sup> National Assembly, while statutory punishment for sex crimes against children under thirteen and people with disabilities was strengthened and the Act on Electronic Monitoring of Specific Sex Criminal Offenders was enacted in the same year.

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<sup>4</sup> Article 297, Chapter XXXII Crimes concerning rape and infamous conduct, Criminal Act

<sup>5</sup> Article 299, Chapter XXXII Crimes concerning rape and infamous conduct, Criminal Act

### 3. The perception and dilemmas of feminist activists

#### 3.1 The perception of activists in feminist organizations on punitive turn

The manifestation of K-WomenLink's awareness of punitive tendency on sexual violence began to emerge in 2008. In January 2008, the press reported the disappearance of two elementary school girls in Anyang-si, Korea (Anyang case). Two months later, the case was eventually revealed as a murder involving the dismembering and abandonment of bodies after their abduction and sexual molestation. The public outcry over the brutality of the case reached an extreme point including intensive blame for the incapacity of the government and police. Moreover, the murderer also confessed another murder case against a woman in her 40s taken place four years ago near the region. Shortly thereafter, the government and members of the National Assembly proposed various measures, including a proposal to extend the application of electronic tracking device, building a DNA database of sex offenders, and additionally raising the sentence lengths of sex crimes against children. As a response to those situation, on April 14th, K-WomenLink, posted on its internet homepage its official review titled "An official review on recent governmental measures and public opinion about sexual violence" which stated that the punitive discourse must be avoided because

*"1) Strengthening penalty is not a fundamental solution for preventing sexual violence, 2) These penal initiatives are limited in their scope and effectiveness in protecting potential victims, and 3) a focus on punitive policy makes it more difficult to discuss long-term plans such as setting up sex education, inciting a change of daily culture and public opinion".*

Nevertheless, the National Assembly brought in a revised bill which supported raising the ceiling of sex-offender sentences, medical treatment and custody. Feminist organizations including K-WomenLink held a press conference on May 15<sup>th</sup> expressing strong opposition to the proposed

bill. In the conference, they pointed out that the rate of police reporting of sexual violence is still very low and the rate of follow-up prosecution is also low, therefore toughening punishment cannot be the fundamental solution for eradication of sexual violence. According to the statistics of ministry of gender equality and family (MGEF) in 2013, only 1.1% of sexual violence victims reported it to the police. Although there are various reasons that people do not report sexual crime to the police, still about 15% of sexual violence victims who did not report it concern about being known as sexual violence victim (MGEF, 2013). It reflects that there is still taboo on being sexual violence victim which comes from traditional perspective on sexual violence as losing their honor. They also criticized that the government and politicians were merely displaying measures in a way of penal populism without including in-depth discussion.

However, even though the NGOs expressed their opposition to the harshening of penal policies, they did not carry out explicit activities against those policies. In the annual report of 2008, K-WomenLink addressed that it had a dilemma within a dichotomous frame in which opposition to harsh punishment against sex offenders is directly interpreted as advocacy of perpetrators' rights, not victim-survivors' rights. Thus the organizations including K-WomenLink, attempted to collectively react to governmental policies but they struggled to reach an agreement on each policy and maintained doubts as to whether it is an appropriate mode of action to raise the issue of the human rights of sex offenders as an organization that supports sexual violence victims/survivors. Eventually the organizations agreed to separately submit written opinions to the National Assembly, and did not manage to collectively organize other activities to block the passage of the bill.

### 3.2 The Dilemmas of activists regarding public demands for harsh punishment

The dilemma of activists reached its peak when ‘Jo’s case’ gained public awareness. ‘Jo’s case’ is a rape crime against a seven-year old girl which occurred on December 2008, in Ansan, South Korea. This case was known to public through one of TV program ‘Ssam’ broadcasted on 22nd September 2009 reporting situation of sex crimes against children as the time after one year of enforcement electronic anklet system. The TV program ‘Ssam’ reported the brutality of Jo’s case in detail: “the perpetrator in a drunken state raped the girl who was going to school in the morning, causing serious damage of the victim-survivor’s organs.” As soon as it was known to the public that the perpetrator was only sentenced to twelve years despite the victim-survivor’s serious injury, it provoked an extreme public anger towards the offender and the ministry of justice on the internet (Park 2009). The Korean society was once again embroiled in a flaming controversy on sex crimes against children.

Contrary to the public outcry, K-WomenLink did not make any official response to the Jo’s case during the early phase. Informant-A remembers that there was a kind of skeptical attitude of activists about public outcry over Jo’s case.

*What I was a bit surprised at was the skeptical attitude of my colleagues like, ‘well, the media is doing like that again’. I sympathized with them to some extent but nevertheless, I thought there might be something more that we should say. But as I was a new activist at that time, so just followed others. (2016 interview)*

As one activist of K-WomenLink wrote in its newsletter that “sexual violence cases in various forms always take place in daily lives, and it was also familiar to me that sometimes only a few cases exposed by media are paid attention focused on the most sensational points” (K-WomenLink 2009), for feminists who had constantly carried out anti-sexual violence movement for a long time, the social situation around Jo’s case was not so special. As Pawson (1993) argued

that the impression of violent crime is formed by a media report, not by an official statistic, most informants pointed out that the amount of media reports was enormous and the contents were too much detailed focusing on the brutality. This phenomenon and the importance of role of media in terms of forming a fear against crime have also been pointed out by Kwon and Lee (2011) as there is very little probability of experiencing a crime apart from hearing news.

The activists perceived that although the public discourse on harsh punishment was very active, it was a temporal anger based on the brutality of the case. The anger was exacerbated especially from the fact that it was against a ‘young’ girl, rather than a fundamental reflection on the matter of sexual violence. The activists thought it showed that the public attitudes on sexual violence was still distorted and biased.

*In fact, the reason why the case was paid attention was, it was a young girl, there was serious physical injury, it was happened by a stranger, the perpetrator didn’t apologize or regret... so it was a kind of set for public outrage. However, what we’ve always said that, in a same case but if the object is different such as an adult woman, then people treat it differently, blaming a victim-survivor, like ‘why did you get drunken?’ [...] In the case if we delete the ‘young girl’, then this case is not the case anymore that people react to, sympathy to, and get angry with. (Informant-J, 2016 interview)*

Moreover, according to Lee (2012), in 2009 while KSVRC was preparing to move its shelter for sexual violence victim-survivors with a support of SH Corporation of the Seoul Metropolitan services, the activists heard the news that neighbors of the new shelter filed a complaint opposing moving in unpleasant facilities. The activists were outraged for people’s duplicity on the matter of sexual violence as it was the time when public outcry was reaching its peak point around Jo’s case. Nonetheless, they had to give up moving in as a security of shelter users is a priority.

For those reasons, the activists perceived that the reaction of the public was not different than it had been to other similar cases since the mid-2000s. Thus most informants recognized those cases a part of a larger pattern rather than as a specific case. This shows the difference of point of views between feminist organizations and public discourse, which means that feminists paid more attention to the punitiveness tendency of public discourse on sexual violence and causes of it rather than focusing on the traits of each case.

In fact, activists' awareness of the risks of the punitive tendency was much stronger than what they expressed officially. Activists considered the situation in various dimensions. Informant-H mentioned the concern that it might have an implication by which people neglect sexual violence against women occurred by acquaintances that people pay attention to sex crimes against children.

*Because our organization has politicized VAW, I guess we were quite concerned that the public opinion focused on 'children'. [...] In terms of VAW, although it has constantly happened people have not been interested. And we have talked that sexual violence cases have occurred in intimate relationship or mainly by acquaintances, nevertheless I thought the discourse in which sexual violence occurs against children by a stranger was rapidly raised. That's why we reacted sensitively (to the punitive turn). (2016 interview)*

As I examined before that Korean feminist organizations has raise the issue of sexual violence focusing on sexuality rather than VAW, the activists had to explain the context of sexual violence against two different subjects, children and adult women. While the discourse around sex crimes against children was focusing on the need to protect, the activists were worried about the impact on diminution of women's sexual subjectivity as women becomes tied to same category with children who need to be protected being victimized (K-WomenLink 2011).

Informant-C said that she was paying attention to the implication of the usage of sexual violence in political dynamics.



*As far as I remember, I was more interested in how the fear and anxiety about sexual violence arouses people, who/what utilizes the outcry, and what benefits are there from it, these kind of things. So for example, (under the circumstance of) neoliberalism, how it relates to institutionalization, and as we were under conservative presidential regime at that time, how conservative lawyers and politicians' attitude to deal with the cases were... And so it was a concerns about how the matter of sexual violence was approached.” (2016 interview)*

Pratt (2007) explains that the penal policy on sex offenders is one of the most influenced realm by penal populism. As Weber and Lee (2009) argue that promoting public fear of crime is an inevitable component of governing, Wacquant (2009) also points out that in the neoliberal governing logic, the diffusion of fear for crime is a golden chance for politicians to appeal to the public by showing their will to control social disorders through tough penal policy. Moreover, through positioning itself as a solver, the state can evade to be called to account of crimes and social insecurity (Pratt 2007; Wacquant 2009). The responsibility of security is individualized, and it runs counter to the premise of feminist which regards sexual violence as socially structured. Informant-F commented that there might be potential connection between employment of electronic anklet system and business profit of company which take a charge of developing devices. The expansion of prison business and its profit under contemporary punitiveness is also pointed by Wacquant (2009).

However, K-WomenLink was still passive in expressing its counter opinion on harsh penal measures, although it evaluated that it needed to utilize media more actively in order to raise public awareness as a reflection of the situation around Anyang case in 2008 (Korean WomenLink 2009). The activists explained the reasons why they could not manifest their concerns about punitive tendency like followings.

According to informants-A, C, F, there was still the difficulty of manifesting opposition to punitive policies because it could affect the organization's main activity which is to counsel and support sexual violence victim-survivors.

*Because there are sexual violence victim-survivors. If we say there is a 100% of the feeling of victim-survivors, it is different matters that we sympathy to the 100% of their feeling as it is and that we speak out the 100% of their feeling (as our opinion). Of course I sympathy to their feeling as an (ASV) activist, but it was hard to persuade them that I was hardly agree with the claims like a death penalty against perpetrators according to the 100% of their feeling, so there was a hesitation while I was worried about how to convince victim-survivors as an ASV activist, and how to make this activism together (with victim-survivors). [...] I think there is a challenge in ASV movement that we should talk at two different points, one is to raise our voices in society about what we argue (for the issue of sexual violence), and the other is to explain each circumstance under which victim-survivors are. However, it's not two different stories for me, it is a same story in a same context, [...]. (Informant-C 2016 interview)*

Simon (2007) points out the rise of the crime victim subject as a key political player in contemporary society. Although ASV movement in Korea has aimed to reveal sexual violence victim-survivors' experience, it is obvious that Korean ASV movement has been led by whom identifying as feminists rather than victim-survivors themselves – in many times those identities are not separated and thus feminist practices to have raised the matter of sexual violence as social issue have been carried out in seeking to reveal victim-survivors' experience in context of gendered and hierarchical society. In the situation where the voice of sexual violence victim-survivors was ignored feminist movement against sexual violence strived to disclose the reality of normalized sexual violence in daily lives. However, as victim's right is placed opposed to perpetrator's right

in the recent punitive turn, the activists who have considered sexual violence issues in social structural context are confronted to the matter how to speak for victim-survivor subject.

In addition, informant-H also mentioned that as an organization which has members of association, the activists should consider the members' overall opinion on certain issues.

On the other hand, some informants pointed out that although they wanted to speak out their opinion on the risk of punitive tendency, the channels were very limited except organization's own platform. Particularly informants-B, F, I also pointed out that although there were a lot of requests to interview from various media, most of them already expected to hear strong agreements for strengthening punishment from feminist organizations and many interviewers were surprised at the fact that the organization had an opposite opinion. Furthermore, the way activists' interview answers were being used was often improper in explaining the reasons and context.

The change of relationship between the government and NGOs also played an important role which made the organizations hard to make immediate reaction to penal policies led by the government. Informants-B mentioned that it was hard to make immediate comments to the penal policies proposed by the government. According to its annual report, K-WomenLink notes that although the activists tried to monitor the governmental policies, there were limitations which merely pointed out the problems on the policies already announced to conduct as there was a limitation to access those information (K-WomenLink 2014).

The shift on relationship between the state and the organizations can be discussed in two dimensions, institutionalization and the emergence of conservative regime. Addressing the process of institutionalization of Korean ASV movement, Shin (2008:111) accounts the relationship between Korean ASV movement and the state as "conflictual cooperation" referring to Giugni and Passy (1998). Arguing that the crisis of the conflictual cooperation relationship has emerged since 2000, Shin mentions the possibility which "a definition of violence and method of solving a

problem which were based on knowledges from organizations in field can be excluded or marginalized by a conventional system which has defined what professionalism is” (2008:103). As the process of institutionalization has advanced, feminist organizations who have led ASV movement have been excluded from making policies regarding sexual violence and experts in another area such as legal scholars, psychologists, or criminologists have been replaced.

Gottschalk (2008), arguing anti rape movement in the United States facilitated the carceral state, points out that the women’s movement in the United States had close relationship with the state when demands for strengthening penal policies was heightened. In the case of Korea, although feminist organizations against sexual violence actively interacted with the government under liberal presidential regimes, the organizations also strived to reinforce their autonomy as a feminist group within the conflictual cooperation relationship (Shin 2008). However, since the conservative regime began in 2008, the relationship between the government and progressive NGOs including feminist organizations has been rapidly worsened (Jung 2014). In those shifted circumstance in which feminist organizations’ knowledge is marginalized and it becomes hard to expect the co-operative relationship with the government, the activists had trouble to catch and intervene the law reform process led by the government.

While the activists of K-WomenLink were struggling to decide how to react to the situation thus there was none of official manifestation regarding Jo’s case, the controversy over the case had blown up on the internet, those situations affected the organizations’ daily activities more and more. For instance, the amount of counselling request increased especially including the cases which appeal their sexual violence experience in childhood, and activists were much more frequently asked interview from media. Additionally, they were also confronted with claims that the organizations should demand harsher punishment for those sex crimes from the front.

K-WomenLink uploaded their first manifestation regarding the case on the organization's homepage on 6th October as the form of the statement by Korean Association of Sexual Violence Relief Centers (KASVRC). In this statement, the association urged to set up measures for eradication of sexual violence against children. However, nine claims of the statement included strengthening sentence in case of sexual crime in drunken and sexual crime against children causing serious injury. This statement also contains other requirements such as setting up fundamental precautions against sexual violence, urging media to name the case from the perpetrator's name instead of the victim-survivor's pseudonym, and reinforcement of supporting system for sexual violence victim-survivor in the juridical process, thus this shows the dilemma of activists between public sentiment and their concerns about punitive turn.

Despite the activists' struggle to express their position on punitive tendency, a couple of weeks later K-WomenLink began to manifest its opinion in opposition to punitivism through various channels. According to the newspaper article of *Kyung-hyang shin-mun* on October 14th 2009, a manager of K-WomenLink argued that education against sexual offenders and measures for supporting sexual violence victims/survivors should be reinforced rather than focusing on harsh punishment (Park 2009). While pointing out the problem of the commutation due to the drunken status, she argued that government and politicians' penal populism is not only useless to solve sexual crime but also harmful as it is likely to make the issues too simple. In K-WomenLink's newsletter, one activist also argued that the idea of social segregation of sex assaulters does not help to solve the matter of sexual violence in a fundamental way pointing out the tendency of penal populism around Jo's case.

In the heightening public sentiment to Jo's case, internet users suggested a candlelight vigil and it was held on 10<sup>th</sup> October. The activists perceived the public outcry as a temporal anger focused on the brutality of the case, and judged that the situation was not adequate enough to raise

problems against people's demands such as the death penalty or unconditional toughening of sentencing. Nevertheless, the activists attended the candlelight vigil expecting to make a chance to talk to people about their suggestions (K-WomenLink 2009). According to K-WomenLink's newsletter, at the candlelight vigil the activists met one participant who introduced herself as a member of K-WomenLink. She complained to the organization about its passive reaction to Jo's case, and the reason why women's organizations such as K-WomenLink had not insisted strong penalty against sex offenders mobilizing people's anger (K-WomenLink 2009).

Including this anecdote, according to the annual report of K-WomenLink, Jo's case became a kind of chance to realize that there was a gap between the public opinion on the role of ASV movement organizations and the organization's actual activities, thus made the activists agonize about established forms of their activism (K-WomenLink 2010). K-WomenLink drew a conclusion that it should try to communicate with the public opinion in more active way, and to pay more attention to cultural activities challenging distorted consciousness of sexual violence (K-WomenLink 2010). Thus in the next chapter, I will examine how the activists set their strategy against punitive turn, reflecting these perceptions and dilemmas into their activities.

#### **4. Multiple strategies of K-WomenLink against the punitivism tendency**

Korean WomenLink, on the one hand, took an opposed stand against punitive turn and warned the risk of punitive policies focused on few extreme cases, on the other hand, tried dual tactics in order to complement the problems of the existing regulations.

##### **4.1 Multiple strategies in legal activism**

###### ***Utilizing the heightened public interest in sexual violence***

As the activist mentioned in its newsletter, they wanted to utilize the public sentiment in which people's interest in sex crimes against children was heightened. Whereupon K-WomenLink used the situation strategically to persuade people of what it had argued in their legal activities since before. In Jo's case, the main reason why the sentence was reduced is due to the sentencing guidelines which allows one to decrease the amount of sentence given for drunken assaulters as they are regarded as feeble-minded persons. Thus feminist organizations including K-WomenLink organized a signature campaign for deleting the drunken status as a reason of reduced sentence in the sentencing guidelines. The activity of petition continued for about a month and finally the signed papers was submitted to Supreme Court on October 26<sup>th</sup> 2009.

On February of next year, another violent sex crimes against the juvenile was known to the public. In the public sentiment around this case known as Kim's case, K-WomenLink, associating with other organizations, had a press meeting to urge reforming the article prescribing crime subject to victim's complaint on sexual violence law.

###### ***Clarifying an opposed position to punitive turn in penal policies***

K-WomenLink also began to express its position against penal populism more actively through interviews with the press, warning the risk of punitive policies focused on few extreme cases. On the one hand, the activists manifested their opposition to the overall pattern of

governmental policies pointing out those were not being planned within comprehensive projects. As Informant-B mentioned that it was very hard to answer what their opinions were on each measures at that moment, on the other hand the activists set long term plans to review each measures conducted by the government by holding seminars and conferences.

Through the process, the manifestation of K-WomenLink's position opposed to punitive turn and penal populism has become much clearer (K-WomenLink 2011). In the open forum held by K-WomenLink on November 8<sup>th</sup> 2011, the activists discussed the pattern of counselling and public discourse on sexual violence by analyzing its statistics for the past five years. They clearly pointed out the problems on penal policies driven by the government for the following reasons:

*1) The effectiveness of those policies is not verified, 2) the punitivism can cause the effect that makes sexual assaulters be considered as a kind of 'monster', which make people difficult to conceive sexual violence as a problem based on daily-life, and 3) the punitive tendency is connected to the flow of strengthening surveillance state (K-WomenLink 2011).*

In Korean contemporary history, it was not unfamiliar that the state emphasizes social insecurity and then employs measures which is violating human rights as the way of control over social disorders while rulers take advantages from it (Kwon and Lee 2011). The activists of K-WomenLink recognized the attempts of the state to intensifying the state's power on surveillance disguised as measures against sex crimes.

#### **4.2 K-WomenLink's cultural activism outside of laws**

As I mentioned above, K-WomenLink had constantly carried out various extra-legal activities since the beginning, being aware that to solve the matter of sexual violence by law and institutions has limitations (K-WomenLink 2008). With the recognition of punitivism tendency on



sex crimes, K-WomenLink has put more effort to narrow down the gap between law/institution and public awareness into its non-legal activities.

This keynote of K-WomenLink's activism against sexual violence was also maintained while the activists was agonizing to decide their reaction to Jo's case. The activists attempted to run participant programs which people can examine their own perception of sexual violence at the candlelight vigil on October 10th. In addition, on October 17th 2009, with other feminist organizations K-WomenLink organized a street action day, which includes a signature campaign against reduced sentence due to the drunken status, open mic to express people's anger, participant programs to raising public consciousness on rape culture. According to the annual report of KSVRC (2010), one of the organization co-hosted, the aim of this street action was to diffuse public interests on Jo's case into deep-seated problems of overall sexual violence. The organizations also announced a joint statement on the same day, which manifested their opinion suggesting the shift from the anger to the reflection for ultimate solution. This statement contains those organizations' comprehensive point of view on the social and political atmosphere around Jo's case. In the statement, they illustrate the reality of sexual violence victim-survivors during the non/legal process after their cases and suggest to use the power of anger in order to 'every' sexual violence beyond sex crimes against children.

The strategy to pay more attention to cultural activities has been reflected to K-WomenLink's further activities. K-WomenLink has engaged in various activities to challenge the existing culture encouraging sexual violence and to promote a change on people's distorted consciousness regarding sexuality. Lee (2012) addresses that Korean feminist movement against sexual violence has not only paid attention to legal/institutional activities but also carried out various activities such as supporting sexual violence victim-survivors, sex education to edify

gender sensitivity, and cultural activities aiming changes on rape culture in diverse methods and strategies.

Particularly, K-WomenLink has paid attention to the importance of social prevention against sexual violence by reinforcing sex education in public school as a tool for challenging rape culture and stereotypical notions on sexual violence such as victim blaming.

Especially, it has already emphasized the need to strengthen education of sexual assaulters to prevent crime recidivism. Thus, during the last several years, on the one hand it has engaged with educational programs against sex offenders in correctional facilities as a decision of the court, and on the other hand, it has also developed private educational programs for sexual perpetrators who have not been convicted, but are asked to attend the program as an agreement between parties.

***An invention of the ‘after case’ program for a community***

It is a huge fruit of feminist movement against sexual violence that improve public sensitivity on sexual violence comparing to 25 years ago when this movement began to be active. Although there are still various misconceptions on sexual violence in social, the term “sexual violence” is not any more unfamiliar to people and it has been recognized as a problem. However, as we saw that more than 80% of sexual violence is happened by acquaintances which include kinship, peers in a group, and neighbors, the dynamics between victim-survivors, assaulters, and third parties around has been revealed its complex form. Especially in case of sexual violence in working place, it has been claimed by sexual violence victim-survivors that they suffered from secondary damages by the company or members. The types of secondary damages are as follows; no disciplinary actions against sexual assaulters, forcing victim-survivors to keep it in silence, bullying victim-survivors by colleagues, and so on. Some of secondary damages can be punished by law but it is not a fundamental solution for victim-survivors to recover their daily lives as those were before the incident.

K-WomenLink, in this background, developed the ‘after case’ program for a community in which a sexual violence case occurred, focusing on restoration of victim-survivors within their community. This project aimed “to examine the reality around sexual violence occurred in communities which have focused on dealing with sexual violence cases by their own rules and regulations, not by the juridical system, and to seek a future direction of how to deal with sexual violence cases in a community” (K-WomenLink 2012:7). In this context, ‘a community’ is defined as “a group aims for the value ‘justice’”, and “the group is a spontaneous association whose members agreeing with the communal value to some extent” (K-WomenLink 2012:9). As McGlynn, Westmarland, and Godden (2012) argue that restorative justice can offer the possibility which guarantees the way of justice for victim-survivors who want it, this program paid attention to conditions for recovery of sexual violence victim-survivors within social network.

K-WomenLink, based on this program, also conducted a workshop named “conditions of symbiosis” aiming to raise a consciousness of the importance of dealing with sexual violence cases in a fair way and to train the attendances who have responsibility for dealing with sexual violence cases within their organization. According to Jang, “fulfilling of retributive responsibility is not necessarily to be limited in state’s power to punish, but in view of feminism movement, other ways can be also considered such as a perpetrator’s official admission and apology for his/her fault, substantive effort for preventing recidivism including taking educational program, conducting measures for recovery of victim-survivor’s damages” (2012:234).

In the open forum which was held to introduce and discuss about this program, one panel mentioned that “the monsterization of sexual assaulters by media makes people think that there is no sexual assaulter around themselves, and that sex offender is a psychopath or an insane person, thus it causes collective shock when a sexual violence case is occurred in their communities” (K-WomenLink 2012:97). The development of the program focused on community regarding sexual

violence cases reflects K-WomenLink's view in which the activists consider the issue of sexual violence in multiple dimensions: questioning on what true solution of sexual violence case for victim-survivors, the role of people around sexual violence cases, and social responsibility of perpetrators. This program also shows that K-WomenLink's attempt to discover new approach of solving sexual violence as social problem which is not ended only through juridical way.

#### **4.3 In between legal activities and extralegal activities**

K-WomenLink also has carried out various activities which cannot be clearly divided into only legal activities and non-legal activities as the activists have recognized the importance of perception of the people involved in the process and reflected it into many of their activities. Specifically, K-WomenLink has paid attention to the need to raise consciousness of persons in charge in the juridical process.

For instance, in 2007 K-WomenLink raised the problems of using the phrase, "could not be overcome by lust" in written judgments regarding sex crimes through the project "prosecutors and judges can do it like this" (K-WomenLink 2008). Through reviewing written judgments and written prosecutions, the activists and volunteers submitted written opinion to courts and Prosecutor's Offices. According to the written opinion, the usage of the phrase not only reflects stereotype of men's libido but also intensifies it. This project resulted in deletion of the phrase.

#### ***The project for sympathizing and being supporters to sexual violence victim-survivors***

Viewing sexual violence cases through victim-survivor's perspective is one of the principles within feminist movement against sexual violence. From the beginning of ASV movement, feminist groups strived to convince people that sexual violence is a crime infringing victim-survivors' right for sexual self-determination, not just a sex scandal. However, despite of legal basis such as the legislation of 1994 Act, sexual violence victim-blaming culture which has

been embedded into people's mind has affected throughout a whole process from the stage of reporting to a judgement. In the process of supporting sexual violence victim-survivors K-WomenLink has taken actions against each situation which is unjust and discriminatory to sexual violence victim-survivors as legal support.

However, it is not a problem only from certain people, but caused by social prejudice on sexual violence. In this regard, K-WomenLink has been running 'the first person' project since 2013. This project encourages people to become the first persons who support sexual violence victim-survivors and problematize sexual violent situations. According to its annual report, the aim of this project is "to spread awareness that all members of our society is the parties in regard to solving the matters of sexual violence" (K-WomenLink 2015). This project contains these activities such as accompanying sexual violence victim-survivors in the visiting-open court as observers of a trial and supporters for sexual violence victim-survivors, and street campaign and online actions aiming to change the prejudice on sexual violence.

This project represents that K-WomenLink's perspective on the issue of sexual violence, which understands that sexual violence is not the matter occurred to only certain people by only certain people, but could be occurred to anyone by anyone in this society. It is also a different point to the feature of recent penal policies by the government which individualizes sexual violence acts and focuses on specific measures such as social segregation and surveillance, demonizing particular perpetrators.

## Concluding remarks

In this paper, I have attempted to reveal the complexity and dynamics of Korean feminist movement against sexual violence interacting with the punitive turn, examining how feminist organizations against sexual violence have strategized and reflected their tactics on their activities in the recent trend of punitivism in South Korean society. Sharing Gotell (2015)'s point of view on the critique of carceral feminism, I conducted content analysis on data from Korean WomenLink (K-WomenLink)'s activities against sexual violence and 10 semi-structured interviews with feminist activists. Through analyzing the organization's legal activities and extralegal activities, as well as perceptions and dilemmas of activists, I understood that the movement has taken multiple strategies including not only legal/systemic activism and cultural activism, but also including effort for juridical settlement and opposition to recent trend of punitivism.

On the other hand, K-WomenLink has constantly carried out its legal activities against sexual violence; criminal law reform activities including establishing system for sexual violence victim-survivors on the legal process, and have constantly played their roles as monitoring whether legal processes properly operate following to the purpose. Those activities also contain expanding the range of punishable sexual violence and making claims for strict punishment. However, those claims are distinguished from the policies led by the government and National Assembly under the punitivism trend since the mid-2000s in terms of the purpose, content, and the point of view on sexual violence.

It is clear that K-WomenLink had already insisted on the need to strengthen penal policies regarding sexual crimes against minors and specific sexual violence cases evaded to be punished. However, its claim was based on the view that sexual violence is a socially constructed issue, thus must be treated through socially inclusive measures: the demand of strengthening education for sex

offenders and of supporting systems for victim-survivors. Therefore, the nature of K-WomenLink's legal activism is fundamentally different from that of recent governmental policies on sexual crime: the latter are characterized by toughening punishment and social segregation of sex offenders.

From 2008, K-WomenLink started to manifest its concerns on penal populism and punitiveness trend around sex crimes (against children). The activists recognized that the stream of penal policies was based on penal populism, and public demand for harsher punishment was promoted by sensational news. Nevertheless, in the early phase of punitivism there is a tendency for those manifestations to be carried out in passive way and it also coexisted with specific claims such as strengthening community notification system. It can be understood that the activists had to take into consideration the fact that as the organization which supported the victims/survivors of sexual violence, taking a position against harsh penalty could be seen as advocacy for the perpetrators' rights.

In this dilemma the activists set multiple strategies. First, they took advantage of public attention to sexual violence to carry their legal activities. These included the elimination of drunken status as a justification for commutation. Second, they waited for a proper chance when public anger would cool down for reviewing governmental policies and preparing more convincing grounds. Finally, while they have been manifesting their opposition to governmental measures focusing on harsher punishment and social segregation, they have also carried out non-legal activities – emphasizing the need of changing rape culture and public opinion on sexual violence; such as raising public consciousness and suggesting changes on daily practices in a cultural way.

From these findings, I conclude that Korean feminist movement against sexual violence has interacted with the recent punitive turn in dual strategies, which are to utilize legal system in order to gain public awareness of gravity of the matter of sexual violence, and to express its opposed opinion to the recent penal trend, most importantly for the reason that the trend has individualized

the issues of sexual violence. As feminist movement has raised the issue of sexual violence as socially structured problem, the activists has obviously manifested their concerns the punitive turn in the recent government policies and public discourse.

In conclusion, I argue that Korean feminist movement against sexual violence offers a counter-example in the debate on carceral feminism and the role of feminist activism against sexual violence regarding the punitive turn should be considered in various dimensions such as the purposes of activities, the diverse relationships around the movement, and a comprehensive stream of its activities.



## Bibliography

- Alvarez, Sonia. E. 1999. "Advocating feminism: the Latin American feminist NGO'boom'." *International feminist journal of politics* 1(2):181-209.
- \_\_\_\_\_. *Background, cause, and measure*. The research for Supreme Prosecutor's office
- Bernstein, Elizabeth. 2007. "The sexual politics of the "new abolitionism"." *Differences* 18(3):128-151.
- \_\_\_\_\_. 2010. "Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary antitrafficking campaigns." *Signs* 36(1): 45-71.
- \_\_\_\_\_. 2012. Carceral politics as gender justice? The "traffic in women" and neoliberal circuits of crime, sex, and rights. *Theory and Society*, 41(3), 233-259.
- Bumiller, Kristin. 2008. *In an abusive state: How neoliberalism appropriated the feminist movement against sexual violence*. Durham, NC: Duke University Press.
- Byun, HeaJoung. 2004. "The Radical Thinking about Concept of Sexual Violence: Through Sexual Politics of Anti-Sexual Violence Movement." *Journal of Korean Women's Studies* 20(2):41-74.
- Choi, JungHak. 2014. "Punitivism and crime prevention: A case of sex crime against children." *Democratic legal studies* 54:211-242.
- Chong, HyonMi. 2015. "Review on Legislations Related to Violence on Women in Korean Criminal acts." *Ewha Journal of Gender and Law* 7(1):51-72.
- Choo, JiHyun. 2014. "Punishing the Sexual Violence: The Discourse and Practice of the Policy on Sexual Violence in the 2000s." *Korean Association of Women's Studies* 30(3): 45-84.
- Chung, HyunBack. 2006. "Korean Women's Movement since 1945." *Women and History* 4:1-42.

- Collins, Barbara G., and Mary B. Whalen. 1989. "The rape crisis movement: Radical or reformist?" *Social Work* 34(1): 61-63.
- Ferree, M. Myra, and Patricia Y. Martin. 1995. "Doing the Work of the movement: Feminist organizations" Pp. 3-23 in *Feminist Organizations: Harvest of the new women's movement*, edited by M. M. Ferree, and P. Y. Martin. Philadelphia: Temple University Press.
- Garland, David. 2008. "On the concept of moral panic." *Crime, Media & Culture* 4(1):9-30.
- Giugni, Marco G. and Florence Passy. 1998. "Contentious Politics in Complex Societies: New Social Movements between Conflict and Cooperation." in *From Contention to Democracy* edited by Marco G. Giugni, Doug Mcadam, and Charles Tilly. New York:Rowman & Littlefield.
- Gotell, Lise. 2015. "Reassessing the place of criminal law reform in the struggle against sexual violence: A critique of the critique of carceral feminism." Pp. 53-71 in *Rape Justice*, edited by A. Powell, N. Henry, and A. Flynn. Basingstoke: Palgrave Macmillan.
- Gottschalk, Marie. 2006. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge: Cambridge University Press.
- \_\_\_\_\_. 2008. "Hiding in plain sight: American politics and the carceral state." *Annual review of political science* 11: 235-260.
- Jang, DaHye. 2012. "The myths of contemporary society around sexual violence crime". *Journal of feminist theories and practices* 27:222-235.
- Jones, Nicola. 2006. *Gender and the political opportunities of democratization in South Korea*. Springer.
- Jung, KyoungJa. 2003. "Practicing feminism in South Korea: The issue of sexual violence and the women's movement." *Hecate* 29: 261-284.

- \_\_\_\_\_. 2014. *Practicing feminism in South Korea: The Women's movement against sexual violence*. London: Routledge.
- Kim TaeMyung. 2012. "Realities of Sexual Violence and its Countermeasures." *Korean Criminology Research* 87(9): 5-44.
- Kim, BoYeon. 2006. "A Study on the Institutionalization Process and Effects of Anti-Sexual Violence Movement." MA diss., Ehwa Women's University, South Korea.
- Kim, HyeonJeong. 2000. "A Study on the Relationship between Women's Movement and the State: Focusing on the Legislation Movement of 'Act on the Punishment of the Sexual Crimes and Protection of Victims thereof' and 'Prevention of Domestic Violence and Victim Protection Act'." MA diss., Ehwa Women's University, South Korea.
- Kim, IlSoo. 2010. *The emergence of punitivism in contemporary criminal policy: The background, cause, and measure*. The research for Supreme Prosecutor's office (Unpublished).
- Kim, KyungHee. 2005. "The State Feminism and the Institutionalization of Feminism Movement." The Korean Sociological Association Conference Paper 689-693 (Unpublished).
- Kim, SeungKyung, and KyungHee, Kim. 2011. "Gender mainstreaming and the institutionalization of the women's movement in South Korea." *Women's Studies International Forum* 34(2011):390-400.
- Korean Sexual Violence Relief Center (KSVRC). 2005-2015. Annual Reports. (Unpublished).
- Korean WomenLink. 2005-2015. Annual Reports. (Unpublished).
- \_\_\_\_\_. 2005-2015. Newsletters. (Unpublished).
- \_\_\_\_\_. 2008. *Remapping the Women's Movement*. Paju:Hanwool.
- \_\_\_\_\_. 2011. *To Untangle 5,785 Questions: An Analysis of Sexual Violence Counselling Cases from 2006 to 2010*. A Conference Resource Book (Unpublished).

- Kwon, InSook and Lee, HwaYeon. 2011. "Fear of Sexual Violence and Social Control: Focusing on the media's treatment of child sexual violence cases." *The journal of Asian Women* 50(2): 85-118.
- Lee, DeokIn. 2011. "Limitation of Criminal Punishment on the Sexual Customs." *Korean Criminological Review* 22(3):45-76.
- Lee, JooIl. 2011. "Criminal Law Reform and the Limited Role of Criminal Law." *Law Review* 42:233-248.
- Lee, KyungHwan, MiKyoung Lee, and DaHye Jang. 2011. "To Reconstruct Objectivity of Law." Pp. 146-222 in *Subverting Sexual Violence*, edited by Korean Sexual Violence Relief Center. Seoul:Imagine.
- Lee, KyungJae. 2010. "The Characteristics of the Criminal Law since 1990." *Chonbuk Law Review* 30:189-218.
- Lee, MiKyoung. 2007. "The Outcomes and Tasks of Legislation Movement against Sexual Violence: Focusing on 1994 Act." Pp. 19-48 in *Sexual Violence on Trial*, edited by Korean Sexual Violence Relief. Center. Seoul:Prunsasang.
- Lee, YoonSang. 2012. "Why Are Anti-sexual Violence Movements Radical?" *Journal of feminist theories and practices* 26:32-44.
- Matthews, Nancy. 1995. "Feminist clashes with the state: Tactical choices by state-funded rape crisis centers." *Feminist organizations: Harvest of the new women's movement* 291-305.
- McGlynn, Clare, Westmarland, Nicole and Godden, Nikki (2012) I just wanted him to hear me': Sexual violence and the possibilities of restorative justice.' *Journal of Law and Society* 39 (2). pp. 213-240.
- Park, JinYoung. 2009. "The human rights of sexual offenders in media report looking through Jo's case." *Kwanhun Journal* 113:268-273.

- Pawson, Eric. 1993. "Rape and Fear in a New Zealand City." *Area* 25(1):55-63.
- Pratt, John. 2007. *Penal populism*. London: Routledge.
- Reece, Helen. 2011. "'Unpalatable Messages'? Feminist Analysis of United Kingdom Legislative Discourse on Stalking 1996–1997." *Feminist Legal Studies* 19(3):205-230.
- Shin, SangSook. 2007. "Differences of Historical Context and Institutionalization Process of the VAW Movements in the U.S. and the U.K." *Journal of South Korean Women's Studies* 23(3): 5-42.
- \_\_\_\_\_. 2008a. "Institutionalization as a Conflictual Process: The Movement to End Violence against Women and the State Policies in South Korea." *Korean Women's Studies* 24(1): 83-119.
- \_\_\_\_\_. 2008b. "Gender, Sexuality, and Violence: The Conceptual History of 'Sungpokryok' and Women's Human Rights in South Korea." *Feminism studies* 8(2): 1-45.
- Simon, Jonathan. 2007. *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. Oxford University Press.
- Suh, DooWon. 2014. "What happens to social movements after policy success? Framing the unintended consequences and changing dynamics of the Korean women's movement" *Social Science Information* 53(1):3-34.
- Sung, KyungSook. 2015. "Article: A Therapeutic Proposal for Preventing the Recidivism of Sex Offender." *Ilkam Law Review* 30:109-136.
- Wacquant, J. Loic. 2009. *Punishing the poor: The neoliberal government of social insecurity*. Durham: Duke University Press.
- Weber, Leanne, and Murray Lee. 2008. "Preventing indeterminate threats." Pp. 59-81 in *Fear of Crime: Critical Voices in an Age of Anxiety* edited by Lee, Murray, and Stephen Farrall. Routledge.