

Overlooked Individual Agency in South Korea: Power of the Covidist State?

SEUNGCHEOL LEE outlines the increased role of the South Korean state since the onset of the COVID-19 pandemic and the balance of interventionism and democracy.



Homemade mask production site in Busan, South Korea (March, 2020)

Image: Busan Metropolitan City | WikiCommons

In March 2020, South Korea received positive appraisal for its successful containment of the COVID-19 pandemic. While more than 47 countries postponed their elections, the nation managed to bring 51 million people to the polling stations in the following month (Youngmi Kim 2020). However, this successful preservation of electoral rights may have come at the expense of individual agency, with the state's already formidable power expanding even more during the pandemic. It is thus imperative to question this amplified state power in the post-pandemic era.

Since the beginning of the COVID-19 pandemic the State has become even more economically

involved. Like many other countries in the pandemic, South Korean government intervention increased while austerity declined. Such policy reforms were interpreted as depoliticised, disconnected from sociopolitical surroundings due to the unprecedented nature of the pandemic (Hani Kim 2020, 1). Economists' efforts to reinvigorate the pre-2008 growth model via increased government interventions in the wake of the COVID-19 pandemic became a growing trend (Ibid). The 'Covidist state,' a reinvigorated interventionist state with the augmented use of health surveillance, has emerged through a shift in political agency in one of the forefront democracies in Asia (Ibid).

The South Korean government was able to establish societal control without much social resistance by declaring a ‘public health crisis’ at the onset of the pandemic (You 2020). Whilst this move allowed for decisive action, it came at the cost of distorting the balance of agency between the individual and the state; large gatherings were restricted as a result of the virus’s extremely contagious nature (Freedom House 2021). This was more than a mere legal restraint. Unlike in the past, the state could now address indirect and latent grounds in addition to direct and tangible ones to regulate individual agency. Accordingly, the Moon Jae-in government—who, ironically, was inaugurated after candlelight rallies calling to impeach his predecessor—imposed extensive restrictions on substantial political gatherings and ‘banned more than 100 planned demonstrations, many of which were also meant to protest his policies’ (Freedom House 2021). The COVID-19 pandemic is undoubtedly an unprecedented health security crisis that requires unprecedented measures; nevertheless, if such exceptionality becomes normalised, it is possible that a new governance paradigm will cement in democracies including South Korea (“COVID-19: How Democracies Have Fared Compared With Authoritarian Regimes” 2022). Is this exceptionality temporary, or can the balance between individual and state agency be restored?

From a different angle, the ubiquity of information technologies (IT) has encouraged democracies to utilise ‘popular technologies’ for state use. As a nation equipped with a powerful IT industry, South Korea landed in the international spotlight for its widespread practice of digital tracking of confirmed patients and close contacts (Zastrow 2020). After the outbreak of MERS-CoV in 2015, the conservative Park Geun-hye government was heavily criticised by the public for delayed testing, failure to identify and isolate confirmed patients, and the lack of risk communication to the public (Hani Kim 2020, 3). In

response, the Park government bolstered its capacity to respond to future disease outbreaks. Specifically, the Ministry of Health and Welfare systematically reformed the integrated pandemic response manual and reorganised testing and quarantine protocol (Lewis & Mayer 2020, 1-2). The new organisational chart enabled transparent collaboration, the sharing of information among central and regional administrative units, and aggressive mass-testing which reached 15,000 to 20,000 tests a day (Lewis & Mayer 2020, 2). The National Assembly passed the Infectious Disease Control and Prevention Act (IDCPA) in 2016 so that the government could collect and share personal data for the ‘sole purpose of prevention and control of infectious diseases’ (“Infectious Disease” 2022). The world was startled when South Korea identified and traced nearly 60,000 individuals from a cluster of infections in Itaewon nightclub district in May 2020 as an interim measure (Scott & Park 2021). Behind the scenes, however, the military and police in Seoul’s contact tracing work were pulling ‘credit card records, cell phone location data, and CCTV records’ (Ibid). Surprisingly, the South Korean public initially accepted the government’s justifications for their digital tracking practice via new and relatively untried procedures (Shin 2020).

Digital contact tracing is exceptionally unique to South Korea. Unlike the United Kingdom and the United States, South Korean authorities can acquire the financial and locational data of individuals with no consent necessary (Shin 2020). Along with the IDCPA, the 2015 Personal Information Protection Act (PIPC) authorised such a mandate by the state (“Personal Information” 2020). This was possible in South Korea partly because the country had a significantly high rate of cashless transactions (Aslam 2020). The PIPC was amended later in 2020 as the National Human Rights Commission of Korea officially called the law unconstitutional and submitted a written opinion against it. The Commission was primarily concerned with how the government’s

social distancing measures required individuals to register their mobile phone numbers by providing their real names and resident registration numbers without court orders (Aslam 2020; Shin 2020, 111). Nevertheless, the exceptionality of the COVID-19 pandemic allowed the state to take advantage of the legislation designated to protect personal data and relinquish individual agency. The IDCPA continues to categorise private information which is eligible to be collected by different government branches as merely ‘any important information about national health’ (“Infectious Disease” 2022). Essentially, the methods used to collect and aggregate information require further scrutiny and tailoring to re-establish the demarcation between individual and state agency in the post-pandemic era.

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Fortunately, the prospects are not overly grim. As the South Korean public has experienced numerous democratic ups and downs, and citizen activism has been long established as a cornerstone of the nation’s democracy (Pak & Park 2019, 5-6). This political sensitivity erected bottom-up democratic institutionalism in South Korea and often played a substantive role in retaining the country’s balance of agency between the individual and the state. Subsequently, civil society actors in South Korea have greatly contributed to governance and public policy, acting to mediate power between the state and the citizens (Cai et al. 2021). Although the pandemic forced nearly 70 percent of civil societies to reduce or shut down their programs, many quickly revived their efforts in helping marginalised communities (Cai et al. 2021, 123). For instance, the Volunteer Center in Jeju played a significant role in disseminating information to combat the

virus and providing administrative support at airports (Cai et al. 2021, 125). Civil societies in South Korea have not only increased collaborative partnerships with local governments, but they have also shared epidemiological survey information with the central government (Cai et al. 2021, 125-6). Most prominently, the Community Chest of Korea highlighted its balancing roles by dispatching meeting groups in collaboration with the Ministry of Health and Welfare to regularly ‘share the details of assistance programs’ to the public and effectively allocate aid (Cai et al. 2021, 126). The high level of civil society involvement in governance is evidence that the South Korean government values the input of multiple actors and sectors of society (Jeong & Kim 2021). Against this backdrop, South Korea is still a vibrant democracy which possesses its own rebalancing measures.

Despite the civil sector’s active performance, the country has been witnessing a noticeable underutilisation of democratic institutions to address present issues (Pak & Park 2019, 5). Based on Article 49 of the IDCPA, the ban on gatherings is still one of the most frequently used administrative public health measures by the South Korean government (Lee & Kim 2021). The judicial branch is largely ineffective in adjudicating this challenge, worrying that ruling against the ban would promote another surge in confirmed COVID-19 cases (Al Jazeera 2020). While initially tolerated by the public due to the exceptionality of the public health crisis, the restriction of constitutional rights is increasingly garnering dissatisfaction. The number of legal disputes between individuals and the government during the last few months of 2021 reflects this shifting attitude (Al Jazeera 2020). In June 2021, the Dongbu Detention Center in Seoul filed a damage suit against the government’s severely disappointing COVID-19 containment efforts during the prolonged pandemic circumstances (Jun 2022). Another case was when the Moon government redirected public criticism towards conservative churches by publicly labelling them as ‘major outbreak sites’ (Greitens 2020, E180). Aggravating an already polarised

relationship between the public and conservative churches, the government responses to public dissatisfaction raised concerns about engorged state agencies misdirecting their power (Greitens 2020; Shin 2020, 110).

In sum, these instances of public dissatisfaction with state power point to a complicated future of individual agency in South Korea. While the nation's current COVID-19 prevention measures seem well-coordinated within its rigorous medical system, the government has transformed the augmented use of health surveillance technology into an acceptable policy custom (Greitens 2020, E186). Subsequently, the extended use of popular technology has altered the government's perception of civil liberties, privacy, and individual agency in a democracy (Greitens 2020). Recent studies suggest that contemporary autocratisation is gradual, yet difficult to reverse (Lührmann & Rooney 2020, 8). To make matters worse, experts worry that tech-driven changes following the pandemic will accelerate the process as people's relationships with IT will only deepen with the corresponding increased reliance on digital connections (Anderson et al. 2021). Signs of excessive incumbent takeover or state agency in one of the forefront democracies in Asia is, therefore, concerning. Whether present democratic institutions in South Korea will remain intact and successfully mediate this balance in the post-pandemic world is in dire need of further study.

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Bibliography

- Anderson, Janna, Lee Rainie, and Emily A. Vogels.** 2021. "Experts Say the 'New Normal' in 2025 Will Be Far More Tech-Driven, Presenting More Big Challenges." *Pew Research Center: Internet, Science & Tech.* 18 February 2021. Available at: <https://www.pewresearch.org/internet/2021/02/18/experts-say-the-new-normal-in-2025-will-be-far-more-tech-driven-presenting-more-big-challenges/>.
- Al Jazeera.** 2020. "Anti-Gov't Protests in Seoul despite Increasing Coronavirus Risk." *Al Jazeera: Coronavirus Pandemic News.* 15 August 2020. Available at: <https://www.aljazeera.com/news/2020/8/15/anti-govt-protests-in-seoul-despite-increasing-coronavirus-risk>.
- Cai, Qihai, Aya Okada, Bok Gyo Jeong, and Sung-Ju Kim.** 2021. "Civil Society Responses to the COVID-19 Pandemic: A Comparative Study of China, Japan, and South Korea." *China Review*, 21(1): 107–38.
- "COVID-19: How Democracies Have Fared Compared With Authoritarian Regimes."** 2022. *The Conversation.* [Accessed 1 September 2022]. Available at: <https://theconversation.com/covid-19-how-democracies-have-fared-compared-with-authoritarian-regimes-165415>.
- Greitens, Sheena Chestnut.** 2020. "Surveillance, Security, and Liberal Democracy in the Post-COVID World." *International Organization*, 74(S1): E169-E190.
- "Infectious Disease Control and Prevention Act (IDCPA)."** 2022. *Korea Law Translation Center.* [accessed 15 March 2022]. Available at: https://elaw.klri.re.kr/kor_service/lawView.do?hseq=40184&lang=ENG.
- Jeong, Bok Gyo, and Sung-Ju Kim.** 2021. "The Government and Civil Society Collaboration against Covid-19 in South Korea: A Single or Multiple Actor Play?" *Nonprofit Policy Forum*, 12(1): 165–87.
- Jun, Ji-hye.** 2021. "Detention Center Inmates Sue Government over Infection." *Korea Times.* [accessed 7 January 2021]. Available at: https://www.koreatimes.co.kr/www/nation/2021/01/119_302122.html.
- Kim, Hani.** 2020. "The Sociopolitical Context of the COVID-19 Response in South Korea." *BMJ Global Health*, 5(5): 1-4. Available at: <https://gh.bmj.com/content/5/5/e002714/>.
- Kim, Youngmi.** 2020. "Democracy, Elections and Pandemics: How South Korea Ran Parliamentary Elections during the COVID-19 Crisis." *Globalcit: EUI Global Citizenship Observatory.* 7 October 2020. Available at: <https://globalcit.eu/democracy-elections-and-pandemics-how-south-korea-ran-parliamentary-elections-during-the-covid-19-crisis/>.
- Lewis, Nancy Davis, and Jonathan D. Mayer.** 2020. "Challenges and Responses to COVID-19: Experience from Asia." *East-West Center.* 10 July 2020. Available at: <http://www.jstor.org/stable/resrep25511>.
- Lührmann, Anna, and Bryan Rooney.** 2020. "Autocratization by Decree: States of Emergency and Democratic Decline." *V-Dem Working Paper 85*, 2nd Edition. Available at: https://www.v-dem.net/media/publications/wp_85.pdf.

- Park, Paul, and Pak, Jung H.** 2019. "Liberal democracy in South Korea." *Brookings Institution Reports*. February 2019. [accessed 23 August 2022]. Available at: <https://www.brookings.edu/research/liberal-democracy-in-south-korea/>
- "Personal Information Protection Act (General Law)." 2022.** *Personal Data Protection Laws in Korea*. [accessed 15 March 2022]. Available at: https://www.privacy.go.kr/eng/laws_view.do?nttId=8186&imgNo=3.
- Scott, Dylan, and Jun Michael Park.** 2021. "South Korea's Covid-19 Success Story Started with Failure." *Vox*. 19 April 2021. Available at: <https://www.vox.com/22380161/south-korea-covid-19-coronavirus-pandemic-contact-tracing-testing>.
- Shin, Gi-Wook.** 2020. "South Korea's Democratic Decay." *Johns Hopkins University Press: Journal of Democracy*, 31(3): 100–114.
- "South Korea: Freedom in the World 2021 Country Report."** 2021. *Freedom House*. [accessed 20 April 2022]. Available at: <https://freedomhouse.org/country/south-korea/freedom-world/2021>.
- You, Jongeun.** "Lessons From South Korea's Covid-19 Policy Response." *The American Review of Public Administration* 50, no. 6–7 (August 2020): 801–8. <https://doi.org/10.1177/0275074020943708>.
- Zastrow, Mark.** 2020. "South Korea Is Reporting Intimate Details of Covid-19 Cases: Has It Helped?" *Nature*. March 18, 2020. Available at: <https://www.nature.com/articles/d41586-020-00740-y/>.