Contestation in the Construction of a Global Korean Community: The Case of the Overseas Korean Act

Jung-Sun Park and Paul Y. Chang

Amid great controversy, the South Korean National Assembly passed the Overseas Korean Act (OKA) on December 3, 1999. The benefits, which resemble quasi-citizenship rights, are justified by the South Korean government’s drive to redefine and reconstruct Korean identity in the context of an increasingly globalized world. Certain overseas Korean groups are legally included as (quasi) members of the South Korean nation-state, whereas other groups remain legal outsiders. Many people argue that the OKA defines “Korean identity” through technical and legal connections to the nation-state, South Korea, which in turn has larger implications for who does and does not constitute a Korean. Thus, the debate revolves around the confounded notions of national/legal/ethnic identities. Utilizing survey data and qualitative interviews, this article delineates the relationship between the South Korean government’s efforts to legally define Korean identity and a Korean diasporic community’s challenge based on ethnic homogeneity. Findings indicate that there is contention over not only the criteria by which one is defined as “Korean,” but also over the legitimacy of actors privileged to make such distinctions. We also point to the importance of considering historical experiences and geopolitics in shaping identity politics in the current context.

Over the last few decades, rapid globalization has generated tremendous changes in various boundaries at local, regional, and global levels. In the face of globalization, many nation-states have engaged in new nation- and community-building processes, which have taken diverse forms and characteristics. In recent years, many nation-states’ new nation-building efforts have been geared toward the construction of “deterritorialized nation-states” through the political incorporation of diasporic populations. Besides those

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nation-states that have long acknowledged dual citizenship, such as Switzerland and France, many nation-states, such as Mexico, are now granting and acknowledging real or de facto dual citizenship as a way of incorporating their overseas populations into their nation-building processes. In this context, the relations between diasporic populations and their countries of origin have been reshaped, generating both tension and cooperation.

In line with these general trends, there have been major changes in the South Korean government’s attitude and policies toward overseas Koreans since the 1990s, which relate closely to its new nation-building project. For instance, in the context of globalization (segyehwa) discourse, the Kim Young-Sam government emphasized the significance of overseas Koreans in forming a globalized ethnic Korean community. That regime eventually established the Act on Overseas Koreans Foundation (Chaeoe tongp’o chaedanbop) in 1997, the first South Korean law to focus on overseas Koreans. Then, on December 3, 1999, the Kim Dae-Jung government passed the Act on Immigration and Legal Status of Overseas Koreans (hereafter, Overseas Korean Act or OKA), which legally defines the status of overseas Koreans in relation to the South Korean state. As an attempt to connect overseas Korean populations to the new South Korean nation-building processes, which were undergoing a critical transformation due to the economic crisis at that time, the law granted quasi-dual citizenship rights to selected groups of overseas Koreans, mostly Korean Americans and pro–South Korea Korean residents in Japan. Under the law, qualified overseas Koreans could enjoy many privileges afforded to South Korean national insiders, such as property ownership.

However, in effect, the law virtually excluded more than half of the overseas Koreans—including Korean Chinese and Korean Russians—because it used a criterion that requires proof of previous South Korean nationality. Since the majority of Korean Chinese and Korean Russians (and their ancestors) left the Korean peninsula before the establishment of the Republic of Korea (South Korea) in 1948, they never had South Korean nationality; thus they could not satisfy the OKA’s criterion. Not surprisingly, this exclusion generated heated debate and protests, both in South Korea and abroad, which eventually culminated in the Constitutional Court’s ordering of the National Assembly to revise the OKA to conform to the “equality principle” of the South Korean Constitution. The National Assembly revised the OKA according to the Constitutional Court’s mandate, and the revised version of the law, which discarded the controversial “former nationality” criterion, was passed on February 9, 2004. Even so, some key issues, especially the inclusion/exclusion of different overseas Korean groups, have not been effectively and practically resolved and disagreements surrounding the law still linger.
Based on survey data and in-depth interviews, this study explores the debates and controversies surrounding the OKA. In particular, it analyzes the OKA controversy in broader geopolitical, economic, and historical contexts, focusing on the (dis)juncture and tension between national and ethnic identities and the question of agency in defining and negotiating such identities in a highly globalized world. Although the OKA utilizes legal categories to define “Korean identity,” it also entails the construction of a Korean identity based on “primordial” ethnic ties and the belief in shared blood and heritage (hyŏlt tongjuũiũ). Thus, legal national identity is confounded with ethnic identity. Yet the inclusion/exclusion of different overseas Korean populations in the OKA (pre-amended version) indicates that the assumed primordial ethnic ties are subject to political and social negotiation, especially in the context of the contemporary global remapping of political, social, and cultural boundaries.

Moreover, the tension between the South Korean government’s power to determine who constitutes the nation-state’s legal and political subjects, and individuals’ and groups’ various reactions to that determination, illustrate the contention embedded in the construction of national and ethnic identities. By juxtaposing positions and views surrounding the OKA debate—whether they belong to the government, NGOs, or members of overseas Korean communities—this article tackles the questions of agency and legitimacy in constructing new legal and ethnic Korean membership. Further, by situating the identity politics surrounding the national and ethnic identities in broader structural contexts, it illustrates how history, geopolitics, and economy are intertwined with the (trans)formation and claim of such identities.

**CITIZENSHIP, HISTORICAL LEGACY, GEOPOLITICS, AND ECONOMIC INTEREST**

The OKA grants quasi-citizenship rights to qualified overseas Koreans, including the rights to work, prolonged stay, and property ownership. According to the OKA, the eligible chaeoe tongp’o (overseas Koreans) consists of two groups with different legal status: chaeoe kungmin (Korean nationals abroad) and oegukkkukchŏk tongp’o (ethnic Koreans who are citizens of foreign countries). Since the former are Korean citizens, they should be unquestionably entitled to the privileged rights of South Korean citizens. Indeed, it is the latter case that was at the center of the controversy surrounding the OKA. The pre-revised version of the OKA defines oegukkkukchŏk tongp’o as follows: those who either once possessed South Korean nationality or are the direct
offspring of former South Korean nationals (chikkyebisok). This signifies that overseas Koreans’ eligibility for this quasi-citizenship status is determined by their previous legal connections to the South Korean nation-state. Controversies stem from the fact that this legal criterion cannot be used as a legitimate qualification marker because of Korea's unique modern history, including colonization and division.

South Korean nationality was not legally defined until the South Korean state was established in 1948. Those who left the Korean peninsula during the Chosŏn period were the Chosŏn kings’ subjects, and those who left during the colonial period were Japanese colonial subjects. Therefore, the proponents of the original version of the OKA claimed that, since none were South Korean nationals prior to their departure, they should not be included as beneficiaries of the OKA. In effect, this “post-1948 criterion” excludes most Korean Chinese and Korean Russians, and a segment of Korean residents in Japan and Korean Americans who migrated to those countries of settlement during the colonial period and before. In contrast, individuals who oppose the original OKA suggest different interpretations of the legal status of the pre-1948 immigrants. For example, Rhee Chong Hoon argues that pre-1948 immigrants technically have dual citizenship because they never had the chance to discard their Korean nationality after they gained new citizenship overseas. Since the South Korean state claims that it is the legitimate heir to the Korean Provisional Government (established during the colonial period in Shanghai), and since the Provisional Government declared that all of the Chosŏn people were its subjects, there is a linkage that justifies the pre-1948 immigrants’ claim of belonging to the South Korean state.8

Although legal interpretations of the relations between the pre-1948 immigrants and the South Korean state remain a subject of debate, it was widely agreed that the OKA breaches the universality principle of citizenship by arbitrarily excluding certain groups. This point became the main ground for the Constitutional Court’s 2001 decision that this law is unconstitutional.

Besides the post-1948 criterion, there is another, less-addressed question: who constitutes a Korean citizen, based on the current division of the Korean peninsula? Despite the official declaration, more than a decade ago, that announced the end of the Cold War era, the Korean peninsula is one of the few places where the Cold War legacy still lingers. With respect to citizenship, North and South Koreans are, in theory, simultaneously citizens of both North and South Korea because both states claim governmental power over the entire Korean peninsula.9 Both North and South Korea have argued that theirs is the only legitimate state in the Korean peninsula and each therefore claims the right to define and govern the citizens of its counterpart as its own political subjects.10 In reality, of course, these are empty claims, but the
The geopolitics of Northeast Asia, especially with respect to China, is another significant factor in the OKA debate. From the beginning, it is said that both China and the former Soviet Union opposed the idea of South Korea's quasi-citizenship. These countries host a large number of Koreans and share their borders with the Korean peninsula. In China's case, its concern for real and potential ethnic independence movements by a few major ethnic groups, including the *Chosŏnjok* (Korean Chinese), seems to have impacted its strong stance against the inclusion of Korean Chinese in the OKA. The fact that Chosŏnjok reside in the area that borders the Korean peninsula, and that they are one of the few ethnic minority groups that has a strong nation-state as a “homeland,” probably increases anxiety on the Chinese side. In addition, China’s current and historical relationship with the Korean peninsula in general, and with North Korea in particular, also affects the country’s negative reaction to the South Korean government’s idea of embracing Korean Chinese.

The former Soviet Union had similar concerns, but Korean Russians’ relatively weaker relationship with South Korea and their current residential concentration far from the Korean peninsula have contributed to their less active role in diplomatic intervention regarding the OKA. Given this situation, in order to avoid diplomatic conflict with the two neighboring countries, the Korean government came up with a criterion that excludes Korean populations in those countries. Since the majority of Koreans who left the peninsula in the late nineteenth century and during the colonial period settled in China and Russia, the post-1948 criterion effectively excludes Koreans in China and Russia although they are not explicitly singled out. In this vein, the dispute over Korean identity is not confined to the relationships between the Korean nation-state and its diaspora but extends to the international domain through historical legacies and contemporary geopolitics.

Critics also suspect an economic motivation behind the OKA's passage. In fact, the South Korean government’s intention to induce investment—as well as to recruit English-speaking, internationally competitive professionals from overseas Korean populations—was one of the most immediate reasons for passing the OKA at a time of economic crisis. South Korea’s need, since the 1990s, both to secure and to control dependable, cheap foreign labor also plays a role. While South Korea opened its labor market to foreign workers, especially in the so-called 3D (dirty, difficult, and dangerous) areas, Korean employers preferred Korean Chinese as workers, because of their ability to speak Korean as well as their "coethnicty." This preference for coethnic laborers matched the needs of Korean Chinese who sought economic opportunities in South Korea. However, as the number of Korean Chinese rapidly
increased and their illegal stay became a social issue, the South Korean government took a disciplinary stance by deporting illegal Korean Chinese and implemented measures to limit their entrance into South Korea. By denying the Korean Chinese national membership and, thus, their right to freely enter and work in South Korea, the OKA effectively aided the government’s effort to control the borders in defense of the South Korean labor market.

In a broader sense, the exclusion of Korean Chinese in the OKA can, on the one hand, be interpreted as a means of governmental control over transnational labor flows. On the other hand, from the viewpoints of the Korean Chinese (especially those who seek economic opportunities in South Korea), the exclusion is a hindrance to their transnational pursuit of economic opportunities. For them, the OKA’s insider/outsider boundaries are not merely a matter of ethnic/national membership but also of economic membership. Thus, they cannot accept the exclusion, which disadvantages them as “foreign laborers” and denies them the economic privileges of national insiders. As we discuss below, these conflicting economic interests, and the tension between the government’s power to discipline the transnational labor force and laborers’ global pursuit of economic opportunities, are embedded in the ideological and political debates over the OKA and Korean national/ethnic membership.

THE COMPLEXITIES OF NATIONAL AND ETHNIC IDENTITIES IN SOUTH KOREA

Discussions of the relationship between national and ethnic identities have generally focused on the incorporation of ethnic minority groups into the broader nation-state. More often than not, national identity is deemed to be broader than ethnic identity. However, studies of diaspora and transnationalism have challenged this nation-state–centered view by illustrating the extensive scope of ethnic identity that transcends narrowly defined national affiliations. In this time of rapid globalization and massive human and material movements across borders, increasing and intensifying transnational, as well as international, connections call into question the validity of national borders and identities. At the same time, as we have mentioned, nation-states are leading new nation-building processes in order to reconstruct linkages between groups of the same “ethnic” origin across borders, and to build large-scale, deterritorialized, pan-national communities.

Due to its ethnic composition, national division, geopolitical location, and migration history, the South Korean case is unique and interesting in this debate. Although official permission for immigration was not granted until the turn of the twentieth century, Koreans had long migrated to neighboring
areas, especially Manchuria. Colonization and the Japanese colonial regime's need for laborers in Manchuria propelled Korean migration before 1945. After World War II, economic problems and political instability in South Korea further stimulated Korean emigration. \(^{21}\) As a result, the Korean diaspora is one of the largest in the world, numbering some six million. They are located across the globe, with a concentration in superpower nations such as the United States, Japan, China, and the former Soviet Union. Because of Korea’s geographical location as a buffer, or a bridge, between the capitalist bloc and the communist bloc, and between the *taeryuk seryŏk* (continental powers—represented by China and Russia) and *haeyang seryŏk* (maritime powers—represented by Japan and the United States), Korea’s nation-building has inevitably been intertwined with the global and regional political economy. Hence, as we mentioned earlier, South Korea's recent attempt to (re)demarcate its national boundaries through the OKA could not be free from such structural constraints, which explains why the South Korean government carefully considered other nation-states’ reactions. Yet, there is another, more South Korea–centered reason for the discriminatory incorporation of overseas Koreans.

South Korea’s specific need for overseas Koreans’ labor (both professional and manual), and its perceptions of the relative economic status of the countries that host its diaspora populations, have affected their inclusion/exclusion. \(^{22}\) Critics argue that “rich cousins” from the United States and Japan are included, whereas “poor cousins” from China and the former Soviet Union are excluded. This perceived different economic status of host countries is replicated in the ways overseas Koreans from those countries are incorporated into the South Korean economy: individuals from the former countries are recruited into the professional and investor categories, while people from the latter countries are absorbed into the unskilled and semiskilled laborer categories. Further, through the OKA, the former groups are legally incorporated into the Korean national community as insiders, whereas the latter groups remain as foreign outsiders. Comaroff and Comaroff argue that “ethnicity has its origins in the asymmetric incorporation of structurally dissimilar groupings into a single political economy.” \(^{23}\) While this argument most aptly explains the unequal ethnic stratification within a multiethnic nation-state, the South Korean case illustrates a different possibility. That is, the OKA demonstrates how the same ethnic group from multiple nation-states is asymmetrically incorporated into a single political economy of the ethnic group’s “homeland,” and how complex domestic and international politico-economic factors shape the inequality.

The connection of overseas Korean groups with the “homeland” is most often articulated through their “ethnic” affiliation. Despite growing (im)migration,
intermarriages, and the very constructive nature of such a notion, the ethnic “homogeneity” of the Korean people has rarely been challenged. In fact, Korea is acknowledged as one of the few countries whose ethnic makeup is extremely homogeneous (the ethnic Korean group comprises 95 percent or more of the nation’s population). Thus, Koreans both in Korea and abroad firmly believe in the “oneness” of the Korean people, regardless of their residence. In fact, this sentiment explains why excluded overseas Korean groups in the OKA, especially the Korean Chinese, could forcefully claim their national membership and induce emotional support from South Koreans. However, when this claim of national membership grounded in “primordial” ethnic ties pushes against the juridical power of a nation-state (which must consider broader structural factors for nation-building, including the geopolitical situation and domestic economic need), the applicability and appropriateness of ethnicity for national membership becomes limited.

Defining legal national membership is the privilege of the nation-state. In South Korea, where the state’s power and authority have been very strong, definition of legal membership centers on the state rather than the individual. Hence, national membership is termed “nationality” (*kukchôk*) instead of citizenship (*simin’gwôn*), implying the state’s centrality in the state-citizen relationship. Korea’s political division, which resulted in the continuing competition between two states over their juridical power and legitimacy vis-à-vis the Korean people, has intensified the South Korean government’s emphasis on the state’s centrality in delineating its membership boundaries. Indeed, the division presents South Korea with a major dilemma in redefining national membership. On the one hand, the division provides the South Korean government with an incentive to embrace overseas Koreans as broadly as possible in order to prove its legitimate and exclusive governmental status in the Korean peninsula, especially in the post–Cold War context. On the other hand, granting legal membership to former and current allies of North Korea (some of the excluded people hold North Korean citizenship) can be too risky for national security. In this sense, national and ethnic identities take on new meanings: it is not simply a matter between an ethnic homeland and its diaspora, but among two ethnic homelands and their diaspora groups that are divided along ideological lines.

National and ethnic identities pose complex questions for Koreans and the Korean diaspora, faced with two antagonistic homelands. The intricate interplay among geopolitics, economic interests, and historical legacy constantly intervenes in negotiations between the Korean diaspora and the South Korean state over the former group’s position and belonging. In this process, presumably, “primordial” ethnic ties are often used and interpreted instrumentally to serve the specific political and economic goals of the parties involved. In the
following sections, we discuss this complicated identity politics by comparing the views of South Koreans and members of a Korean diaspora group, Korean Chinese, on the OKA and the homeland/diaspora relationship. Their different and often conflicting perspectives illustrate how one’s place along the homeland-diaspora continuum affects individuals’ and groups’ assessments and interpretations of the OKA and ethnic/national membership.

DATA AND METHODS

We base our analysis of the debate surrounding the OKA and national/ethnic membership on two data sources. For our discussion of South Koreans’ positions on the issues, we utilize the findings from a survey conducted by a South Korean nongovernmental organization (NGO) that examined ordinary South Koreans’ general attitudes toward the OKA. Then, we attempt to give voice to the Korean Chinese, who are at the center of the OKA debate, and their concerns about the law and its implications, by organizing and interpreting the main themes that arose from in-depth interviews.

The OKA Survey by a South Korean NGO Group

A survey conducted by a South Korean NGO group, Chaeoe tongp’o yŏn-dae ch’u’in wiwŏnhoe (Committee on Overseas Korean Network), provides valuable insights into ordinary South Koreans’ opinions on Korean national/ethnic identity and overseas Koreans’ relations with South Korea. The research was carried out by the Hangil Research Institute between November 7 and November 8 in 2003, with the goal of “providing basic data for the revision of the Overseas Korean Act.” The sample consists of 1,000 individuals over age twenty, selected by a random sampling method. We present the data in a mostly straightforward manner, yet we also analyze the survey itself: how it was constructed, worded, and ultimately presents its own view of the debate. We find that although the survey results are interesting in their own right, the way the survey was constructed sheds light on how this NGO and many other civic organizations in South Korea imagine and frame the OKA debate, yet another indication of the multiple positions and voices involved.

Interviews with Korean Chinese in South Korea

As we mentioned, the group most negatively affected by the OKA’s exclusionary element is the Korean Chinese. However, this does not mean that the entire Korean Chinese group shares the same positions and views on the
issue. Depending on individuals’ self-identities and relations with the homeland, the Korean Chinese may have different opinions on the OKA and its ramifications. Probably those who pursue economic opportunities in South Korea (and those with such intentions) have the most vested interest in the OKA and, understandably, are the most vocal about the issue. Based on in-depth interviews with some Korean Chinese residing and working in South Korea, we attempt to address the voices and views of the people whom the law most directly and immediately influences. By juxtaposing those individuals’ assessments of the OKA and national/ethnic boundaries with those of ordinary South Koreans indicated in the above-mentioned survey, we draw attention to the multiplicity of subjective stances on the issues, how that relates to the involved parties’ particular historical, social, and legal positions, and how the ethnic/national boundaries are negotiated and manipulated for both practical and ideological goals.

Access to Korean Chinese informants was obtained through the civic organization Korean International Network (KIN). KIN has been active in advocating for the rights of the Korean Chinese and introduced us to members of this group with the hope that their opinions and stories might reach the public. In all, sixteen interviews were conducted, with an average time of almost one hour per interview. All of the interviews were conducted at the Welfare Mission Center for Korean Chinese, located in Seoul. The center, which is housed in a church and headed by Ki Ch’uno and Yim Kwangbin, is a haven for the many Korean Chinese who have illegal alien status. It is also the organizational center for the movement advocating for the rights of the Korean Chinese in South Korea. Interviews obtained through the Welfare Center are, thus, not intended to be “objective” narratives about the Korean Chinese experiences in Korea but rather, to highlight the strategies that a segment of a Korean diasporic community uses to advance its position vis-à-vis the OKA.

SOUTH KOREANS’ VIEWS ON OVERSEAS KOREANS AND THE OKA

Despite certain limitations, such as the relatively small sample size and the value-laden wording of the questions, the OKA survey sheds light on a few significant dimensions of the OKA debate, including how well known the issue is in Korean society, the permeability and fluidity of ethnic/national membership, the centrality of the “motherland” with respect to its diaspora, and the importance of individuals’ subjective locations in their evaluation of ethnic/national identities.

Judging from the survey results, the OKA and its related issues are not necessarily well known in South Korea. For example, the majority of respondents
do not know the contents of the OKA (97.3 percent). When the survey listed a brief description of the OKA (with an emphasis on the exclusion of Korean Chinese, Korean Russians, and “stateless” Korean residents in Japan) and asked the respondents whether they knew of such facts, 87.1 percent answered negatively. Congruently, 90.5 percent of the respondents answered that they did not know the Constitutional Court’s ruling on the OKA.

Despite the overwhelming lack of previous knowledge of the OKA, however, South Koreans’ long-held belief in ethnic fraternity is evident in respondents’ answers to other survey questions. For example, in answering a question about whether a law for overseas Koreans is necessary, 85.2 percent of the respondents responded positively, and 77.4 percent thought that Korean Chinese and Korean Russians should be included as “beneficiaries” (suhyedaesang) of the law. The survey also describes the situation in which illegal Korean Chinese and Korean Russians who cannot legalize their status during “the legalization period for illegal residents” will be “forcefully deported.” Regarding this situation, 82.9 percent of the respondents answered “yes” to the statement, “Some other measures other than forced deportation need to be sought because they [the immigrants] are our tongp’o.” By contrast, 14.6 percent responded that “they should be forcefully deported because they are foreign laborers.” Obviously, inclusive and fraternal attitudes toward fellow ethnic Koreans, epitomized in the term tongp’o, are manifest here.

However, contrary to the widely held ideological assumption in South Korea about the fixed nature of the category tongp’o, the respondents’ choices of who constitutes tongp’o clearly illustrate the fluid and sometimes contradictory characteristics of the category. Table 1 indicates respondents’ answers to the following question: “Please answer with yes or no whether you think the people we list below are our tongp’o.”

Some interesting interpretations can be drawn from table 1. First, although overseas Koreans are generally referred to as tongp’o in South Korean social discourse, respondents do differentiate among them. Further, the respondents’ subjective inclusion/exclusion is congruent with the OKA’s inclusion and exclusion. For instance, the groups included in the OKA—Korean Americans and pro–South Korea Korean residents in Japan—are regarded as tongp’o by a greater number of Koreans (92 percent and 83.2 percent, respectively), compared to their excluded counterparts, including Korean Chinese (76.8 percent), Korean Russians (65.7 percent), and pro–North Korea Korean residents in Japan (52.2 percent). We can infer from these data that the legal inclusion/exclusion is not only an outcome of the complicated interplay of political and economic variables, but also reflects the widespread emotional and psychological sense of closeness and distance that South Koreans grapple with in their approach to overseas Koreans. The fact that excluded groups are or had
Table 1. Percentages of Respondents Who Consider Groups below to Be Korean Tongp’o

<table>
<thead>
<tr>
<th>Exemplified Groups</th>
<th>Korean Terms Used</th>
<th>Respondents Who Consider the Following Groups to Be Tongp’o</th>
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<tbody>
<tr>
<td>Korean Americans</td>
<td>Chaemigyop’o</td>
<td>92 percent</td>
</tr>
<tr>
<td>Pro–South Korea Koreans in Japan</td>
<td>Mindan’gye chaelgyop’o</td>
<td>83.2 percent</td>
</tr>
<tr>
<td>Pro–North Korea Koreans in Japan</td>
<td>Ch’ongnyŏng’gye chaelgyop’o</td>
<td>52.2 percent</td>
</tr>
<tr>
<td>Korean Chinese</td>
<td>Chungguk chosŏnjok</td>
<td>76.8 percent</td>
</tr>
<tr>
<td>Korean Russian</td>
<td>Kusoryŏn jiyŏk tongp’o</td>
<td>65.7 percent</td>
</tr>
<tr>
<td>Half Korean-half Vietnamese</td>
<td>Wallamjŏne úihan Raitaihan</td>
<td>49.5 percent</td>
</tr>
<tr>
<td>Korean adoptees</td>
<td>Haeoe ipyanga</td>
<td>76.4 percent</td>
</tr>
<tr>
<td>North Korean defectors</td>
<td>T’albukcha</td>
<td>73.0 percent</td>
</tr>
<tr>
<td>Korean women married to foreigners</td>
<td>Oegugin’gwa kyŏrhonhan</td>
<td>71.2 percent</td>
</tr>
<tr>
<td>Half-blooded Koreans</td>
<td>Hanminjokŭi hyŏlt’ongi 1/2in honhyŏl</td>
<td>62.6 percent</td>
</tr>
<tr>
<td>Quarter-blooded Koreans</td>
<td>Hanminjokŭi hyŏlt’ongi 1/4in honhyŏl</td>
<td>47.4 percent</td>
</tr>
<tr>
<td>Eighth-blooded Korean</td>
<td>Hanminjokŭi hyŏlt’ongi 1/8in honhyŏl</td>
<td>30.4 percent</td>
</tr>
</tbody>
</table>

been affiliated with communism and North Korea also indicates the ideological ground for the cognitive, and maybe emotional, distance.

In addition, the survey uses different terms when referring to different overseas Korean groups, who are supposedly all tongp’o. For example, the term kyop’o is used for Korean Americans and Korean residents in Japan, while tongp’o is used for Korean Russians. As Park argues, kyop’o is a South Korea–centered way of referring to overseas Koreans, focusing on the South Korean state’s governmental power over the populations in question.30 Tongp’o, on the other hand, conveys transnational, ethnic-based connections among Koreans without the role of the state.31 The differential usage of terms implies which group is deemed to be already under the jurisdiction of the South Korean state and which group is not. In the case of Korean Chinese, the term Chungguk Chosŏnjok, which literally means Chinese Chosŏnjok, is used, further reinforcing their Chinese association.

Running counter to the prevailing belief that Korean ethnicity is grounded in shared blood, the survey results reveal a somewhat inconsistent application
of that criterion to actual cases. Following the general line of belief, respondents answer (62.6 percent) that half-blooded Koreans are less Korean than any overseas Korean groups who possess foreign citizenship (except for the ch’ongnyŏn Korean residents in Japan). Besides the significance of ancestral heritage, we can infer from this division that South Koreans seem automatically to assume overseas Koreans’ full-bloodedness. A similar attitude toward heritage is found in the comparative evaluation of half-blooded Koreans and Korean adoptees (76.4 percent). Although Korean adoptees are technically foreign nationals, their blood ties, again, make them more tongp’o than half-blooded Koreans. However, the fallacy of the supposedly indisputable nature of blood ties is found in the way different half-blooded Koreans are evaluated. Only 49.5 percent of respondents think that mixed-blood Korean Vietnamese, most of whom were abandoned by their Korean fathers, are Korean tongp’o. This figure is considerably lower than the overall acceptance rate of half-blooded Koreans as tongp’o (62.6 percent). It is possible that historical and social factors, such as Koreans’ ambivalent feelings about their country’s involvement in the Vietnam War, and a general bias toward the Vietnamese, inform this arbitrary dilution of blood ties.

Koreans’ patriarchal bias also affects the construction of tongp’o. Only 71.2 percent of the respondents admit that intermarried Korean women are tongp’o, despite their unquestionable “biological” connection. Korean women’s linkage with “foreigners” through marriage deprives them of their ethnic heritage. The underlying notion is that these women are “taken” by foreigners (outsiders), thus they no longer belong to “us.” The fact that respondents’ level of acceptance of adopted Koreans (76.4 percent) is higher than that of intermarried Korean women indicates the deep-rooted patriarchal ideology that determines ethnic membership in South Korea. In this light, ethnicity is not based on blood per se. The thickening or thinning of blood, the presumably unchangeable “biological” ties, are easily and arbitrarily manipulated with changes in conditions and contexts such as marriage, adoption, and immigration.

Despite the ambiguous boundaries that define overseas Koreans, the majority of respondents agreed that a law regarding overseas Koreans needs to be established and that Korean Chinese and Korean Russians should be included in the law. Yet we find a discrepancy between the number of respondents who agree that Korean Chinese and Korean Russians should be included in the overseas Koreans law (77.4 percent), and the number of respondents who think Korean Chinese and Korean Russians are tongp’o (76.8 percent and 65.7 percent, respectively). Why do a larger number of respondents think that Korean Chinese and Korean Russians should be included as beneficiaries of the OKA, even though a smaller number of people actually think they are
tongp’o? This is perhaps related to the pervasive ideology in Korean society that instills blind faith in shared Korean ethnicity. The abstract, collective notions of tongp’o and minjok take precedence over most other collective identities in Korea and function as moral imperatives. Accordingly, even if one does not personally regard Korean Chinese or Korean Russians as tongp’o, the fact that Korean society ideologically considers those groups to be tongp’o may have impelled survey respondents to support their inclusion in the OKA.

Notably, tongp’o becomes meaningful only with the presumed centrality of South Korea. Both the respondents and the survey question makers reveal Korea-centered attitudes. The second question in the questionnaire is phrased this way: “In your opinion, what should our government, as a homeland (pon’guk), do with regard to tongp’o who stay in foreign countries?” The respondents are asked to choose an answer from the following:

1. Overseas Korean groups should try to adapt to their countries of residence. Therefore, the motherland’s (moguk) support should draw a line to serve that end.
2. Motherland (moguk) and overseas Koreans should strengthen their relations for their mutual advancement because overseas Koreans are assets for the Korean people (Hanminjok).
3. I don’t know.

Evidently, the selection of terms, such as homeland and motherland, is Korea-centered. Even the question’s phrasing underscores the out-bound movement of the Korean people, reinforcing the centrality of the “motherland” and ignoring most overseas Koreans’ permanent residence and/or nativity in their countries of settlement. It reads “oeguk e nagainnun tongp’o”—the “nagainnun” indicates the direction of the movement and assumes the temporary nature of their stay (as opposed to kōjuhanun, which implies living or residing). Hence, a presumption of a future “homecoming” is also implied. Furthermore, a possessive relationship is claimed by the expression “overseas Koreans are assets for Hanminjok.” Hanminjok literally means the Korean people, yet the phrase reads as if overseas Koreans are assets for Hanminjok, which by implication is represented by the South Korean motherland and its people. Indeed, in Korean, the phrase almost reads as if South Korea is equivalent to Hanminjok. Only 11 percent of respondents chose answer number one, whereas 85.6 percent chose answer number two. These preferences once again confirm South Koreans’ ideological emphasis on ethnic unity and connection as well as a South Korea-centered view of immigration.
Although South Korea–centered views abound in the survey, such emphasis on the homeland’s centrality is not unusual in most other homeland-emigrants relationships. In fact, in classic diaspora studies, the homeland’s centripetal power is never questioned and the eventual homecoming of diaspora populations is an essential element of diaspora theories. Yet, interestingly, the following survey results reveal how respondents’ ideological claim of the homeland’s centrality can be intertwined with their support for the homeland’s and its insiders’ politico-economic interests. One of the questions asks: “What do you think about overseas Koreans’ employment in the 3D occupations that South Koreans (kungnaeins) do not want to take?” An overwhelming 82.5 percent of respondents supported the idea, whereas 14.8 percent of respondents opposed it (2.7 percent said “I don’t know”).

In contrast, only 30.2 percent of respondents answered positively to a right-to-suffrage question. The question states, “There is a claim that [the South Korean government] should grant suffrage rights to overseas Koreans who hold Korean citizenship. What do you think about this?” The question clearly mentions that the overseas Koreans in question are Korean citizens, yet less than one-third of respondents agreed that they should be given the right to vote. To a related question—“Who should be included if [the South Korean government] grants suffrage rights to overseas Koreans?”—49.2 percent of respondents said that “only short-term sojourners such as students studying abroad and businesspeople working at overseas branch offices [of Korean companies]” should receive it. About 48.4 percent answered that it should “also” be granted to “long-term residents including permanent residents.”

Hence, even Korean citizens cannot exercise their full citizenship rights and are not fully regarded as Koreans once they live “outside” the territorial motherland. In this regard, physical location, as well as heritage, prescribes Korean national membership.

This huge gap between economic and political integration of overseas Koreans clearly indicates the ambivalence embedded in many Koreans’ notion of ethnic and national memberships. As we mentioned earlier, South Koreans prefer tongp’o to foreigners as cheap laborers. Generally, hiring them for unwanted occupations does not threaten South Korea’s economic interests; rather, it is desirable. Yet “blue collar” workers (18.9 percent), individuals working in the fields of agriculture/forestry/fishery (24.9 percent), and unemployed people (20.2 percent) demonstrated higher opposition rates to the idea than their “white collar” counterparts (10.3 percent) because they perceived possible competition with overseas Korean laborers in the labor market. That is to say, acceptance and rejection of overseas Koreans are bound up in vested economic interests, at both the individual and collective levels. In this light,
allowing voting privileges to overseas Koreans is perhaps too close to the heart of Korean national identity and interests. The survey data illustrate that many South Koreans think that overseas Koreans’ active political participation through suffrage could induce real and immediate negative consequences that could be detrimental to the well-being of the South Korean nation and its citizens. We speculate that South Koreans are concerned about their possible (relative loss) of hegemony and centrality vis-à-vis overseas Koreans. These issues are the core of South Korean national identity, and consequently constitute key points for any political negotiation between national and ethnic identities.

As the contents and wording of the survey questions indicate, the South Korean NGO that conducted the survey has its own biases as a national insider and an alternative voice within the national community. The NGO’s ambivalent position is revealed in two ways. First, as a civic organization that supports the cause of the excluded overseas Korean groups, it is critical of the state and the OKA. Reflecting this adversarial position, the NGO used numerous value-laden terms and leading questions in order to solicit respondents’ sympathetic answers in support of Korean Chinese and Korean Russian inclusion. For example, the survey questions emphasize “forced deportation” and overseas Koreans’ willingness to work in the 3D economic fields that “no Koreans want.” Second, as we illustrated earlier, the terms used in the survey reveal the organization’s Korea-centered views relative to the diaspora. Such simultaneous embrace of contradictory positions and frequently shifting boundaries plainly show the inherent ambiguities and the political nature of identity negotiation and construction.

**KOREAN CHINESE VIEWS ON THE OKA AND SOUTH KOREA**

South Koreans claim that they are in a central position in relation to overseas Koreans based on their territorial residence in the homeland, whose power is supported by an established legal government and unquestionable ethnic identity. Overseas Korean groups, however, defend their ethnic membership and legitimacy through logic as varied as their unique immigration histories and experiences. Of these groups, the Korean Chinese are in the most contentious position vis-à-vis the South Korean government with regard to the OKA. Capitalizing on their historical legacy and structural position “in-between” the two Koreas—as well as between China and the Korean peninsula—the Korean Chinese argue for their legitimate entitlement to national and ethnic membership.
Historical Contingencies in Identity Formation

Korea’s turbulent modern history shapes our Chosŏnjok informants’ arguments surrounding the OKA (we use the term Chosŏnjok instead of Korean Chinese in this section to follow their subjective naming). Historical memory and reality enter the picture in at least two ways. First, the Chosŏnjok’s claim to partake of the benefits of South Korea’s successful modernization has to do, in part, with their unique role in Korea’s independence movement during the colonial period. Second, the political divide between North and South Korea, and the Korean War’s (1950–53) current state of irresolution limit South Korea’s ability to pass liberal immigration policies, which in turn has been interpreted by Chosŏnjok informants as excluding them from participating in the national community. In this vein, history provides legitimacy for the Chosŏnjok to form their own identity, and also contextually binds South Korea to define the in/out group criteria for legal and political membership in narrow terms.

As mentioned earlier, Koreans emigrated to China for several reasons during the late nineteenth and first half of the twentieth century. Economic opportunities, forced exit by the Japanese, and greater freedom to challenge Japanese colonial rule rank among the highest. As one informant notes, “[Our family] didn’t leave North Korea [for China] in 1936 because we disliked our home country, but because we were looking for more opportunities than we had in Korea during the Japanese occupation…but we never forgot that we were Chosŏn people” (Informant 1). A different informant puts it more bluntly: “We were forced to move to China because of the Japanese” (Informant 2). Given this historical background, our informants’ legitimate identification with the Korean ethnic community depends not upon geographical region or country of residence but rather on the belief in shared blood and ancestry. Our informants do not consider being born and raised in China to be a matter of choice. They view it, instead, as the outcome of historical circumstance and Japanese aggression. The Chosŏnjok informants feel they should not be penalized with respect to their ties to the homeland because of these uncontrollable circumstances.

The emphasis on lack of choice in residency points to our Chosŏnjok informants’ “defensive” stance on their legitimate Korean identity. Still, historical context provides them with proactive rhetorical tools to advance their identity claims. It is widely known that the movement for Korean independence during the Japanese colonial period centered in and around northeastern China. Bands of Korean freedom fighters are said to have resisted the Japanese military in that region. The Korean Provisional Government (hereafter KPG) set up in China after the March 1, 1919 independence movement. All told, Koreans in China have arguably been at the forefront of the Korean independence
movement since before 1948, and in turn derive a sense of entitlement from their unique role in Korean modern history. One informant claims that some Koreans who left for China during the colonial period emigrated because “they wanted to fight for Korean independence… and 90 percent who fought and died for independence against the Japanese were Chosŏnjok” (Informant 13). Although we are unable to confirm these statistics, the legacy of the independence struggle is a crucial claim to legitimacy and a powerful basis on which to criticize the OKA (“The Chosŏnjok were on the frontlines for independence and sacrificed the most for the minjok… and yet they are the ones discriminated against” [Informant 3]).

Our informants’ insistence on the Chosŏnjok’s role in Korea’s independence movement is not simply an emotional argument but also has to do with the technical connections between an organized form of government and its citizens. As one informant reveals, “the Chosŏnjok paid taxes to the Korean Provisional Government” to help maintain its activities and to support the independence movement (Informant 13). This unique connection with the KPG provides the Chosŏnjok with indisputable legitimacy.

In fact, the connection between the Chosŏnjok and the KPG, and the subsequent connection between the KPG and South Korea, were among the legal arguments that the Chosŏnjok employed to claim that the OKA was unconstitutional. In fact, even the Constitutional Court acknowledged that the exclusion of Chosŏnjok in the OKA is tantamount to negating the legitimacy of the Provisional Republic of Korea Government, and it is against the Preamble of the Constitution, stating that the Republic of Korea upholds the cause of the Provisional Republic of Korea Government born of the March First Independence Movement of 1919.35

Yet, ultimately, this legal argument did not stand up in the Constitutional Court, but the court did empathize and acknowledge the historical limitations facing the Chosŏnjok, mentioning that:

Legislation of an act discriminating against ethnic Koreans who were involuntarily displaced due to historical turmoil sweeping over the Korean peninsula cannot be justified from a humanitarian perspective, let alone from a national perspective, in the sense that no country on earth has legislated an act to discriminate against such compatriots, when it seems only appropriate to assist them.36

Assumptions about historical contingencies in identity formation are often taken for granted by identity theorists. But in the OKA case, relevant actors have to make salient the role that history has played in the formation of Korean identity. For the Chosŏnjok in particular, history is a double-edged sword that
grants them legitimate claims to Korean identity but has also produced a political situation that limits their ability to freely travel to and from the homeland. Indeed, the historical context of Korea's political divide underlies the South's hesitation to include the Chosŏnjok in the OKA. We now turn to these issues.

**Identity Politics in Contemporary Context: Unification and the Koguryŏ Problem**

In arguing for their relevance in the larger Korean community, our Chosŏnjok informants primarily use two seemingly opposing strategies. First, they underscore the importance of their incorporation into the community for the sake of future Korean political development. Second, they distinguish themselves, creating distance and a separate identity from both North and South Korea.

The discrepancy between a single ethnic identity and the reality of political divide produces dissonance in identity maintenance, and Koreans (at least South Koreans) employ various cognitive strategies to make sense of the discrepancy. Given the reality of national division, it is taken for granted that Koreans, wherever they are, eagerly await the day of unification. Unification is the quintessential goal of the Korean people and, notwithstanding fifty years of division, it is assumed to be inevitable in some unspecified future. But even though hopes of unification prevail, South Korean society still maintains defensive strategies against North Korean espionage and possible attack. This latter motive was relevant for National Assembly members when they argued for strict border control. More specifically, the Constitutional Court noted that the drafters of the OKA were afraid that "under the ongoing South-North confrontation, there is also the risk of it [OKA] being used by North Koreans as a route for infiltration, thereby causing immediate security threats." In this way, the historical context of national division "necessarily" limits South Korea's ability to produce liberal immigration policies for overseas ethnic Koreans.

Our informants also hope for Korean unification. A unified Korea, they imagine, will lead to a stronger minjok, or Korean nation, and will allow Koreans to be independent of the foreign influences suspected of encouraging the divide. As one informant puts it, "Koreans should unify and stand on their own two feet even if they suffer in the process….We have to believe in ourselves and not just depend on the U.S. by South Korea and on China by North Korea" (Informant 16). The role that our informants see the Chosŏnjok playing in the unification process is unique and necessary. Our informants argue that the Chosŏnjok can, potentially, arbitrate between North and South Koreans. Because China has diplomatic relations with both North and South Korea, as well as being geographically close to both, northeast China is one of the few places in the world where North and South Koreans can meet and
coexist. The Chosônjk who have lived in that region for at least a generation act as de facto hosts to the North and South Koreans who enter their cities and villages. One informant insists that because “North Koreans go to China and South Koreans go to China, the [residence of the] Chosônjk is a special space for the possibility of unification” (Informant 10). Convincing North and South Koreans of the important and unique role the Chosônjk can and will play in the unification process also acts as a rhetorical tool to further our informants’ identity claims as members of an important subpopulation within the Korean ethnic community.

Nonetheless, our informants are “realistic” about the possibility of unification, and their less-than-optimistic view of the future is influenced by their own experiences in South Korea and the discrimination they have experienced there. As one informant exclaimed, “If Korea can’t even take care of its own tongp’o, how can it expect to have unification?” (Informant 1). Others concur: “Unification is not possible right now because [South] Korea doesn’t know how to embrace and take care of its own tongp’o” (Informant 5). Still others note that the discourse and motives surrounding unification are fueled by selfish sentiments—the North and South having their own distinct agendas—which is evident in how they treat those who do not fall within their in-group boundaries (Informant 12). Some even feel that the OKA further divides Koreans. For one informant, the OKA “is like setting a new 38th parallel….While we struggle to erase the original 38th for solidarity, South Korea is establishing a new 38th parallel based on the post-1948 criterion” (Informant 13). It is apparent that frustrations with the OKA, and their experience in South Korea generally, influence the Chosônjk’s strategy to position themselves within the larger Korean community as well as their pessimistic views on unification.

The second rhetorical strategy that our informants have developed is to distinguish the Chosônjk from both North and South Koreans. That is, they are developing a sense of the Chosônjk’s collective self that is distinct from and opposed to Koreans in the peninsula proper. This does not necessarily invalidate the homogeneity of the minjok but rather is, as we interpret it, a defensive strategy used to empower the Chosônjk who face discrimination and exclusion. This strategy comes to the fore most obviously in relation to the Koguryô land problem. Recently, South Korea and China have argued over the territorial history of the Koguryô land (north/northwest of North Korea in northeast China and where most of the Chosônjk live). The debates about the history of that region ultimately relate to legitimate claims to the land itself. That is, the history that is uncovered in that region (artifacts, burial sites, etc.) implies ownership of the land. Our informants’ response to this debate, to put it mildly, is one of incredulity. They scoff at what they perceive to be
outsiders’ claims to the land and note that the land has historically been occupied and cultivated by the Chosŏnjok, who are thus entitled to it. In this way, they claim a distinct identity from their fellow citizens (Chinese) as well as from their fellow ethnic group (South Koreans).

When asked about the Koguryŏ land problem and the squabbles between South Korea and China, most of the informants had similar responses: “Why is South Korea concerned about the land when it refuses to take responsibility for its own people who occupy that land?” They emphatically claim that the land belongs to the Chosŏnjok by virtue of their long-standing residence there. One informant argues that the Chosŏnjok have occupied that land for more than one hundred sixty years. He continues that “we [the Chosŏnjok] made the Koguryŏ land arable and made it the agricultural center it is today….Before, it was barely livable” (Informant 16). This claim to the land is also deliberately tied to the construction of a Chosŏnjok identity distinct from that of South Korea, North Korea, and China. The Koguryŏ land is their land and “not the Koreans’….We take care of that land and we will be responsible for it” (Informant 12). This connection to the land also has behavioral ramifications as most of the Chosŏnjok informants affirmed that they “will move back to China to maintain the Chosŏnjok legacy there” (Informant 3). Most see their stay in Korea as only temporary and motivated by economic opportunities there, as opposed to coming back to the “homeland.” One informant even claimed that “if China’s economy was strong, there would be no reason to come to South Korea” (Informant 15).39

The issue of unification and the Koguryŏ land problem point to an ambivalence the Chosŏnjok informants face regarding their role within the Korean ethnic community. On the one hand, they seek inclusion by arguing for their unique relevance to the unification problem. Their importance in that process, they feel, should warrant a more esteemed status within the ethnic Korean community. On the other hand, however, they are constructing a separatist discourse that imagines a Chosŏnjok identity distinct from North and South Koreans. This identity is strongly tied to the geographical boundaries of the Koguryŏ land and the particular history of the people who have lived there. As we speculate below, this separatist discourse is possibly a novel development as ethnic groups attempt to redefine themselves in relation to their nations of origin and their new host countries.

CONCLUSION

The largely politically and economically driven inclusion and exclusion of overseas Koreans in the OKA was framed in ethnic terms during the debates
over the law’s legitimacy. Significantly, the excluded groups, represented by the Korean Chinese and South Korean activists who claim equal incorporation of all overseas Korean groups, base their arguments on ethnic identity. Given the powerful ideology of ethnic homogeneity among Koreans, ethnic identity can offer the best counterargument to legal exclusion. Although the OKA, by implication, can be interpreted as having denied certain overseas Korean groups’ ethnic Korean membership by legally excluding them, those groups’ ethnic membership has not technically been denied or questioned in emotional and psychological senses. The ideology of Korean ethnic homogeneity and connections is so deep—and almost sacred in South Korea—that even the state dares not challenge it. In fact, as a key entity that constructs the nationalist ideology (as well as a main beneficiary of the ideology), the South Korean government cannot deny or even question their tongp’o ethnicity.

Even so, the government’s practical, political, economic, and military concerns propelled it to devise a criterion that could separate the acceptable groups from the nonacceptable ones in the contemporary context—periodization. By basing overseas Koreans’ inclusion in the South Korean state on 1948, the time of its establishment, the South Korean government arbitrarily defined a reference period and endowed it with legal meaning. As Borneman argues in the German case, states use periodization to legitimize their regimes and delineate boundaries. Thus, the South Korean government used its state power to select a time period that legitimizes its political decision and reasoning about ethnic/national membership and best serves the current situation and needs. But, at least from the South Korean government’s point of view, this political boundary making does not necessarily deny excluded overseas Korean groups’ ethnic membership in an emotional sense. According to its reasoning, political exclusion and emotional/cognitive inclusion are separate issues.

From the perspectives of the excluded overseas Korean groups, however, the denial of their legal membership is also a denial of their ethnic membership. They cannot accept the imposed periodization as grounds for their exclusion. So the Korean Chinese, for example, came up with their own periodization, the colonial period, as a basis for their counterargument. In this sense, the debates about the OKA devolved into debates over which historical time could become a source of ethnic legitimacy and who had the power to inscribe meanings and binding authority to a certain historical time. Interestingly, the Korean Chinese rejection of the South Korean government’s periodization indicates that the Korean state cannot exert effective governmental power over the population, which, ironically, proves the group’s power as “outsiders” in their pursuit of “insider” status.

In the course of the heated ideological battle over the OKA, all of the involved parties—the South Korean government, South Korean citizens,
members of Korean diaspora groups, and civic organizations—have often utilized ethnic identity instrumentally, conveniently manipulating and appropriating the presumably unquestionable primordial identity. In the process, the true meanings and boundaries of Korean ethnic identity are called into question, perhaps leading to new definitions. Our Korean Chinese informants' attempt to separate themselves from the Chinese and Korean states, and construct an independent identity as Chosŏnjok based on their territorial rights and historical legitimacy, may be an indication of such new constructions.

The complex relations between a nation-state and its diaspora, exemplified by the debates over the OKA, illustrate the transforming topographies of the world and the new challenges and dilemmas that both states and (im)migrant groups face as they seek affiliation, belonging, and a sense of community in a highly globalized world. The fusion and fission surrounding identity formation may vary, but individuals’ pursuit of emotional anchorage and political and economic stability, as well as states’ will to control the (changing) borders, will remain at the core of their identity politics.

APPENDIX: BRIEF HISTORY OF THE OVERSEAS KOREAN ACT (OKA)

October 15, 1997: Representative Chae Chunggu, head of the Overseas Korean Committee, proposes an Overseas Korean Bill.
November 15, 1997: Representative Kim Wŏn'gil also offers a draft of an Overseas Korean Bill.
December 24, 1998: Ministry of Justice of South Korea submits an Overseas Korean Bill to the National Assembly.
August 12, 1999: National Assembly passes the Overseas Korean Bill.
August 23, 1999: Three Korean Chinese submit a petition to the Constitutional Court alleging that the Overseas Korean Bill violates South Korea's constitution.
September 2, 1999: President Kim Dae-Jung promulgates the OKA.
November 27, 1999: OKA officially established.
December 3, 1999: South Korean government executes the law and the OKA takes effect.
December 3, 1999: Execution regulations for the OKA are established.
November 29, 2001: Constitutional Court declares that the OKA does not conform to the South Korean constitution. OKA is not abolished but rather remains in effect with the stipulation that it will be revised to conform to the constitution within a given time.
December 5, 2001: Representative Yi Chuyŏng proposes a bill revising the OKA.
December 8, 2001: Representative Song Sŏkch' an proposes a bill revising the OKA.
May 6, 2003: Representative Cho Unggyu proposes:
1. Draft of an Overseas Korean Basic Act;
2. Overseas Korean Committee bill;
3. Revised overseas Korean bill for the Overseas Foundation Act;
4. Revised bill for the OKA.

December 31, 2003: Deadline set by the Constitutional Court for the National Assembly to revise the OKA.
February 9, 2004: National Assembly adopts revised OKA.

NOTES

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2. See Joon Sik Lee, “From Universal Globalism to Open Nationalism,” Tamron 201 (Spring, 1999): 49–75. The Overseas Koreans Foundation is the Chaeoe tongp’o chaedan’s official English name. For the South Korean government’s views and positions on segyehwa, see the Segyehwa Committee’s Segyehwa Bichŏngwa Chŏnryak (Visions and Strategies of Segyehwa) (Seoul: Seoul Press, 1995). For a discussion of how the segyehwa discourse has affected the South Korean government’s policies toward overseas Koreans, see Jung-Sun Park, “Change in South Korean Citizenship and Its Implications,” paper presented at the fifty-second Annual Meeting of the Association for Asian Studies, San Diego, CA, Mar. 2000.

3. See the Appendix for a brief history of the Overseas Korean Act.

4. Since the majority of those who benefited from the OKA were Korean Americans, an article in Hanguk Ilbo called it a “law made only for Korean Americans” (Hanguk Ilbo, 19 Dec. 1998), quoted in Joon Sik Lee, “From Universal Globalism

5. As of 2001, the number of overseas Koreans was estimated at 5.65 million, with roughly 2 million residing in China alone. See Jeanyoung Lee, “Korea’s Policy for Ethnic Koreans Overseas,” *Korea Focus* 11, no. 4 (2003).

6. Article 11, Section 1 of the South Korean Constitution.

7. Although Korean residents in foreign countries are Korean citizens, their citizenship rights are limited. For example, they do not have suffrage rights as long as they reside abroad.


10. North and South Korea may have abandoned their mutual position of nonrecognition, but it is not formalized in legal terms. When both countries joined the United Nations in 1991, an implicit acceptance of each other’s national sovereignty was necessary. This in turn laid the groundwork for the 2000 summit meeting between Kim Dae-Jung and Kim Jong-Il.

11. Korean newspapers reported the Chinese government’s expression of concern about the OKA.

12. For example, the Chinese government has “refused to issue entry visas to Korean lawmakers who wished to visit China and investigate living conditions of ethnic Koreans living in China as part of their efforts to introduce a revision of the (OKA) Act.” See Constitutional Court of the Republic of Korea, 13-2 KCCR 714, 99Hun-Ma494, Nov. 29, 2001: Act on the Immigration and Legal Status of Overseas Koreans Case, “Contents of the Decision,” 23.


15. Although Korean Russians have relatively less developed relations with South Korea than do Korean Chinese and Korean Americans, both Korean Russians and the South Korean government are trying to strengthen relations. See Valeriy S. Khan, “Koreans and the Poly-ethnic Environment of Central Asia: The Experience of Eurasianism,” paper presented at the Stanford University Asian-American Workshop, Stanford, CA, Apr. 6, 2005.

16. See Joon Sik Lee, “From Universal Globalism to Open Nationalism,” 68–70. See also Jung-Sun Park, “Change in South Korean Citizenship and Its Implications.”

17. For a discussion of foreign workers in South Korea and Chosŏnjok’s experiences as foreign workers, see Dong Hong Seol, *Foreign Workers in Korean Society,*
18. The South Korean government's disciplinary acts against Chosŏnjok laborers are part of its intervention in the market for foreign laborers in South Korea. The Chosŏnjok make up the largest number of “foreign laborers” in Korea.


21. In the postliberation period, emigrants included women who married U.S. military personnel, students studying abroad, and business people seeking opportunities in foreign countries.


27. Perhaps “Committee to Promote the Solidarity of Overseas Koreans” would be a more accurate translation, but the NGO group’s official English name is Committee on Overseas Korean Network.


29. Paul Y. Chang conducted the sixteen interviews in Seoul during September 2004. In addition to the formal interviews, he spent considerable informal time at the center, sharing meals with Korean Chinese and participating in recreational activities. These interviews are supplemented by Jung-Sun Park’s three informal interviews with Chosŏnjok in Beijing and Shanghai in November 2003.


32. This is perhaps because most South Korean media coverage of Korean Chinese and Korean Russians portrays the experiences of the first-generation immigrants.
Korean Americans are mostly post-1965 immigrants, so South Koreans may think that they are just like “us.” In the case of Korean residents in Japan, the mixed-blood offspring of their intermarriage with Japanese may not be easily recognizable (“passing”); therefore, the “mixed blood” aspect is ignored.

33. A South Korean woman’s “deletion” from her natal family registry (hojok) upon marriage carries a similar insider/outsider logic. In this case, the woman becomes an outsider to her natal family and is incorporated into her husband’s household as an insider/outsider.

34. According to Safran, diasporas are traditionally defined as “expatriate minority communities” that (1) are dispersed from an original “center” to at least two “peripheral” places; (2) maintain a “memory, vision, or myth about their original homeland”; (3) “believe they are not—and perhaps cannot be—fully accepted by their host country”; (4) see the ancestral home as a place of eventual return, when the time is right; (5) are committed to the maintenance or restoration of this homeland; and (6) define their group consciousness and solidarity through this continuing relationship with the homeland. See William Safran, “Diasporas in Modern Societies: Myths of Homeland and Return,” Diaspora 1, no. 1 (1991): 83–99 (specific quote on 83).


39. It is unclear if this is simply polemics, as most informants noted, that, when first planning to visit South Korea, they were curious about what their “homeland” was like. Many also expressed interest in going back to their home regions (kohyang) upon arriving in South Korea.