



Exceptionalism and martial law in South Korea

On December 3, South Korea was the scenario of a serious political crisis. President Yoon Suk Yeaol declared a state of emergency under martial law; causing dozens of deputies to jump the fences of the precinct to access the National Assembly to revoke the decree.

Exceptionalism and the Theory of Securitization

Exceptionalism is a political practice that goes beyond liberal norms, beyond the limits of order. It also involves the institutionalization of the enemy based on a political discourse that leads to the creation of a moral panic and builds an image of the enemy. The literature defines that "exceptionalism founds law and social order through transforming the fear of the enemy into its constitutive principle" (Aradau 2009, p. 687), while "exemplifying an accumulation of illiberal policies and practices that are legitimized through proclamations about the need for exceptions of the norm" (Neal 2011, p. 31).

In addition, in situations like this, the use of the theory of securitization is recurrent. It is used as a resource to reproduce the image of a united political community, projecting protection towards

society while limiting its freedoms.

Martial law

The attention regards the situation in South Korea stems from the adoption of the martial law, a law involving the replacement of the government with a military order, suspending civilian legal proceedings by military proxies. This means the restriction of civil rights and freedoms under the exceptional nature of the situation.

Usually, when a government decides to resort to the application of this law, it is prepared to attend to times of war or to quell social unrest; justified under a supposed emergency or national crisis. However, its application entails a serious violation



of human rights. In practical purposes, it implies a suspension of constitutional rights with a variable or indeterminate duration. The transfer of democratic political power to the military is represented in the military control over the population and civilian institutions. This context facilitates the cover-up and justification of human rights violations, where a clear abuse of power is exercised by the State.

It also represents a serious threat to democracy and the fundamental rights of citizens. Such drastic measures should not be used, it would be better to seek peaceful and democratic solutions to face a political crisis; always keeping rights intact and unaffected by political interests.

December 3: Chaos

The president claims that the intention behind the declaration of implementation of this law was to 'safeguard liberal South Korea from the threats of North Korea's communist forces and eliminate anti-state elements'. However, it is suspected that the intention behind this was to confront the opposition party, the Democratic Party (DP), of having cornered his government to approve a general budget for 2025, which had multiple budgetary cuts. The approval did not have the support of the People's Power Party, suggesting the imposition of martial law as a political action to counteract the offense previously led by the DP.

This is why several political and societal sectors accuse the government of having implemented this law to protect itself in a political scenario with minority support, accusations of corruption, and declining popularity.



Image 1. Yoon Suk Yeol, President of South Korea. Source: Reuters.

The president implemented this decree on December 3 at 11 p.m., without prior notice. In response, the president of the General Assembly, Woo Won-shik, called a vote to repeal the law, which was conducted at 01.01 h in the morning of the 4th. At the time, given the circumstances, only 190 deputies were able to be present at the time of the vote after facing the security controls that had been established in the precinct and reaching the point of having to jump the access fences. The opposition deputies – forming six political parties – were able to repeal the law, which was finally lifted

at 4.50 a.m. that same day, after six hours of its application.

Political reaction and growing social instability

The parliamentary opposition, making up the majority of the National Assembly, is demanding the resignation of the president after managing to withdraw the imposition of martial law in the early hours of its implementation. The South Korean president is accused of violating the Magna Carta and the Constitution, and it is called upon that he will answer under his responsibility to the South Korean people and democracy.

The country's Defense Minister Kim Yong-hyun apologized to citizens "for causing confusion and concern," followed by the presentation of his resignation as minister—seen as a strategy to divert attention from the president. Through a statement released by the South Korean Joint Chiefs of Staff, it showed its willingness to take responsibility for matters related to the application of martial law. As it was a measure managed by the Ministry of Defense, the responsibility fell on the minister, in addition to being the one who suggested to Yoon to resort to martial law.

However, the leader of Yoon's PPP party has criticised the president's decision to implement this



Image 2. Thousands of demonstrators and MPs protest for the resignation of the president in South Korea. Source: El País.

The Democratic Party, the main opposition force, has led the presentation of an impeachment to remove the president; an act made together with five other political formations of the opposition.

law, calling it a 'wrong measure' and that he would work to 'stop it together with the people'. And so it was, when several deputies of the party voted in favour of revoking it.



In social terms, the Korean Confederation of Trade Unions (KCTU), South Korea's largest trade union group, announced an indefinite strike until Yoon's resignation. Likewise, demonstrations against the president and his government abound, intensified by the failure in the attempt to remove him from office through an impeachment. The people express their dissatisfaction at the same time that they have lost confidence in the political leader who should represent their interests, while it has directly attacked their civil rights.

An impeachment attempt

The impeachment session was called for December 8. After it was announced, the South Korean president came out to make a statement aiming to reduce the discontent of his citizens. In his speech, he apologized to "the people who were shocked," as well as confirming that he would attend to political and legal responsibilities as a result of the declaration of martial law. However, there was no mention of a possible resignation or of the impeachment declared to end with his mandate.

The outcome of this has left the South Korean people with great discontent. With 195 votes in favour, the National Assembly fell five votes short of ending Yoon's presidency. However, it might have been too ambitious to have thought about the possibility of getting the 200 votes, as it required at

least eight members of Yoon's party to vote for his impeachment.

However, an important event has been the prohibition of the still president Yoon from leaving the country; having restricted his right to travel outside the country.

Conclusions

The situation in South Korea is a reflection of an authoritarian policy that is contrary to human rights, violating the civil rights and liberties of the South Korean people. The South Korean leader, after his actions, is experiencing a growing weakness: a loss of political and social support. Assuming that the application of the martial law was to secure their power in government, we could see how the pursuit of power through the violation of the rights of citizens is counterproductive and results in an even more fragile scenario.

Moreover, this event is important in order to remember that martial law cannot and must never become a resource used by States to deal with a national political crisis. The protection of democratic values also falls on safeguarding civil liberties, which are included under the umbrella of human rights.

This is how national security has no end if it involves the violation of the rights of the population. Fortunately, there are peaceful and



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democratic ways to ensure that this security is maintained, and they must be the only legitimate recourse to deal with such situations. Trying to establish public order through measures that limit their participation and freedom has the great risk of further fuelling society's vein of demands. It remains to be seen what the president's future will be in office, but what has already become clear is that South Korean society will not remain silent or submissive in the face of the violation of its rights.

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