Minjung Tactics in a Post-Minjung Era? The Survival of Self-Immolation and Traumatic Forms of Labour Protest in South Korea

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Introduction

In November 1970, 22-year-old labour activist and garment worker Chun Tae-II committed an act of self-immolation that catalysed the contemporary democratic labour movement in South Korea. Chun worked in the garment sweatshops of the Dongdaemun Market, an area populated with hundreds of garment shops employing mostly young female workers in their teens and early twenties. The labour conditions in the sweatshops where Chun worked were brutal, with workers crowded into ‘attics’—vertically subdivided floors where sewing machines were double stacked over one another, full of cloth fibres and poorly ventilated. Workers in these sweatshops suffered from overwork and occupational illnesses. Many were fed amphetamines and continuously worked extra-long shifts when product orders were at their peak, or were summarily laid off when they were not (Chun 2003). Chun and his friends who worked in these export factories were shocked at the disparity between the principles enshrined in Korea’s labour standards act and the actual practice of employers in these primarily export-oriented sweatshops. They tried in vain to address these conditions through a variety of means, including protesting to their employers and trying to form a union, all of which failed for under the military dictatorship the employers and the police easily repressed labour protest.

On 13 November 1970 Chun and his Samdong Friendship Association (named for the three markets of the Dongdaemun area—Dongwa, Tongil and the Peace Market) organized a labour protest that was quickly repressed by the police. But before they were disbanded, Chun set himself on fire just outside the Peace Market, shouting, ‘Obey the Labour Standards Act’ (Cho 2003: 314–16). This action shocked many workers, intellectuals and politicians and catalysed both the modern democratic trade union movement and the larger, populist democracy movement in South Korea. Chun is remembered as a democratic and labour movement martyr and his suicide is memorialized as a national day of workers’ struggle in Korea in November each year, rivaling May Day in its significance. His tactic has been reproduced by many social activists since then in a variety of social movements for equality, national reunification and political democracy. In South Korea alone, a total of 107 protesters died by suicide protest from 1970 to 2004 (Kim 2008: 545). Furthermore, Biggs (2005, cited in Kim 2008) reports that Korea accounts for a disproportionate share of a total of 533 incidents of self-immolation which have occurred during the period from 1963 to 2002 across 36 countries.

This chapter explores the survival of traumatic forms of radical protest, such as self-immolation, associated with Korea’s democracy and labour movements from the 1970s and 1980s. While these are tactics that are often associated with labour and democracy struggles under the dictatorships of Park Chung Hee and Chun Doo Hwan, they—unfortunately—remain in use today, particularly among irregular workers and other social movements of economcally marginalized populations. The chapter starts by examining some of the origins of minjung-style labour protest, and discusses the ways in which these actions are interpreted within the wider Korean culture and by other unionists and activists. It then argues that one of the reasons why the tactic has survived following the democratic transition is that when it comes to Korean labour relations, the goals of the labour movements for greater equality and labour rights have not been fully institutionalized. While militant union struggles have established independent unions at large enterprises and, to a lesser extent, at the industrial level, these gains have recently come under threat through the expansion of precarious or irregular forms of employment. In particular, the ranks of these workers have expanded significantly following the Asian financial crisis of 1997–1998 and through more recent changes to labour law that aimed to make permanent the supposedly temporary measures devised during the crisis. This expansion coupled with new forms of punitive labour control that target the union activities of irregular workers with severe damage claims and facilitate seizure of workers’ assets has led to a resurgence of these traumatic tactics among Korean workers during the last eight years, creating vicious cycles of labour conflict.
Self-immolation and minjung protest

Chun Tae-II seems to be the first person in Korea to have used self-immolation as a protest tactic. It is not certain where Chun got the idea. He may have taken inspiration from the self-immolation of Vietnamese monks opposed to the Vietnam War. However, themes of suicide also figured in the Korean literature of the time. For example, Kim Dong-Ni’s (2002 [1961]) Dewsghim-Bul depicts a Chinese monk’s preparation for self-immolation to honour his temple, an act that has auspicious consequences. Cho Se Hui’s novel The Dwarf also uses self-sacrifice as a metaphor for the human toll of rapid industrialization. Regardless, Chun’s act had immediate repercussions in stimulating the 1970s democratic union movement among the largely female work force in the textile and garment shops that were a key part of Korea’s industrial take-off in the 1960s and early 1970s. The story of this movement has been well documented by Chun’s sister who was a participant in the movement and continues to work with garment workers in Seoul’s Dongdaemun neighbourhood as both a formidable champion of their struggles and a civil activist (Chun 2003). Chun Tae-II’s suicide also provided inspiration for the labour struggles at larger enterprises during the ‘Great Worker Struggle’ in the summer and autumn of 1987 and similar campaigns for independent industrial unions in the early 1990s.

The student protests and labour movement mobilization that followed Chun’s suicide fed into a larger movement known as the Korean minjung movement. The word minjung translates roughly as ‘the people’. The min in minjung is the same suffix used in three key demands of the minjung or democracy movement. These were known as the three mins (sanneminjouni): the people, or populism (minjung), the nation or folk (minjok) and democracy (minji). As Koo (2001) argues, the political and economic reality of the 1970s demanded an ideology that could unite the diverse struggles of students, workers, farmers, the urban poor, journalists, writers and so on. Koo (2001: 143) describes how minjung, a political term used by both nationalists and leftists during the colonial period and in the post-war years, ‘suited this purpose eminently’ as it ‘included all those who were politically oppressed, socially alienated, and economically excluded from the benefits of economic growth’.

Indeed, at the core of the minjung movement is an ideology that claims that minjung is the master of history and that Korean history is a history of the minjung’s oppression by the dominant class and by external forces; hence, the real national identity and authentic culture of Korea

must be found in the culture and daily struggles of the minjung. With this broad ideological content, minjung became a dominant form of discourse, slogan, and strategic tool for uniting and mobilizing diverse political and social struggles in the 1980s (Koo 2001: 143). The connotation here is that this ‘people’ is an active political agent: a mass subject that included farmers, workers, students, victims of division system, and others oppressed by the military regime (cf. Lee 2007). The minjung was, thus, located on the fault lines created by the policies of the dictatorship and the Cold War division system. It is a term that can be contrasted with the notions of kukmin, national resident, and seomin, common people: terms that seem to be preferred by conservative forces and that have been used to mobilize ideas of duty and national patriotism.

The minjung movement viewed protest acts such as self-immolation and worker-suicide as a release of han, which means bitterness or resentment. Such actions were known as hanpuli or outpourings of han. While some of the minjung philosophers and theologians argue that notions of minjung and, thus, of han date back several centuries from the subordination of the Baekje Kingdom to neo-Confucian rule in the 13th century to peasant rebellions against aristocratic rule and colonial intervention, the tactic of self-immolation itself is modern. Suicide here is viewed as a form of sincerity. In minjung theology, the actions of martyrs such as Chun Tae-II were, thus, seen as messianic acts of resistance to the developmental dictatorship that liberate ‘the life of the weaker being from their pains and exploitations, by absorbing their pains and unjust exploitations’ into themselves (Lee 1994: 143, cf. Lee 1996, Suh 1981, Wells 1995). In August 1970, just two months before his suicide, Chun wrote in his diary that he had ‘come to an absolute decision’ to be alongside his ‘poor brothers and sisters’ in the Peace Market. ‘I will throw myself away, I will die for you,’ he writes, ‘so as not to leave you.’ Chun concludes his entry by noting the date, 20 August, that he made his decision, and ends with a short messianic prayer: ‘God, have mercy upon me. I am struggling to be the dew for countless withering innocent lives’ (Choo 2003: 28).

Chun Tae-II, as well as many other people who were killed or committed suicide during the democracy movement such as Lee Han Yeo, a student killed in the June 1987 uprising, are regarded as martyrs (yeolsa) of the movement and have commemoration societies that participate in a variety of social protests and hold annual memorial events. Commemorations are common at labour and other protest rallies, especially during difficult and often violent labour struggles where the emotional costs of labour organizing are intense. Not all martyrs of
these struggles commit such directly political forms of suicide, and suicides from despair are common among family members during long or violent strikes. These commemorations bring together union militants, support NGOs and the workers themselves in attempts to encourage union members to continue their struggles and to provide solidarity and support during times of crisis.

As an act of release, suicide protest or self-sacrifice resonates with both Christian notions of martyrdom as well as with the shamanic notion of shimyoung, which signifies a sense of release from the sorrow of han (Koo: 146, cf. Abelmann 1996 for a description of minjung repertoires). Minjung protest used a variety of different tactics to create this sense of release, with suicide protest being its most extreme example. However, other practices (such as pungmul – a form of farmers’ or peasant dance) constitute other means of creating this sense of release but through dance and music. Pungmul was a common feature of minjung protest and remains a common feature of social protest to this day, as are other forms of performance that resonate with the idea of shimyoung. Furthermore, it is not only small or individual practices that were seen as creating this release: large collective events such as the 1980 Kwangju Uprising, 1987 Democracy Uprising and Worker Struggle, and even more recent events such as the candlelight protests against the conservative government’s rollback of a number of progressive policies in 2008 were also viewed as hanpuli, as mass outpouring of pent-up emotion.

What is interesting here is that unlike forms of suicide protest in other contexts, suicide protest seems part of a larger repertoire of strategy and tactics within the organized labour and democracy movement. Though, certainly, it is a tactic used in difficult struggles, particularly when the struggle is based upon establishing collective bargaining procedures and gaining recognition for the union. It often accompanies wildcat strikes or can happen after other forms of workplace conflict such as repression of union activity, employer intimidation or, as I shall discuss further below, the use of legal practices such as damage claims and seizure of workers’ personal salaries and assets. In other contexts the tactic seems more prevalent when other avenues of struggle are non-existent or repressed, such as the more recent use of suicide to protest about labour conditions by Foxconn workers in China, where suicide initially seemed to take place as part of largely unorganized and anomie response to exploitation (cf. Chan and Pun 2010). However, in more recent protest, the threat of mass suicide – for example, the recent threats by 300 workers to jump off the factory roofs at Foxconn unless specific grievances are addressed – now seems to represent an emergent form of labour struggle, albeit in a climate where labour’s freedom of association remains relatively more supressed and regimented than the Korean context. Furthermore, in this instance, the threat of mass suicide seems to be used as a tool to win direct concessions from government and management, while in the Korean context the tactic tends to be equally aimed at creating a response from employers as well as from other social movements or union activists. It is a form of release that is meant to lend resolve to a struggle rather than an explicit bargaining tactic.

This ideal of hanpuli or transformative emotional release used to spur collective action can be seen in a memorial protest performance in honour of Park Il-Su, an irregular worker labour unionist who committed self-immolation during a 2004 strike at Hyundai Heavy Industries, a shipbuilding company located in the south eastern industrial city of Ulsan. Park was protesting against the discrimination for non-regular workers and the company’s repression of labour union activity. In the performance, a union member re-enacts Park’s act of self-immolation. He pours a liquid over his body, and the act of immolation is symbolized by a large black and red fabric that engulfs the worker. The fabric represents his han, his bitterness with the world. His fellow workers gather up this large piece of fabric. Then, in a gesture that seems part performance, part shamanic ritual, the fabric is torn into individual flags and the worker disappears; his han is transformed into collective energy. The workers break into a coordinated dance, holding up the flags as signifiers that the struggle continues. There is a social alchemy here; an individual’s traumatic act is transformed into a greater will to continue with a difficult struggle.

Kim (2008) argues targets of suicide protests are not simply unjust policies but also other activists and apathetic citizens. The suicide notes left by suicide protesters often ‘explicitly reveal that they committed suicide protest in order to inspire movement activism among half-hearted activists and apathetic bystanders’ (Kim 2008: 573). A similar intent most likely informed Park’s self-immolation. While, certainly, this action is used to shame the company and draw attention to unjust labour practices, it is also oriented towards regular workers who are part of Hyundai’s labour union. While key battles for independent unions were fought at Hyundai in the early 1990s, after the 1997–1998 financial crisis Hyundai Heavy Industries began employing thousands of workers on an irregular basis alongside regular workers through ‘illegal dispatch’ – a system where companies use in-house subcontractors to create a false
employer. In this case subcontracted or irregular workers work inside Hyundai’s facilities using the company’s tools and machinery and working under their instruction to produce products sold by Hyundai, but they are paid less than 50% to 60% of the wages of direct employees (IMF 2010). Relations in the workplace between irregular and regular workers have become more strained in recent years, in part due to a perception of a lack of support for irregular-worker organization from the regular workers’ unions who have at times put pressure on irregular workers to end their struggles.

The disappearing minjung?

Although the minjung movement has receded since the 1987 democratic uprising, the continuation of its tactics and repertoires of protest show that something of the movement’s structure of feeling remains active in the present, if only at a residual level. Raymond Williams’ term ‘structure of feeling’ is an appropriate description here. It describes how social structures and relations are lived and felt as ordinary in ways that are different from explicit ideologies or worldviews (cf. Williams 1977: 128-141). Thus, it is fair to say that minjung protest continues to animate contemporary protest as a structure of feeling, rather than a concrete ideology, although certainly it is a structure of feeling that is oriented towards demands for equality and recognition of the struggles of the oppressed. Furthermore, Williams’ emphasis on cultural forms as emergent, dominant or residual is also useful for describing the survival of minjung tactics that were the dominant repertoire of oppositional protest in the 1980s but are only residual now. However, a residual status does not signify that the tactic is dying off. Rather, it is important to examine the ways in which such tactics periodically re-emerge, as well as the social relations responsible for such re-emergence.

After the 1987 protests, the minjung movement was slowly transformed from an oppositional movement to a more strategic nexus of social movements, politicians and NGOs. Instead of the people (minjung), the idea of the citizen (simin) and civil society (simin sahoe) have become popular discourses among social movements and NGOs. This created tension between the larger popular movement and new civil society groups – like People’s Solidarity for Participatory Democracy, Korea’s largest NGO – which have tried to overcome the difficulties by combining popular mobilization of former minjung movements and activists with the more strategic political opportunities for consultation and engagement with the government that have been created by democratization. This transition from minjung activism to more strategic engagement did not happen overnight, but there was a gradual loosening or un-tethering of activism from a coherent mass oppositional strategy. This does not mean that the general demands of the minjung movements – for greater equality, liberty and peaceful engagement with North Korea – or even many of the tactics of the movement disappeared. Indeed, Lee (2007) and others (cf. Kim 2006) argue the goals and some of the cultural repertoires of the minjung movement have survived and have provided a basis from which to critique those governments that have emerged from the democracy movement.

This transition occurred for several reasons. While the minjung movement did spur a transition to free elections and open up new possibilities, there also emerged within social movements a critique of the concept of minjung. Koo (2001: 146-149) notes that even by the mid-1980s workers began to critique the movement, which they found too broad and fatalistic, regarding it as a form of proto-class consciousness through which workers passed. Nonetheless, many of the movement’s practices have remained a core part of everyday protest culture, as have some of the more traumatic tactics such as self-immolation. It is not simply the case that the minjung has disappeared, but rather it remains as a residual structure of feeling, an emotional resource and set of protest practices, which can be drawn upon in the midst of new demands and subjectivities (cf. Jeong 2004). For example, repertoires of minjung protest have more recently been re-articulated by newer movements, such as is seen in the commemoration by migrant worker activists of migrant deaths in detention or from suicide. After a particularly brutal immigration crackdown in 2004, migrant labour unionists paraded commemoration portraits of deceased migrant workers who were killed or committed suicide during the crackdown through downtown Seoul. These portraits were similar to portraits carried to honour minjung martyrs, and the protest took place in key sites of minjung protest such as Myeongdong Cathedral. Migrant activists learned these repertoires from the democratic union movement. As one of the South Asian founders of the Migrant Trade Union, who attended Korean labour movement protests and applied their tactics to the migrant workers’ struggle, puts it: They had an inspiring history. I saw lots of cultural events, social movements, and protests that touched each person in their society. Our slogans, our rally style, we tried to follow their struggles so that people that would say: “They are our people, their struggle is our struggle too” (Interview, Migrant Trade Union activist, 2009). The fact that migrants are able to mobilize these repertoires suggests that these styles of radical
protest and the residual structure of feeling they summon forth can be a powerful tool for creating solidarity across ethnicities.

While migrant labour unionists commemorate the deaths and suicides of migrant workers in the manner in which minjung martyrs are commemorated, they do not commit acts such as self-immolation. In the last decade, this tactic has mostly been used in irregular worker struggles. After 1987, tactics such as self-immolation were common in the nationalist student movement, which pushed for peaceful engagement and reunification with North Korea. The tactic was common particularly in the early 1990s when this movement was undergoing strong repression. Since 2002, the tactic has been more common among labour unionists and anti-globalization activists; it has also been used by activists protesting against environmental destruction caused by a number of large infrastructure projects. The recent resurgence of the tactic amongst irregular labourers in particular can be related to the challenges posed by neoliberal restructuring since the 1997 Asian Financial Crisis and, in particular, the dilemmas this restructuring has created for ongoing efforts to reconfigure South Korea’s political economy and the place of labour within it.

Korean labour relations and the politics of democratization

While the 1987 democratic uprising opened up the political system to competition at the electoral level, the democratization of labour relations has been a more difficult struggle. Because of internal division between its two key politicians, who decided to run separate presidential campaigns, the democracy movement was unable to elect a fully civilian government, separate from the old regime, until 1997. Furthermore, Kim Young Sam’s ‘sugyeohwa’ or ‘globalization’ reforms in 1993 phased out policy loans and liberalized short-term borrowing on foreign markets, which provoked Korea’s exposure to the Asian financial crisis of 1997–1998. The solution of the newly elected Kim Dae Jung government and the IMF was to choke the economy of credit so that only the largest firms survived. This led to a deep contraction and diminished rates of economic growth. Since the financial market rather than the old bank-based system of industrial lending was now seen as the main source of capital for industrial investment, both foreign and domestic firms argued that they needed to cut back on labour costs to be more attractive to investors. Kim gave in to these calls and used a tripartite commission of labour, business and government to come up with an agreement to allow firms to lay off workers or hire temporary ones in exchange for a moderate increase in welfare spending and a restructuring of the national medical insurance and pension systems. The two labour federations participated in this agreement, but it was rejected by the unions’ rank and file; however, the government refused to renegotiate and passed the reforms agreed on in the deal.

While the democratic transition gave social movements greater civic freedoms to advocate for social change, their efforts to democratize labour relations were constrained by calls for deregulation that strengthened oligopolistic powers. As prominent civic activist and critical sociologist Cho (2008) argues:

The breakdown of the former developmental dictatorship brought with it ... two ‘liberations’: one is liberation of civil society and people themselves from the authoritarian repression, and the other is that of the market and business from the strong dirigiste state control. The liberated market and business could strengthen themselves enough to dominate and colonize the society and politics in a new way. If the former armed itself with the discourse of democracy, the latter with that of de-regulation and market autonomy.

(Cho 2008: 29)

Worse yet, the attempt by democratic governments to gain greater hegemony by partially embracing neoliberal reforms has created fissures between the labour movement and politicians from the pro-democratic bloc. This has led many leading progressive intellectuals to argue that democratization has failed to incorporate the interests of the working class into mainstream politics (Chol 2005, Doucette 2010a).

Much of this pressure of liberalization can be interpreted as an attempt by employers to discipline an increasingly mobilized union movement that amplified its struggle after the June 1987 protests. The Great Worker Struggle of Autumn 1987 was an intense wave of labour disputes that resulted in the improvement of wages, working conditions and, eventually, led to the formation of independent unions. In a period of just three short months, Korea saw more instances of recorded labour strife than for the entire period of post-war industrialization that began in 1961 (cf. Koo 2001: 157). This struggle and those that followed in the coming years strengthened the role of labour in large workplaces, and led to greater coordination between enterprise unions, eventually leading to the establishment of a national confederation of democratic trade unions: the Korean Confederation of Trade Union (KCTU). The KCTU is an independent counterpoint to the pro-government Federation of Korean
Trade Unions (FTCU), which was established as an anti-communist union federation in 1946. The FTCU was itself established as an alternative to the left-wing national workers' organization, Cheongpyeong, that sprung up at the end of the colonial period and was viewed as a threat to the postcolonial regime by rightist conservatives and the US military government. During this time, Cheongpyeong's leadership was arrested or killed, and Korea's authoritarian labour relations system was directed through the FTCU (Gray 2011: 310).

During the authoritarian period until 1987, labour relations faced strict surveillance and were highly militaristic. Although no law, workers were protected by strong labour standards, these were rarely enforced and workers were easily hired and fired and coerced to work long shifts in often unsafe conditions. After democratization, there has been a long struggle to improve working conditions. Since the Great Worker Struggle of 1987, the FTCU has had to compete with the militant labour movements that eventually became the KCTU as well as contend with grassroots pressure with the union for it to take a more political stance and participate in periodic collective action. As a result, many enterprise unions have left the FTCU and joined the KCTU over the last 15 years, such as the Seoul Railroad Workers' Union. Nonetheless, the FTCU remains a pro-government union, and has recently entered agreements with the conservative government to not demand wage increases or engage in strike action (Hankyoreh 2011c). This has created problems in processes of social partnership such as tripartite negotiations between labour, state and business, as it is difficult for organized labour to negotiate with a single voice.

The survival of the FTCU is not the only obstacle for the democratic union movement. It also has internal fractures and fissures that are important to recognize. First and foremost, organized labour is disproportionately oriented towards large enterprises; workplaces with over 300 workers are home to 72% of all unionized workers (Korea Labour Foundation 2009), while smaller workplaces where the majority of Koreans are employed remain poorly organized. Although there are many progressive labour activists in the FTCU that came of age in the grassroots labour struggles of the 1980s and 90s, the actual enterprise unions that make up the majority of the FTCU are administratively oriented toward their large workplaces. Thus it is difficult for the FTCU to represent smaller workplaces and the many low-paid and irregular workers. This creates a strategic problem that influences the strategy of progressive labour unionists in the KCTU in the context of democratization. On the one hand, during the 1990s there were factions of labour unionists that wanted to take advantage of new opportunities for strategic engagement with the state through social partnership policies. Many in this faction criticized the 'minjung unionism' of the more militant, grassroots factions of the KCTU (Gray 2007). Other factions, on the other hand, felt that the democratic union movement should aim for a wider mobilization of workers across industries before increasing its presence in social dialogue lest such agreements exclude the many rank and file workers that were not presently represented by the large unions. This faction has been actively involved in supporting irregular workers' struggles, particularly in cases of illegal subcontracting where a large company hires workers on a temporary basis from a firm over which they retain ownership, but also in other cases such as wildcat strikes by female service workers who have been irregularly employed in advance of new labour legislation introduced in 2007.

KCTU activists have not been able to effectively mobilize as much support for these struggles as they had been able to in the past. Partially, this is due to the loosening of authoritarian controls over labour, which has led many workers at large factories to identify with each other based on occupational skill and/or company affiliation instead of their status as wage labourers. Indeed, in some cases irregular workers' struggles within the same firm as organized workers have been met with apathy from co-workers because of distinctions in skill such as the perception of support staff in canteens and simple assembly line workers as 'unskilled' vs. 'skilled' complex assembly workers on the floor of heavy industries. In the past the subordination of independent unions per se encouraged greater solidarity among these workers. In some cases this disjuncture has led to an increased sense of desperation and violent confrontations in the workplace, and in other cases it has encouraged workers to look for new allies among other civic groups such as the feminist movement and small grassroots political parties.

Finally, as Gray (2007) documents, when it came to actual tripartitism and social dialogue during the 1997–1998 financial crisis, the experience of the unions has not been much better. In 1998, they were forced into an agreement on labour restructuring that would allow the expansion of temporary and irregular work. This deal was negotiated by the union leadership in exchange for formal legal recognition of the KCTU. It was later rejected by the KCTU when put to a vote, but the government recognized it as a fait accompli and proceeded to introduce its 'grand social compromise'. This compromise only allowed the use of irregular workers in specific sectors, and the conditions under which workers must be regularized were unclear. Within a few years, the
government came under pressure to both expand the employment of irregular work and to clarify the conditions under which workers must be regularized so as to protect irregular workers from working indefinitely for the same company without the same rights and benefits as other workers. Without an agreement on the principle of equal pay for equal work, the KCTU walked out of the Economic and Social Development Commission (Korea’s main tripartite organization). However, in the fall of 2006, the government was able to sign an agreement with the pro-government FKTU allowing for the expansion of irregular work under the Non-Regular Workers Protection Bill, one of three bills that became part of the then Roh government’s labour relations road map (see Doucette 2010b). In summary, while the ruling parties seem content to expand labour market restructuring, the labour movement seems strategically divided between efforts to represent workers in tripartite negotiations and its continuing efforts to mobilize unrepresented workers; however, both of these efforts have been constrained by the expansion of irregular work, which chips away at older solidarities and union density, as well as individual workers’ livelihoods, resulting in often desperate cycles of protest.

Vicious Cycles of Labour Protest

Since 1997, the most difficult labour struggles have centred around the use of irregular workers, with labour unionism restricted by compulsory arbitration, intense policing and the harassment of union organizers. There has also been an emergence of corporatism at the large, well-paid enterprise unions like Hyundai and others, some of which have left the KCTU. This has made it more difficult to organize regular workers to support the struggles of irregular workers and led to conflict between these workers in large workplaces, particularly at those workplaces that employ large numbers of in-house subcontractors such as Hyundai Heavy Industries where nearly 10,000 irregular workers work alongside 20,000 regular employees (cf. Liem 2010). Robinson (2011) notes that this form of in-house subcontracting and other forms of illegal hire are a model that Korean companies like HHI have employed at their branches in other countries like the Philippines. Not all irregular work in Korea follows this model, however. In addition to outsourcing and disguised employment there has been a proliferation of temporary, part-time and contract work across industries, with newer service industries and big-box retailers employing a large amount of irregular and mostly female workers.

By moderate estimates, the proportion of irregular workers in South Korea peaked by the end of 2005 at around 48% (Grubb et al. 2007), making Korea an economy with close to the highest incidence of irregular employment in the OECD. These numbers have been the object of some contention as perhaps being too moderate. There are at least four definitions of irregular work commonly used by the OECD, the Korean government and the union movement. These range from a definition based on a) the number of temporary, casual and day labourers as a percentage of total wage and salary earners; b) workers employed under a year and not paid bonus and overtime; c) a hybrid tally combining the number of temporary, casual and day labourers as a percentage of total wage and salary earners and the number of regular workers without pension or benefits; and d) employment survey data based on contract duration and self-reporting. Unions prefer to calculate the number using definition c), which totalled irregular employment as 57% of workers at surveyed firms for 2005. This reveals that the incidence of irregular employment is quite high, but also hard to fully measure. A further drawback is that these numbers do not include the roughly 650,000 migrant workers who work for low wages under the Employment Permit System, undocumented workers or the large numbers of precarious, self-employed workers.

The struggles of irregular women workers after 1997 were the first to prioritize the expansion of non-regular work in a prominent manner. However, as Chun (2009) notes, the male-dominated KCTU was slow to embrace the issue as a major rallying point. This created tension in restructured enterprises that had hired women workers back as irregular or illegal dispatch workers after 1997. Chun uses the term legal liminality to refer to the ambiguous legal space these workers occupy as they strive to be reclassified as regular workers or, vice versa, win rights, benefits or enhanced legal recognition of their status. While the struggles of female irregular workers have been militant and employed tactics such as hunger strikes and workplace occupations, they have not so far employed self-immolation or suicide as a form of protest. The tactic seems to have a more masculine use. While female farmers have committed suicide in protest at high levels of rural indebtedness and the government’s lowering of agricultural quotas and subsidies, it seems that in labour struggles it is a tactic more commonly used by men.

In particular, the increasing use of the tactic in irregular workers’ struggles began after the government announced that it was seeking to introduce a ‘non-regular workers protection law’ which would both expand and codify the terms of irregular employment back in 2003. In 2003
alone there was a large number of self-immolations and protest suicides. As Jang (2004a) reports:

In January 2003, Dalho Bae, a 47-year-old worker at Doosan Heavy Industry Co., committed suicide by burning himself. On October 17 Juik Kim, the chief of the metal labor union branch at Hanjin Heavy Industry Co, a ship-constructor, committed suicide after a 129 day-siege on the jeep-crane. On the 23rd of October, Haenam Lee, the chief of the chapter of the irregular laborers’ union at Saewon Tech Co., burned himself. He died on November 17. And on the 26th, Yongsook Lee, the chief of Gwangju-Chonnam branch of labor union at Korea Labor Welfare Corporation, also committed suicide. He died on October 31.

It is important to note here that many of these protest suicides were by irregular workers at large firms. Many of these firms were home to difficult labour struggles in the 1990s, and regular workers at these firms enjoy decent benefits, so for many irregular workers there is a sense of betrayal at their unionized colleagues for not supporting their struggles. Though many of the suicides have been at large firms, the tactic is also common in smaller sectors like construction and transport where there are also high levels of disguised employment and where workers are regarded as owner-operators even though they work in precarious conditions with very little bargaining power.

There is another key reason for this increase in suicides since 2003 – that is, as a result of a new form of punitive anti-labour tactic adopted by the government and business, namely, the use of damage claims and facilitate seizure of workers’ assets to discourage labour mobilization. Claims on unionists multiplied in 2003 and 2004 across both private and public workplaces (see Table 12.1). Technically, Korean labour law forbids employers from claiming damages against a union or workers arising from collective bargaining or other industrial action.

Jang (2004a) notes, however, that the courts have decided that ‘illegal strikes’ should not be protected by this law:

The difference between a legal and an illegal strike is superficial: if a labor union violates government procedures even in a trivial way, their actions become illegal. For example, the government authorities can intervene in a dispute between a company and its laborers and decide an arbitration award. If unions do not accept it and strike in response, they become unintentional violators of the law.

The OECD’s Employment, Labour and Social Affairs Committee repeatedly expressed the view that the definition of ‘unlawful activities’ in Korea is unusually broad and encompasses union activities that would be regarded as lawful in most OECD countries (OECD, 2000). These include the labelling of strikes against industrial restructuring, privatization and trade liberalization as illegal political strikes, as well as labelling strikes by irregular workers as unlawful.

Jang (2004a) also notes that since 2002 companies’ compensation suits have been extended to regular union members, their families and individuals who have acted as legal guarantors for these workers. These claims have been used to seize workers’ salaries, real estate, automobiles and the deposit money (often several hundred thousand dollars) on their apartment leases. This policy has been seen by many as a form of collective punishment as it jeopardizes workers’ families’ living conditions as well as individual salaries. As the KCTU (2007) put it: ‘the seriousness of the claims and seizures lies in the fact that they lead to not only an infringement of ... union activities, but also to the destruction of families and, ultimately, lives as well’. In recent strikes, many of the unionists involved or their family members have been hospitalized for depression or are facing the threat of divorce (Hankyoreh 2011a). These claims have reached as high as $US 9.6m for a single unionist. One unionist who committed suicide at Hanjin Heavy Industries in 2003 received less than $100 a month at the point of his suicide. Before that, his monthly average salary had been about 1.5 million won ($1250) (Jang 2004a).

The use of damage claims and provisional seizure increased significantly in 2004 and has remained a constant feature of labour conflict since then. In that year alone the courts made claims upon or attempted to seize nearly SUS 110m in unionists’ assets (KCTU 2005). About 25% of these claims were against public sector unionists. This shows it was not simply a tactic adopted by private firms alone. Aggregate data on the extent of damage suits and provisional seizures of assets is difficult
to come by, but as of the spring of 2011, Hankyoreh (2011a) reported that the total amount of compensation claims in five of the largest workplace conflicts amounted to $US69.4m, with around 910 union leaders and members at these firms targeted by such claims. This shows the practice is still a common feature of labour relations, even though it has led to the protest suicide of a number of union activists.

Often, especially in the case of damage claims and facilitate seizures, the result of these strategies is to generate a cycle of strife that ensues in stalemate, with the company using damage claims to repress a strike but causing a newer, often more violent one by the severity of the seizures. This cycle tends to go on until an informal agreement or amnesty is reached between businesses and their workers and the seizures allowed to expire (Interview, Society for the Abolishment of Irregular Work, February 2007). Many of these cases, especially in the case of irregular workers' struggles, have ended with the political suicides of impoverished workers or persecuted union organizers. This often leads to new violent protests, while at other times it can sometimes lead to a settling of labour conflict. According to Jang (2004a), the Hanjin Shipbuilding Company in 2004 regularized all its irregular workers after the second suicide by one of its shipbuilders. During the strike, a worker hung himself from his crane, leaving a suicide note saying that being an irregular worker was 'a frightening thing.'

Unfortunately, not much has changed since 2004. These suicide protests and other acts of desperation by irregular workers and union organizers continue to occur every year. In 2009 Park Jong-tae, chapter head of the Kwangju chapter of Korea Cargo Transport Workers' Union (KCTWU), a union of 'self-employed' contractors, took his life in protest at redundancies against the union. The struggle over redundancies at SsangYong Motors has led to 22 deaths of workers and their family members since 2009, many of them from suicide (Ohmynews 2011). SsangYong's union were facing over 23 billion won in damage claims for these strikes and protests by mid-2011 (Hankyoreh 2011a). In December 2011, a Korean Construction Workers' Union member committed self-immolation during a strike for collective bargaining rights by subcontracted electricians at Youngin Electrical Company. Workers there were protesting over long hours, illegal dispatch, use of workplace bodyguards to repress union activity and lack of workplace accident compensation (ATMN 2011). The self-immolation of a non-regular workers' union member at Hyundai Motors in 2010 was more recently followed by another self-immolation in January 2012 by another unionist over long working hours and the lack of a timeline on the regularization of subcontracting workers who were ruled to be illegal dispatch employees (Hankyoreh 2012). It seems that as long as high levels of irregular work and illegal dispatch, as well as repression of labour conflict through damage claims and other means remain, self-immolations and other traumatic events will continue to animate the culture of Korean labour protest.

**Conclusion**

The survival of minjung tactics of social protest such as self-immolation is informed by the ways in which the challenges raised by neoliberalism and the difficult struggle to reform Korean labour relations. The continuation of this traumatic tactic demonstrates how historical structures of feeling and repertoires of protest, such as the strategies and the tactics of the minjung movement, continue to shape the present in a residual manner and point to the ways in which the process of democratization has not been fully extended to Korean labour relations. If Chun Tae-II's self-immolation began the modern age of the minjung in 1970, the continuation of the tactic shows that not all of the goals of this movement have been achieved. While authoritarian government has receded, the expansion of irregular work and the use of new forms of labour control such as damage claims and preventative seizures of individual labour unionist's assets and livelihoods has expanded under a government whose key politicians were once part of the broader minjung movement. Unfortunately, this intersection of democratization and neoliberalism has created a situation in which labour occupies a very precarious place. Finally, this use of new repressive forms of labour control coupled with the expansion of irregular labour highlights the fact that the traumatic responses of Korean workers is not simply a national issue, but is really one located at the global-local nexus between the Korean and global economy. If the labour patterns of the 1970s and 1980s that Chun Tae-II protested against were part of an initial integration into the post-war global political economy through state-controlled investment and labour repression, the recent transformation of Korean labour relations from authoritarian developmentalism to a more market-oriented system of uneven labour relations between larger and small firms, regular and irregular, male and female, native and migrant workers speaks to a new, neoliberal recompensation of the local–global nexus that resonates with the creation of other flexibilized labour regimes in East Asia. In the current conjuncture, it is particularly important for labour scholars to examine how these regimes are shaped not only by the irregular employment practices and preferences of various fractions of capital, but also
the way in which workers have targeted these employment practices in culturally specific ways. To understand the latter, it is thus crucial to pay attention to the ways in which tactics inherited from past struggles survive and shape contemporary struggles, returning in ways that seek to challenge new forms of precariously employed and regressive forms of labour control that have accompanied them.

Note

1. The tactic was used by an anti-Korea US free trade agreement activist in 2007. Suicide protest was also committed by farmers protesting against the same agreement. Anti-globalization activist Lee Kyong-Hae committed suicide at the 2003 WTO protests in Cancun, a transnational application of this tactic. Recently, a monk committed suicide-imolation against the Lee government's 4 rivers construction project, which has dredged and destroyed habitats along Korea's main rivers.

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13

Striking Out in America: Is There an Alternative to the Strike?

Kim Moody

Introduction

'The strike is the essence of collective labour activity', wrote former Clinton National Labour Relation Board recess appointee and legal scholar, Craig Becker (1994: 351). The National Labour Relation Act (NLRA) of 1935, which established the legal basis of collective bargaining for most of the private sector in the US, unequivocally guaranteed the right to strike. Furthermore, Becker notes the Supreme Court, as late as 1963, argued that the NLRA had upheld a system of collective bargaining 'with the right to strike at its core'. Yet, beginning in the 1980s, the use of the strike has declined from year to year. The number of strikes has fallen from an average of over 5,000 a year in the 1970s to an annual average of fewer than 300 in the 2000s (see Table 13.1). How could such a huge decline in the use of labour's 'only true weapon' (Logan 2008: 171) be explained? Were there alternative forms of industrial action that workers and their unions could deploy to pressure employers in the process of collective bargaining?

This chapter examines the various forces behind this decline as it relates to workers and unions in the private sector. Following an analysis of the roots of the near abandonment of the strike weapon, the chapter will then discuss the various alternatives. It will argue that the central explanation for reduced strike activity lies not just in the US legal regime, which severely limits workers' 'self help', as the NLRA terms industrial action, or in the 'global' economic trends that disadvantage workers, but in the dynamics of class conflict that these trends have encouraged or enabled. Furthermore, in examining the alternative forms of industrial action developed by union members and leaders in the last couple of decades, the chapter will argue that the very forces militating against