

Chapter Title: Of Specters, Soldiers, and Sodomy

Book Title: Banal Security

Book Subtitle: Queer Korea in the Time of Viruses

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Published by: Helsinki University Press. (2023)

Stable URL: <https://www.jstor.org/stable/jj.8784624.8>

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CHAPTER 1

Of Specters, Soldiers, and Sodomy

I was sitting in the gallery of South Korea's Constitutional Court on April 28, 2016, waiting for a ruling regarding the constitutionality of the military's anti-sodomy clause (Article 6 of Section 92). Military service has been mandatory for all able-bodied Korean men since 1957, and there has been a version of this anti-sodomy clause in the Military Penal Code since 1962, though earlier versions appeared in the Japanese codes during their colonial rule of Korea (Lee 2010, 73).²⁴ I gathered with queer activists earlier in the morning outside the Constitutional Court, chatting about the impending ruling and response, as they figured the court would uphold the constitutionality of the clause yet again. The court is walking distance from An'guk Station in Seoul, located between Kyöngbok Palace and Ch'angdök Palace with its famed Secret Garden. Mornings still had a chill to the air, but I knew that as the day progressed the temperature would rise. We were eventually allowed to pass through the gates, presenting forms of identification as we made our way to the side of the building, police and metal detectors waiting once we arrived. I was instructed to put my bag in a locker and given a number in return, walking from the checkpoint to the gallery doors and led to my seat. As I sat there, waiting for the justices to enter, I thought about how instrumental this court had been since its creation in the postauthoritarian era of 1988, including the very recent dissolution of the Unified Progressive Party, a staunch critic of then President Park Geun-hye and a suspected North Korean infiltration political party despite having a substantial number of members. The court would later play an important role in the impeachment process of that very same president in 2017. It would uphold the National Assembly's impeachment of Park and remove her from office, thus putting

into motion an early presidential election. As the nine justices, clad in black and maroon robes, entered the courtroom, everyone stood until they took their seats. Before even speaking, however, the justices sat in silence while the fury of camera flashes filled the courtroom. The press snapped pictures of the sitting justices while everyone waited for the veritable show to both end and start. Eventually the flashes stopped and the chief justice announced the docket of rulings. The anti-sodomy clause was not part of their scheduled rulings. The queer activists in attendance, myself included, stood and exited the courtroom; several anti-LGBT protesters exited the courtroom as well.

Once outside, queer activists and anti-LGBT protesters began their respective public press events. A series of impassioned anti-LGBT speakers praised the military's anti-sodomy clause while criticizing the immorality and perils of homosexuality, citing the connection between homosexuality and HIV/AIDS. They also directly addressed those who claimed that the anti-sodomy clause violated the human rights of sexual minorities. They explained that, given the more immediate concern and threat of North Korea, South Korea could not worry about a small subset of individuals who claimed that their rights were being violated. As one mother of a "young male child" concluded, "for the sake of national security, we cannot repeal this law and must continue to ban anal sex." When the Constitutional Court did eventually hand down its ruling in July 2016 upholding the constitutionality of the clause, one of the key points it made, echoing an earlier 2011 ruling and anti-LGBT protesters, was that "our country's state of security" and "our history and culture" are necessary to consider when adjudicating both the legality and punishment of Article 92-6 (Constitutional Court 2012 hōnba-258, 2016).

The legacy of the anti-sodomy clause in South Korea's Military Penal Code intertwines threads of Japanese colonialism, US imperialism and militarization, and anticommunist ideology that make sodomy itself a national security disruption. The mother's invocation of national security alongside military law and anal sex is both exceptional and mundane. Her ability to mobilize national security discourse in daily life weaves through the routinized fear of another North Korean incursion. The Constitutional Court has upheld the constitutionality of the anti-sodomy clause on three separate occasions since 2008, each majority opinion including reference to national security and unit cohesion. These references point to a more than 70-year Cold War fear

of an impending North Korean attack, solidified first and foremost in the 1948 National Security Law (NSL). The NSL outlaws a broad array of “antistate” activities, including sympathizing with and praising antistate groups, primarily taking aim at communist and pro-North Korean collectives within South Korean borders. The enactment of the NSL conjured what I refer to as the *North Korean other*, reinforced by authoritarian practices from 1961 to 1987 that weaved the threats of North Korea and communism into daily life.

The North Korean other continues to be a specter that haunts South Korean institutions, law, and society more broadly as both the external threat of North Korea and the potential internal fear of possession, or spies. The ambiguity of the other is both the root of its danger and the core of its usability: it is dangerous because it is ubiquitous and nearly invisible, and yet its mutability allows for it to fit any mold, act as foil or rationale for any legal or state action. Characterizing the North Korean other as a specter draws attention to that mutability and ability to phase through while still retaining some semblance of figuration, porously so. This other is the engine of peninsular destruction, and thus following this ghost is my attempt at hauntology, Jacques Derrida’s (1993, 10) method of comprehending “the discourse of the end or the discourse about the end.” The North Korean other is more than a herald of the end of history or a ghost of the dead destined to continuously return; it is the fuse, fire, and explosives of peninsular destruction. And yet it is a tool, a social, cultural, political, and legal mechanism whereby the curtailment of (sexual) freedoms alongside the targeting and exclusion of difference intertwines with this ghostly figure. The North Korean other thus embodies the spectral force of exclusion—a politics of exclusion—predicated on extimacy, or the intimate other.²⁵ Extimacy implies that when there is likeness between the enemy and the self—ethnic and linguistic similarity between North and South Korea, but also between queer and nonqueer Koreans—the enemy can be the self as well.

For the Constitutional Court and even anti-LGBT protesters to thus tap into that national security paradigm to continue to ban sodomy in the military is to otherize queer Koreans and make them a disruption. This othering process is reinforced by the Constitutional Court’s reference to unit cohesion, a time-tested justification the US military and Congress historically used to racially segregate military units and to ban gays and lesbians from openly serving in the military. The assumption in Korea is that queer soldiers will disrupt unit cohesion

because other soldiers will feel uncomfortable—because other soldiers are decidedly heterosexual—and focus more on the soldier’s nonnormativity than on their duty. As I also explore below, part of the seeming disruption emerges from the possibility of sexual relations between soldiers, as the soldier’s attention shifts from duty to sex. This chapter maps the making of queer disruptions by examining the interstitial space of military law, national security, and sexuality in South Korea, following the ghost of the North Korean other as the social, political, and legal impetus for targeting queer folks. It also weaves through that space queer men’s narratives of soldiering, tracing the banality of militarization and securitization alongside the seeming ordinariness of a (queer) soldier’s life.

National Security and the North Korean Other

In 2013, the National Intelligence Service (NIS), the chief intelligence and security institution in South Korea, arrested Lee Seok-ki (Yi Sök-ki), a lawmaker with the small opposition party Unified Progressive Party (UPP), for violating the NSL by conspiring to overthrow the South Korean government if war with North Korea broke out (Kwaak 2015). Months later, the justice minister filed a lawsuit with the Constitutional Court to have the UPP disbanded. The justice minister, who later became prime minister and interim president following President Park Geun-hye’s impeachment in 2017, claimed that the party supported “North Korea-style socialist systems” and thus posed “a threat to South Korea’s liberal democracy” (*The Guardian* 2014). The Constitutional Court disbanded the UPP, the only time it had dissolved a political party since its creation in 1988. With roughly 100,000 members, the UPP was one of former president Park Geun-hye’s most vocal critics (Choe 2014). Lee Seok-ki and the UPP claim that the NIS fabricated evidence to divert attention away from the ongoing NIS election scandal. Roseanna Rife of Amnesty International expressed serious concern for the ruling, stating that “the authorities are using the NSL to suppress dissent and persecute individuals with opposing political views” (Yi 2014).

The NIS election scandal, Lee Seok-ki, and the UPP invoked concerns over the election of the socially and politically conservative Liberty Korea Party presidential candidate Park Geun-hye in 2012, the daughter of former president and military dictator Park Chung-hee

(Pak Chŏng-hŭi). Her election brought a resurgence of draconian policies and accusations of authoritarianism from the opposition parties and protesters, beginning with her very election. Investigators discovered that the NIS used its technological reach and authority to manipulate the 2012 election, including the spread of 1.2 million tweets smearing Park's opponents (Choe 2013). Those tweets included "describing left-leaning candidates as North Korea sympathizers" (Harlan 2013). The Seoul Metropolitan Police Agency began investigating the NIS actions prior to the election, but police-officer-turned-politician Kwon Eun-hee (Kwŏn Ŭn-hŭi) testified that she was instructed by the then chief Kim Yong-p'an to cease her investigation (*Yonhap* 2016a). Simultaneously, military investigators began examining Korea's Cyberwar Command, a military institution created in 2010 to safeguard against North Korean hacking threats, as it was revealed "that some of its officials had conducted a similar online campaign against opposition candidates" (Choe 2013).²⁶ This election scandal converges on former NIS director Won Sei-hoon's (Wŏn Se-hun) own admission of guilt: "What I did was for the nation and for the people" (Choe 2015). Won's words are legible within the context of some of the tweets that claimed Park was "the only answer" to the threat of North Korea and that she had "solid and right views on national security" (Choe 2015). Election interference (or even suspension) was common during the authoritarian years of Park's father and is now a well-discussed issue in the wake of Russian interference in other countries' elections. At the time, though, critics of Park interpreted this as the start of an authoritarian resurgence in South Korea, some even considering it a veritable intelligence community coup.

Both the election scandal and the dissolution of the UPP embody the continued presence of anticommunist and anti-North Korea sentiment and ideology within the national security assemblage, intertwining security with the continued othering of North Korea. This North Korean other is simultaneously the actual country of North Korea, but a few miles from Seoul, as well as the specter of North Korea and communism that haunts and *possesses* those within South Korea's borders. It is a legal, political, social, and even cultural embodiment of difference that allows for the exclusion and prosecution of *difference* based on the nation's collective stance against North Korea and communism.

The North Korean other and the possibility of possession—of spies—represents a long-standing Cold War fear that the enemy is

among us, hiding and blending to the point of invisibility. This fear of extimacy intensifies as more North Korean defectors spill into South Korea; as of 2022, more than 33,000 North Koreans had entered South Korea (Ministry of Unification 2022). How, then, does one reconcile the existential fear over the North Korean other and the reality of North Koreans living in South Korea, racially, physically, and even linguistically indistinguishable? In many ways, this conundrum inspired the NSL's creation, its strict usage during authoritarian regimes, and continued existence in the postdemocratic turn. The 1948 enactment of the NSL is the centerpiece of the anticommunist, anti-North Korean national security ideology that still permeates through social and political life in South Korea.

The foundation for this security state was not only borrowed from the Japanese colonial security state (1910–1945) but further driven by the needs and visions of the United States during the post-1945 rebuilding era (Moran 1998; Cho 1997). “Japanese colonial dominance,” Gi-Wook Shin and Michael Robinson (1999, 5) remind us, “must be considered a unique phenomenon; it resembled other colonialisms, yet its construction and evolution in Korea provided multiple stimuli for other processes.” Shin and Robinson continue: “colonial evolution was dynamic: it had to adapt to the responses of Korean society and, in doing so, reflected this experience back into the construction of Japanese identity and modernity” (ibid.). In contrast to a duality of “assimilation versus differentiation (during the colonial period), or collaboration versus resistance (in later postcolonial assessments),” Nayoung Aimee Kwon (2015, 8) introduces the notion of intimacy within the “confluence of cultures under imperialism.” Doing so, Kwon argues, “allows us to cut across the impasses of imperial and nationalist binary rhetoric to redefine intimacy as an unstable play of affects informed by desire, longing, and affection—all of which coexisted with the better-known violence and coercion undergirding empire” (ibid.). The interplay between intimacy and violence of the Japanese empire emerges in reverberations in Korean history and ruins in its physical and psychic landscape (Stoler 2013), from colonial buildings turned museums (Gitzen 2023) to the actual violence of forced intimacy with comfort women (Soh 2008).²⁷ Yet the security state itself—including laws like the NSL, the military’s anti-sodomy clause, and the Korean military system—is an intimate reverberation and ruin of Japanese colonialism that hinges on violence.

Architects of the NSL modeled the law after colonial Japan's 1925 Security Maintenance Law (formally, the National Maintenance of the Public Order Act), which had been used as "a tool to repress the Korean liberation movement during the Japanese occupation of Korea" (Cho 1997, 132). The act focused specifically on communists and Korean anarchists fighting against the Japanese imperial system, carrying a maximum sentence of death (Kang 2016).²⁸ One notable continuation between the colonial Japanese law and the NSL was the conversion (*chŏnhyang*) system, requiring oftentimes long-term political prisoners to sign statements claiming that they had "converted" to anticommunism, formally reinstated in 1956 (Lee 2007, 102). The conversion system in colonial Japan's Security Maintenance Law had a similar aim of converting communists to imperialists that supported the Japanese emperor and emperor system, resulting in the eradication of the Japanese Communist Party during World War II.²⁹

More than a legacy, colonial Japan's Security Maintenance Law provided a legal framework and apparatus for handling suspected communists and anarchists, but now coupled with the US imperial state-building project of anticommunism driven by "the threat of subversion from North Korea" (Kraft 2006, 630). The United States' quest to build a Korean nation-state, and its commitment to both South Korea and the peninsula more broadly, solidified with policymakers' decisions from 1945 to 1953 (Brazinsky 2007, 1)—both the immediate postwar US occupation period (1945–1948) and in the active fighting during the Korean War (1950–1953). Rather than siding with the leftist "indigenous mass-based movement" in South Korea, the United States favored the Korean conservatives, "many of whom had collaborated with Japanese imperialists" (Brazinsky 2007, 4). This resulted in a "strongly anti-Communist but highly autocratic South Korean state," epitomized in its first president, Syngman Rhee, who governed from 1948 to 1960 until overthrown by student protests (*ibid.*). This period was followed by a short interim of democracy until Park Chung-hee's military coup in 1961 ushered in over 25 years of authoritarian governing, much of which was supported by the US government. Despite these regimes finding support from the US government, "Americans working on the ground in South Korea created new institutions ranging from the military, to schools, to academic organizations through which they attempted to strengthen the indigenous demand for development and democracy" (*ibid.*, 6) While there are "disturbing assump-

tions of cultural superiority” that underpin US-led initiatives inside South Korea (*ibid.*), these initiatives are the types of practices that equally worked to solidify US military, intellectual, and imperial presence in Korea and on the peninsula. Working to craft an anticommunist state in the South was part and parcel of the US imperial project, and these reverberations, like the intimate ones of Japanese colonialism, are as psychological and emotional as they are bureaucratic and juridical. One example that enjoins intimacy and violence is camptown sex work, where the towns surrounding US military bases were historically home to brothels of Korean women that existed somewhere between the US military and the South Korean state (Moon 1997).³⁰ Even marriages between Korean women and US servicemen intimately connects US imperialism to South Korean development.³¹

I return to the NSL and “the threat of subversion from North Korea” (Kraft 2006, 630). When that threat of subversion can simultaneously arise from inside the nation—be they North Korean spies, sympathizers, or closeted communists—national security recalibrates as both an internal and an external ideology and practice. The NSL targets “domestic or foreign organizations or groups whose intentions are to conduct or assist infiltration of the Government or to cause national disturbances” (National Security Law, cited in Kraft 2006, 628–29). Vagueness intentionally punctuates the NSL. Article 7, for instance, punishes those who “praise, encourage, disseminate or cooperate” with the aforementioned “anti-state groups”; “create or spread false information which may disturb national order”; and “create, import, duplicate, possess, transport, disseminate, sell, or acquire documents, arts or other publications” that violate the NSL (*ibid.*). This laundry list of supposed antistate activities makes the category of national security threat mutable and absolute, much like the North Korean other. The North Korean other is both internal and external—here and over there; Korean and not Korean—and yet still absolutely a threat, in part because of its porousness and ambiguity. In the more than 70-year history of the NSL, countless South Koreans have been imprisoned, tortured, and killed for violating the NSL and branded traitors or antistate agents.

Use of the NSL intensified after the initial years of the Korean War and made possible the 1961 military coup by General Park Chung-hee, evidenced in three of the six pledges of the military junta: anti-communism, pro-Americanism, and “construction first, reunification

next” (Cho 1997, 133). The pro-America sentiment is relevant given the United States’ continued military presence, monetary aid, and development support following the Korean War. As Christine Hong (2015, 598) argues, “crucial to US imperial state building and global capitalist hegemony from mid-century onward, the Korean War has fostered a formidable, crisis-generating, self-perpetuating, institutional architecture—the national security state, the military industrial complex, and the perpetual war economy, all cushioned within a self-serving regime of forgetting.” Banal security explains this act of forgetting, for when crisis is *modus operandi* for more than half a century and in turn becomes mundane, ordinary even, banal security as a mode of governance compels such forgetting in order to secure the nation.

The constant state of national security crisis intensified over the years with several small-scale North Korean infiltrations following the Korean War—from the 120 North Korean agents who landed on the east coast of South Korea in 1968 and the bombing of a Korean airliner in 1987 to assassination attempts of President Park and then President Chun Doo-hwan (Chŏn Tu-hwan). President Park thus formed the Korea Central Intelligence Agency (KCIA), the institutional antecedent to the NIS, to both collect intelligence on potential external threats—namely North Korea—and to “eliminate all obstacles” standing in the way of Park’s junta (Hyung-A Kim 2011, 91).³² In other words, South Korea’s national security apparatus—a system and network of experts still in place today—is predicated on external threats *and* internal threats or disruptions to not just state stability but the stability of a particular authoritarian regime. Under both the KCIA and the NSL, these terms were intertwined and synonymous with one another; state stability *is* regime stability, which is then the key defense against communism and North Korea. This South Korean style of Cold War authoritarianism, driven by an internal/external threat embodied in the North Korean other, allows for the curtailment of civil rights and liberties as North Korean spies and political dissidents may be using those rights to destabilize the nation for the sake of the North Korean regime. Freedom, for the authoritarianism of the 1960s to the 1980s, thus stood in contradiction to national security.

While the US imperial project of anticommunism drives the logic of both the NSL and national security more broadly in South Korea, it was the Japanese colonial architecture of the NSL that enabled the legal justification for using the ideology of anticommunism to curb pro-

tests and demonstrations seeking the democratization of the nation. My point is that the North Korean other that materialized within the NSL was and continues to be mobilized in the contours of daily life to surveil, discipline, and target difference. This included the 1962 resident registration law and system that required the issuance of unique identification numbers at birth, used “to monitor the population’s movements for a wide range of purposes, including military service, taxation, criminal investigation, and ... social welfare,” and includes “the collection of 140 different items of individual information” (Moon 2005, 28). The goal of the law and system—and the subsequent revisions in the 1980s—was to track and root out potential North Korean spies and elements of communism from within. Yet these early forms of documentation, identification, and surveillance create a profile of what a good, upstanding South Korean citizen looks like (physically and socially) while also creating the antithetical profile of the spy, sympathizer, and other. While the histories of how these forms of identification and surveillance are still being excavated, the implication is that South Korea’s bureaucratic attempts at managing categorical difference are recursively connected to the ways the state manages the North Korean other. Virtually any citizen can be “possessed” with the spirit of North Korea and communism. Yet, more than a side effect or unintended consequence of mass surveillance and documentation, managing categorical difference became itself a practice of national security. Understanding how sexual difference operates within bureaucratic, legal, and military institutions is quintessential to comprehending the role that difference and othering play in national security ideology and practice.

Militarizing the Ordinary

The staple of the anticommunist ideology and national security state continues to be the military and military service. The military institution, much like other national security institutions, was modeled after both the colonial Japanese military (especially training and hierarchy) and the US military, made more absolute with the US Military Government in Korea (USAMGIK) and continued presence of US military bases (Brazinsky 2007). While the US military occupation of South Korea (1945–1948) focused on building a self-sufficient military in order to strengthen the Korean government, Park Chung-hee and

Chun Doo-hwan's authoritarian years interlaced military service with economic development (Lee 2010; Brazinsky 2007). Seungsook Moon (2005) details specifically how the military allocated army divisions to factories, to labor-intensive jobs, and to research institutions as engineers, paying the men low wages and thus creating a nearly free labor "market." Moon calls this "militarized modernity" as this nearly free labor pairs with a growing male population that thus contributes to South Korea's industrialization and modernization.

Militarized modernity thus directly linked the security of the nation with economic development, soldiering, and labor. Historically, mandatory military service affected one's job and trajectory once one finished service. Completion of one's military service was often a prerequisite for employment and was also acknowledged as work experience to the extent that, prior to its 1999 elimination, those who served were guaranteed certain advantages in employment for both the public and private sector.³³ Industry and labor, then, are militarized systems, but if the driving force behind continued militarization—particularly during the Park and Chun authoritarian regimes—is the national security threats of the North Korean other and communism, then industry and labor are crucial arenas for national security. Under Park's 1960s motto of "Let us build our nation as we fight" (*Ssaumyönsö könsöl haja*), Korea was to simultaneously build and fight, both going hand in hand and at the center of his national security anticommunism ideology (Lee 2010, 40).

I suggest that the military within contemporary South Korean society constitutes a "total social fact" given that it "involve[s] the totality of society and its institutions" (Mauss 1990, 78). Yet total social facts can "set in motion society and its institutions as a totality," meaning that they do more than "involve the totality of society" but are the engine behind social cohesion, production, and also collapse (Valeri 2013, 266). The intermingling of the civilian with the military illustrates the lack of separation between the two, apparent even in the fact that civil law engenders the military and its laws/policies—military law is civil law. As such, the military does more than make soldiers; the military produces and disciplines an entire male citizenry through the expectations, practices, and experiences emergent in military service (Moon 2005). Chungmoo Choi (1998, 12) frames these decades of modernization and "capitalistic nationalism" as "legitimized by anti-colonial discourse, which paradoxically claimed spiritual superiority

and masculine integrity, while imposing chastity upon its women.” Yet I take this a step further, for the military not only instantiates a rigid sex/gender system predicated on the perceived anatomical correctness of males and females (Yi and Gitzen 2018); it also sets in motion the heteronormativity that permeates and embeds itself within Korean society. Soldiers are to be masculine; they are to be healthy and able-bodied, but what equally defines these characteristics is the man’s ability to be heterosexual.

There is growing dissatisfaction with mandatory military service, especially among the younger generations since the 1990s, many of whom perceive conscription as throwing one’s prime years away, interfering with their normalized economic comfort (Moon 2005). Both dissatisfaction and annoyance with conscription has not abated (Joo 2012), particularly given the rarity of service exemptions.³⁴ Korea’s population crisis and declining birth rates mean that fewer boys grow into soldiers, and thus has led to revisions in the medical standards determining service exemption (*Yonhap* 2019), despite controversy around athletes and K-pop stars’ exemptions, or lack thereof (Padilla 2019; Robertson 2018; *Yonhap* 2018). Conscientious objectors, common among religious minorities like Jehovah Witnesses, also divide the public particularly given the newly minted three-year service option that entails working in detention centers and prisons rather than the individual’s own imprisonment if they object to military service (Gibson 2020).

There has also been increased criticism of the daily life of soldiers following cases of bullying and murder. One case that received international attention was the 2014 death of a conscript bullied to death by other soldiers, including his superior; he was repeatedly struck in the chest while eating, whereby food blocked his airways and caused asphyxiation (BBC 2014; Choe 2014).³⁵ Another such case from 2014 involved an army sergeant who fired openly on other members of the 22nd Infantry Division stationed at Kosŏng-gun, in Gangwŏn (Kangwŏn) Province at the border with North Korea, killing five and injuring seven. During the trial, the sergeant claimed that he had been bullied (Lee 2015), and he had previously been considered at risk of suicide for his “difficulty adapting to military life” (McCurry 2014). Equally troubling is the number of suicides in the military, consistently their leading cause of death since 2010, accounting for 73 percent of all soldier deaths from 2010 to 2019 (Ministry of National Defense 2021).

Critics have thus focused attention on the Korean military's "barracks culture," which also includes poor sleeping conditions, poor mental health, and malnourishment (Williamson 2014). I translate these historical developments into ethnographic reality as I explore how some of my queer interlocutors maneuvered through their mandatory military service.

Ordinary Soldiering

I first met Min-sök in the spring of 2016 on Facebook; we had seen each other in passing at a couple different queer events and I decided to reach out to the gay man in his early 20s to discuss his experiences in queer activism and participation in queer events. He has a deep interest in American culture, speaking rather fluent English. We stayed in touch over the years, even talking throughout his military service. He would often regale me with rather benign stories of military life, but over time I realized that these mundane stories were about Min-sök's daily quest to survive the ordinariness of militarization and security. Sharing them was a way for me to bear witness to that endurance. During my time in Korea, I have listened as several men recounted stories of their military experience.

During one of Min-sök's midnight patrols of the outskirts of the military base where he was stationed, a fellow unit member picked him up in a patrol car. It was around 4am and just the two of them were in the car—they had no supervisor with them. The two started to listen to music from their phones, which they used in secret; cell phones were forbidden. Min-sök remembered listening to "Slow Dancing in the Dark" by Joji because his fellow unit member was "from Canada, so we had similar taste in music." He remembered the event because "that was one of the few good memories" Min-sök had of his military service. His positive memory and feelings, however, were based on an unallowed act of using his phone to listen to music. As they were patrolling and securing the military base, they maneuvered from within that action to find a moment of relief, of breathability in what was normally an exhausting practice—midnight patrols—and service.

The story struck me as odd... I had to admit, I was waiting for the punchline, for the action that would break this musical reverie, making the story an event worth relaying to me. But it did not come. The seemingly forgettable act was memorable to him for a similar reason that

the civilian drill I recounted in the [Introduction](#) left such an impression on me: the ordinariness was incredibly potent. If banal security transforms extraordinary security events and processes into mundane and routine happenings, then this moment was equally impactful because of its banality.

These moments of breathability are often simple, nearly as invisible as the space between the inhale and the exhale. These “ordinary affects,” to invoke Kathleen Stewart (2007, 2), might “begin and end in broad circulation, but they’re also the stuff that seemingly intimate lives are made of.” They are “a shifting assemblage of practices and practical knowledges, a scene of both liveness and exhaustion, a dream of escape or of the simple life” (Stewart 2007, 1). These are not the extraordinary moments of a protest or queer festival. On the contrary, these moments render the ordinary affectual insofar as “they can be seen as both the pressure points of events or banalities suffered and the trajectories that forces might take if they were to go unchecked” (Stewart 2007, 2). The fleeting intimacy that Min-sŏk and his fellow unit member experienced in the moment of listening to Joji surged with an electricity emergent only in those transient moments when people are caught up “in something that feels like *something*” (ibid.). The friction, awkwardness, and uneasiness explored in this book focuses on the ways queer folks participate in their own securitization, and are similarly caught up in these ordinary affects given how security itself has become banal. As Stewart (2007, 128) writes:

Ordinary affect is a surging, a rubbing, a connection of some kind that has an impact. It’s transpersonal or prepersonal—not about one person’s feelings becoming another’s but about bodies literally affecting one another and generating intensities: human bodies, discursive bodies, bodies of thought, bodies of water.

Participation in security not only contributes to its banality but invites the possibility of unintended intensities, surges, and even enclaves. Min-sŏk and his colleague were using their security patrol—a moment of security participation and banalization—to listen to music, to discover other potentials of the moment that may exist outside the intention of the security practice but are nonetheless *immanent to* security itself. While Stewart wishes to occupy the in-between of the abstract and concrete where ordinary affect resides, my goal in attending to

these moments of ordinary affect or reprieve is to ultimately navigate through spaces of survival, instances where moments of securitization can become something *else*.

The friction of security participation thus collides with the intensities of these moments. “Wake up at the same time, eat at the same time, work out at the same time, sleep at the same time.” An-so, a composite character of several queer men who had served in the military within five years of interviewing each man between 2015 and 2016, explained to me how he liked the regularity of military life and how little he had to think or worry about things like securing gainful employment. He also found the homosocial environment appealing and inviting. The homosocial bonds he formed with other male soldiers provided him the necessary support to endure his military service to the point that he even enjoyed it. I often interjected, noting that most of the queer men with whom I spoke dreaded their service and found it bothersome if not painful. These interlocutors were fearful of being outed because of the military’s anti-sodomy law, as I elaborate below. An-so typically shrugged, chuckling a bit. On one hand, An-so—closeted throughout the duration of his service—is considered a disruption because of his queerness, and if he ever came out, he could potentially face imprisonment. But, on the other hand, the homosocial bonds An-so formed with other male soldiers were so intense and intimate that he derived enjoyment, even pleasure, from service.

The Threat of Sodomy

That anti-LGBT protesters, politicians, and judges invoke national security to justify the continued presence and constitutionality of the military’s anti-sodomy clause makes sense given the primacy of military service in South Korea and the ways the military intertwines with national security. However, further explanation of the anti-sodomy clause itself is necessary to ascertain the full impact both the clause and the invocation national security have for queer Koreans. Most importantly, the military uses the fear over the North Korean other to justify the constitutionality and necessity for the anti-sodomy clause in the Military Penal Code.

The language of the clause and its placement is significant to both the jurisprudence of the Military Penal Code and the social implication of the clause. The original wording of the clause states: “A person

who commits sodomy or other forms of sexual harassment will be sentenced to no more than 2 years in prison.” Sodomy is a colloquial translation of the Korean word *kyegan*, which translates to “sex between chickens” and crudely refers to sexual acts between two men.³⁶ The translation of *kyegan* into sodomy is rather fitting given the linguistic genealogy of sodomy itself to include anal sex, oral sex, bestiality, and, more generally, nonprocreative sex acts. The translation of “sex between chickens” and implication of bestiality is not an uncommon association for sodomy or homosexuality. Animality is routinely used to categorize, comment, and interpret forms of queerness, be it linguistically, discursively, or materially. Perhaps, as Mel Y. Chen (2012, 99) suggests, we ought to also take seriously the chicken in this scenario with which one is supposedly having sex, to consider “what the animal means, what it does, what kind of sex it has, what it wants.”

The National Assembly slightly altered the wording of the clause in 2013, along with other changes in the Military Penal Code, to read: “A person who has anal sex with or sexually harasses a person ... will be sentenced to no more than 2 years in prison.” The change replaced *kyegan* with “anal sex” (*hangmun sŏnggyo*), a move that queer activists claim did nothing to change the antihomosexuality undertones of the law. Yet perhaps more telling in both versions of the clause is that Section 92 of the Military Penal Code focuses on “rape and sexual harassment (*kanggan kwa ch’uhaeng*).” The other clauses specifically address acts that are either forced or committed under forms of coercion; article 92-6 (and the original 92-5) is the only article of Section 92 that does not specify the use of force or coercion. These are *willing* sexual acts between two consenting adult soldiers, but categorized as sexual harassment. As such, prosecutors will often use this clause to charge soldiers with forms of sexual violence because they do not need to prove force, only that sexual interactions occurred. In other words, the requirement for the burden of proof is much lower, as known cases of soldiers being charged under the anti-sodomy clause included eyewitness accounts and testimony from soldiers involved (see Lee 2010).

The (mis)use of the anti-sodomy clause in sexual violence cases can be seen in the first ruling of the clause in 2002, when a lawsuit was filed with the Constitutional Court by an army corporal indicted for touching his subordinate’s penis in the barracks (Constitutional Court 2001 hŏnba-70, 2002). The background of this ruling couples with the intentional vagueness of both the law and ruling. The army corporal

allegedly sexually assaulted his subordinate, but the military courts indicted the corporal under article 92-5. The prosecutor did not have to prove the use of force or violence. The father of the army corporal, however, hired a lawyer who advised the father and corporal to file a lawsuit with the Constitutional Court to decide the constitutionality of the clause. The complainant (the army corporal) argued that the proscription of “other acts of indecent sexual conduct/behavior” as stated in article 92-5 violated the “principle of clarity” (*nulla poena sine lege*). The scope of this regulation and language was argued to be too broad and “that the punishment of such minor sexual harassments ... would violate the principle of proportionality” (Constitutional Court 2001 hōnba-70, 2002). Stated alternatively, the scope of article 92-5 is so wide and vague that anything could fall within its purview and the punishment for such infractions would be unproportionable to the actual acts (or crimes).

The majority opinion of the decision to uphold the constitutionality of the article pivoted on the soldier’s “common sense and ordinary sensibilities” to “predict who would be subject to the statute and what conduct would be prohibited under the law” (*ibid.*). The assumption was that soldiers know what constitutes “indecent sexual acts” and, as the court stated, what acts are constitutive of “ordinary sexual satisfaction.” In other words, “indecent sexual acts” are those that “an ordinary citizen” recognizes as contrary to “ordinary sexual satisfaction,” but also that these acts somehow violate “the sound living conditions and morale with the community of the armed forces” (*ibid.*). The court, however, did not specify how such acts violate these living conditions or morale.³⁷

The 2002 Constitutional Court ruling was short, vague, and focused only on the principle of clarity in article 92-5. The 2011 Constitutional Court ruling of the anti-sodomy law was broader in its scope. In 2014, Gunivan, the Network for Reporting Discrimination and Human Rights Violations against LGBTI in Relation to the Military, collected the legal and social history of attempts to abolish the 2011 Constitutional Court ruling on the anti-sodomy law in a nearly-500-page white paper spanning six years from 2008 to 2014. The intention of this report was to “trace the effort” of the activist work around the issue and to “understand what role we [the activists] should play in the future” (Gunivan 2014, 3). The white paper details how the 2011 ruling emerged from a June 2008 Supreme Court ruling in favor of the anti-sodomy law and an August 2008 ruling by the Korean Army’s Nor-

mal Military Court of the 22nd Infantry Division in opposition to the law. The Korean Army's Normal Military Court of the 22nd Infantry Division's August 2008 lawsuit argued that article 92-5 "violates equal rights, the right to sexual self-determination, and the right to privacy," and that "this hateful language [of sodomy] designates even a consensual sexual act as an 'indecent act,' as if homosexuality itself were but a type of sexual violence" (ibid., 54). In response, the government filed a lawsuit with the Constitutional Court to rule on the constitutionality of the law. Nearly three years after the filing, in 2011, the court ruled that article 92-5 is constitutional.

Part of the Korean Army's Normal Military Court of the 22nd Infantry Division's case rested on the notion of "individual sexual freedom," arguing, as mentioned, that article 92-5 violates the privacy and sexual freedom of the individual. Yet the court claimed that, because the Military Penal Code seeks to regulate "sound public life inside the military," restricting the individual's sexual freedom and privacy are *not* the aim of these laws (Gunivan 2014, 334). Similar to the 2002 ruling, male-on-male sex is argued to disrupt that community and its discipline and therefore must be outlawed. However, the 2011 ruling provides far more detail as to both its judicial reasoning and, ultimately, why male-on-male sex is problematic. The majority opinion claimed that the likelihood of "unusual sexual intercourse" between male soldiers is high in the military—that superiors are more likely to engage in homosexual sex acts with subordinates—and, "if neglected, there is great risk of direct harm to the military's fighting power" (ibid., 336). Part of the rationale the court provided for the higher frequency of male-on-male sex acts is the lack of opportunities for male and female soldiers to meet and work together compared to civilian life (ibid., 336). Within the court's reasoning—and within military law more broadly—the role of women, their *raison d'être*, is to sexually please men, and *only in their absence* do men turn to homosexual sex.

The problem lies not only in the sex act itself, which the court finds "immoral" and "abnormal," but in the *possibility* of men's desire to have sex with each other to manifest and the sex act to occur. This possibility of and desire for homosexual sex are a concern when assessing the "military fighting power" of the unit because soldiers are not able to properly fight and serve if the possibility of sex looms overhead, let alone if they are having sex with each other. In short, the possibility for male-on-male sex challenges the military readiness of the unit. As

Judge Kim Chong-dae plainly stated, “in order to intensify the spiritual military combat power, the curtailing of homosexuality in the military is needed” (Gunivan 2014, 326). This is, therefore, part of the legal rationale for not only upholding the anti-sodomy clause as constitutional but how judges, politicians, and anti-LGBT protesters equate queer Koreans to national security disruptions and threats.

The ruling continues, stating that the individual’s sexual freedom and privacy are not the aims of the law but moreover, that such freedom must be limited to safeguard the communal health of the military because “it cannot be said that they [the individual’s sexual freedom and privacy] are greater than the public interest of ‘national security,’ the precondition of existence and all freedom” (Gunivan 2014, 335). The original lawsuit brought to the Constitutional Court in 2008 pivoted on the individual’s sexual freedom and privacy. The court’s constructed hierarchy of placing national security above freedom and even its existence alludes to the authoritarian regimes of Park and Chun, when freedom stood as possible foe to national security. This has been reformulated as a precondition: to ensure *all* freedom (including sexual freedom and privacy), a nation must be secure. More insidious is the claim that *national* security precedes existence itself, that for the individual and the individual’s sexual freedom and privacy to exist at all the nation must first exist and be secure. Freedom and existence are conditional and, yet, only male-on-male sex and queerness are determined to be illegal and a disruption to national security.

The North Korean other haunts the Constitutional Court’s 2011 ruling with both the necessity of article 92-5 and its punishment without ever being mentioned. In addressing the punishment for violating article 92-5, codified as less than two years but often equating to less than a year, the court claimed that the punishment is proportional to the crime in part because of “our country’s state of security and conscription system” (Gunivan 2014, 335). The use of this demarcated language—“our country”—requires contextual knowledge of Korea’s national security landscape and conscription system. The continued rationale for conscription, along with the chief concern for national security, is North Korea. Hence the justification for banning sodomy is the continued threat of North Korea. Yet, more than simply using North Korea as a patsy in judicial reasoning, the work of alluding to a context without naming what exactly “our country’s state of security” is conjures the specter of the North Korean other as not a physical body

but an ideology, a fear of communism that can be both internal and external. It phases through—through bodies, institutions, laws, time—not unlike Marx’s specter of communism haunting Europe (Derrida 1993). And, thus, its spectral quality is both the cause of its danger and its usefulness in upholding national security discourse: we fear the specter, but its amorphous and even porous figure can easily be fit into any given situation, context, or landscape.

Categories of Exclusion

The invocation of military readiness and military fighting power is a familiar claim within US legal history, namely the long-fought battles over the 1993 implementation and then 2011 repeal of the US military code “Don’t Ask, Don’t Tell” (DADT) and the earlier precedents of segregation/desegregation in the US military. These are significant cases because not only does the South Korean Constitutional Court’s ruling tap into similar rhetoric of military readiness, discipline, and security—central to both DADT and racial segregation in the military—but the continued presence of US military bases and soldiers in South Korea cannot be overlooked. Both the US and South Korean militaries routinely engage in joint military exercises—often denounced by North Korea—including the annual operations of “Foal Eagle” and “Ulchi Freedom Guardian” that see hundreds of thousands of military and civilian personnel engage in operations.³⁸ Furthermore, since July 1950, a small number of drafted Korean personnel have served in the Eighth United States Army, stationed in P’yŏngt’aek-si, known as the Korean Augmentation to the United States Army (KATUSA).³⁹

Earlier bans on homosexuality in the US military claimed that “homosexuality is incompatible with military service” because the mere presence of homosexuals would “adversely affect the ability of the Armed Forces to maintain discipline, good order, and morale,” resulting, among many things, in “breaches of security” (Department of Defense cited in Sinclair 2009, 704–5). The crucial point in this directive and DADT—where one is not asked about one’s sexual orientation and thus one need not reveal that sexual orientation—is that ‘group cohesion and unity are paramount institutional needs for maintaining “discipline, good order, and morale”’ (Davis 1993, 24).

The need for maintaining “discipline, good order, and morale” within the military was also the justification for racial segregation in

the US military until President Truman's 1948 Executive Order 9981 desegregating the US armed forces. In response to a proposed piece of legislation in 1940 that would have essentially desegregated the military, the secretary of war warned that such legislation would "demoralize and weaken the effect of military units by mixing colored and white soldiers in closely related units, or even in the same units" (Dalfiume 1969, 46). Furthermore, feminist historian Margot Canaday (2009) details how the rise of the US bureaucratic state in the 20th century also led to the systematic targeting of homosexuality in the institutions of welfare, immigration, and the military. The racialization of bodies was intimately tied to the simultaneous sexualization of bodies (Somerville 1994), but Canaday illustrates that the state crafted a closet (of homosexuality) through the lens of citizenship that relies on mechanisms of inclusion and exclusion.

My point is that we must read the South Korean Constitutional Court's rulings through this US legal and military history because the court and the South Korean state use military law to create categories of exclusion much in the same way the NSL carves out exclusionary categories through the specter of the North Korean other. Given that military service is a requisite for Korean citizenship for men, the anti-sodomy clause in the Military Penal Code excludes queer folks from Korean citizenship. Coupled with the specificity of South Korea's "state of security" and "national security" mobilized in the court's 2011 ruling, homosexuality is not only a disruption to national defense and security but akin to the North Korean other that exists to target and exclude. Homosexuality is a legal category of exclusion outside the confines of Korean citizenship.

As established, the North Korean other relies on both the physical "over there" place of North Korea—an external enemy to be defined—and the possibility of infiltration and possession within South Korean borders. This other is indistinguishable, ambiguous, and thus dangerous in a Cold War-born system that requires distinction and fears ambiguity for its possible enemy possession. Queer Koreans operate in a similar jurisprudence given that they are also indistinguishable from nonqueer folks. If pro-North Korean sentiments and ideologies constitute evidence of North Koreans or at least spectral possession for the NSL, then sodomy is the corresponding evidence for identifying queer Koreans for military law.

However, the interstitial space of military law, national security law, and othering still yields a jurisprudence of queer folks that forms the basis of their categorization, treatment, and even abuse. Their ambiguity of being both Korean and somehow different in part manifests their danger. This danger also yields a question of ethnicity and racialization, where queer Koreans are racially the same as all other Koreans and yet their sexuality marks them as different. The danger and disruptive capacity of homosexuality first and foremost lies in the ambiguity of queer Koreans being both this and that, here and there, internal and external, Korean and queer. This is a central threat in postwar South Korea, instantiated in the North Korean other's ability to be both internal and external. The North Korean other's ambiguity fuels the perpetual fear of peninsular destruction, where queer Koreans are not a cause but a symptom of this fear, illustrative of how far-reaching national security and anxiety are in the daily lives of South Koreans. Both occupy the same conceptual security space of internal/external, self/other, and both continuously haunt postwar Korea. More than a phantom limb, this other acts as *doppelgänger*, too uncanny for reflection and thus categorized as a disruption or even threat.

The *doppelgänger* effect—a self/other dichotomy latent in modern Korean society, culture, and national consciousness—manifests even in common slogans used in contemporary protests. These slogans follow the same linguistic pattern of combining that which is being protested against and either the English or the transliteration of the English word “out.” This has been used with political or public figures, such as “Park Geun-hye out” during the 2016–2017 candlelight vigils that eventually led to the impeachment and imprisonment of former president Park Geun-hye. Yet this type of slogan is also commonplace in anti-LGBT protests and the Protestant right, such as “LGBT-OUT.” The expulsion of these nouns from one space to another demarcates movement from an internal to an external, such as from president to civilian (and, thus, able to be prosecuted). Yet within anti-LGBT protests that call for the expulsion of “LGBT,” the metaphor of “out” taps into the exclusionary ideology of the military's anti-sodomy law, national security, and the North Korean other. “Out” is thus an expulsion from not only the military but also the nation and even the perceived ethnic homogeneity of the Korean people.

Ordinary Soldiering, Redux

Kang-t'a looked content when I saw him in the summer of 2013 at a coffee shop, as if everything was in its rightful place: "*hago sip'un kōt ōpsō, kago sip'un kot ōpsō*" ("I have nothing I want to do, I have nowhere I want to go"). My gay longtime friend and interlocutor did not look much different, except for the braces, and still managed to frequently smile during our conversation. Seeing him, falling back into step with our conversations, I realized that I had missed him; it had been nearly two years since I had last seen him. We first met when I was a graduate student in Korea and he was just starting college, joining the same queer club. The two of us immediately hit it off as the "newbies" to the club. When talking about his military service he explained that the lifestyle appealed to him because he was never alone: he never ate, slept, or did anything by himself. Everything he did was with other men, and, while he noted that he liked the idea of having many attractive and muscular men surround him, it was more than that—it was camaraderie. Kang-t'a compared his group of friends or fellow soldiers with friends in school or the same club or major, noting that what was impressive about his military friends is that they come from all walks of life throughout Korea. There is something powerful for Kang-t'a in this experience, especially as the men do everything together. Homosocial intimacy gives space for soldiers to cope with the difficulties of the military. Such spaces of exposure leave the military and security vulnerable but are seen as necessary to build camaraderie, which in turn secures the ability for the army to secure the nation (Gitzen 2022).

Interestingly, Kang-t'a was not particularly frightened by the prospects of being outed or arrested for being gay despite this being a distinct possibility. While Kang-t'a was well-aware that his sexuality was outlawed by the military, he admitted that he did not feel sexual during his conscription. Several of my queer interlocutors made a similar point, that during their conscription years their typical thoughts of sex were primarily displaced by physical exhaustion.

There were, however, notable exceptions. As I explore elsewhere, I noticed a proliferation of stories within Korean queer films, magazines, and the community that narrate male soldiers having sex with one another on base (Gitzen 2022).⁴⁰ Suggesting that this narrative provides space within the military for the survival of closeted queer soldiers bombarded by "toxic masculinity" and homophobia, the cir-

culuation of this narrative is immanent to the inner workings of the military itself. While the line between homosocial intimacy and romance/sex is often vague, the latter is criminal, while the former is encouraged. The very tools used to facilitate unit cohesion and thus security are the same tools appropriated for survival, essentially queering the very foundations of military sociality and Korean male sociality more broadly.⁴¹ Both Kang-t'a and An-so's experiences contribute to the ordinariness of soldiering and the banality of security.

Min-sök had a boyfriend during his military service, a fact that he said helped him cope with his two-year service period. The unit knew he was in a relationship; they just did not know it was with another man. Given that the military surveils phone calls and letters, one of Min-sök's strategies was to mask the language he used with his boyfriend in communication so as not to reveal either that his partner was male or that he was his boyfriend. This is a rather common practice for queer soldiers in relationships. Queer Koreans find ways to express affection through alternative forms of language; they employ code-words to express love, for instance, to avoid detection. These linguistic practices subvert the very apparatus of security.

While letters and phone calls to friends and family are a common part of soldiering, queer Koreans are also using that system of communication to express affection for their loved ones that bypass the illegality of their existence. They can move within the system to stitch together their own forms of expression and living, using the system to their advantage. Similar to those queer soldiers who co-opt homosociality and transform it into forms of homoeroticism and sexual release, Min-sök and other queer soldiers co-opted communication as a mode of endurance. This is also true of the regular leaves that soldiers are provided throughout their service tenure. These leaves range from a day to a week or so, and for queer soldiers like Min-sök these are periods when they get to see their boyfriends, their queer friends, visit gay bars and clubs, and have sex. As the opening story from the [Introduction](#) makes clear, soldiers are still considered part of the military during periods of leave, and so they are still governed by military law. Therefore, some of these acts—namely, having sex with other men—are considered illegal even on leave. But queer soldiers do it anyway.⁴²

As with the memory of listening to music at 4am while patrolling, queer soldiers must find ways to operate within the military–security regime itself, a regime that targets them as disruptions, to simultane-

ously hide and live a life. When one is treated as a threat or disruption, one must make do with what one has, and oftentimes, as participants in their own securitization, they must mobilize the very tools that make them insecure for the sake of their livelihoods.

A Space for Justice

The stress of military service for queer Koreans does not go unnoticed by the human rights community. Some organizations have instituted workshops and camps for soon-to-be soldiers, friends, and family members wishing to navigate the fear they may have with regards to military service. The Military Human Rights Center's camp, operating since 2009, captures this anticipation well on their website in 2016: "Are you really worried before going to the military? All you've heard about is torture... [A]re you insecure?" (Military Human Rights Center 2016). Queer soldiers are anticipating a difficult time, torture and violence even, and given the cases of bullying and even murder among conscripted soldiers coupled with the military's anti-sodomy law, such anticipation is more than understandable; it is to be expected.

There have been attempts to institute and reform regulations to protect the well-being of conscripted soldiers, known as the Subsidiary Management Ordinance. Among the many regulations, homosexual soldiers are identified as a population to protect against discrimination, differentiating between one's identity and one's (homo)sexual practices, for while the former ought to be protected against discrimination, the latter is still regulated by article 92-6. However, queer and human rights activist cry foul as these regulations are thought to not go far enough and those regulations that do exist are often overlooked or ignored by the military (Kim Tong-gyu 2011). This then led to a revision of the regulations in 2016, the revised ordinance forbidding the hospitalization of homosexual soldiers in an attempt to isolate soldiers that the military thought to be "incompatible with active-duty service." And yet, military doctors still preside over much of a soldier's mental and physical health, and as such if a military doctor determines that there is a "likelihood of an accident such as suicide," then the doctor can treat the soldier in a military hospital while also informing parents and superiors to prevent such "accidents" from happening (Pöpchechö 2016).

When paired with the military's anti-sodomy law, the military goes to great lengths to find ways to interpret and treat queer soldiers as disruptions. In particular, the Constitutional Court's invocation of South Korea's "state of security," "national security," and "our history and culture" in the 2011 and 2016 rulings indexes the still present anti-communist ideology weaved through the very fabric of South Korea's national security, military, and legal systems. These rulings conjure up the specter of the North Korean other as a necessary spirit to legally justify punishment under article 92-6, not necessarily because those who partake in male-on-male sex acts are considered communists but because the ever-present threat of North Korea makes disruption within the military that much more immediate and in need of regulation. The in-betweenness of queer Koreans and male-on-male sex mirrors that of the North Korean other, being both internal and external, and therefore in need of careful regulation.

The space of justice emerges not only out of the growing activist response to the existence of the anti-sodomy law in the Military Penal Code and persecution of queer soldiers under the auspices of this law, but from the decolonial work of recognizing that national security and military law are colonial and imperial mechanisms predicated on excluding difference. Military conscription itself relies on a gendered politics of exclusion, as only able-bodied men are required to serve, but the *need* for conscription escapes consideration for that need is what truly impedes the work of justice. The thrall of banal security, embodied in the perpetual fear over North Korea and peninsular destruction, remains. The colonial legacy of the anti-sodomy law demonstrates that sexual difference was always a target for security and the Korean state. As long as the NSL exists in any fashion and the specter of the North Korean other haunts the social and legal landscape, difference will continue to be excluded. While such exclusion may be the cornerstone of other nations and the driving principle of citizenship, South Korea's politics of exclusion and difference rely on the continued presence of the North Korean other to fashion national security disruptions out of difference. How is justice possible when the infrastructures and ideologies of national security—meant to ensure safety—are predicated on quelling liberation?

Perhaps the starting point for justice lies in the project of exorcising from law, institutions, and society more broadly the North Korean other and all entanglements that made such specter possible. Or maybe

exorcism is too far gone, and we need only follow the ghost in the Derridean sense. Justice is in the queer reading of national security and military law that requires gender and sexual sameness for the sake of security and defense, when those were historically colonial and imperial requirements used to subjugate colonial and imperial subjects. Justice is in the voices and experiences of those affected and excluded, those who live through violence as a condition of daily life.

