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State Responsibility toward a Perpetual Minority: *Amerasians* in South Korea

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Abstract

This paper analyses historical processes to explore socially constructed discrimination and inequality against *Amerasians*, who were born to Korean women by US Army service personnel in US Military Camp Towns ('*Gijichon*') around the time of the Korean War, from the perspective of Korean Government policies. I shall discuss the elements that influenced the development of the situation of *Amerasians* by analysing various sources, including in-depth interviews and documents from their community. The significant finding of this study is that the Korean Government contributed greatly to the presence of *Amerasians* by promoting the sex trade in *Gijichon*. However, they were not recognised as Koreans under the Nationality Act, and their presence was officially concealed. A number of them were adopted into families overseas under the government policy of promoting international adoption. Moreover, the government separated them from the mainstream society by establishing *Honhyeolin* (mixed-blood) schools and legally exempting them from military service. The situation of *Amerasians* is still fragile, as they are excluded from unprecedented support systems for ethnic minorities, reflecting structural violence according to Galtung's theory (Galtung, 1969); therefore, special consideration from the Korean Government is required.

Keywords

South Korea; Ethnic minorities; *Amerasians*; policy towards *Amerasians*

Introduction

Korea has experienced demographic changes with the presence of an increasing number of foreigners in recent years. Following this multicultural explosion with a large number of foreigners mainly guest workers and married migrants, social problems such as embracing cultural differences and human rights of foreigners have appeared in its society. Thus, making multicultural discourses to address the issues related to ethnic minorities surfacing in the Korean context is a considerable challenge for scholars as well as for the government. The government has introduced various support systems to enhance ethnic minorities' human rights such as the Employment Permit System for Foreigners (2004), Grand Plans for Supporting Female Marriage Migrants and Multi-ethnic People (2006), Multicultural Families Support Act (2008) and so on. However, some culturally or racially distinct groups such as the *Huaqiao* –overseas Chinese – and the *Amerasians*, who have been resident in Korea before or since the very early stages of the establishment of the Korean Government in 1948, have been isolated from such supports or benefits. Especially, the discourses on the issue of the *Amerasian* minority have serious shortcomings in terms of political system as well as in the literature. More specifically, very few studies have been carried out regarding a theoretical interpretation of the interrelationship between government policy and the *Amerasians*' situation. In this respect, this paper brings an innovative approach to the theoretical interpretation of the *Amerasian* community taking into account Korean Government responses toward them and their experiences.

Definition of the *Amerasian*

The characterisation of *Amerasian* is widely known as '*Honhyeolin*' in Korean society and the term *Honhyeolin* literally means 'mixed blood people'. Following this definition, all children born to married migrants in today's Korean society could theoretically be called *Honhyeolin*. However, the term *Honhyeolin* is not used in that sense in Korean society because the term has developed negative connotations as the word originated to describe children who were fathered by US Army service personnel and whose mothers were Korean women, most of whom were prostitutes in *Gijichon*. For this reason, in 2006 the Korean Government introduced legislation against discrimination on the grounds of race and encouraged the use of alternative terms to describe these people such as 'children in multicultural families', 'children of international marriage family' and 'multicultural children' (Hwang & Eom, 2006; Korea, 2003).

Yet, people who were born to Korean women from US Army service personnel in *Gijichon* around the Korean War (1950-1953) do not correctly fall under the category of 'children in multicultural families', 'children of international marriage family' or 'multicultural children' as they appeared in Korean society prior to mixed-race children by married migrants emerging. Thus, the term '*Amerasian*' coined by Pearl Buck, which is a compound word formed from the words 'American' and 'Asian' (Kim, 2000; Nam, 2008), is used in this study to designate a person who was born in *Gijichon* to Korean women from US Army service personnel in order to distinguish them from a number of multi-ethnic people who were born of international marriages in recent years. People who have Korean and

American parents by international marriages in recent years are not included in the classification of '*Amerasian*' for this study.

As a matter of fact, international marriage in Korea effectively began as US Army servicemen married Korean women, many of whom had been sex workers (Lee, 2010, p. 39). The estimated number of marriages between Korean women and US soldiers in Seoul averaged over 4,000 per year in the late 1970s, and around 2,000 per year into the late 1980s (Jo, 1989). Yet, the number of *Amerasians* has never been accurately estimated for the following reasons: 1) Most *Amerasian* children did not belong to and were not recognised by any formal institutions, as the majority had been born out of wedlock. 2) The birth mothers tended to be in unstable circumstances, and were often on the move. 3) Both mothers and children were reluctant to respond to questionnaires. 4) The children were not entered into official family registers due to adoption (Kim, 1982). For these reasons, the government-estimated number of *Amerasian* children in 1981 was 680 while US Forces in Korea (hereafter 'USFK') officials estimated the number at 3,000-5,000 for the same period (Kim, 1982). On the other hand, according to statistics put out by the Ministry of Health and Social Affairs, the number of *Amerasian* children born in 1968 was 7,857 (Kim, 1995; Son, 1968). According to National Human Rights Commission of Korea, the number of *Amerasians* was some 3,300 in 1973, 433 in 1999 and approximately 400-500 after 1999 (Korea, 2003, pp. 42-43). The report also pointed that as this number is based on registered *Amerasians*, the actual number of *Amerasians* must be much greater.

Purpose of this Study

Even though the population of *Amerasians* is not statistically significant, their case provides a framework for understanding historical and institutional legacies that define contemporary vulnerability of a particular minority group, *Amerasians*. In detail, the first aim of this study is to reveal the government policy related to *Amerasians* in historical perspectives. This will provide a basis to determine what factors have affected the presence of *Amerasians* in Korean society. Based on this finding, the second purpose of this study is to interpret theoretically the interrelationship between the government policy and the contemporary vulnerability of the *Amerasian* community. It focuses on how the vulnerability has formed and what situational changes the *Amerasians* have experienced. Finally, this study aims to discuss the state responsibility toward *Amerasians* by focusing on how the Korean Government can enhance their vulnerability. This aspect of the study is especially important, as examination of state responsibility, reflected in the contemporary vulnerability of *Amerasians*, comprising their experiences and situations, is the key to explicit understanding of Korean society. This helps in contributing to understanding the expansion of rights and legal protection for ethnic minorities.

Significance

First of all, there is an obvious paucity of research on the state responsibility toward *Amerasians*, with this analysis from the time of establishment of the Korean government being one of the very few. Amidst large-scale demographic and social change within Korean society, studies on ethnic minority communities are growing exponentially, supported by

many government-funded research institutions. Most of the existing literature regarding ethnic minorities focuses on their daily lives, the situation of their human rights, their identity and so on. Most of the studies on ethnic minorities in Korea either remain at the level of the introduction of Western countries' policies and political theories, or simply compare each country's policies. In-depth discussion of the state responsibility toward ethnic minorities based on their substantial experiences is seldom achieved. In particular, few studies have been carried out regarding *Amerasians*. This paper includes an in-depth examination of government policy toward them as crucial for understanding the context of minority communities in Korean society. Therefore, this study contributes to a further discussion on ethnic minorities in Korea while the country faces a challenge to change its ideology from one of homogeneity to embracing diversity and respecting differences.

Secondly, this study has significant implications for policy makers and social workers of other countries with emergent multi-cultural discourses such as Korea has. It discusses the elements that influenced the development of the *Amerasian* community. The case of *Amerasians* is especially significant, as they were assumed to be the first ethnic minority group in Korean society except for the *Huaqiao* (overseas Chinese) before the waves of migration started in the late 1990s. Their case illuminates the societal and institutional problems that historically have involved ethnic minorities. It appears to be a significant case study for the societal movement for better understanding contemporary society, in which ethnic diversity has been clearly visible in recent years. Their case especially demonstrates that the Korean Government's response to otherness was not always justifiable. The panorama of the history of ethnic minorities in Korean society can be imaged through the case of the *Amerasians*. The experiences of the *Amerasians* can help to address ethnic diversity wherever particular ethnic minorities are still excluded from equal treatment.

Thirdly, this study contributes to establishing a base of relevant social studies. It is expected that the theoretical framework and findings of this study can be used to design comparative studies on *Amerasians* in other countries. The case of the Korean-*Amerasian* is also comparable to that of the Japanese-*Amerasian* in Okinawa (Shimabuku, 2010). Comparative social research is a useful method to establish or interpret sociological theory for analysing social contexts. Even though some scholars are critical that the model of comparative work is not able to reflect social realities as contemporary societies have experienced rapid structural changes, it has been one of the most useful research strategies for understanding general human value systems from as early as the 1930s (Øyen, 1990). I will leave these areas as a considerable challenge for further explorations.

Finally, this study offers motivation to embrace ethnic minorities with more open attitudes by providing a new point of view on the state's responsibility toward ethnic minorities. As noted above, the issue of *Amerasians* and state responsibility toward them is largely absent from the literature. As a result, it is typically assumed that the ethnic minorities' quality of life is determined by individual capability within a family structure. The notion that the secure social status of ethnic minority groups is a responsibility of the government and members of mainstream society has scarcely been developed or has been ignored. In this regard, this research provides a novel contribution to the existing sociological

literature by exploring the interrelationship between the situation of *Amerasians* and government policy toward them. I believe that the situation of *Amerasians* as reflected in government policy based on empirical evidence could enhance the development of current multicultural discourses, such as on the human rights and quality of life of ethnic minority groups.

Data Collection

I collected initial data from a diverse range of sources: legislation, journal articles, survey records, personal interviews with central figures of the *Amerasian* community and documents from their associations. Government data offered by the Korean Ministry of Government Legislation were used to examine government policy in the past and present. Interviews were conducted with eight key informants, at least two interviews with each person for an in-depth empirical analysis, from August to September 2012 and from April to May 2014 using the snowball sampling method (see table 1). Semi-structured qualitative interviews were used to guide the communicative nature of the conversation. Direct questions related to discriminatory experiences were avoided during the interviews with members of *Amerasians* as that might remind interviewees of painful past memories. Archival and literary materials such as survey reports and newspaper articles were used to demonstrate discriminatory experiences of *Amerasians*. However, I did not exclude conversations where such matters were raised spontaneously during the interviews, because of their significance for impartial analysis. The interviews were conducted in Korean and then were translated into English. The names of interviewees were Romanised following Korean pronunciation. Names of interviewees were designated as initials based on their last names. If more than one person had the same initials for their last name, the second person's name was abbreviated as the initial of their given name. Conditionally, some of the Korean language such as the name of the regions and organisation is Romanised following the notation of Korean Roman Notification No. 2000-8 of the Ministry of Culture and Tourism, Korea. Additionally, my approval to conduct the interviews was granted by the University of Sydney Human Research Ethics Committee (HREC).

Table 1 List of interviewees

Name	Position
Mr B	The current president of the Korea League of International Families
Mr P	Formal president of the <i>Amerasian</i> Community (<i>HAPA</i> Korea)
Mr S	An adopted <i>Amerasian</i> child to America
Mr K	The principal of <i>Amerasian</i> Christian Academy
Ms L	A member of the <i>Amerasian</i> community
Mr J	An <i>Amerasian</i> singer
Mr O	Former <i>Amerasian</i> singer
Ms O	The current secretary general of the Women Migrants' Human Rights Centre

The History of Amerasians behind Korean Government Policy

The history of *Amerasians* is closely related to the history of the relationship between Korea and USFK. In the wake of the Korean War and its conclusion – that is, the division of Korea into North and South – a number of US military servicemen have been stationed in Korea until the present time. Koreans experienced the horrors of war for three years, suffering massive damage and many casualties. As a consequence of their suffering, a deep-seated fear of starvation and anti-communist sentiment ruled their lives and contributed to the justification for the *raison d'être* of the USFK. There were an estimated 327,000 US Army service personnel in Korea during the war, and some 70,000 have remained since 1957 (Byeon, 2005; Kim & Choe, 2003; Park, 2000).

However, unfortunately, the effect of USFK was mostly epitomised by the hundreds of red-light districts that formed around US Army bases¹ (Cumings, 1992). Tens of thousands of Korean women worked in the sex trade during the Korean War, and over 20,000 registered prostitutes serviced 62,000 US Army servicemen through the late 1960s (Lee, 2004; Moon, 1997). There were an estimated 8,000 prostitutes just in *Bosan-dong* (*Dongducheon-si of Gyeonggi-do*) servicing the 1970s-era base of a single US Army unit (US Troops in Korea in 50 Years, 1995). In the case of Camp Stanley, in *Uijeongbu*, there were 10 bars for US Army personnel, with 70 female barmaids, even though the resident population of the town was fewer than 300 (Kim, 1995).

Paradoxically, while prostitution and sex trafficking had previously been banned by Korean law, a number of women participated in sex trafficking lawfully, under the Korean Government's supervision (Moon, 1997). The prostitutes in *Gijichon*, assumed as the root of most *Amerasian* births, were registered as 'special entertainers' and issued permits by the Korean Government authorising them to comfort the USFK there. The government suspended enforcement of the Anti-Prostitution Law for sex workers transacting with foreigners in certain areas in the form of the establishment of the Korean Tourism Service in 1962 (Choi, 1996; Lee, 2010). In detail, there were 104 districts designated as special prostitution areas – Special Tourist Zones – and such districts were supported or tolerated by three separate government departments; the Health Department, the Ministry of Justice and the Ministry of Home Affairs (Byeon, 2005; Korea, 2003; Lee, 2010). The special prostitution areas numbered 32 in *Gijichons* at Itaewon, Dongducheon, Uijeongbu and so on. Moreover, *Gisaeng*² parties for tourists were allowed to be held without restriction, and they were not bound by curfews³ by special government permits. In order to provide the very best service for tourists, refinement lectures and classes were conducted for Korean *Gisaengs* (Lee, 2010).

¹ The Gijichon at Bupyeong-gu of Gyeonggi-do was formed by the US Military Government following the Korean War. The US military established headquarters there for all 61 US divisions, in order to facilitate logistics, supplies, and transportation. Housing for local labourers supporting the camp expanded rapidly, and it was the first Gijichon in Korea (Lee, 2004)

² The Korean version of Japanese *Geisha*.

³ Korea enforced a curfew from 12am to 4am for 37 years from 1945 (Ha, 1994).

As a consequence, a decadent culture of tourism as a large scale adult entertainment industry was widespread in Korean society. Bruce Cumings (1992) illustrated this situation:

The culture of camp towns, prostitution as a way of life, and sex tourism has nothing to do with Korean culture. It is an integral part of Korea's subordination to Japanese and American interests through most of this century; the military base in the *Itaewon* area, after all, was Japan's for four decades and now it has been ours for four decades. In 1945 the camp towns just switched patrons. This patent subordination is obvious to anyone with eyes to see, or ears to hear (p. 174).

He stated that 'I haven't been to Seoul since 1985, but at that time the camp towns were still going strong, and the only difference in the downtown hotels was that Japanese men now competed with Americans for the available women...and probably paid better wages' (Cumings, 1992, p. 175). Such a decadent culture of *Gijichon* was expressed by Nam (2008) with the phrase 'a lawless world'.

A number of *Amerasians* were born in such 'a lawless world' without any institutional protection or restrictions. A number of *Amerasians* were born to Korean women who had been raped by USFK members or who had been involved in sex trafficking for a living. One of my interviewees, Mr B, who is a member of their community, stated:

Most *Amerasians* in Korea are offspring of the UN forces from the Korean War. My mother was raped by an Italo-American soldier during the war when she went to marketplace to sell agricultural products that were harvested by her for her livelihood. My mother lived in Busan and the Italian military was stationed in Busan to support for medical treatment during the Korean War. Unfortunately, I was born by accident and my mother was thrown out with me and my sister from her husband's home after my birth.

According to Mr B, a number of Korean women who lived in *Gijichon* were exposed to sexual violence by US Army personnel or members of the Allied Forces and a number of *Amerasians* were born as a result. He stated:

During the war, many people's livelihoods were in danger and people gathered around *Gijichon* to find some food. Many women were sent to the town for food by their families and were then faced with an ordeal.

Another respondent, Mr P, also provided the background to his birth:

I was born in 1952 [in the heat of the battle]. My mother worked at a wash house in a nearby *Gijichon*. She washed military uniforms for US military servicemen for the family's livelihood. At that time, my mother's husband was fighting in the war, so she was the only breadwinner for the whole family, which included the older disabled brother of her husband, her husband's aged mother, her daughter and her son. I don't know whether my mother was raped, but I think my father gave some food and some money to my mother. Thinking about her situation, she lived from hand to mouth. She had no choice.

After the war, the bias directed toward children born to Korean women with American fathers had a considerable effect on the life of *Amerasians* and their mothers.

State Responsibility toward Discrimination and Inequality against Minority Groups

Although *Amerasians* were born in Korea to Korean mothers and have a Korean identity, a number of *Amerasians* have experienced discriminatory treatment from the mainstream society not only in the government policy or people's attitudes but also in public and private services as well as in daily activities. The discrimination and inequality against certain minority groups have long been a central issue in sociology and politics in accordance with widespread recognition of the necessity of a new social order able to cope with an increasing number of ethnic minorities. Furthermore, the issue of state responsibility in relation to ethnic minorities has featured widely in struggles over democratic policies under the conditions of globalisation. The process of social transformation which has occurred in many countries since World War II has been accompanied by cultural and racial conflicts with many different ethnic minorities. In any case, a number of ethnic minorities have been struggling for administrative and legislative equality over recent decades. States that host various ethnic minorities are forced to manage ethnic diversity effectively. Finding an appropriate ideological interpretation for policies on ethnic minorities has emerged as an urgent challenge for these states. As a result, many scholars have proposed political theories that distinguish various state responses toward the ethnic minorities.

Significantly, Kymlicka claims that the fair way to distribute powers in order to compensate for the systemic disadvantages of minority cultures, which are rendered invisible by the idea of 'benign neglect', is to ensure that all ethnic minority groups have the opportunity to preserve their cultural distinctiveness. Kymlicka (1996) correctly argues that since ethnic minority groups are more vulnerable to determinative state responses than are dominant groups in society, they need to be protected by way of more extensive political institutions to support their marginalised position (Kymlicka, 1996). Taylor (1992) also argues that every individual identity and every ethnic group has rights not only to maintain its characteristics but to be recognised as of equal value within a legitimate political framework. As not all countries have the same type of minority groups or the same historical or sociological background, the political justification for minority rights appears to be formulated on a case by case basis, each of which takes account of various contexts.

On the other hand, Galtung (1969) presents the theory of violence and peace by categorising the concept of violence into two types, personal or direct violence and structural or indirect violence. He theorised 'the type of violence where there is an actor that commits the violence as *personal* or *direct*, and violence where there is no such actor as *structural* or *indirect*' (Galtung, 1969, p. 170). While personal violence is often accompanied by the use of a physical object that causes injury to the body, structural violence could be seen as psychological violence and this could be understood as social injustice. Young (1989) suggests the articulation of special privileges for minority groups to reduce oppression and disadvantage as well as to promote social justice and equality. While some groups are treated

as second-class citizens through oppression and exclusion, some other groups are privileged under the influence of the principle of equal treatment (Dusche, 2004).

This suggests that theories of minority rights are constructed in and through political contestation. Therefore, specific concepts and practices of minority rights should be constructed in relation to the political framework to take account of the various contexts surrounding minority groups. Although various approaches and political models have appeared within culturally or ethnically diverse societies as a way to establish control over immigrants, the universally accepted notion of ethnic minority rights stresses the importance of different treatment. Without special privileges, it is difficult to have equality for the members of ethnic minorities including education and work experiences in line with universally acceptable justification (Kymlicka, 1996, p. 127). However, even if justice is an important motivation in supporting ethnic minority groups, we may still feel that something must have been left out in the case of *Amerasians*. They are not classified as ethnic minorities within the framework of those theories as they neither have distinctive cultures nor different languages from mainstream society. To seek an answer to the question of how to understand this group, this paper turns to the consideration of the identity of the *Amerasian*.

The Identity of *Amerasians*

In order to understand the situation of *Amerasians*, their identity should be examined because of their biological distinction from other Korean people. However, it is impossible to discuss the identity of *Amerasians* briefly, because the concept of identity has been the subject of considerable research and writing in recent years. Despite their distinctive appearance, whether *Amerasians* fall under the category of 'ethnic minority' is debatable, because there is no universal agreement on the definition of 'ethnic'. Indeed, the term 'ethnic' is elusive because recently it has been used to mean a variety of things. It is, moreover, a politically sensitive term, in part, because of its derivation from the Greek word *ethnos*, or 'heathen', which continues to be felt in the negative connotation that it carries for many' (Magocsi, 1999, p. 304; Williams, 1985). Malik (1996) depicts 'ethnicity' as a mutable distinction created by changeable cultural characteristics while 'race' is an immutable distinction created biologically. Giddens also delineates ethnicity as being defined by cultural characteristics:

Members of ethnic group see themselves as culturally distinct from other groupings in a society, and are seen by those others to be so. Many different characteristics may serve to distinguish ethnic groups from one another, but the most usual are language, history or ancestry (real or imagined), religion, and styles of dress or adornment (cited in Malik, 1996, p. 175).

Miller (1995) also sees ethnic groups in relation to culture with the definition that 'an ethnic group is a community formed by common descent and sharing cultural features' (p. 19). Such variations of definition highlight the fact that there is nothing objective about the meaning of ethnicity. If 'ethnic group' refers to a community based on sharing cultural features created by 'wholly learned' practices (Malik, 1996, p. 175; Miller, 1995) and implies a possibility for change, the *Amerasian* in Korea may not be eligible to be seen as an ethnic minority.

Instead of ‘ethnic minority’, K. Elizabeth McDoland used the term ‘transculturals’ to explore identity for people who are ‘individual[s] who spend a significant part of their formative years in one or more countries other than their country of origin because of the international work and life choices of their parents’ (2010, p. 39). According to her study, transcultural individuals appear to be ‘highly functional members of a global society’ as a result of their cultural experiences, while they tend to feel confusion about their identity, alienation, depression, and conflict in their inner sense of self as a result of moving from one country to a culturally different one. This kind of identity is also applicable to multi-ethnic individuals, which is made clear in Jeffreys and Zoucha’s paper examining multi-ethnic individuals in the US (Jeffreys & Zoucha, 2001). According to this paper, multi-ethnic individuals are assumed to belong to two or more distinct cultural groups, creating a unique culture with multiple cultural heritages. The authors stated that ‘acknowledging the uniqueness of multiple heritage individuals, without attaching pity, stigmatization, alienation, marginalization, or lowered social status, is an important first step in making this “culture” truly visible and fully appreciated’ (Jeffreys & Zoucha, 2001, p. 83).

On the other hand, Moon (1997) examines the relationship between Korean Government policy and prostitutes which was assumed as the root of most *Amerasian* births, in her book *Sex among Allies: Military Prostitution in US–Korea Relations*. She alleges that prostitutes in military towns not only facilitated USFK, but also played the role of informal diplomats contributing to a friendly relationship between Korea and the US. The government contributed greatly to the presence of the number of prostitutes by promoting the sex trade as one part of the tourism policy, although Korean law previously banned prostitution and sex trafficking. A number of women participated in sex trafficking lawfully, under Korean Government’s supervision. *Amerasians* were born in such a paradoxical situation and spent their childhood in *Gijichons*.

Thus, *Amerasians* do not meet the definition of transculturals according to the theory presented by McDonald, because they are not a migrant generation and so do not have a mother country outside of Korea. Also, ‘multi-ethnic individuals’ may or may not be applicable to the context of *Amerasians* according to Jeffreys and Zoucha because it is doubtful whether they have multiple cultural heritages from each parent following the stereotype of racially mixed people. One of my interviewees said:

We are absolutely Korean. My mother is Korean and so is my family. Even though many Korean people don’t allow us to belong to their society, we are members of Korean society, and thus we have the same rights as other members of society.

He emphasised that he wants Korean people not to ignore *Amerasians*’ national identity as Koreans even though their status is that of a minority. Another respondent, MrL, expressed his opinion with regard to their identity:

I think *Amerasians* are one hundred percent Koreans in terms of language and culture but just have different looks. It can be said that our experiences and attitude could be a little bit different from other Koreans because we have experienced difficulties [living] as a minority. Even though there is an American culture at

Gijichons, we cannot speak English, and most of us have had no connection with our [biological] father.

Although there is a distinctive culture in the US military camp towns where *Amerasians* spent their childhoods, it is not a culture of the *Amerasians*' own, only of the camp towns as a whole.

Given the paucity of literature related to *Amerasians*, it is difficult to find a theory that represents the identity of *Amerasians*. The *Amerasians* have a distinctively different history and experiences from the other ethnic minorities who have newly immigrated to Korea for a better life, such as guest workers and married migrants. Many Korean scholars identify them as a '*GijichonHonhyeolin* (mixed-blood person)', which means '*Honhyeolin* in a US Military Camp Town' or '*war Honhyeolin*'. Yet, these terms do not necessarily emphasise the term 'mixed-blood', which contains negative implications and ignores their shared experiences. Therefore, the most permissible usage to identify them is '*Amerasian*', and their rights might be discussed differently from other ethnic minorities, taking into account their shared experiences. In the same vein, *Amerasians* can be classified as 'mixed race people' according to Malik's theory, but they are Korean people and share Korean culture.

The Government Policy toward *Amerasians*

Nationality Act

Amerasians are not viewed as Koreans under the Korean Nationality Law established in 1948 and their presence has often been officially concealed despite the state having a great responsibility with regard to the presence of *Amerasians*. Since the Korean Nationality Law rested on the principle of *jus sanguinis a patre*, children with an American father and a Korean mother were not allowed to be granted Korean citizenship. The Korean Nationality Act (1948) provides the requirements to be a national of Korea in article 2 as follows:

1. A person whose father is a national of the Republic of Korea at the time of his or her birth;
2. A person whose father was a national of the Republic of Korea at the time of death, in cases where the father died before his or her birth;
3. A person whose mother is a national of the Republic of Korea at the time of his or her birth, in cases where the father is unknown or has no nationality... (1948).

According to this act, *Amerasian* who was born by miscegenation between US military service men and Korean women could not be placed on an official family register unless their father is unknown or has no nationality.

Therefore, they had to be registered as part of their mother's male family member or sent to the orphanages without being registered. One of my interviewees, Ms L stated:

On paper, my age is 50 but my actual age is 53. When I was born, a single mother could not register their children as their offspring because of the Family Register Act. I entered primary school without any family registration because elementary school was compulsory education. But in the case of middle school, nobody could enter without being on a family register [as it was not compulsory education at that

time]. I was registered belatedly when I reached middle school age for my schooling in my mother's family register as a daughter of my uncle.

The current president of 'Korea League of International Families (hereafter, 'KLIF') said that:

Most *Amerasian* children were registered as a son or daughter of their uncle. But the children of mothers who did not have any male relatives, or were not allowed to be registered by the male relative, sent their children to orphanages. In other cases a number of *Amerasians* did not receive formal school education even though primary school education was compulsory.

The Nationality Act was finally revised in 1998 and *jus sanguinis a patre* were amended to simply *jus sanguinis* in both the paternal and maternal line (Ji, 1997; Kim, 1997). The revised law allowed children with either a Korean mother or a Korean father to acquire Korean citizenship. More innovatively, a child born to a Korean parent was permitted dual nationality until the age of 20 (Choi, 1997). However, most *Amerasian* children did not benefit from this belatedly amended act and were adopted overseas without registration under the government policy which encouraged international adoption in order to remove them from the society.

Act on Special Cases Concerning Adoption for Orphans

Kadushin (1970) claims that the best place to nurture a child is the country in which he or she was born. Adoption is irrelevant until every effort has been made for children and their family to live together in a sound child welfare system. Even if adoption becomes a necessity for children, it should be within their mother country with full involvement from the state (Chung, 2011; Kadushin, 1970). Fredericksen and Mulligan also states that every child should have 'the kind of care he needs, aids and services' as well as 'affection, approval and a sense of belonging' for his security (Fredericksen & Mulligan, 1972, pp. 2-3). However, the Korean Government established *Hangoon Adong Yanghoho*, the Child Placement Service, as an independent institution within the Social Department, to assist the international adoption of *Amerasian* children (Kim, 2009). In order to manage international adoption in a legitimate manner, the Act on Special Cases Concerning Adoption for Orphans was passed in 1961.

The international adoption efforts were prompted as a way to address the problem of a number of orphans created by the Korean War. Yet, Article 2 of this act defined orphans as: 1) children whose parents or guardians are unknown and who are under 18 years of age. 2) a child whose parents or the guardian consents to the adoption and those who are under 18 years of age (1961). In fact, a number of *Amerasian* children whose parents had consented to the adoption were designated as orphans and were adopted overseas under this act. A number of single mothers who could not register their children into their family register under the former Nationality Law inevitably consented for their children to be adopted overseas. Surprisingly, it was estimated that approximately 70% of the children adopted overseas were not orphans but were raised by a single mother (Won, 1990).

As a result of the government effort to promote adoption rather than institutional care, the number of children being accommodated in state care fell from over 60,000 in 1960s to 23,000 in the 1980s (Tahk, 1986, p. 86). The current president of KLIF argued that:

Some 30,000-40,000 *Honhyeolin* children were abandoned after the Korean War. [The first president of Korea], Syngman Rhee was very embarrassed by the increasing number of *Honhyeolin* because it undermined the governing principle of Korea, pure blood supremacy. The Korean Government tried to devise a way to send *Honhyeolin* to America, and invited Harry Holt [a Baptist] and Pearl Buck [a human right activist] who were influential on American policy to be involved in the international adaption.

‘Holt Children’s Services’ and ‘Pearl Buck Foundation’ were established in Korea by a Baptist, Harry Holt and Pearl Buck. Also, the Seventh Day Adventist Adoption Service was established by missionaries, George H. Rue and Grace Rue, in 1955. These institutions assisted with arranging the adoption of Korean War orphans and *Amerasians* overseas. (Chung, 2011; Kim, 2009; Won, 1990).

Because of the government policy focusing excessively on overseas adoptions with little concern for child welfare, the government could not escape severe criticism by a number of foreign media, drawing negative attention to Korea. The *New York Times* (Chira, 1988) carried an article explaining that Korea was the number one nation in the world in the proportionate number of orphans adopted internationally. It was titled ‘Babies for Export: And Now the Painful Questions’ and noted that some 60% of children adopted in the US were of Korean ancestry sent by the government’s encouragement of international adoption. It noted:

Six thousand Korean children a year— given up for adoption by unwed mothers or abandoned by their parents— are adopted by American families alone. Unlike other countries, where black markets for infants have sprung up, South Korea goes by the book. Indeed, the Government supports the idea of foreign adoptions and oversees each step of the adoption process, licensing adoption agencies and the unwed mothers’ homes that supply them with babies.

It figured that over 5,700 Korean children were adopted in 1987 and over 6,000 Korean children were adopted in 1986 by American families according to State Department Immigration.

The Progressive (Rothschild, 1988) also reported this matter in an article entitled ‘Babies for Sale’ with subtitle ‘South Korea make them, Americans buy them’. It reported that 6,000 Korean children were adopted overseas annually, and the Korean government saw an influx of \$15-20 million in foreign currencies annually as a result. This seems to be demonstrated by article 20 of Act on Special Cases Concerning the Promotion and Procedure of Adoption which states that adoption agencies can claim from adoptive parents the expenses attendant to adoption (1996). Also, according to the Enforcement Decree of the Act on Special Cases Concerning the Promotion and Procedure of Adoption, the claimable charge to adoptive parents included expenses for adoption agencies, child rearing expenses, expenses

for adoption procedure, the operating expenses of adoption organisations and promotional expenses (1999). According to *The New York Times*, (Chira, 1988) the adoptive parents pay some US\$4,000 including payments to Korean foster parents and adoption agency progressing costs while *The Progressive* (Rothschild, 1988) revealed a figure of US\$5,000. Most *Amerasians* were adopted or otherwise allowed to emigrate to the US under such circumstances, and the social issues facing them have since been largely forgotten.

School for Amerasian Children

For remaining *Amerasian* children, the government organised a special structure, the Children's Welfare Committee, for official discussion about segregated education for *Amerasians* in 1952 (2003). The Committee, which had some twenty members from the government, local schools and welfare organisations, reached the conclusion that *Amerasians* needed to be educated separately in order to protect them from discrimination and to prepare them for international adoption (Korea, 2003). As a result, a primary school for *Amerasians*, the Younghwa Municipal Primary School, was established by the government in 1962 (School for honhyeolin 2009; Younghwa primary school 1962). The president of KLIF stated that:

The Younghwa primary school was established by the government because *Honhyeolin* were assumed not to lead a normal school life with other Korean children in local schools. The government and the mothers of *Honhyeolin* children thought it was the only way to protect them from discriminatory treatment by society.

However, the Younghwa Municipal Primary School was transferred to a local school after a heated controversy about the pros and cons of providing separate education for *Amerasians*. Another factor in the transfer of these students to a local school for non-*Amerasians* was the smaller number of students compared with the normal local school. There were 74 students in Younghwa Primary School when it transferred to a local school in 1964 (Korea, 2003). According to National Human Rights Commission of Korea, the rate of *Amerasians* leaving middle and high school was over six times as large as other Korean students (2005, p. 17).

While the Ministry of Education designed a plan to provide one billion won for alternative schools in 2006, the *Amerasians* were excluded from this plan as there were no alternative schools for them (Ha, 2006). The president of KLIF mentioned:

I desire to establish schools for *Honhyeolin* to protect them from social discrimination and provide safe educational environments, so that our suffering from social discrimination and bullying is not passed down to our next generation.

Currently, there are two educational institutions for *Amerasians* at *Dongduchon*, the *Dongduchon* American Community Academy and the American Christian Academy. Both of these institutions were established in 1999 by Korean-American Principals. One of the Principals, one of my interviewees, stated:

Our institution is managed by Christian organisations and has received some scholarship donations from America, Australia and some European countries. There is no support system from the Korean Government that provides financial aid or administrative support.

The Principal of the alternative school for North Korean defectors stated that the establishment of alternative schools for *Amerasians* is an urgent task for the Korean Government as a number of them have been marginalised from the basic human right to an education (Ha, 2006). To embrace *Amerasians* and to guarantee their human rights, it is important to offer equal opportunity for education under the institutional support component.

Military Service Act

As the *Amerasians* who were born during the Korean War came of age for military service, the government introduced Article 136 of the Enforcement Decree of the Military Service Act to exempt them. It prescribed who should be exempted from military service:

(a) A person who has been sentenced to imprisonment or imprisonment without prison labor between one year and less than 2 years... (b) A person of mixed-blood who may be plainly distinguished in appearances and who was not raised up in the house of his father...

Arguably, *Amerasians* who have different skin colour from Koreans and were raised without a father were legally exempted from military service according to this act. According to a survey conducted by the Korea League of International Families, over 80% of *Honhyeolin* were raised by a single mother (2005, p. 15). One of my interviewees, Mr S argued that:

The only purpose of the Korean Government was to send the *Honhyeolin* to other countries by means of international adoption. Therefore, military duty was an interruptive dimension because it would defer international adoption or immigration for young *Honhyeolin*. So, the government bulldozed the act which prescribed *Honhyeolin*'s exemption from military duty. Thus, as many *Honhyeolin* as possible were sent overseas.

At the same time, *Amerasians* were also excluded from fair competition in terms of job opportunities. Indeed, the government established the Support for Discharged Soldiers Act which stated that men who were discharged upon completing their military service could get extra points when applying for jobs⁴ (Article 9, 1999; Article 8, 1998). This meant that it was much more difficult to find a job for *Amerasians* because they competed with other people who had extra points.

The State Responsibility toward *Amerasian* in South Korea

It was argued in the previous section that, although state responsibility for minority rights has been interpreted differently in different contexts, a central principle of democratic policy justifies special privileges for minority groups at a government level in a systematically

⁴ This was abolished in 1999 after heated controversy over gender discrimination.

legitimate manner. However, the *Amerasians* have often experienced exclusionary government policies intended to restrain them from engaging in the Korean public sphere and to keep them separate from the rest of society, which would constitute institutional violence according to Galtung's theory. Such unprivileged status of the *Amerasians*, in turn, brought about serious problems regarding their quality of life. Most *Amerasians* experienced suffering in their life because of poverty caused by the lack of opportunities for both education and employment. According to the National Human Rights Commission of Korea, just 6.5% of *Amerasians* are house owners while the corresponding figure for average Koreans is 53.3% (Korea, 2005, p. 17). *Durebang*, a support centre for prostitutes, former prostitutes and women living with US soldiers, reported that the average family monthly income of *Amerasians* is one million won (US\$908) compared with that of the average Korean in Seoul, which is 2.8 million won (Korea, 2003, pp. 78-85).

Most *Amerasians* over 14 years old, who were at an ineligible age for adoption, were half-educated and could barely find a job. The KLIF reported that over 70% of *Amerasians* are working as simple labourers without any special consideration from the government (Byeon, 2005, p. 15). Many of them found work in the *Gijichon* and did odd jobs or worked as labourers such as, plasterers, brick makers, drivers, welders, plumbers, repairmen, personal assistants, and typists (Jo, 2006; Kim, 1982; Oh & Cho, 2010). One of my interviewees, Mr O, a former *Amerasian* singer, recalled:

A number of my friends acted as American because it was easier to find a job as a singer. In my case, I worked as a singer at a bar, and I was often introduced as an American singer because Koreans in the past have preferred American songs to Korean. So, I learned English to pretend to be an American. Even though I honestly said that I am a Korean, nobody trusted my word [because of my appearance].

As Jung et al. stated, 'South Korea is enveloped by an "English fever" whereby English education is highly valued as a symbol of prestige and high social standing' (2017, p. 9). In the same vein, American pop culture became widespread in Korean society as a significant part of youth culture throughout the 1970s and 1980s, and many *Amerasians* were engaged as singers in nightclubs and received publicity. Yet, Mr O now works as a simple labourer having left his flourishing singing career behind. The lack of job opportunities caused a lack of socialisation with other members of mainstream society, a situation brought on by the fact that *Amerasians'* status was largely marginalised.

To overcome such marginalised status, the association of *Amerasians* established the corporation of the KLIF. The establishment licence of the KLIF provided by the president of the KLIF declares its purpose is to protect rights and interests and to promote the welfare of *Amerasians*, international families, and returned overseas Koreans. One of my interviewees, Mr J, stressed:

Korean law prescribes the benefits for men of national merit and their family in various ways. We were not born to the soldiers of enemy troops but to the soldiers of combatant nations who fought on behalf of South Korea during the war. When

Korea was in a precarious situation our fathers came to Korea in order to help the Korean people. But the Korean Government has treated us as alien. Different facial features or skin colours and birth places are not the conditions of being guaranteed the right for pursuit of happiness. But we are always excluded from such basic rights and have never been treated as Korean citizens by the government.

He claimed that *Amerasians* should be classified as family members of national meritorious men and as equal to others whose family members participated in the Korean War. According to the Act on the Honourable Treatment for War Veterans of Merit (2009), which is prescribed by the Act on the Honourable Treatment and Support of Persons, etc. of Distinguished Services to the State, foreign soldiers who enlisted in the National Army or Armed Forces of the United Nations as a national of the Republic of Korea and participated in the Korean War can be recognised as persons who have rendered distinguished services to the state.

Thus, *Amerasians* are eligible to be recognised as family members of persons who have rendered distinguished services to the state. According to the Act, various financial supports, such as payment of compensation, allowance for adjusting living conditions, nursing allowance, education assistance for off-spring, and vocational assistance, were offered by the government for persons of national merit and their family. However, in order to register as war veterans and therefore be recognised as persons who have rendered distinguished services to the state prescribed by the Act, it is necessary to be permitted by the Ministry of Patriots and Veterans Affairs (Article 5, 2009). *Amerasians* who have lost contact with their fathers are excluded from recognition as a family member of a person of national merit. The president of the KLIF argued:

When the state was in danger, the government overcame the crisis with active support of the U.N. forces. A number of foreign soldiers were killed or wounded during the war, and their offspring who have remained in Korea are suffering from discriminatory treatment by the government. It doesn't make sense. Our appearance is the evidence, but the government has ignored our existence. While the government has allotted huge amounts of money for multicultural families, the government has never designed the social security system for us who actually need and are qualified for the support. Instead of support, the government has treated us harshly throughout my life time.

The KLIF is struggling to find a way to pass down a better life to their children and has made claims for the government to support their livelihood in various ways.

The KLIF claims that it is the Korean Government's responsibility to compensate for the depressed economic status of *Amerasians* as follows:

1. *Honhyeolins* were born in a situation of absence of public security.
2. *Honhyeolins* were not protected by the government.
3. The government and the society overlooked discrimination and exclusion toward *Honhyeolin*...
1. 8. The mothers of *Honhyeolin* were victims of national interests...

2. 10. There was no measure against discriminatory treatment toward employment and promotion of *Honhyeolin*.
3. 11. The government has a responsibility to provide livelihoods to live like a decent human being and to regain the impaired reputation for *Honhyeolin* and their family (provided by the KLIF).

The KLIF claimed the right to manage the Pearl Buck Memorial Hall, which is currently managed by Bucheon City Hall and the establishment of a Special Act for *Amerasians* in order to guarantee their livelihood. However, the government has been silent on their claims that their rights as children of USFK or UN forces were not guaranteed by existing juridical frameworks.

Moreover, while a number of supporting organisations for married migrants and guest workers have been established since the early 2000s, when an extensive inflow of married migrants began, there is no supporting system or organisation for *Amerasians*. The current secretary general of the Women Migrants' Human Rights Centre stated:

Our aim is that married migrants' lives should be without practical discrimination, thus enhancing their human rights. Anyway, I don't think there is an organisation to support *Amerasians*. There is a support centre called *Durebang* but actually it is an organisation for mainly prostituted women at *Gijichon*. They provide various services for sex workers to find a new way of life. But they do not provide any services separately for *Amerasians*. I think because many *Amerasians* have left Korea [in the form of international adoption], their situation is not an issue at all.

Although a number of organisations that support various ethnic minorities have managed with some financial assistance from the government, *Amerasians* have been excluded from such various support systems and their situation was largely neglected by the government.

Their voice is still excluded from the mainstream society, while those of ethnic minority communities such as married migrants and guest workers are broadcast day after day on the media. When the dominant society fails to show equal recognition of a particular group, the members of the group can suffer real damage, and the opportunity for a free choice of identity can be lost, which can be seen among transculturals and people of mixed race (cf McDonald, 2010, p. 39). Their rights are often suppressed by the host society through a lack of recognition of their identity as well as by discriminatory policies or institutional disadvantages showing the case of structural violence according to Galtung (1969). Therefore, the human rights of minority groups are always deeply attached to state responsibility because they require support and special privileges. In order to find an acceptable manner to reconcile with *Amerasians*, some compensation for the discrimination they have long faced in the past, which is not the case of the other minority groups recently arrived in Korean society, should be considered in the form of special privileges.

Conclusion

Amerasians have experienced discriminatory policies from the government and the effect of the policies on their legal status has made them quite vulnerable. *Amerasians'* presence was officially concealed until the Nationality Act was revised as their registration was not

properly permitted. A number of *Amerasians*, whose status was unstable, were adopted into families overseas under the government policy of promoting international adoption in their earliest childhood years. This contributed to *Amerasians* being excluded from the dominant society without recognition of their Korean inheritance. The life of *Amerasians* was distinct from other local people and reified by institutional problems related not only to their birth register but also military service. *Amerasians* were exempted from military service, resulting in fewer job opportunities compared with other people. Most *Amerasians* experienced suffering in their life because of poverty caused by the lack of opportunities for both education and employment. This clearly violates egalitarian liberal principles, and their experience is now becoming a part of the dark history of Korea and has been concealed by the clamorous multicultural discourses.

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