


RESEARCH ARTICLE

The democratic deficit in South Korea: the democratic control of armed forces since 1993

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Abstract

This paper explains how South Korea's democracy has controlled the military since 1993. It reveals why the overpowered military has not faded even after the eradication of *Hanahoe* and the consolidation of democracy in South Korea in its aftermath. The democratic control over the military is examined focusing on: (1) budget, personnel, organization; (2) the judicial system; (3) security and defense policy; (4) personnel affairs, roles, and responsibilities; and an explanation based on laws and institutions, the strategy of key actors, and historical conditions of military confrontation. Under South Korea's democracy, the military budget, personnel, and organization are only partially controlled, leaving military commanders with jurisdiction over the military's judicial system. This is a result of legal and institutional limitations, as well as resistance from the Ministry of National Defense (MND) and the military. In matters of security and defense policy, the president has taken the initiative to revitalize obsolete systems through political compromise with the military. The primary means for the president to control the military has been the personnel management of the MND and the military. The military is likely to pledge its allegiance to the regime instead of citizens because the former has control over personnel affairs, which has frequently led to unofficial private groups of military officers and their political interference. This case in South Korea shows that the way society controls the military sows the very seeds of risk and allows us to rethink the challenges in controlling the military in a democracy.

Keywords: Armed forces; civilianization; civil–military relations; democratic control; South Korea

1. Introduction

In July 2018, a South Korean lawmaker revealed a document to the media on a plan of martial law. The document was created by the Defense Security Command (DSC) in March 2017, which was around the time when people were waiting for the decision of the Constitutional Court of South Korea on the impeachment of President Park Geun-hye following the National Assembly's impeachment decision, driven by large public protests during winter of 2016. The DSC planned to declare a state of emergency using military force if the court rejected the motion to impeach and there were large protests in response. The plan was specific. Ignoring the normal command system, the DSC planned to take over Seoul including the administration, National Assembly, and media using the Mechanized Infantry Division of the Army and the Airborne-Special Forces Brigade stationed in and near Seoul. The document contained a *de facto* plan for a coup d'état, and the public was shocked when it became public because it could have been another massacre of civilians by the military, which had occurred in Gwangju, a southwestern city in South Korea, in May 1980.

In addition to this incident, the DSC and Cyber Command continued to appear in the press throughout 2018 for other crimes. They actively interfered with domestic politics by supporting pro-government organizations, conducted surveillance on those who were critical of the government and

trade union members, and manipulated online public opinion. Those who were involved were punished, and the former DSC commander, the suspected leader of the plan, fled to the USA. In July 2018, the Vice Minister of National Defense appeared before the National Assembly and apologized for the military's political interference, promising to ensure that it does not happen again in the history of the South Korean military (Kyunghyang, 2018: 7. 5; KBS News, 2018a: 2. 15, 2018b: 7. 30; MBC Straight, 2018: 9. 2).

A series of revelations related to armed forces over the past few years in South Korea highlighted a problem in Korean democracy: the use of the military in domestic politics for the political interests of the ruling power. Most Koreans thought that democratic control of armed forces was finalized as the Kim Young-sam administration took office in 1993. The thought was based on the fact that the first civilian president since 1961 disbanded the *Hanahoe*, a private group of military officers who backed the military regime and took key positions in the military, upon taking office, declaring no more political interference of the military. However, as the military's political intervention crimes are revealed, and headlines are appearing with terms that are new to young generations such as garrison decree and martial law, and a coup for the impeached president is called for at multiple rallies organized by right-wing groups, the public attention to democratic control of armed forces is growing.

This paper explains how South Korea's democracy has controlled the military since 1993. It reveals the aspects of the military forces that have and that have not been controlled by the democratically elected government and explains why the overpowered military has not faded even after the eradication of *Hanahoe* and the consolidation of democracy in South Korea in its aftermath. Due to the prevailing perception that control over the military is pivotal in a democracy, as well as South Korea's unique history including the Korean War and the long military dictatorship that followed, a plethora of research has been conducted on democratic control of the South Korean military (Lee, 1994, 2011; Yang, 1998; Jun, 2001; Croissant, 2004; Saxer, 2004; Bechtol, 2005; Kim *et al.*, 2006; Chung, 2008; Croissant and Kuehn, 2009; Moon and Rhyu, 2011; Kim, 2012, 2014; Croissant *et al.*, 2013; Kuehn, 2017).

The characteristics of these studies are as follows. First, while analyzing historical conditions, major events, and military factions (Lee, 1994, 2011; Yang, 1998; Croissant, 2004; Kim *et al.*, 2006; Chung, 2008; Kim, 2012), studies focus on the civilianization of the Ministry of National Defense (MND), National Assembly, and the National Assembly's National Defense Committee (NDC), the key actors involved in security and defense policymaking, the personnel affairs of military staff, increases in the military budget, and political interference by the military (Croissant, 2004; Saxer, 2004; Bechtol, 2005; Kim *et al.*, 2006; Croissant and Kuehn, 2009; Moon and Rhyu, 2011; Kim, 2012, 2014; Croissant *et al.*, 2013; Kuehn, 2017).

Second, the studies explain the changes that took place in civil–military relations after the democratization of Korea and examine how the Kim Young-sam administration dismantled *Hanahoe* and laid the foundations for democratic control (Lee, 1994, 2011; Yang, 1998; Jun, 2001; Croissant, 2004; Saxer, 2004; Chung, 2008; Moon and Rhyu, 2011; Kim, 2012; Narayan, 2012; Croissant *et al.*, 2013).

Third, the studies argue that democratic control increased after *Hanahoe* was dismantled in 1993 until the Lee Myung-bak administration in 2012 and that civilian control was successfully established during the time (Croissant, 2004; Saxer, 2004; Kim *et al.*, 2006; Croissant and Kuehn, 2009; Moon and Rhyu, 2011; Narayan, 2012; Croissant *et al.*, 2013; Kim, 2014; Kuehn, 2017).

Previous studies have made many valuable contributions; however, they could be improved in three areas as follows. First, greater attention needs to be paid to how military budget, personnel, and organization are managed. Democratic control cannot be explained exclusively by civilianization and increases in military budgets, which previous studies have emphasized. Particular attention should be paid to the National Assembly of Korea, a key actor. Although it is important to know how many of those in NDC are from the military (Saxer, 2004; Croissant and Kuehn, 2009; Kim, 2014; Kuehn, 2017), it is also important to explore how the National Assembly can control the military budget, personnel, and organization and manage MND and the overall activities of the military through programs such as audits, by focusing on the programs and stakeholders' strategies.

Second, it is important to investigate whether the law is interpreted and applied to the military without exception. The rule of law is the foundation of democracy, and how the military judicial system works is crucial to explaining democratic control. However, previous studies have failed to pay adequate attention to this issue. This is especially important when analyzing the Korean context, as the Korean military operates a military court that is relatively autonomous from the judiciary, while military commanders have also played a major role in all aspects of the judicial system (Choe, 2008; Han, 2014; Kim and Lee, 2020).

Third, research also needs to include an analysis of the period of the Park Geun-hye administration (2013–2016). Democratic control can change over time in any society, and the Lee Myung-bak and Park Geun-hye administrations deserve more attention given that major events such as systematic military interference occurred during that period. If we examine military budgets, personnel, and organizational management with greater attention to the role of the National Assembly, pay more attention to the military justice system, and extend our period of analysis to around 2016, we are likely to come across different ideas about democratic control than we would have done otherwise.

This paper notes that South Korea's democracy works through a presidential system in which citizens elect the head of the executive branch as well as of the legislative branch. The discussion focuses on the president, MND, National Assembly, and the judiciary as the key actors exercising democratic control over the military. In addition, the analysis of democratic control of Korean armed forces since 1993 is performed by focusing on (1) who has managed the military budget, personnel, and organization; (2) whether the law has been interpreted and applied to the military without exception; (3) who has made and implemented security and defense policies; (4) how personnel affairs have been conducted within the military and whether the role and duties of the military can be strictly limited to the military domain. Determination of whether the military is democratically controlled requires analyses of four areas. Moreover, to explain the status or extent of democratic control, this paper pays attention to the three criteria. The first criterion is the role of laws and institutions, the second is the aims and strategies of key actors, and the third is historical conditions, such as the division of the Korean Peninsula and the military confrontation between the two Koreas.

The main body of this paper comprises four parts. Following Chapter 1, in which the issue is explained, Chapter 2 presents the foundations of the analysis. Specifically, the chapter describes the actors exercising democratic control over the military and the four major areas, along with the elements necessary to explain democratic control. Chapters 3–6 offer an analysis of specific areas of democratic control. The extent of and approach to democratic control over the military is examined focusing on: the military budget, personnel and organization management, and the judicial system (Chapters 3 and 4); security and defense policies, military personnel affairs, and defined roles and responsibilities since 1993 (Chapters 5 and 6); and an explanation based on laws and institutions, the aims and strategy of key actors, and historical conditions of military confrontation. Finally, Chapter 7 presents conclusions.

2. Democratic control of armed forces

The armed forces use resources and violence in an organized manner and unison, and in most cases, exclusively, under commands, which pose a great challenge for civilian control of them. Over the period of two World Wars and the Cold War, many countries underwent military expansion and coups and were reminded that failure to control armed forces brings serious threats to democracy. This realization led to growing research on civil–military relations, and the findings from the research along with experience prompted to reflect on the importance of democratic control of armed forces, associated challenges, and how to examine the issue (Lasswell, 1941; Huntington, 1957; Janowitz, 1960; Horowitz, 1981; Finer, 1985; Valenzuela, 1985; Feaver, 1996; Pion-Berlin, 2001, 2011; Bruneau and Tollefson, 2006; Caforio, 2006; Croissant *et al.*, 2010; Croissant and Kuehn, 2015).

In a democracy, the objectives of controlling armed forces are to place institutional checks on the group that holds state violence and ensures the safety and freedom of citizens. Those who are democratically elected are to exercise control, which in South Korea means the president, the National Assembly, and the judicial branch. In the South Korean presidential system, the president directly elected by popular vote has the supreme command as head of state and the executive branch and appoints the Minister of National Defense. The judicial branch is responsible for practicing universal law in the armed forces, although judiciaries are not elected and do not have direct control over the forces.

Many political and sociological studies on civil–military relations or democratic control have focused on how these key actors of democratic control manage military budgets and personnel, make and implement security and defense policies and conduct personnel affairs. Studies have also explored how the roles and duties of the military can be strictly limited to the military domain (Bruneau and Tollefson, 2006; Caforio, 2006; Croissant *et al.*, 2013). In this paper, an additional area is also examined: whether the law has been interpreted and applied to the military without exception. Despite the importance of the military judicial system, the research literature has not given adequate attention to military control in democratic societies. However, in Korean society, this issue has been repeatedly raised by citizens and politicians in both ruling and opposition parties (Kim and Lee, 2020). In this study, democratic control is analyzed across the four aforementioned areas.

First, it is important to consider whether democratically elected people can manage military budget, personnel, and organization (Born, 2006: 159–160; Bruneau and Goetze, 2006; Giraldo, 2006: 36–38; Rukavishnikov and Pugh, 2006: 136; Young, 2006: 24–28). The government department responsible for budgeting and the NDC play a major role in this. Exercising democratic control over the military becomes tricky when the budgeting department is unable to place guardrails on military spending and the MND, along with the legislation, budgeting controls, and audits issued by the National Assembly’s NDC, become ineffective. Studies on democratic control in Korea tend to use the number of people from the military in the National Assembly (Croissant, 2004; Croissant and Kuehn, 2009; Croissant *et al.*, 2013) and the NDC (Saxer, 2004; Kim 2014; Kuehn, 2017), and trends in military budgets and spending as indicators (Croissant, 2004; Saxer, 2004; Moon and Rhyu, 2011; Kim, 2014). Since these alone are not enough for a full grasp of the problem, this study gives greater attention to the laws, institutions, and strategies of key actors. Accordingly, along with exploration of the civilianization of the NDC and reductions of military generals, this study examines how government ministries, or the National Assembly deliberate and audit military budgets, organization, and personnel, based on the principle of checks and balances. It also examines what strategies the MND employs to maintain its autonomy and how much related information the ministry releases to citizens.

Second, it is important to consider whether the law is interpreted and applied to the military without exception. The rule of law is considered a foundation of democracy (Maravall and Przeworski, 2003), and the judiciary should examine whether the law is interpreted and applied to the military in the same way as to civilians (Choe, 2008; Han, 2014; Kim and Lee, 2020). It is also important to check who oversees prosecution and investigation, which is a domain of the executive branch. If the military has courts that are relatively independent of the judicial branch and the military can interfere with its judiciary system, there is no judicial control over the military. When the law is applied with an exception, in the event of a military court case that may interest citizens, citizens are likely to press for a change in the system.

Third, we need to look at who makes and implements security and defense policies (Avant, 1993; Croissant, 2004; Born, 2006: 159–160; Rukavishnikov and Pugh, 2006: 136; Croissant *et al.*, 2013: 34). The system is not democratic if the unelected military makes and implements security or defense policies, one of the nation’s major policy areas. Studies on democratic control and within Korean studies research have paid attention to this issue (Croissant, 2004; Croissant and Kuehn, 2009; Croissant *et al.*, 2011; Moon and Rhyu, 2011; Croissant *et al.*, 2013; Kuehn, 2017). This study adds to the existing

discussion by looking at security and defense policymaking and implementation during the Lee Myung-bak and Park Geun-hye administrations.

Fourth, how personnel affairs are conducted in the military should be examined, along with whether the roles and duties of the military can be strictly limited to the military domain (Trinkunas, 2002; Born, 2006: 159–160; Bruneau and Goetze, 2006; Giraldo, 2006; Rukavishnikov and Pugh, 2006: 136–137; Young, 2006; Croissant *et al.*, 2013: 33). If those from the military control the MND or the National Assembly's NDC, and the military directly engages in personnel affairs, or if the president cooperates with them and appoints personnel based on their loyalty to the regime rather than their merit, the military may extend beyond its domain and interfere with domestic politics, and democratic control over the military becomes a pipe dream. This has also been given much attention by Korean studies research, which has analyzed the proportion of people from the military and personnel affairs in the NDC, and examined private groups within the military and political interference by the military (Lee, 1994; Yang, 1998; Croissant, 2004; Saxer, 2004; Kim *et al.*, 2006; Chung, 2008; Croissant and Kuehn, 2009; Moon and Rhyu, 2011; Kim, 2012, 2014; Croissant *et al.*, 2013; Kuehn, 2017). This study provides an explanation of political interference by the military during the Lee Myung-bak and Park Geun-hye administrations, which provides an addition to previous studies.

Explaining democratic control within society requires analyses of these four areas and focus on the results. Moreover, to explain the status or extent of democratic control, we should pay close attention to the following three criteria: The first criterion is the role of laws and institutions. Laws and institutions are particularly important in explaining democratic control over the military (Bruneau and Tollefson, 2006; Pion-Berlin, 2011; Croissant *et al.*, 2013). Depending on the direction of formulation of laws and institutions, democratic control at a particular time can be either easy or difficult. Once created, laws and institutions do not change easily. This is because the actors or coalitions that benefit from the system resist change, and the existing power relations may be reproduced (Pierson, 2004; Fligstein and McAdam, 2012; Hall, 2016). The dynamics of civil–military relations likely vary, depending on the power relations and on how the actors and coalitions conceptualize problems used as a basis for their creation and the change of laws and institutions. For example, it is important to consider how the security and defense policy-making structures have been institutionalized, and the extent to which the legislative and judiciary branches have legal and institutional authority, as well as the means to oversee the executive or military.

The second criterion is the goals and strategies of the actors involved in civil–military relations. The military, the president, the MND, the National Assembly, and civil society mutually influence laws and institutions, and democratic control is largely determined and changed according to the strategies used in relation to the four categories discussed above. Examples of crucial elements are the goals and strategies that guide the president, the MND, and the military with respect to military personnel affairs and scope of responsibilities, and how the National Assembly, the MND, and the military strategize in their interactions on issues surrounding budgeting, personnel, organization, and the military judicial system.

The third criterion is historical conditions. The division of the Korean Peninsula and military confrontation have particular importance in explaining the South Korean experience (Croissant, 2004; Saxer, 2004; Chung, 2008; Moon and Rhyu, 2011; Kim, 2014). The Korean War that broke out in 1950 ended with a 1953 armistice agreement, but the military confrontation continues to this day. The military confrontation escalated into scuffles several times in the past, including North Korea's bombing an island in the northwest of Korea in November 2010, killing ROK troops and civilians. While at the inter-Korean summit held in Pyongyang in September 2018, the two leaders virtually agreed on the end of the war, but the military confrontation continues unabated. South Korea's confrontation with North Korea had two opposite effects. First, the military often chooses to not disclose information to the National Assembly or citizens and tries to break free from democratic control by claiming a special position concerning the military confrontation. But the existence of a clearly defined threat to national survival could have motivated 'the military to focus on its core function, channeling

its organizational resources toward defense against the external enemy' (Croissant and Kuehn, 2009: 211; Moon and Rhyu, 2011: 266).

The following section provides an analysis of democratic control since 1993 in the following four areas: (1) military budget, personnel, and organization management; (2) ubiquitous rule of law; (3) security and defense policies; and (4) military personnel affairs and definition of roles and responsibilities for members of the military. The section goes on to explain the reasons behind fulfillment or lack thereof, and respective consequences based on laws and institutions, goals and strategies of key actors, and the historical condition of military confrontation.

3. Partial control over military budget, personnel, and organization

Managing the military budget, personnel, and organization is important to democratic control. If the military can expand these at will, the military is not under democratic control; in South Korea, it was under only partial control. The military budget is reviewed by the National Assembly's standing committee and reviewed for feasibility by the Ministry of Economy and Finance (MoEF), as are the budgets of other ministries. In reality, however, the military has been criticized for receiving only the annual budget deliberation for its mid-term defense plan by pressing the MoEF using direct approval from the president (Kim *et al.*, 2016).

The personnel and organization of the military show a similar pattern. The capacity of the ROK Armed Forces, each branch, and each rank are determined by the MND with approval from the president in accordance with General Rule on National Defense Organizations and Prescribed Numbers of Personnel. This is the exception to the rule that the prescribed numbers of civil servants for all other ministries are managed by the Ministry of the Interior and Safety and that any increase in the numbers should be approved by the State Council (Kim *et al.*, 2016: 319). The military kept growing even after democratization because it could increase its size and organization with only presidential approval.

The relatively large ROK Armed Forces were even expanded with more upper ranks along with increased retirement age for officers in accordance with 1992 amendments to the Military Personnel Management Act. In 1992, extra personnel such as field officers and brigadier generals were included in the prescribed numbers of service members as MND's Adjustment Plan on Prescribed Numbers of Military Personnel were approved by the president; in 2008, the prescribed numbers for the upper ranks of non-commissioned officers also increased following the amendment to the Military Personnel Management Act (Kim and Lee, 2015: 3–4). As the personnel and organization continued to grow, the public increasingly called for scrutiny, and the government announced the plan to reduce the military organization and personnel in response. However, the number of generals decreased from 444 in 2007 only to 436 in 2017. The current administration announced the intention to eliminate 76 of them by 2022 (MND, 2019: 37).

A similar pattern has appeared in the National Assembly. A significant proportion of the committee positions have been filled by former high-ranking military officers, over one-third in the Roh Tae-woo administration, which followed democratization in 1987, with the defense ministry virtually dominated by them. The trend continued. The 16th NDC was established in 2000, six out of 19 in the committee were former high-ranking military officers. The ratio dropped to two out of 18 in the 17th National Assembly (2004–2008), then went up again in the 18th (2008–2012) and 19th (2012–2016) assemblies to five out of 18 and six out of 17, respectively. In the 20th National Assembly, the number dropped again to three. In summary, not a few former high-ranking military officers served at the NDC except the 17th and 20th National Assembly.¹

Two major roles of the NDC are to legislate, review, and finalize the MND's budget. In principle, the committee can control the military through legislation. However, due to the unique constitutional structure of South Korea, the executive branch has the power to legislate, and the legislature has no

¹Retrieved January 12, 2020, from <https://open.assembly.go.kr/portal/data/service/selectServicePage.do?infId=OMDW7L001139KO17042&infSeq=1&isInfsPop=Y>

means to control the MND's legislation process. The same applies to budget deliberation and finalization. In principle, the committee can keep the MND in check through reviews of the ministry's budget and programs. However, in reality, the system often fails because the committee can begin budget deliberation only when the MND submits the budget (Kim *et al.*, 2016: 320); in other words, commonly, the committee does not even have a chance to comment on directions in defense budgeting and allocation of policy tools and resources. Despite democratization, the NDC has little control over military budget, personnel, and organization, and the MND has become the ministry under the least influence of the National Assembly.

The NDC can also use the Inspection of State Administration to control the MND and the military. The inspection is conducted annually by individual standing committees simultaneously for not more than 30 days. During that period, the NDC can evaluate the ministry's policy performance, point out problems, and demand correction. The committee can also request and obtain the information required for legislation and budget deliberation and the data to be made available to citizens. However, the inspection is unlikely to be useful as a tool of substantial democratic control because it is held only for a short period each year. The latest inspection was held between 7 and 26 October 2020, and the committee had to complete the audit of all target agencies within just 20 days or so. Another challenge is the requirement that the committee members have site visits only in a designated period. The limited resources and time make it difficult to conduct proper inspection; as a result, inspection serves only as the opportunity to raise some symbolic issues that will likely draw media attention.

Additional tools that the National Assembly has included its veto power over signing treaties, ratification, military deployment, parliamentary questioning, suggestions and resolutions, and hearings. However, in all these processes, the MND minimizes information disclosure to evade control. Emphasizing the military confrontation between the South and the North, the ministry and the military used the Military Intelligence Protection Act to shield themselves from requests from NGOs and the National Assembly for information. According to one NGO, the proportion of publicly available full ministry documents was just 18% compared with 52% from other ministries (PSPD, 2018: 33). To illustrate this point, the ROK Armed Forces have never made public the full texts of the National Defense Policy, the Mid-term Defense Plan, and the Defense Budget Plan. The minimal information disclosure by the military must limit the functioning of democracy. In democracies, political parties have control over and are accountable for the military on behalf of citizens; however, when the military gives so little information on their thoughts, plans, and activities as little as possible, the principles of representation and accountability cannot work.

4. Commander-centered judicial system

All soldiers and civilian personnel in the ROK Armed Forces who commit a crime are subject to a trial in military courts. In general, the military court oversees the first trials of the military tribunal, and the High Court for Armed Forces at MND is in charge of the appeals. For final trials only, service members are subject to judicial decisions of the Supreme Court instead of a military court. The military courts have been in operation since their institution during the period of the US Army's rule following the 1945 liberation from Japanese rule. The military courts are under the defense ministry, and judges are appointed by the Chief of Staff of each service branch or the MND among military advocates from respective branches (Kim and Lee, 2020: 93). The military argues that military courts need to be established at military units to consider special circumstances and maintain commanding authority as well as to prepare for war and preserve combat power. However, this is extremely unusual and contradicts democratic principles. As in other countries, only the judicial branch has judicial power in South Korea; even the president, the commander-in-chief, is not an exception and is bound by the rule of law. Yet military commanders under the president's command have judicial power (Choe, 2008: 204).

Military advocates may wear various hats in the military court system including a judge, prosecutor, defendant's attorney, and legal counsel. This means that military advocates may serve as a judge at one

point and a prosecutor or defendant's attorney at another point; this is bound to create problems of mutually conflicting dual roles and collusion as well as raise questions about professionalism and independence (Kim and Lee, 2020: 90–94). Furthermore, military commanders oversee the entire judicial process from investigation to prosecution and confirmation of verdict. This also violates the principles of checks and balance and differs from the South Korean judicial system, in which the police and prosecutors investigate, and prosecutors prosecute, while the court carries out trials. While the current administration pushes to limit prosecutors' investigative authority, in response to the public outcry of the excessive power of prosecutors, the military maintains the system in which commanders are in charge of the entire judicial system.

The military judicial system inherently tends to infringe on fundamental rights, which is furthered by the confirmation process by the convening authority and the line-officer judge systems in the military. Arguing for special circumstances and needs associated with the military, military commanders have the authority to approve the verdicts of military courts or reduce a sentence. In fact, according to the data the MND submitted to the NDC, 89 of 5,656 individuals tried at military courts between January 2012 and June 2015 had reduced sentences according to this measure: 35 individuals had their sentences reduced to half or less, 82% of them for exemplary service (Jung *et al.*, 2018: 117). This undermines the rule of law due to the priority of the commander's judgment and may infringe on fundamental rights due to the possibility of closed trials. Korea is the only country that has this as a regular system, except the USA, which deploys its soldiers to other countries. The line-officer judge system allows military officers to be military court judges, a system that has an inherent risk that line-officer judges can play down or cover up an incident according to the commander's wishes. Judges may also become involved in disputes in relation to fairness and requests for favors, and for this reason, many officers avoid line-officer judge appointments (Han, 2014: 45).

Due to the problems associated with the commander-centered judicial system, many administrations and political parties have tried to reform the system regardless of political affiliation and orientation. In particular, under the Roh Moo-hyun (2003–2007) and Park Geun-hye (2013–2016) administrations, such attempts were made in the National Assembly. Representing the military, the MND tried to maintain the existing system, while the assembly failed to pass any bills even after compromises were reached. This is because the lawmakers did not view the bills as something that should be dealt with immediately, whereas the MND and the military were unified in their support for the existing system, using the confrontation with North Korea as a rationale. The National Assembly was unable to overcome the organized resistance of the MND and the military because the reform efforts were initiated in response to angry public opinions triggered by certain military incidents (Kim and Lee, 2020).

5. President-initiated security and defense policymaking and implementation

In the democratic system of South Korea, the president sets the directions and makes policies in national defense and security as the command-in-chief and takes responsibility for them. The National Security Council (NSC) is an important organization that assists the president in commanding the military and formulating and implementing defense and security policies. The South Korean constitution requires the NSC to advise the president on foreign and military policies related to national security. The NSC is presided over by the president and comprises ministers of relevant ministries including the Prime Minister, the Minister of Foreign Affairs, and the Minister of National Defense, Director of National Intelligence Service, Chief Presidential Secretary, and Chief and Deputy Chiefs of Office of National security. The NSC served only titular functions until 1998 and then served as the control tower in diplomacy and security in the Kim Dae-jung (1998–2002) administrations. The NSC became active because of a political compromise. Even though the NSC would significantly increase the president's authority over the defense and military-related issues, it did not influence internal-military processes and did not intrude into the military's sphere of autonomy. In other words, the NSC was able to operate without touching the military's core institutional interests and maintaining its internal autonomy (Kuehn, 2017: 160).

During President Roh Moo-hyun's term (2003–2007), the NSC ultimately became all the more powerful, and the role of the military in national security decision-making was significantly curtailed (Bechtol, 2005: 614–620; Moon and Rhyu, 2011: 259; Croissant *et al.*, 2013: 74). The situation changed, however, when President Lee Myung-bak (2008–2012) took office. President Lee was extremely critical of most of the policies of the former administration and discarded most of them. As a result, the NSC was weakened. 'This not only weakened the overall interaction and coordination of the various government agencies but also weakened civilian input into defense policy and strengthened the position of the military leadership in security policy-making' (Croissant *et al.*, 2013: 75).

The Park Geun-hye administration (2013–2016), which followed, revived the NSC after 5 years, saying that the NSC would strengthen its ability to manage North Korea's provocations and crises and prevent confusion in policies (Yonhapnews, 2013: 1. 21). The current government, which continues the legacy of the Roh Moo-hyun administration, further strengthened the NSC to serve as a beacon for national diplomacy and security. After all, in South Korea, the president took the initiative to create and implement security and defense policies when the NSC became active in 1998, and even though there was an intervening crisis, the system continues to this day.

6. Control of the military through personnel affairs and political interference by the military

6.1 Control of the military through personnel affairs

In South Korea, the primary means used by the president to control the military was through personnel matters. The president appointed someone from the military as the Minister of National Defense and allowed members of the military to have *de facto* control of the MND. This was made possible by the alignment of the interests of the president and the military, the existence of the military confrontation as a precondition, and public opinion (Moon and Rhyu, 2011: 260; Croissant *et al.*, 2013: 74; Kuehn, 2017: 157–159). First, the president, who has no connection to the military, can appoint a member of the military as the Minister of National Defense and create communication channels with the military and control it while allowing military personnel to take control of the MND. Second, this also serves the interests of the military because their needs are better met when the military has control of the MND and can use the Ministry as a means of promotion and job creation. Third, it appears that the political parties and citizens thought it was risky to fill the positions at the MND with civilians during the ongoing military confrontation with North Korea.

Since the military coup in 1961, no civilian has ever been appointed as the Minister of National Defense. In the administrations of Kim Young-sam, Roh Moo-hyun, and Moon Jae-in, who talked about changing civil–military relations, military reform remained at the level of appointing members of the military in the service components other than the army to serve as Minister of National Defense. MND's key decision-making posts remained firmly in the hands of active-duty generals and field-grade officers (Jeon, 2010; Croissant *et al.*, 2013: 74; Kuehn, 2017: 157). According to material that a member of the National Assembly's NDC received from the MND during the 2016 Inspection of State Administration, 34 of 36 heads of departments and divisions of the National Defense Policy Office and the Force and Resources Management Office, key MND offices, were retired army officers in last 10 years. The number of former or current military officers in other high-level positions in the ministry was slightly lower, yet still 16 of 23 as of June 2016 (Kim, 2018). Because key MND positions have been nearly monopolized by former or current high-ranking army military officers, the ministry has come to represent the military rather than controlling it on behalf of citizens, with fierce competition for promotion.

The president also controlled the military through the appointment of military commanders. Traditionally, officer personnel affairs have been conducted around the cohort system that starts from military academies including Korea Military Academy. Because each cohort is promoted in the order, only a handful of officers in a cohort reach high-ranking positions, ultimately including the minister of national security; thus, competition for promotions was fierce. Nevertheless,

administrators often made personnel decisions based on officers' connection with the president or power elites and the regions they were from. Presidents trusted and gave key positions to the officers from the regions they were from (Yang, 1998; Kim, 2015). This was sort of a divide-and-rule approach the regime used to control the military by having them compete against each other. As a result, private groups of military officers kept developing and monopolizing coveted positions through close private networks (Lee, 1994; Yang, 1998; Kim, 2012).

This is well-illustrated by *Hanahoe*, which was organized during Park Chung-hee's military regime. Key members of *Hanahoe* were Chun Doo-hwan and Roh Tae-woo of the 11th class of the Korean Military Academy, who both later became president; all members were from Gyeongsang province, where Park Chung-hee's home was located, and all took key military positions under the patronage of Park. The group eventually rose to power with a coup after Park's death. Commanders in *Hanahoe* tended to escape punishment for accidents in their units, and most of them never served as commanders of frontline units. Once Chun took office as president, the best positions for a career in the military – DSC commander and special warfare commander – were filled by members of *Hanahoe*, whose careers advanced enormously until *Hanahoe* was disbanded by the President Kim Young-sam in 1993. However, monopolization of key military positions by particular groups did not end; President put his trust in military commanders from Busan and Gyeongnam province, the region of his political base (Yang, 1998; Croissant and Kuehn, 2009: 191–192).

It is not unique to South Korea that political leaders gain popularity in their home regions and stay close to the elites from the region. However, these affiliations take another level in South Korea as a result of the politically driven regional division created by the military regime in the 1970s in an attempt to remain in power for good (Park, 2009). The military regime used the regional affiliation of a political leader as the primary campaign issue to rally its supporters. Because Park Chung-hee's political rival and young democratic leader, Kim Dae-jung, was from Jeolla province, which has a much smaller population than Park's home province, the military regime ran a large campaign to portray Kim as a communist with ties with North Korea to isolate Kim and his province. The politically driven regional division has been a major cleavage in South Korean politics to date. Twenty-six years since his first presidential campaign in 1971, Kim Dae-jung was elected president. In the Kim administration, army officers from Jeolla province were appointed to key positions and advanced in a career (Kim, 2015: 117, 120).

Promoting and empowering officers from certain regions in new administrations continued as the regimes took control of the military in this way. In 2007, Lee Myung-bak won the presidential election, and the ruling party won again in 2012. In the Lee administration, army officers from Gyeongsang province regained power as the region was Lee's home province and the support base of the ruling party (Kim, 2015: 120). Then, the issue of private groups of military officers surfaced again in the media. Reports included that while *Hanahoe* from the 11th through 36th classes of the Korea Military Academy had been disbanded, two secretly operating groups – *Manahoe* and *Nanumhoe* from the 20th through 36th classes – still existed and that *Aljahoe*,² primarily from the 34th through 43rd classes have emerged and taken key military positions since 2015. In particular, lawmakers from the opposition party suspected that members of the group used their connections with the presidential secretariat to take key military positions after the president's brother's network of the 37th class of the Korean Military Academy lost their power in the military (Shindonga, 2005: 1. 24; Ilyosisa, 2013: 4. 19; Sisajournal, 2017: 1. 3). When the suspicion was raised in December 2016, the MND announced that *Aljahoe* had been disbanded in 1992, and those who were involved were penalized in personnel decisions. However, the public was not easily convinced by the announcement.

²This organization was also called *Aljahoe*, which means 'the most important thing' in Korean. It was called this because members exchanged key army positions.

6.2 Political interference by the military

In terms of institution, the president makes the final armed forces personnel decisions in committee with chiefs of staff and the Minister of National Defense. However, in reality, the military personnel were managed according to the president's wishes; the regime controlled the military through personnel affairs (Yang, 1998; Kim, 2015). This way of control often led to an expansion of the roles and duties of the military, which were supposed to be strictly limited to the military domain but were not in South Korea even after democratization. In 1993, President Kim Young-sam gave his order to stop the DSC's political interference, discontinued the customary private sessions with the DSC commander, and gave the Minister of National Defense control over DSC. Afterward, the DSC disappeared from the media, and high-ranking military officers' involvement in policy decisions in both military and other areas became less frequent. In contrast to immediately after democratization in 1987 when high-ranking former military officers held 19.6% of the cabinet positions (Croissant and Kuehn, 2009: 191–192), people with this background began to be the only people appointed as the Minister of National Defense in the Kim Young-sam administration.

However, the military started interfering with politics again as the Lee Myung-bak administration came in and served as a tool to advance the political interest of the regime and the Park Geun-hye administration that followed (Kim *et al.*, 2016: 328–331). The DSC actively interfered with domestic politics by supporting pro-government organizations, conducted surveillance on those who were critical of the government and union members, and manipulated online public opinion (KBS News, 2018b: 7. 30; Kyunghyang, 2018: 7. 5; MBC Straight, 2018: 9. 2). The Cyber Command, which was established in 2010, engaged in large-scale manipulation of online public opinion and surveillance of civilians for the regime in 2012 general and presidential elections (JoongAng Ilbo, 2017: 9. 28; KBS News, 2018a: 2. 15). During the impeachment trial of President Park Geun-hye at the Constitutional Court following a heavy social protest, the DSC even organized a task force and created the document with plans to declare garrison decree and martial law under the scenario of a certain court judgment. They regarded those who participated in peaceful social movements that criticized state-level influence peddling and corruption of the president and her close friend as anti-state followers of North Korea and planned to suppress them with force.

When this was revealed by a social organization and a lawmaker, people were shocked and furious, leading to a new administration that came in in 2017 after Park's impeachment that incorporated public opinion. In July 2018, the vice minister of national defense said, '[MND] will bring a complete overhaul of laws and policies to have eradicated surveillance of civilians and political interference from our military history' at the NDC (Yonhapnewstv, 2018: 7. 24). The administration disbanded the DSC in August 2018, created the Defense Security Support Command, which is prohibited from interference with domestic politics and surveillance of civilians, by appointing a major general of the Air Force instead of the army as its commander, and abolished the garrison decree.

7. Conclusion

This paper explains how South Korea's democratic form of government has exercised control over the military since 1993. The study explains the areas within the military forces that have and have not been controlled and discusses the reasons behind the military's political interference despite the disbanding of *Hanahoe* and the consolidation of democracy. First, South Korea's democratic government only partially controls the military budget, personnel, and organization. The military and the MND have tried to maximize their influence by obtaining direct approval from the president without going through any other offices, and the National Assembly has had no means to exercise substantial control over the MND's programs, legislative plans, and budgeting due to limitations in laws and institutions. The MND also minimizes the disclosure of information relying on the military confrontation with North Korea as its justification. This was not a condition that allowed the crowning principles of democracy – representation and accountability – to work properly.

Second, the rule of law is only partially enforced with regard to the military. This is because the military commander has jurisdiction over the entire judicial system in the military, and the military has its military courts. There were two military reform attempts by the National Assembly; however, they failed to overcome the resistance of the MND and the military, which used military confrontation with North Korea and the special characteristics of the military as their rationales for maintaining the status quo. Third, things were different concerning security and defense policies. The president was able to take the initiative to formulate and implement security and defense policies while making the NSC active in 1998. In other words, the political compromise between the president and the military revived the obsolete system. Despite facing an intervening crisis, the NSC became institutionalized and continues to this day.

Fourth, the primary means for the president to control the military was through personnel affairs. As the strategies and interests of the president and the military – with the military confrontation as a precondition – and public opinions work together, the president appointed members of the military as the Minister of National Defense, and key positions of the MND have been monopolized by those who have served in high-ranking positions in the army. Presidents often made military personnel decisions based on regional background, personal connections, and allegiance with the regime, while private groups of officers craving power and promotion were uncontrolled in the military. This way of the regimes' taking control of the military often led to political interference by the military including the crimes of political sabotage, manipulation of public opinion, and surveillance of those who are critical of the regimes. The military even developed a plan to crush with force a social movement that criticized the regime and then take over the capital.

I examined a case in which the military interfered with politics to benefit the interest of the regime in a highly capitalistic, democratic society with a more than 30 years history of democracy and several bloodless regime changes. The political interference by the military was in large part a manifestation of problems inherent in the way the president controls the military, although the special circumstances of the military confrontation and the fact that the legislature's powers are weaker than those of the executive, both legally and institutionally, must be taken into account. Korea's democracy revealed its vulnerability when certain political forces who wanted to use the military came to power. This case in Korea shows that the way society controls the military sows the very seeds of risk and allows us to rethink the status and role of the military and the challenges in controlling the military in a democracy.

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References

- Avant D** (1993) The institutional sources of military doctrine: hegemony in peripheral wars. *International Studies Quarterly* 37, 409–430.
- Bechtol B** (2005) Civil-military relations in the Republic of Korea: background and implications. *Korea Observer* 36, 603–630.
- Born H** (2006) Democratic control of armed forces: relevance, issues, and research agenda. In Cafario G (ed.), *Handbook of the Sociology of the Military*. New York: Springer, pp. 151–166.
- Bruneau T and Goetze R** (2006) Ministries of defense and democratic control. In Bruneau C and Tollefson S (eds), *Who Guards the Guardians and How: Democratic Civil-Military Relations*. Texas: The University of Texas Press, pp. 71–100.
- Bruneau C and Tollefson S** (eds) (2006) *Who Guards the Guardians and How: Democratic Civil-Military Relations*. Texas: The University of Texas Press.
- Cafario G** (ed.) (2006) *Handbook of the Sociology of the Military*. New York: Springer.
- Choe KW** (2008) The study on the abolition of the commander-controlled military justice system: focusing on convening authority and line-officer judge system. *Hongik Law Review* 9, 191–211, (in Korean).

- Chung IJ** (2008) The trajectory and current issues in South Korean civil-military relations: consolidating civilian supremacy and democratic governance. *The Quarterly Journal of Defense Policy Studies* 24, 109–136, (in Korean).
- Croissant A** (2004) Riding the tiger: civilian control and the military in democratizing Korea. *Armed Forces & Society* 30, 357–381.
- Croissant A and Kuehn D** (2009) Patterns of civilian control of the military in East Asia's new democracies. *Journal of East Asian Studies* 9, 187–217.
- Croissant A and Kuehn D** (2015) The military's role in politics. In Gandhi J and Ruiz-Rufino R (eds), *Routledge Handbook of Comparative Political Institutions*. London: Routledge, pp. 258–277.
- Croissant A, Kuehn D, Chambers P and Wolf S** (2010) Beyond the fallacy of coup-ism: conceptualizing civilian control of the military in emerging democracies. *Democratization* 17, 950–975.
- Croissant A, Kuehn D, Chambers P, Volkel P and Wolf S** (2011) Theorizing civilian control of the military in emerging democracies: agency, structure, and institutional change. *Zeitschrift für Vergleichende Politikwissenschaft* 5, 75–98.
- Croissant A, Kuehn D, Lorenz P and Chambers P** (2013) *Democratization and Civilian Control in Asia*. New York: Palgrave Macmillan.
- Feaver P** (1996) The civil military problematique: Huntington, Janowitz, and the question of civilian control. *Armed Forces and Society* 23, 149–178.
- Finer S** (1985) The retreat to the barracks: notes on the practice and the theory of military withdrawal from the seats of power. *Third World Quarterly* 7, 16–30.
- Fligstein N and McAdam D** (2012) *A Theory of Fields*. Oxford: Oxford University Press.
- Giraldo J** (2006) Legislatures and national defense: global comparison. In Bruneau C and Tollefson S (eds), *Who Guards the Guardians and How: Democratic Civil-Military Relations*. Texas: The University of Texas Press, pp. 34–70.
- Hall P** (2016) Politics as a process structured in space and time. In Fioretos O, Falletti T and Sheingate A (eds), *The Oxford Handbook of Historical Institutionalism*. New York: Oxford University Press, pp. 31–50.
- Han SH** (2014) A proposal for reformation of Korean court-martial system. *Journal of Legislation Studies* 11, 27–51, (in Korean).
- Horowitz I** (1981) Military origins of third world dictatorship and democracy. *Third World Quarterly* 3, 37–47.
- Huntington S** (1957) *The Soldier and the State: The Theory and Practice of Civil-Military Relations*. Cambridge: Cambridge University Press.
- Ilyosisa** (2013) April 19. *The resurrection of secret private groups of military officers*. Retrieved June 10, 2020, from <http://www.ilyosisa.co.kr/news/articleView.html?idxno=34667>.
- Janowitz M** (1960) *The Professional Soldier*. New York: The Free Press.
- Jeon JG** (2010) Reassessing the civilianization of the defense sector. *Journal of National Defense Studies* 53, 1–29, (in Korean).
- JoongAng Ilbo** (2017) September 28. 'The Cyber Command operated internet media companies... even distributed manipulated public opinion.' Retrieved August 4, 2020, from <https://news.joins.com/article/21979066>.
- Jun J** (2001) South Korea: consolidating democratic civilian control. In Alagappa M (ed.), *Coercion and Governance: The Declining Political Role of the Military in Asia*. Stanford: Stanford University Press, pp. 121–142.
- Jung JK, Park C and Park SJ** (2018) A study on military justice system reform: focusing on defense reform 2.0. *Convergence Security Journal* 18, 113–121, (in Korean).
- KBS News** (2018a) February 15. *The online public opinion manipulation conducted by the military was reported to the Blue House*. Retrieved August 4, 2020, from <https://news.kbs.co.kr/news/view.do?ncd=3606436>.
- KBS News** (2018b) July 30. *Military Human Rights Center 'The DSC conducted surveillance on millions of civilians'*, Retrieved May 10, 2020, from http://world.kbs.co.kr/service/news_view.htm?lang=k&Seq_Code=310561.
- Kim I** (2012) Intra-military divisions and democratization in South Korea. *Armed Forces & Society* 39, 695–710.
- Kim K-J** (2014) The soldier and the state in South Korea: crafting democratic civilian control of the military. *Journal of International and Area Studies* 21, 119–131.
- Kim JD** (2015) *Secret Files: The Generals in Crisis*. Seoul: Medici, (in Korean).
- Kim JD** (2018) *Initiating a defense civilization bill*. The lawmaker Kim, Jong Dae Report Reference. (in Korean).
- Kim JT and Lee EJ** (2015) Direction of advanced armed forces size management. *KIDA Defense Issues & Analyses* 1568, 5, 25. (in Korean).
- Kim K-P and Lee S-J** (2020) The politics of the military judicial system in Korea. *Journal of Social Science* 31, 89–106, (in Korean).
- Kim YC, Liddle RW and Said S** (2006) Political leadership and civilian supremacy in third wave democracies: comparing South Korea and Indonesia. *Pacific Affairs* 79, 247–268.
- Kim JD, Yeo SJ and Lee TH** (2016) The South Korean armed forces, out of democratic control. *Creation & Criticism* 44, 309–354, (in Korean).
- Kuehn D** (2017) Reforming defense and military policy-making in South Korea, 1987–2012. In Croissant A and Kuehn D (eds), *Reforming Civil-Military Relations in New Democracies*. Cham, Switzerland: Springer, pp. 151–170.
- Kyungnyang** (2018) July 5 *The DSC's NGO surveillance was reported to the Blue House*. Retrieved June 10, 2020, from http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=201807050600035.
- Lasswell H** (1941) The Garrison state. *American Journal of Sociology* 46, 455–468.

- Lee JH** (1994) The civil-military relations during the MoonMin administration. *Hwanghae Review* 4, 193–225, (in Korean).
- Lee JH** (2011) A study on the civilian control of the military authorities since democratization. *Social Science Research Review* 27, 53–75, (in Korean).
- Maravall J and Przeworski A** (eds) (2003) *Democracy and Rule of Law*. Cambridge: Cambridge University Press.
- MBC Straight** (2018) September 2. *Straight episode* 19. Retrieved March 3, 2020, from <https://www.youtube.com/watch?v=teuPXloT51o&list=PLEXMEKLrkWJ6FWdy5K0shAHGoUx3SagW0&index=37&t=0s>.
- Ministry of National Defense** (2019) *Defense Reform 2.0*. Seoul: Ministry of National Defense.
- Moon C and Rhyu S** (2011) Democratic transition, persistent civilian control over the military, and the South Korea anomaly. *Asian Journal of Political Science* 19, 250–269.
- Narayan H** (2012) Patterns of changes in civil-military relations in South Korea. *Journal of History and Culture* 44, 35–76.
- Park SH** (2009) *Created Reality*. Seoul: Humanitas, (in Korean).
- Pierson P** (2004) *Politics in Time: History, Institutions, and Social Analysis*. Princeton: Princeton University Press.
- Pion-Berlin D** (ed) (2001) *Civil-Military Relations in Latin America: New Analytical Perspectives*. Chapel-Hill, NC: University of North Carolina Press.
- Pion-Berlin D** (2011) The study of civil-military relations in new democracies. *Asian Journal of Political Science* 19, 222–230.
- PSPD** (2018) The evaluation of defense reform 2.0, *PSPD Issue Report* 2018. 08. 30. (in Korean).
- Rukavishnikov V and Pugh M** (2006) Civil-military relations. In Cafario G (ed.), *Handbook of the Sociology of the Military*. New York: Springer, pp. 131–150.
- Saxer C** (2004) Generals and presidents: establishing civilian and democratic control in South Korea. *Armed Forces & Society* 30, 383–408.
- Shindonga** (2005) January 24. *List of four private groups of military officers*. Retrieved June 10, 2020, from <http://shindonga.donga.com/3/all/13/104116/1>.
- Sisajournal** (2017) January 3. *Do military officers get promoted if they know 'Aljahoe'?* Retrieved February 13, 2020 from <https://www.sisapress.com/news/articleView.html?idxno=162884>.
- Trinkunas H** (2002) The crisis in Venezuelan civil-military relations: from Punto Fijo to the fifth republic. *Latin American Research Review* 37, 41–76.
- Valenzuela A** (1985) A note on the military and social science theory. *Third World Quarterly* 7, 132–143.
- Yang B-K** (1998) Historical evolution of civil-military relations and its lessons in the Republic of Korea. *The Korean Journal of International Studies* 37, 309–331, (in Korean).
- Yonhapnews** (2013) January 21. *NSC, a permanent diplomatic and security control tower*. Retrieved March 21, 2021, from <https://www.yna.co.kr/view/AKR20130121190400001>.
- Yonhapnewstv** (2018) July 24. *The lawmakers inquired Martial Law document*. Retrieved September 4, 2020, from <http://www.yonhapnewstv.co.kr/MYH20180724007800038/>.
- Young T-D** (2006) Military professionalism in a democracy. In Bruneau C and Tollefson S (eds), *Who Guards the Guardians and How: Democratic Civil-Military Relations*. Texas: The University of Texas Press, pp. 17–33.

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