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**THE DEVELOPMENT OF PRIVATE  
POLICING IN KOREA**

by

CHANG MOO LEE

A dissertation submitted to the Graduate Faculty in Criminal  
Justice in partial fulfillment of the requirements for the degree of  
Doctor of Philosophy, The City University of New York

2002

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6-6-02  
Date

F. Warren Benton  
Chair of Examining Committee

6.6.02  
Date

[Signature]  
Executive Officer

F. Warren Benton  
F. Warren Benton, Ph.D.  
Professor

Mary Gibson  
Mary Gibson, Ph.D.  
Professor

[Signature]  
John Kleinig, Ph.D.  
Professor  
  
Supervisory Committee

THE CITY UNIVERSITY OF NEW YORK

# ABSTRACT

## THE DEVELOPMENT OF PRIVATE POLICING IN KOREA

by

Chang M. Lee

Adviser: Professor F. Warren Benton

This study explores the nature and implications of private policing in Korea and its historical patterns within large context of political, economic, legal, and cultural systems. It also examines whether the findings from the Korean case are consistent with those of other countries and cultures. For the data and sources of information, this study relies on written records and archival documents, including historical documents, official statistics, business annual reports, etc.

This study has several interesting findings. First, until recently, the extent of private policing in Korea was not noticeable. Private policing was enjoyed by only a privileged class. The widespread availability of private policing is a relatively new phenomenon, not appeared until the late 1980s. The authority and accountability of private policing was not legally specified until the Security Service Contract Act was legislated in 1976. The relationship between public and private police was conflicting and non-cooperative, and still remains to be uneasy.

Several factors contributed to the wide availability of private policing in recent years. First, the decentralization of policing authority provided a political ground for the growth

v

of private policing. In particular, special attention is paid to the economic factor for the explanation of the expansion of private policing. The economic affluence in the late 1980s paved the way for the wide availability of private policing and its specialization in Korea. The findings of this study also show that the changing nature of legal culture, from mediation and reconciliation to litigation, contributed to the rapid growth of private policing in Korea. In addition, fear of crime and some historical events such as the Olympic games are closely related to the expansion of private policing in Korea. Finally, this study reveals that the modern private policing system in Korea was primarily influenced by Westernization, particularly by the United States.

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# **PART ONE: INTRODUCTION, THEORY, AND METHODOLOGY**

## **CHAPTER I. INTRODUCTION**

Today we live in a world of greater complexity and interdependence than ever before. Globalization seems to be common in every part of the world and society. The rapid development of information technology accelerates the globalization. The pace of world change is phenomenal. A complex web of international networks links diverse cultures and disparate regions of the world into a global community (Evans et al., 1996). New information technology not only contributes to the progress of the world, but also provides a context for new forms of criminal activities we have never experienced and imagined. This rapid change leads to the failure of public policing to deal effectively with newly emerging threats, which also brings about the public's dissatisfaction with government services. Very few people are relying on the police to protect themselves from cyber-crimes and complex business crimes.

Terrorism ignites a new need for private policing. There has been a wave of requests for increased security personnel and services, and threat assessments since the terrorist's attack on the World Trade Center on September 11, 2001. The security of open spaces has been remarkably tightened. Public venues, including convention centers, hotels and museums, have also reevaluated security measures. Some clients

are requesting a security presence beyond what is necessary (Gips, 2002).

Nonetheless, the threat of terrorism does not diminish the security preparation for other threats.

As industrialization and urbanization paved the way for a new form of policing in the nineteenth century, the new challenges we are now facing also require the realignment of policing. This is not only because the existing policing system does not seem to work effectively and efficiently, but also because people can afford to hire private police. Not too long ago, although they had reasonable needs, most people could not rely on the private police simply because they were not rich enough to pay for the private police services.

Private policing has rapidly been growing in recent years. It has been filling the gap of public policing or even replacing the role of the public police. As the London Metropolitan Police had swiftly spread out to other European countries and to the United States, private policing has also dispersed very quickly throughout the world. With the influence of new communication and information technology all over the world, in developed and underdeveloped countries alike, the government is rapidly losing its monopoly on policing. The authority to provide security is being transferred from public law enforcement to private security among businesses, industrial establishments, gated communities, and for-profit security services (Bayley and Shearing, 1996). Although private policing appears to be seen in almost all countries, however, few studies have attempted to explore the historical significance of private policing in a global perspective. Even worse, most historical accounts of private policing are descriptive without theoretical explanation.

The study of private policing in South Korea has several important rationales. Most of the researches on private policing have focused on Anglo-American countries. Very few academic efforts have been made on other countries, especially on Asian countries. Furthermore, private policing in non-Anglo-American cultures has hardly been explored, though the rapid growth of private policing has been witnessed globally. Because Korea is significantly different from Anglo-American countries in terms of culture, history, and its legal and political system, it may provide a valuable model to test hypotheses about private policing. In addition, a look into other systems for an alternative has benefits because every policing system has its strengths and flaws. Thus, the study of the Korean case may provide an opportunity to compare another with one's own system and improve the latter. Due to the lack of historical and analytical studies in this field, furthermore, it could give an insight into the historical significance of the recent development of private policing.

The purpose of this study is to explore the rationales for private policing and to investigate the underlying causes of the recent growth of private policing by historically looking at the case of Korea. Furthermore, this study attempts to examine whether the data from the Korean case are consistent with those of other models, especially Anglo-American models, while investigating the uniqueness of the Korean case in the development of private policing. With regard to the identification and description of private policing in Korea, this study is concerned with the following research questions and hypotheses:

- (1) Were there organizations similar to private policing in historical Korea? If so, what were the extent and function of the private police? Hypothesis: There

are similarities between contemporary private police organizations and historical organizations with related functions.

- (2) What authority have been given to the private police to perform their functions? On what basis do they perform the function? Hypothesis: Legal authority for private police organizations has gradually emerged in response to social, economic, and political forces and trends.
- (3) How have the private police been accountable for their misconduct? Were there any specific methods by which the private police have been responsible for their activities? Hypothesis: Accountability mechanisms transitioned from accountability-to-authority to accountability-to-law.
- (4) What has been the relationship between private and public policing and how did public policing develop in Korea? Hypothesis: The relationship has been non-cooperative.

In addition, for an appropriate analysis and explanation for the development of private policing in Korea, this study is concerned with the following questions and hypotheses:

- (1) Why did the private policing originate and develop at the particular time? To what social forces was it a response? To what extent and how have political, economic, legal, and police system influenced private policing? Hypothesis: The emergence and expansion of private policing depended upon historical and social situations of those days.
- (2) To what extent has private policing been influenced by Western impetus, and to what extent by Korean impetus? Hypothesis: Modern private policing is

primarily influenced by westernization, and lacks precedent in Korean history. Analogies can be made to historical para-military and para-police organizations, but there is little evidence that these organizations served as actual models.

## CHAPTER II. REVIEW OF THE LITERATURE

### A. THE LITERATURE ON POLICING IN GENERAL

#### 1. The Concept of Policing

Crime control has been thought to be the core mission of the police by many researchers as well as by the public. However, as David Bayley (1994) and Samuel Walker (1999) argue, crime control is not an accurate description of what the police actually do. A considerable proportion of police time is devoted to dealing with tasks other than crime. In fact, policing involves a broad range of activities. These include order maintenance, crime control, environmental and traffic functions, assistance in times of emergency, crime prevention, and conciliation and conflict resolution. For these reasons, policing is best characterized as peacekeeping (Forst, 1999; Kleinig, 1996; Morgan and Newburn, 1997; Shearing, 1992; Walker, 1999). According to Clifford Shearing (1992), peacekeeping refers to “the maintenance of a way of doing things where persons and property are free from unwarranted interference so that people may go about their business safely (pp. 399-400).” The definition of “peacekeeping” is broad enough to include all functions of policing. In other words, it runs the whole gamut of policing. The origin of this definition could be found in the Anglo-Saxon notion of the king’s peace, and breaches of the king’s peace were crimes. In a modern society, however, the public peace replaced the king’s peace. It is grounded in the recognition that there are many things that may and do disturb the peace or tranquillity of a community, not just crime, but disaster, non-criminal social

conflict, the movement of people, and even large gatherings. In this sense, policing is to ensure or restore peaceful order (Kleinig, 1996, pp. 27-28)

The major strength of the peacekeeping definition resides in its broadness enough to encompass most of the work that police do, whether it is crime-fighting, traffic control, or intervention in crisis situations. Research around the world has shown that peacekeeping is the primary policing function, even in societies where the police are routinely armed, such as in the United States, or where the community is seriously divided, as in Northern Ireland (Morgan and Newburn, 1997, p. 82). Peacekeeping is both what the police actually do and what we think they should do.

From another point of view, however, peacekeeping activities may be regarded as social control (Bailey, 1989; Johnston, 1992; Manning, 1997; Reiner, 1997; Wilson, 1993). Robert Reiner (1997) argues that the idea of policing is an aspect of the more general concept of "social control" which broadly refers to everything that contributes to the reproduction of social order (p. 1004). However, Reiner notes the specificity of the idea of policing as a particular aspect of social control processes. "Punishment" is clearly an aspect of social control, but is usually regarded as something that should be kept separate from policing (p. 1005). Mark Button (1999) emphasizes the necessity to distinguish policing from social control. He maintains that policing is something more specific than social control, although it is a part of social control (p. 104).

Another interpretation of policing emphasizes the capacity of the police to use coercive force. Egon Bittner (1970) criticizes a broad view of policing which overlooks the aspects of law enforcement and crime. He argues that police intervention means above all making use of the capacity and authority to overpower resistance to an attempted solution in the native habitat of the problem, whatever the

substance of the task at hand. Although the police function may involve 'dealing with all sorts of problems,' according to Bittner, its essence consists in having the legitimate capacity to exercise force in resolving them. The idea that 'policing' not only has to do with all sorts of problems but also presupposes the capacity for the legitimate exercise of force provides a solid foundation for theorizing policing (Johnston, 1992, pp. 188-189). However, this approach should be confined to the public police. Given that policing is carried out by private police agents and vigilantes as well as public police, Bittner's definition is not broad enough to encompass various agents of policing.

In this sense, the police must be distinguished from policing. Policing has typically been seen as the work that the police do (Rawlings, 1995, p. 129). The police refer to a particular kind of institution, while policing refers to a set of social processes with specific social function. 'Police' are not found in every society, but 'policing' is arguably a universal requirement of any social order, which may be carried out by a variety of different processes and institutional arrangements (Reiner, 1997, p. 1004-7).

## 2. A Historical Overview of Modern Policing

Concerning policing, a historical overview is important because policing is rooted in tradition. Policing began with the emergence of society. Society needs control for which policing exists as one of its mechanisms. Forms of policing have existed for several thousand years, with religious, political, or military police wielding power as

early as the time of Babylon (The New Encyclopedia Britannica, 1998, p. 958). Until the modern era, however, societies had primarily relied upon various ways of informal control and volunteering vigilantes or private security guards other than specialized police forces. Some societies have existed without any formalized system of social control or policing. Policing may be carried out by a diverse array of people and techniques, of which the modern idea of police is only one (Spitzer and Scull, 1977). Police appear only in association with a substantial degree of division of labor, and are usually preceded by other elements of a specialized legal and governmental system like money, mediation, and damages (Reiner, 1997, p. 1006). Thus specialized policing institutions emerge only in relatively complex societies.

Criticizing that many researchers on the history of policing pay little attention to broader socioeconomic factors, Peter Manning (1997) asserts that a historical approach should make visible the factors by which modern policing is governed. These factors, according to Manning (1997), include the growth of the capitalistic economic system coupled with the destruction of the rural social order; the growth of a set of political and social philosophies advocating "police reform", the rise of a class-based politics, and the emergence of the administrative state apparatus (p. 53). Manning notes that "London Metropolitan Police, regarded as the first modern police, is neither the creation of any theorist or the product of a speculative school, it is the child of centuries of conflict and experiment" (1997, p. 54). Jerome Skolnick (1972) also argues that the Metropolitan Police did not derive from any single idea, but rather from a fairly complete set of developing historical events and interests.

A long history of economic and political change preceded the passage of the Metropolitan Police Act of 1829 in England. Lying behind the police act were

changes induced by the early stages of the Industrial Revolution (1750-1850), population growth, economic and occupational dislocation and reallocation; alterations in the pattern of social control throughout the nation; and changing patterns of political alignments and ideologies (Manning, 1997, pp. 54-55). Also included were the growth of the police idea repeatedly advanced by reformers, royal commissions, magistrates, politicians, and the supreme political skill of Home Secretary Robert Peel. A conjunction of structural, situational, and personal factors contributed to the creation of the London police (Manning, 1997, p. 48).

As seen in the formation of the London police, the dramatic changes in policing have emerged out of broader societal movements (Bailey, 1989; Emsley, 1983; Forst and Manning, 1999; Johnston, 1992; Lane, 1992; Miller, 1973; Monkkonen, 1981). Modern policing arose from the need to confront social disorders prompted by rapid urbanization and immigration in the mid-nineteenth century as well as the French Revolution and its aftermath. In this context, Les Johnston (1992) sees the emergence of modern policing as a response to the problems of crime and disorder arising from capitalist industrialization and urbanization (p. 207). Clive Emsley (1983) also argues that changing ideas and social structures play a crucial role in the development of police forces. He stresses the gradual evolution in the development in policing, while he regards national tradition and experience as crucial in the formation and development of policing.

Even though new strategies and techniques of policing have been introduced, the form of policing has not much changed since the London police was established. Contemporary patterns of police vary considerably in detail. However, they have tended to converge increasingly around fundamentally similar organizational and

cultural lines (Bayley, 1985; Brodeur, 1995). This is facilitated by the emergence of a new international organization of technocratic police experts who are responsible for the diffusion of fashions in police thinking around the globe (Reiner, 1997, p. 1007). Such an organization as INTERPOL contributes to the spread of a cosmopolitan conception of policing.

With regard to the origin and development of modern policing, radical researchers suggest a different view of modern policing, placing an emphasis on social inequality and class-bound nature of policing. They contend that specialized police forces develop hand-in-hand with the development of social inequality and hierarchy. The development of specialized police is linked to economic specialization and differential access to resources that occur in the transition from a kinship- to a class-dominated society (Robinson and Scaglione, 1994). Steven Spitzer and Andrew Scull (1977) also argue that modern police are means for the emergence and protection of more centralized and dominant state systems. The complex and contradictory function of contemporary police is thus inscribed in their birth process (Reiner, 1997, p. 1006).

## B. THE LITERATURE ON PRIVATE POLICING IN GENERAL

### 1. The Concept of Private Policing

Policing has a public and a private face (Shearing, 1992, p. 402). Encompassed in the idea of policing are two broad ways of formally organizing activities – those

representing private interests and those representing the public interest (Manning, 1999, p. 57). However, the boundaries between public and private policing are unclear, which raises the question of whether there are certain essential functions concerning private policing. Thus researchers on private policing have been preoccupied with functional questions (Johnston, 1992, p. 95).

Kakalik and Wildhorn's (1971) RAND report, the first comprehensive research on private policing, describes private policing as policing efforts on behalf of private interest, which is complementary to law enforcement. It includes the activities that provide security-related services, including investigation, guard, patrol, lie detection, alarm, and armored transportation (p. 3). The RAND report views these functions as the services that public police either do not perform because of resource limitations, or cannot perform because of legal constraints.

The RAND definition has been criticized by subsequent researchers. The Task Force on Private Security (1976) contends that the RAND definition is inadequate because it extends private security to essentially all police and security functions being performed by entities and individuals other than law enforcement agencies (p. 4). Although they carry out similar or same activities as private security forces do, according to the Task Force report, certain groups of quasi-public police, such as housing authorities, park and recreation police, and so forth, cannot be included in the standards and goals of private policing unless they are paid by private funds. The report further argues that the RAND definition omits key elements: The client relationship and the profit nature of private security (p. 4). Cunningham and Taylor's (1985) study, so-called Hallcrest Report I, also criticizes the RAND report because it

has limited private security to a narrowly prescribed role by failing to include it in the larger context of asset protection and loss prevention (p. 167).

Instead, the Task Force report (1976) offers a working definition of private security as follows:

Private security includes those self-employed individuals and privately funded business entities and organizations providing security-related services to specific clientele for a fee, for the individual or entity that retains or employs them, or for themselves, in order to protect their persons, private property, or interests from varied hazards (p. 4).

By this definition, according to the Task Force report, the major activities of private policing include (1) guard services, (2) electrical device services (3) investigative services (4) armored car and courier services, and (5) ancillary services such as crowd control, canine patrol, and bodyguard (p. 7).

In addition to these early reports, most researchers on private policing give their own lists of functions of private policing (Button, 1999; Johnston, 1992; Manning, 1999; Morgan and Newburn, 1997; Shearing, 1992). For example, Johnston (1992) provides five sub-areas for private policing activities: (1) guarding and protection; (2) surveillance, intelligence, and undercover work; (3) preventive activity; (4) investigation and detection; and (5) containment and control. Manning (1999) also enumerates ten functions of private policing: (1) guarding and protecting private property and space; (2) guarding intellectual property; (3) participating in risk management activities; (4) information analysis and processing; (5) surveillance via electronic means; (6) investigations of crimes committed on private space or by employees; (7) crime prevention, risk management, and loss reduction; (8) applied violence (e.g., physically solving labor disputes, executive protection); (9)

transporting and securing cash and property; and (10) feudal loyalty and fealty (e.g., body-guarding). These activities enumerated can be taken together by providing functions that include crime prevention, order maintenance, loss reduction and protection. In other words, all of the functions carried out by the public police are pursued in varying degrees by the private sector. Thus, as previously mentioned, the demarcation line between public and private policing is difficult to draw.

This unclear public-private distinction is another important issue concerning the conceptual dimension of private policing. As John Kleinig (1996) puts it, the private-public distinction in policing, problematic enough in theory, is sometimes even more difficult to make in practice. This is because both public and private sectors supply protective, deterrent, and detective services, and in some areas the two sectors overlap. In recent years, in addition, an attempt has been focused on institutions that seem to straddle the public/private division. Stanley Benn and Gerald Gaus (1983) note that there are certain non-statutory institutions which are not part of the state authority structure and thus regarded as private ones, but which expend public funds in performing services for governments. On the other hand, some statutory institutions are not governmental agencies in any straightforward sense and are actually required to operate by commercial success criteria; nevertheless, they are supposed to serve the public interest and are accountable to representatives of the state (p. 40). According to Benn and Gaus (1983), QUAGO (Quasi-Governmental Organization) and QUANGO (Quasi-Autonomous Non-Governmental Organization) have been coined for the bodies that cannot be categorized clearly as public or private (p. 40).

Many researches on private policing categorize public and private police in terms of three criteria: sponsorship – a public agency, or a private business or individual;

legal authority to use coercive force; and the specific functions they perform (Kakalik and Wildhorn, 1971; Task Force Report, 1976; Cunningham and Taylor, 1985; Manning, 1999). First, public and private policing are distinguished primarily by “sponsorship” as the act of paying the police. Public police are maintained by taxpayers’ money, while private police are paid by businesses or individuals and perform services for profit. Second, the legal authority differentiates private policing from public one. Only public police are entitled to use coercive force. Finally, the degree of emphasis placed on specific functions provides another distinguishing characteristic of public and private policing. Private policing focuses on the prevention and reduction of crime affecting private property. By contrast, public police concentrate their efforts on increasing the certainty of punishment by raising clearance rates. As a result, most of the resources of public police are spent for response to, rather than prevention of, crime. In short, private policing services and products are provided by private, for-profit organizations for specific clients to effect crime prevention and reduction for selected targets and thereby reduce economic losses (Task Force Report, 1976, p. 5). Based on these criteria, military security forces, community vigilante groups, and volunteer police forces that serve without pay as deputies are excluded from the scope of private policing.

However, Theodore Becker (1974) argues that distinguishing private from public police by use of a measure of “sponsorship” is not a satisfactory approach because such a definition would give a researcher a good deal of categorical overlapping and resulting confusion (p. 443). There have been instances in which cities have actually charged private industries for “public” police activities such as a crowd control in a sports game or a music performance. In addition, many private police agencies

employ public police officers on a part-time basis. These moonlighting public police generally retain their full police powers even while working for the private employers. This type of cooperation is indicative of the type of convergence between public and private sectors of law enforcement that would render definitions based on sponsorship ambiguous (p. 440).

With regard to the functions private and public police actually perform, there appears to be no clear-cut basis for distinguishing public and private police. It is evident that the private police are taking over many functions that public police would ordinarily be called upon to perform, while at the same time public police are performing many traditionally non-police functions. Just as a definition based on “sponsorship” is less than satisfactory when attempting to distinguish private from public police, a definition based on “functions performed” also is unsatisfactory (Becker, 1974, p. 443).

Finally, societal changes and shifts in policing strategies have contributed to blurring the distinction between public and private policing. The emergence of “mass private property” such as shopping malls and amusement parks is also blurring the distinction between the public and the private. Preventive policing in mass private property has become the responsibility of security specialists bought privately through the market (Bailey and Shearing, 1996, p. 601). In addition, as Manning (1999) points out, the recent emphasis on problem solving and prevention in policing has diminished the differences between public and private policing. Here comes the necessity to look at the history of private policing.

## 2. The Origin and Development of Private Policing

The history of private policing has been covered in a number of texts, though it was briefly mentioned (Benson, 1998; Forst and Manning, 1999; Johnston, 1992; Gill and Hart, 1996; Lipson, 1975, 1988; McCrie, 1988, 1992; McManus, 1995; Morn, 1982; Sheptycki, 1998; Weiss, 1979), or focused only on detective agencies such as Pinkertons (Horan, 1967; Morn, 1982; Weiss, 1979). James D. Horan's work, *The Pinkertons* (1967) is the classic comprehensive study of the agency. Historically examining Pinkertons from 1850 to the 1920's, the book touches both labor control and criminal apprehension activities of the agency. Based largely on newspaper accounts, journal studies, various railroad archives, the Pinkerton Archives of Chicago and New York, and exclusive access to private correspondence of the Pinkerton family, this book provides a detailed descriptive account of agency activities from its establishment.

Frank Morn's work, *The Eye That Never Sleeps: A History of the Pinkerton National Detective Agency* (1982), originally a doctoral dissertation, traces the development of the Pinkerton Agency from its founding in 1850 to the early decades of this century. The book is well researched, but largely descriptive and provides little theoretical explanation. It includes an examination of two models of private police detective work that emerged in Chicago during the years 1855-58: an urban, regionally based model and a rural, national private policing model. Although well researched, these works on private policing focus only on detective agencies within a narrow time period. The regrettable fact is that there are few comprehensive researches on the recent history of private policing, especially after World War Two.

After nearly two centuries of growth in public policing, as most of researchers suggest, the recent trend back to private policing corresponds with a larger dissatisfaction with government services. Therefore, the history of private policing is closely related to policing history in general. Not long after the modern police institutions were established, they were perceived to be insufficient to render self-defense unnecessary. The people who had welcomed a new way of policing have felt the need to supplement public police activity, but have chosen not to do so through direct self-help. Instead the public police institutional model was paralleled, private police agencies were established (Becker, 1974, p. 445). Thus Becker (1974) contends that the growth of private police agencies demonstrates the popularity of self-help among certain interest groups in American society (p. 445). In fact, as Brian Forst (1999) argues, the central functions of policing have always been conducted first, foremost, and predominantly by private means. Even during the periods in which the number of public police officers exceeded the number of private police personnel, the vast majority of activities and expenditures associated with crime have been private (Forst, 1999, p. 19).

In addition to the public's dissatisfaction with public police services, social changes and historical events also contributed to the growth of private policing. With the opening of the railroads in the United States, for instance, the express companies began to send valuables by train. However, little security assistance was available from the new local police who lacked jurisdiction away from their own limited areas as well as the necessary financial support for efforts beyond their taxpayers' borders (Lipson, 1988, p. 16). No federal services existed to which they could turn for help. Thus private-policing companies such as Pinkerton's, Wells Fargo, and Brinks, were

founded to fill in policing at that time. The labor disputes at the turn of the twentieth century were also conducive to the development of private policing. When unionization and miner's strikes threatened corporate interests, many companies relied upon private policing companies to confront them.

World War One and World War Two created extensive needs for defense-plant guards and security, and had the significant impact on the rapid growth of the private policing industry. In addition, the crime waves after World War Two had a major influence on the growth of the private security industry by prompting business and industry into the realization that the police could not deal with rising crime rates and protect private concerns as well (Becker, 1989, p. 520). According to Robert McCrie (1992), crime, fear and losses that accompanied it accounted for the growth of private policing after the world war. He argues that the presence of the public police in the United States did not fully meet the need of the rapidly growing urban sector even from the beginning. The people have relied on private policing for their own protection in the urban environment regardless of the presence of the public police.

However, the most remarkable period has been the last twenty-five years, in which private policing personnel have exceeded public police officers and the proportion of homes with alarm systems increased from one percent in 1975 to ten percent in 1985 (Forst and Manning, 1999). The public police no longer monopolize public safety even from the perspective of the police. Within this context, Clifford Shearing and Philip Stenning (1983) draw attention to the emergence of "mass private property" in the latter half of the twentieth century, which may account for the rapid growth of private policing. The "mass private property," according to them, refers to the facilities that are owned privately but to which the public has a right of access and

use. These include shopping malls, educational campuses, residential communities, apartment complexes, and recreation complexes. The policing in these facilities has become the responsibility of private policing specialists. Additional privatization has occurred as police departments have contracted out to private agencies for a variety of services: court security, prisoner custody, computer and communication system maintenance, laboratory services, and traffic and parking control (Forst, 1999, p. 15).

These developments have not been unique to the United States. Britain and Canada had twice as many private policing agents as public police by 1990 (Fielding, 1991). Similar trends have been reported in Australia, France, Italy, Switzerland, and elsewhere. However, these countries have a rather short history of modern private policing. The oldest private policing companies in France were established at the end of World War Two (Johnston, 1992). A major expansion of the Italy and Netherlands security markets occurred in the 1970s, before which private security industry hardly existed (Johnston, 1992).

### 3. The Implication of Private Policing

Private policing has been rapidly increasing all over the world. It is a global phenomenon. This seems to be occurring for several reasons. Bayley and Shearing (1996) suggest as main reasons the fear of crime and increase of 'mass private property.' Fear of crime had increased at least until mid-1990s, sometimes reflecting genuine crime and disorder crises consequent on rapid social change, at other times reflecting the exploitation of crime by media. The rising crime rates of the 1960s and

1980s contributed to the industry's growth, but that growth continued even during the late 1990s when crime rates were apparently declining. According to the Freedonia Group, Inc.'s report, the revenues of the private policing industry continued to increase from 23 billion dollars in 1992 to 35 billion dollars in 1997, and also estimated to be 53 billion dollars in 2002 (Harowitz, 2000, p. 42). Specifically, by the end of 1999, security users spent more than 4 billion dollars on access control equipment, while they did less than 2 billion dollars in 1990 (Harowitz, 2000, p. 43).

Bruce Benson (1998) also puts fear of crime and the rising crime rates of the 1960s and 1980s for the reasons for the rapid growth of private policing. He adds to these the new technologies that entrepreneurs introduce. Actually the private policing industries in other countries have grown rapidly since electronic equipment for access control and video surveillance was introduced. Some historical events may account for the growth of private policing, especially in countries that have consistently had low crime rates. For example, the size of private policing industry in Japan doubled immediately after the Osaka Expo and the Tokyo Summer Olympic Games.

In addition, requirements by insurance companies and fear of litigation have recently increased. According to the Bureau of Justice Statistics (1998), more than 2 million U.S. residents a year were victims of a violent crime while they were at work or on duty. This trend is unfortunately expected to continue and along with each incident comes the prospect of litigation for inadequate security from both outside and inside the institution.

One of the most important reasons for the growth of private policing might be the public's dissatisfaction with the performances of the public police. Law enforcement agencies do not respond to the specific needs of clients or interest groups but provide

general security services. On the other hand, private policing is able to focus on selected targets with special attention (Poole, Jr., 1980; Cunningham and Taylor, 1985; Bayley & Shearing, 1996; George & Button, 1997; Spencer, 1997; Benson, 1998; Sarre, 1998). As Robert W. Poole, Jr. (1980) puts it, government's inefficiency to satisfy the people contributes to the growth of private policing.

Such a new phenomenon might imply the decline of the state. This inference is possible because the monopoly of coercive violence is the cornerstone of the state, and the police can be understood as a mechanism for the distribution of the non-negotiable coercive force of the state (Bittner, 1970, p. 46). When the state is losing its control over the monopoly of coercive force, in other words, when its policing forces are not functioning properly, then other mechanisms for social control need to be introduced. One of those mechanisms is private policing which ebbs and flows with the state's ability to monopolize the coercive violence. Whenever the state declines and loses its monopolistic ability to control, private policing seems to revitalize.

During the past three decades the decline of the state has been apparent especially in industrialized countries. The decline could be attributable to several factors, particularly due to the failure of bureaucratic government. The oil crisis after the Arab-Israeli War and the failure of welfare state shattered the world economy, helping to enlarge the growing influence of the Chicago economists who argued that bureaucratic governments were the problem, not the solution. The neo-conservative theorists criticize ambitious government programs for failing to deliver what they promised, for creating cultures of dependency, and for making things worse instead of better (Yergin and Stanislaw, 1998, p. 336). They also claim that the state

bureaucracies impose heavy burdens on economic life. Under the bureaucratic system, heavy and arbitrary taxes retard investment, regulations enrich corrupt bureaucrats, state firms consume national wealth, and the most talented people turn to rent-seeking rather than productive activities (Shleifer and Vishny, 1998).

Thus neo-conservatives have called for a shrinking of bureaucratic government, having provided an optimistic and confident affirmation of capitalism and the market place. They have demanded that monopolistic bureaucracies should be reduced to a minimum; competition between agencies should be increased; vouchers might be issued to consumers in order to give them a choice of services in a competitive market; contracts with private firms for the provision of certain services should be encouraged; in certain cases user fees might be introduced (Savas, 2000).

Significant reforms are usually brought by failure of the prevailing system to deal effectively with newly emerging threats. Bureaucracy was also introduced to cure the ills of authoritarian old regimes. Professionalism, rationality, and equity were praised as the virtues of bureaucracy. Max Weber (1923) saw its purely technical superiority over any other form of organization as the decisive reason for the advance of bureaucratic organization. Likening bureaucracy to the assembly line brought to the factory, David Osborne and Ted Gaebler (1992) note that bureaucracy made possible the efficient undertaking of large, complex tasks with its hierarchical authority and functional specialization. In reality, the bureaucratic system worked well, especially during times of intense crisis – the Great Depression and two world wars when goals were clear and widely shared and tasks were relatively straightforward.

However, the conditions that made the bureaucratic system work have changed. No longer has the bureaucratic model been regarded as a cure-all for social ills,

although bureaucratic institutions still work in some circumstances. Instead, since 1960s, state bureaucracies have been criticized as endlessly demanding, self-serving, impersonal, inefficient, and resistant to change (van Creveld, 1999, p. 408). As James Q. Wilson (1989) puts it, bureaucrats might be inefficient because efficiency does not pay them. Eventually, the failure of the bureaucratic government provides an opportunity for the expansion of market, as evidenced in other areas within which public and private sectors intertwine, such as education and health care, etc. (Spitzer, 1987, p. 58). The dissatisfaction with the public police brought an expansion of private policing as well.

The world has not witnessed major wars since World War Two. Instead the world has been challenged and annoyed by terrorists' activities. Although most of guerrilla and terrorist attacks in particular were waged in developing countries, the developed countries have not remained immune to terrorism. The terrorists' attacks on the World Trade Center in New York in 1992 and 2001 showed that any country, even a superpower, was not safe from such attacks. As a result, at the Atlanta Olympic Games in 1996, security officers outnumbered athletes two to one. In the early 1990s as many as 40 percent of the employees of American airlines in Europe consisted of security personnel (Williams and Black, 1994).

In addition, it has been proved that the most powerful weapons, including nuclear ones, are entirely of no use against these attacks. Effective means are apparently police forces. Thus most countries have tried to strengthen the police forces since 1960s when modern terrorism began to flourish. Despite such efforts, however, the fear of terrorism, including bombing, and chemical-, biological- and nuclear-terrorism, has been growing with the apparent inability of the police forces to keep the terrorists

at bay. Due to the financial and organizational burden, many states have tended to focus on high-profile emergencies such as bombing and kidnapping by increasing counter terrorist units. On the contrary, day-to-day security has been shifted to private industry and individuals.

As a result, individuals and industries have been trying to seek the sources for their security other than the public police forces. They have attempted to protect themselves against terrorism and crime by hiring private guards, erecting security fences, and installing alarm systems and CCTV. Thus in Britain the number of employees in private security industry rose from 25,000 in 1970 to 250,000 in 1990 (Johnston, 1992). In Germany, too, the number of private security firms more than doubled from 1984 to 1996 (from 620 to 1,400) while employment in them increased by no less than 300 percent (van Creveld, 1999). In the United States, by 1982 private security forces outnumbered the combined local, state, and federal sworn law-enforcement personnel by a ratio of nearly two to one (Cunningham and Taylor, 1985, p. 108). Quoting from the U.S. Bureau of Labor Statistics, Cunningham and Taylor (1985) estimated that between 1980 and 1990 private security employment would continue to increase at a faster rate than public police employment – a 33.3 percent increase compared to one of 23.4 percent. By 2000, the industry's turnover was estimated to exceed 100 billion dollars.

From a historical and structural perspective, the development of capitalism has played a significant role in the growth of private policing. Since private policing requires surplus capital, the development of capitalism, particularly mass-consumption capitalism, is a necessary condition for the rapid growth and spread of private policing. Until the mid-twentieth century only a privileged class had enjoyed

the benefits of private policing. In order to understand the rapid growth of private policing after World War Two, particularly since 1970s, the economic characteristics of this period should be explored.

World War Two brought the rapid expansion of economy size, by mobilizing all the resources each country had. As a result, the economic system of mass-production, so-called "Fordism," was established in the industrialized countries during the postwar period between 1945 and the early 1970s (Fire and Leopold, 1993). Fordism refers to the way in which a durable balance is established between the mass production of standardized goods and the mass consumption of such goods (Heffernan, 2000, p. 3). Accordingly Fordism brought an enormous increase of production and income, which in turn led to the increase of consumption. In other words, the market's ability to absorb ever-expanding rates of production was secured by an extension and deepening of the purchasing power of the population at large. On the ground that mass-production required mass-consumption, Fordism placed emphasis on transforming faithful workers into consumers by providing higher payment and by cutting off working time.

Since the early 1970s, however, the economic system based on Fordism faced serious difficulties. The productivity of the mass-production system reached its apex and could not be increased anymore, while the government's welfare programs put a heavy burden on economy. In addition, the mass-production based on uniformity and standardization couldn't satisfy the rapidly changing demands of customers. Consequently the pressure for capital accumulation brought the growth of the service industry including private policing, since it has a high flow of capital (Harvey, 1989).

From a socio-economic perspective, this new period could be termed a “post-capitalist society” or “post-Fordism society” (Baudrillard, 1970; Fire & Leopold, 1993; Harvey, 1989). It is characterized by decentralization, demassification and the demise of Fordist standardization, particularly in the field of consumption (Heffernan, 2000). During this period, the influence of capital went beyond the boundary of economy, extending to everyday life which had been immune from commodification. In the post-capitalist society, almost all aspects of everyday life have been transformed into commodities, including leisure, culture, communication, information and even security. The early capitalist society relying only upon labor and production has been changed into the post capitalist society based on consumption, in which consumption is not a waste of production but an amplifier of capitalist system by producing need and desire (Baudrillard, 1970). In this society, furthermore, consumption refers to the purchase not only of a product itself, but also of meaning, sign, symbol, aura and image. As Baudrillard notes, people consume a commodity for its sign and image as well as for use value. For example, a car is purchased as a tool, at the same time providing happiness, prestige, identity, etc. If a lower-income worker buys a new luxury car, he or she would be criticized for living above his or her means or labeled a indiscreet person.

In the post-capitalist society, private policing has also been transformed into a commodity and acquired through a market system. Private policing had been enjoyed by a small portion of a society that was considered to be a privileged class. However, Fordism brought about an expansion of a middle class who could afford something that had not been available for them. The post-capitalist economy made private policing a commodity. Thus the marketization of security and the commodification of

policing are linked to the triumph of cultures of consumption over those of production (Sheptycki, 1998).

The commodification of policing was established by a process through stimulation and channeling of desires and fears (Spitzer, 1987). As owning a car was once regarded as an indicator of prosperity, the customers in the 1970s were beginning to purchase private policing not only for security needs but also for its meaning as a symbol of economic and social status. In this context, some researchers contend that private policing as a commodity has a fetishistic character (Baudrillard, 1970; Sheptycki, 1998; Spitzer, 1987). In addition, those who have not yet bought private policing might worry about the ill effects of insecurity including anxiety, doubt, and uncertainty, which could be solved by purchasing the products or services of private policing. Therefore, the commodification of policing led to the rapid growth and popularization of private policing.

Need theories can also account for the recent growth of private policing. As Abraham Maslow (1996) notes, physiological needs such as hunger for food are the most preeminent of all needs. That is, a person who is lacking food, safety, love, and esteem would most probably seek food more strongly than for anything else. For the person who is extremely hungry, no other interests exist but food. But people who are fairly satisfied with these physiological needs then seek higher ones such as safety, love and esteem in hierarchical order. As lower needs become gratified, higher order needs take over as the motivating forces. The mass-production capitalist system based on Fordism made it possible for people to satisfy physiological needs, particularly the need for food. Thus it seems natural that the safety or security need, the next higher

order need, emerges to dominate people's minds and to serve as the center of organization of behavior in the mass-production and mass-consumption society.

However, the rapid growth in private policing has caused some problems. Rick Sarre (1998) enumerates some of the problems: Poor service provision, continuous allegations of fraud, and illegal trade in confidential information. Employees of private policing companies are not subject to the same kind of scrutiny as police officers, and many private policing firms do not have the resources for thorough background checks. In addition to the lack of thorough background checks, private policing forces do not receive the same rigorous training and education as police officers do. While public police spend several months in training, according to Spencer (1997), some states in the United States require that private security officers spend as little as eight hours in training if they are unarmed. However, private policing officers are doing some of the same tasks as law enforcement and are often perceived by the public as being police officers. In some states, private security officers have been accused of a variety of crimes, from theft to rape while on duty.

Another problem with private policing refers to privacy concerns. Many researchers mention the privacy problems of private policing (Forst and Manning, 1999; Benson, 1998; Clarke and Felson, 1997; Bayley and Shearing, 1996). As the private security industry rapidly grows, surveillance cameras have been installed almost everywhere. The CCTV records the scenes and exact time while it is monitoring, which can be used for the purposes other than deterring and investigating crimes. As the price of safety, most people have to live cautiously under scrutiny. We cannot but behave differently, knowing that we are under almost continuous surveillance of one sort or another.

Finally, there is a problem of inequality. Even if the private policing promises to increase public safety, it does not improve security equally across society. It favors institutions and individuals that are well-to-do (Forst and Manning, 1999). Thus Bayley and Shearing (1996) argue that “private security not balanced either by voluntary neighborhood crime prevention or by public policing following a preventive, presumptive logic is apt to lead to the inequitable distribution of security along class lines” (p. 593).

### C. THE LITERATURE ON POLICING IN KOREA

In Korea policing refers only to the activities and functions of the public police. Seldom has there been discussion of other types of policing including private policing because of the strong tradition of public policing. Accordingly, most researchers are primarily concerned with public policing, relying upon the legal definition.

Policing is legally defined as the safeguarding of lives and property, preservation of public peace, and order maintenance (The Police Act, Article 3). In addition, Article 2 of the Police Officer’s Law Enforcement Act specifies the functional boundaries of Korean policing. It includes (1) the prevention, control, and investigation of crime; (2) guarding, protection of important persons, and counter-espionage activity; (3) the collection, making out, and distribution of public safety information; (4) traffic control and risk prevention; (5) other activities concerning public peace and order maintenance.

Among these roles and functions, as many Anglo-American researchers argue, the preservation of public peace is regarded as the basic role of the police because other functions such as safeguarding of lives and property and order maintenance could be included in the function of the preservation of public peace in a sense (C. H. Chong, 1998; H. W. Lee, 1998; S. A. Lee, 1995; Korea National Police College, 1999). Regardless of this consensus, however, policing in practice has little to do with the peacekeeping function. Instead, the priority in policing has heavily been placed upon political functions such as the activities of surveillance and riot control, similar to those of the pre-Revolutionary French police (Cummings, 1997). This contradictory nature also sets the limits of the research on policing, which have seldom explored the political reality of policing.

The history of policing studies in Korea is rather short. As with Korean legal scholarship in general, modern policing studies were deeply influenced by the outside, usually the United States and Japan. It was only from the late 1960s that Korean scholars began to publish results of their research in criminal justice including policing (Hahm, 1986). There have also been few historical studies on Korean policing. For the army had played a major role in policing until the national police bureau was established in the late nineteenth century. Thus the history of policing in a pre-modern era could be seen as a part of the military history. In recent years Beom Park (1988), Nam Huh (1998), and the National Police Agency (1995) have published the books on the history of Korean policing. Given the fact that Park and Huh are police officers, most historical works on policing have actually been produced on behalf of the public police agency, which shows a very weak ground for academic achievements in this area. In addition, most of the studies focus only on

organizational and institutional changes without giving detailed description and systematic analysis.

As noted above, the army assumed the major role of crime control and order maintenance in Korea. However, the historical researches on policing show that some quasi-policing agencies were established and performed policing activities. In the Koryo dynasty (918-1392) "*Soon-Kun-Bu*" and "*Nae-Kun-Bu*" were established. These institutions had the role of guarding the army units and the royal palace, patrolling and watching for criminals. These were transformed into "*Keum-O-We*," then to "*Soon-Kun-Man-Ho-Bu*," although the functions and activities of these agencies had little changed (National Compilatory Committee on the History of Korea, 1986; H. J. Kim, 1998; B. R. Park, 1988).

During the Chosun dynasty (1392-1910) "*Podo-Chong* (Constabulary)" was established to carry out the functions of crime control and order maintenance. Most of studies on policing in the Chosun dynasty focused largely on the function and role of "*Podo-Chong*" (I. B. Cha, 1997; N. O. Huh, 1998; K. K. Oh, 1994; B. R. Park, 1988; K. Y. Suh, 1976). However, policing in this period was not distinguished from administrative and military functions, and there was no national policing organization. Thus it seems clear that no police in modern sense existed until the very end of the dynasty.

A modern reorganization of policing occurred in the late nineteenth century, nationalizing the "*Podo-Chong*." The national police bureau, "*Kyoung-Mu Chong*," was established in 1894 under the control of the Home Affairs Ministry (Eckert et al., 1990). An independent Police Ministry was created but soon suspended out of fear of

a coup d'etat. During the short-lived Police Ministry, no less than 11 Police ministers were discharged by a wary government (S. Y. Lee, 1991, p. 92).

Concerning policing during the Japanese colonial occupation of 1910-1945, the researchers focus on Japan's efforts to control and extort Korea by means of the military police. Japan strengthened central headquarters and divided the country administratively into regional police bureaus, stations and "boxes" or detachments for the more efficient enforcement of its imperial goals (B. R. Park, 1988; K. Y. Suh, 1976). Upon Japan's surrender in 1945, the United States assumed the administration of South Korea. The police were placed under the direction of the American military government. The U.S. military government created the Korean National Police (KNP) for peacekeeping and order maintenance purposes, not long after it took control of South Korea. Bruce Cummings (1997), a revisionist historian specializing in the modern history of Korea, makes an interesting remark about the formation of the KNP in his recent book, *Korea's Place in the Sun*. He notes that the Americans created a national, highly centralized police force in South Korea, while they have resisted a national police force throughout their own history, and in Japan General McArthur broke up the Japanese version as an obstacle to the twin occupation goals of demilitarization and democratization. Cummings interprets this as a political attempt to set the new centralized and militarized police against the main political opposition groups, especially against left-wing groups, because of South Korea's peculiar situation in which the Communist North Korea threatens the security of South Korea. He also supposes that the U.S. military government's distrust of the Korean people's ability to control themselves in a democratic way contributed to the formation of the centralized and militarized police.

In 1948 the newly established Korean government assumed administrative control of the nation from the transitional American military government. It integrated the national police into the Home Affairs Ministry, and the police have remained under the direction of the Ministry (S. Y. Lee, 1991; N. O. Huh, 1998; Korea National Police Agency, 1995).

#### D. THE LITERATURE ON PRIVATE POLICING IN KOREA

In Korea crime has conventionally been recognized as something to be prevented and controlled by the public law enforcement. Further, private policing had been perceived to be a potential threat to the government, although self-policing or vigilantism played a significant role in crime control. The strong informal social control through family and various community organizations called "*Hyang-Gyo*," "*Gye*," and "*Du-Rae*" also reduced the necessity of the private police.

Such a strong tradition forced private policing even until now to be confined to the activities of guarding and protection. Thus private policing in Korea is confined to guarding important facilities, transporting and securing cash and property, crowd control in private events such as sports games or music performances, body guarding, and electronic access control (K. T. Park, 1999, pp. 376-380). Investigative services, one of core functions in private policing, have not yet been permitted but monopolized by the police. Influenced by such tradition, there have been few researches on private policing. From both academic and industrial points of view, private policing in Korea is still in its early stages.

Given that Korean society has maintained a strong kinship related community, most people relied on kind of community policing for their security. However, in reality, they were not rich enough to afford private policing even if they wanted to. The economic crises due to natural disasters and wars frequently led to crime waves that could have been prevented in part by private policing. However, private policing was limited to the privileged class who could hire bodyguards to protect them and their property. Historical documents show that the privileged class took advantage of private policing in the form of private armed forces in order to protect their properties and political interests {B. S. Kim's (1145) "*Samguk Sagi*" (History of the Three Kingdoms); In J. Chung's (1454) "*Koryo Sa*" (History of the Koryo Dynasty); Jong S. Kim's (1453) "*Koryo Sa Jeol-Yo*" (Brief History of the Koryo Dynasty)}. Some scholars who study the local powers in the Three Kingdom's period also note that the local powers heavily relied on their private policing forces (private soldiers) to defend their authority and interests (K. Y. Choi, 1989; K. B. Lee, 1994).

Special attention should be given to "*Ennin's Diary: The Record of a Pilgrimage to China in Search of the Law*," translated from the Chinese by Edwin O. Reischauer (1955), a Harvard University professor of Far Eastern Languages. This book is a translation of the diary written in Chinese by the Japanese Buddhist monk Ennin (A.D.793-864) during his travels in China during the period of 838 to 847. It includes significant aspects of the life of the time, Chang Pogo's important role in policing was mentioned several times. Chang Pogo was a merchant prince who protected other merchants from pirates and controlled maritime trade in East Asia during the early ninth century, relying upon his private navy forces posted in Chonghaejin. Based on

historical documents such as *Ennin's Diary* and *Samguk Sagi*, he might be the first Korean who noticed the importance of private policing and took advantage of it.

In the Koryo dynasty (918-1392), "*Do-Bang*" was created to protect the properties of the ruling group and bodyguard them in the early thirteenth century (H. J. Kim, 1998; National Compilatory Committee on the History of Korea, 1986; B. R. Park, 1988). "*Ya-Byul-Cho*" also played a similar function to "*Do-Bang*," but carried out the function of public policing, patrolling streets and watching for criminals at night. Researchers note that the private policing forces in this period had a paramilitary function and were a major means for maintaining the political power of the ruling groups. Thus, in a strict sense, they are apparently distinguished from the private policing employees of a modern era. From historical documents and researches, however, these forces were found to be all in-house employees and there seemed to be no form of contract security.

With the rapid development of the market economy and economic specialization after the 17<sup>th</sup> century, merchants and artisans were getting richer and tended to possess farm-land, which forced many peasants to become tenant farmers or thieves (T. G. Kim, 1997; Koh, 1998; Song, 1997). Some groups of thieves were organized to attack and plunder the merchants (Cho, 1991; T. W. Suh, 1999). Due to the inability of the public police to cope with these threats, the merchants banded together to perform the duty of watching their property, serving as watchmen themselves, later assigning their apprentices, and thereafter hiring special guards. In these practices were shown the apparent precursors of private policing. However, modern private policing did not appear until the 1950s.

Along with industrialization and urbanization in the early 1960s, crime increased so rapidly that public law enforcement alone could not effectively control the increasing and diversified crimes. As a result, a lack of personal security or security “vacuum” has come about. Because of limited police capacity, the only alternative to fill this void is the development of the private policing system (J. K. Suh, 1991).

The first private policing company was established to guard American military posts in 1954 (J. H. Kim, 1997; B. S. Park, 1996; K. T. Park, 1999). Due to the pre-industrial nature of Korean economy, the private policing industry had been minimal until the Security Service Business Act was legislated in 1976. Until 1976, fewer than 10 private policing companies had been operating. However, the private policing industry has explosively increased with rapid growth of economy, and special international events such as the 1988 Seoul summer Olympic Games and the 1993 Taejon Expo. In addition, the International Security Forum was held in Seoul in 1997. These events required more security forces and mechanized security systems (Y. K. Lee, 1995; B. S. Park, 1996). Increasing crime rates have also contributed to the growth of private policing. Moreover, the TV advertising provided by the private policing companies attracts the attention of the public. The public increasingly recognizes the necessity and efficiency of private policing systems. Thus, the number of private policing companies was increased to 1,375, with a worth of more than 1 billion dollars in 1998 (Korea National Police Agency, 1999)

## CHAPTER III. METHODOLOGY

### A. SCOPE

To explore the nature and implications of private policing, an important first step is to define the scope of private policing by answering the question: What is “private policing”? First of all, what is meant by “private”? The simplest way to answer is to look for the meaning of a dictionary. According to the *Oxford English Dictionary* (1970), what is ‘private’ pertains to something “that is not open to the public; restricted or intended only for the use or enjoyment of particular and privileged persons” (Vol. VIII, p.1388). In other words, ‘private’ seems to be in general the opposite of ‘public.’

However, the distinction between private and public is not as easy as it is defined in the dictionary. Most of researchers note that the distinction is elusive and necessarily complex (Bayley and Shearing, 1996; Becker, 1974; Benn and Gaus, 1983; Kleinig, 1996; Johnston, 1992; Rainey, 1997; Savas, 2000). Given the broad domain of activities and practices, over which the distinction ranges, it could hardly be simple. Public and private domains relate to each other in complex, dynamic, and sometimes ambiguous ways. For one thing, notions of ‘publicness’ and ‘privateness’ are subject to considerable cultural variation. Nor is the legal distinction between public and private domains an unambiguous one (Johnston, 1992, p. 205). As Benn and Gaus (1983) suggest, therefore, ‘what is private’ can certainly be regarded as a matter of degree. And that may account for some of the uncertainty we sometimes

have in deciding whether something is really public or really private (Benn and Gaus, 1983, p. 13)

Then, what is “private policing”? With the confusion in the concept of “private,” private policing is accordingly an elusive term, and no systematic definition has been adopted by researchers (Forst and Manning, 1999). Some researchers simply sidestep the issue altogether, and there is little attempt to disentangle the conceptual elements with any degree of rigor (Johnston, 1992, p. 49). However, private policing can be defined in terms of Benn and Gaus’s (1983) three dimensions of access, agency, and interest. First, with regard to access, private policing services should not be open to everyone, but be restricted to the particular persons or organizations that pay for them. Second, public agencies should be excluded, regardless of their for-profit activities. Some public police charge fees for their activities such as crowd control in a sport or music performance. These activities should be excluded from private policing. Finally, private policing agencies pursue their own interests and possess goals of their own, contributing to or reflecting the purposes of their members, but quite legitimately opposed to the aims of others in the society.

It seems that the meaning of “private police” should be limited to “for-profit,” or “profit-making” agents or organizations carrying out peacekeeping activities exclusively for their clients, whether it is guarding and protection, or investigating. Such a definition can help to distinguish private policing from self-help efforts or vigilantes, and from public policing as well. Thus, from the lists of the researches already done (Button, 1999; Cunningham and Taylor, 1985; Forst and Manning, 1999; Johnston, 1992; Morgan and Newburn, 1998; Kakalik and Wildhorn, 1971;

Shearing, 1992; Shearing and Stenning, 1983; Task Force Report, 1976), the major activities of private policing include as follows:

- (1) Guarding and protecting private property and space
- (2) Investigation of crimes committed on private space or by employees
- (3) Access control and surveillance by electronic equipment
- (4) Transporting and securing cash and valuables
- (5) Crowd control in private events
- (6) Body guarding
- (7) Canine patrol
- (8) Manufacturing and distributing security related products
- (9) Guarding intellectual property
- (10) Participating in risk management activities
- (11) Information analysis and processing

In South Korea, however, private policing is defined and regulated as security service by the Security Service Business Act (1998). It defines security service as a contract business for guarding facilities and buildings, transporting and securing cash or other valuables, crowd control in private events, body guarding, and electronic access control. However, investigative services, one of the core functions of private security, are not permitted to be included in the security services. Consulting and security equipment manufacturing and distributing are not included in the security services either, although these are expected to be included in near future.

For this study, therefore, certain activities or functions, though important, are not included in the scope of private policing. These seem to involve investigative activities, manufacturing and distributing security equipment, guarding intellectual property, participating in risk management activities, and information analysis and processing. In addition to these security services, also excluded are the activities of community vigilante groups, politically or ideologically oriented groups, and organizations whose sole responsibilities are to provide security from fire.

Finally, there remains the question of whether the term "private policing" is interchangeable to the term "private security." It seems clear that academic researches on policing tend to employ the term "private policing" (Becker, 1974; Forst and Manning, 1999; Johnston, 1992; Shearing, 1992), while those concerning the industry prefer "private security" (Cunningham and Taylor, 1985; Fennelly, 1999; Fischer and Green, 1998; Ricks, Tillett and Van Meter, 1994). Cunningham and Taylor (1985) assert that labeling private security the "private police" unfairly and incorrectly restricts their scope and invites comparisons from a police perspective rather than from the comprehensive framework of protective functions (p. 167). They contend that the term "private security" should be distinguished from "private policing," because the role of security is asset protection and loss prevention while that of the police is crime prevention and control (pp. 168-169).

However, Cunningham and Taylor's assertion cannot be accepted in that the role of the police, as suggested in many researches, is not confined to crime prevention and control. On the contrary, it involves almost all activities that private security forces are carrying out. Within this context, Shearing (1992) finds no difference between private policing and security. Defining policing as the preservation of peace,

Shearing argues that policing is an assurance of security. The Oxford English Dictionary also juxtaposes “peace” with “security.”

In general, however, ‘security’ has a wider scope of usages than that of policing. As Spitzer (1987) puts it, “virtually all commodities can be invested with the ‘aura’ of security – that is, presented, promoted, and ultimately consumed because of their ostensible ability to free the consumer from worry, trouble, and harm” (p. 45). The Oxford English Dictionary also defines the condition of ‘security’ in terms of protection from danger; safety; and freedom from doubts, care, anxiety or apprehension. Thus Spitzer (1987) sees the security commodity as something that is produced and consumed to make people feel safe and free from doubt, care, and anxiety. In this context, security may be related to almost all sorts of human activities and institutions in terms of risk or loss prevention, ranging from policing, national defense, punishment, insurance, medication, education, housing environment, to even nutrition.

Therefore, “private policing” appears to be more accurate than the term “private security,” for the practical activities and functions either of private policing or of private security. Perhaps, one reason why the term “private security” is preferred in industrial circles seems to result from the negative image of the police. On behalf of the industry, thus, A. Rees (1982) notes that it would be a good thing if ‘private police’ as a term is not accepted, for the term is sometimes used by those who concerned to awaken the public to a potential threat to freedom and privacy (p. 10).

Concerning the chronological scope, this study primarily focuses on the period of 1954 to 1997, since the first modern private policing appeared in 1954 and a relatively short period of time is necessary for in-depth analysis. However, the private policing

activities before 1954, though considered to be primitive, are identified and described because these activities may give an insight into historical patterns in either private policing or public policing.

## B. METHODS

This study employs a method of case study, focusing upon private policing in South Korea. The case study approach involves the identification of one or more exemplary instances of the phenomenon under study and an in-depth analysis of the phenomenon and related factors (Travis, 1983, p. 47). Case study draws attention to the question of what specifically can be learned from the selected case (Stake, 1994, p. 236). Case study also seeks out both what is common and what is particular about the case, but the end result regularly presents something unique. Likewise this study attempts to figure out the generality and uniqueness of the Korean case concerning the development of private policing.

Case study is usually employed as typifying other cases, as exploration leading up to generalization-producing studies, or as an occasional early step in theory building. Thus case study can be seen as a small step toward grand generalization (Campbell, 1975). This study as a case study is also an attempt for generalization. The Korean case is examined to provide insight into private policing in a global context, by looking in depth at the development of private policing in Korea, by scrutinizing its contexts, and by describing in detail its features. South Korea is chosen for the case because Korea is significantly different from Anglo-American countries in many

aspects. Since most research regarding private policing has been conducted in Anglo-American countries, the Korean case may provide an opportunity to advance our understanding on private policing in a global context and test the generality of hypotheses about private policing.

As Robert Stake (1994) explains, case study is defined by interest in individual cases, not by the methods of inquiry used (p. 236). Thus case study employs various methods or techniques. This study also relies upon various methods to explore the nature and implication of private policing in Korea.

First, this study depends upon a historical approach. It is important to understand a social phenomenon in its historical context, since the past has continuing relevance for the present (Tuchman, 1994). Private policing seems to be a new social phenomenon; however, it had played a crucial role in policing before the new public policing system emerged two centuries ago, though it was enjoyed by only a small portion of society. The recent growth of private policing is the result not of new invention but of reemergence, although not the same, corresponding with the development of capitalism and a larger dissatisfaction with public policing. The nature of private policing remains almost same, while the scope of private policing broadens and its functions and activities become more complicated. For instance, security consulting and risk assessment are new functions of private policing, but traditional functions such as guarding and investigation have been ever maintained. As the emergence of public police stemmed from the rapid industrialization and urbanization in the nineteenth century, private policing has been reemerging as a result of the recent societal changes. As significant patterns in public policing are

revealed from looking at the history of policing, the pattern of private policing can also be exposed from a historical approach.

Most historical approaches are descriptive. Description is considered to be the first step in a historical criminal justice research (Reichel, 1999). The descriptive approach in criminal justice research focuses on a specific country and describes the criminal justice system and its operation in that country. It provides a depth of coverage, detailed information, and a strong background in the systems of the studied countries (Reichel, 1999). However, a descriptive approach provides little theoretical explanation. A historical approach therefore requires more analytical and comprehensive attempts to interpret historical accounts. As Robert P. Weiss (1979) points out, works on private policing have so far remained at the level of "a few well-researched narratives" (p. 200). Few studies have attempted to relate the history of private policing to political and economic development. These omissions have left us without an adequate understanding of the underlying causes of changes and developments in private policing, and the grounds for the choice or rejection of certain policing forms in particular historical periods.

Manning (1997) also offers a critical view of historical researches on private policing which pay little attention to broader socioeconomic factors. He argues that a historical approach should identify the factors which govern private policing. For instance, many historical researchers on public policing tried to explore the major factors that account for the emergence and development of policing (Emsley, 1983, 1999; Johnston, 1992; Manning, 1997; Miller, 1973; Rawlings, 1995; Skolnick, 1972; Spitzer and Scull, 1977). These factors include the growth of the capitalistic economic system, industrialization, liberal political philosophy, urbanization and destruction of

rural social order, and the emergence of administrative state apparatus, though these factors are restricted to explain the development of policing in capitalist countries. By examining the history of European policing systems, for instance, Emsley (1983, 1999) concludes that changing ideas and social structures play a crucial role in the formation and development of police forces. In a similar vein Johnston (1992) regards the emergence of modern policing as a response to disorder and crime resulted from industrialization and urbanization.

As already mentioned in the literature review, on the other hand, most researchers on the history of private policing, such as Gill and Hart (1996), Horan (1967), Lipson (1975), and Morn (1982), provide little explanation of the broader socioeconomic factors of private policing while giving a detailed description of private detective agencies and their developments. A few exceptions may be Steven Spitzer's (1987) and J. W. E. Sheptycki's (1998) works, despite their brief accounts of the history of private policing.

Spitzer and Sheptycki attempt to explain and analyze the origin and development of private policing from a sociological point of view. Spitzer (1987) tries to explore the notion of private policing in terms of "security fetishism," based on Karl Marx's conception of commodity. He seeks to unravel the process through which security is transformed into a commodity and then bought and sold through a market system (p.43). To better understand the commodification of security and its fetishistic character in capitalist societies, Spitzer explores a number of economic, political and ideological developments. Likewise Sheptycki (1998) focuses on the changing process of policing in postmodern societies, maintaining that the marketization of insecurity and the commodification of police services is an ongoing feature of

policing in postmodern societies. However, these researchers don't provide detailed descriptions of the changing features of private policing and its history.

Even though he didn't specifically mention private policing, Michel Foucault's (1977; 1991) works seem to be a good example of historical research, which gives not only a detailed description of historical facts but also an insightful sociological and philosophical analysis. Foucault attempts to explore a "governmentality" of society by examining the histories of punishment and government. For Foucault, the history of punishment is important not because it shows how the methods of punishment have changed but because it shows the development of "governmentality." Foucault's genealogical method of analysis has a historical perspective but opposes its determinism that sees each historical event in terms of cause and effect.

In a sense, as Tuchman (1994) argues, historical work requires an interpretive framework that includes some notion of the "meaning" of history (p. 306). To read the works of Marx and Weber, Tuchman argues, one must also understand how nineteenth-century historians interpreted the past. But interpretive issues are at the core of today's debates about methods and narrative. They are implicit in data collection to the construction of a historical narrative.

Using a historical, descriptive and analytic approach, this study, as a case study, attempts to explore the nature and implications of private policing in Korea and its historical patterns within larger contexts of political, economic, legal, and cultural systems; this one also investigates other cases such as the case of the United States and England through which the Korean case is recognized and compared. Methods of data collection depend upon examining written records or archival documents.

### C. SOURCES OF INFORMATION

As presented earlier, several hypotheses are suggested to explore the implication of private policing and investigate the underlying causes of the development of private policing in Korea. To test those hypotheses, this study relies on various sources of information. These include official statistics, publications of public agencies, business annual reports, laws, court rulings, historical documents, yearbooks, and books and articles on the subject. These also include the answers and memos collected by interviewing those who have witnessed the development of modern private policing in Korea. But it is necessary to note that available published data and information on private policing in South Korea are incomplete and fragmentary. Thus this study attempts to identify as many sources as possible to complement the lack of data and information readily available.

For the sources of information to test the hypothesis concerning the extent of private policing in historical Korea, first of all, historical documents are needed. These include B. S. Kim's (1145) *Samguk Sagi* (History of The Three Kingdoms, 37 B.C.-918); Ilyon (1281?)'s *Samguk Yusa* (Legendary Tale of The Three Kingdoms); Bong H. Hong's (1770) *Cheungbo Moonheon Bigo* (Complimentary Historical Documents); Reischauer's (1955) *Ennin's Diary: The Record of a Pilgrimage to China in Search of the Law*; In J. Chung's (1454) *Koryo Sa* (History of Koryo Dynasty, 918-1392); Jong S. Kim's (1453) *Koryo Sa Jeol-Yo* (Brief History of Koryo Dynasty); *Annals of the Chosun Dynasty* (1413-1865) which is the official record of the Chosun Dynasty (1392-1910); *Diplomatic Notes of the Korean Empire*; Allen's

(1991) *The Horace N. Allen Manuscript Collection*. As Horace N. Allen (1858-1932) was a U.S. diplomat to Korea during 1884 to 1905, his collection is a valuable source to understand Korea's situation in the late nineteenth century and the early twentieth century. It includes his diary, diplomatic documents and letters, his articles, and newspaper reports on him and Korea. For the period of U.S. army military government, there are Korea National Compilatory Committee on Korean History's *Historical Archives for the Republic of Korea, Vol 1 & 2* (1967) which include U.S. military government's documents concerning policing in South Korea.

Journals and books concerning the private police forces in historical Korea should also be covered for the secondary sources of information. For the period of the Three Kingdoms, these include Kun Y. Choi's *A Study on the Local Powers in the late Silla Kingdom* (1989); Chong-Ju Chung's "Chang Pogo's Life and Activities" (1999); Sang-Taek Kang's "A Study on the Deployment of Chang Pogo's Cheong-Hae-Jin Basecamp" (1999); Ki-Baik Lee's *A Study on the Social History of Silla Kingdom* (1994); Sung K. Min's "Maritime Transportation in Ancient East Asia and Chang Pogo" (1997); Sang-Eun Oh's "A Study on the Relations Between Chang Pogo's Maritime Power and the Royal Authority in the Unified Silla Kingdom" (1999); Deok B. Roh's *A Study on Maritime Trade in the Late Silla Kingdom* (1982).

For the period of Koryo Dynasty, these include Won-Kee Hong's *A Study of Military System in the Early Period of Koryo Dynasty* (1998); Dae-Jung Kim's "The Emergence of Private Armed Forces During the Period of Rule by the Military" (1993); Keun-Bae Lee's *Private Armed Forces During the Period of Rule by the Military* (1998); Young-Sun Oh's "The Characteristics of Private Armed Forces

During the Period of the Rule by the Military” (1996); Yong-Hyuk Yun’s “The Struggle with the Mongols During the Military Rule of the Choe” (1977).

For the Period of Chosun Dynasty, the related journals and books are Hyo S. Choi’s “Military Policy During the Rule of King In-Jo” (1986); Wu-Ki Kim’s *A Study on the Politics of Royal Maternal Relative Forces During the 16<sup>th</sup> Century in Korea* (2000); Hyun-Ku Min’s “Private Armed Forces in the Early Chosun Dynasty” (1984); Soo-Chang Oh’s “The Socioeconomic Backgrounds for the Growth of Literati and Private Soldiers in the 17, 18<sup>th</sup> Centry” (1995); Jae R. Yu’s “A Study on Private Armed Forces in the Early Chosun Dynasty” (1997).

The period of the U.S. military government is very important in the development of private policing in South Korea, since the modern form of private policing originated from guarding U.S. military posts. The materials for this period include Dong-A Ilbo’s *The U.S. Armed Forces in South Korea* (1990); James Hausmann and Il-Hwa Chung’s *A U.S. Army Major Who Influenced the Korean President* (1995); Wang-Sik Kim’s “Political Implications of the Korean Police in the American Military Government Period” (1995); Robert T. Oliver’s *Syngman Rhee and American Involvement in Korea, 1942-1960* (1978).

For the sources of information to test the hypotheses concerning the authority and accountability of private policing, and the relationship between private and public policing, the historical documents noted above would be needed for the pre-modern era. For the modern era, laws, legal codes and mandates, and court rulings would be required to test the hypotheses. In South Korea, legal authority and accountability are usually prescribed by laws and mandates. Also included are *Dong-A Almanac* published annually by Dong-A Ilbo and public publications such as *White Paper on*

*Police and White Paper on Crime* providing the description of private policing agencies. The relationship between private and public policing would be investigated by relying upon several survey data which show the perception of the private and public police toward each other. *An Evaluation of Police System in Korea* published by Research Institute of Police Science includes such survey results, which reveals the relationship and the differences in perception between two groups. Surveys on the fear of crime seem to be useful to look at partnership or uneasy alliance between public and private police. *Social Statistics Survey* is to be included for this purpose. The answers or responses acquired by interviewing the police officers and those who have worked for private policing companies also provide the sources to test the hypothesis.

Various materials are identified for the sources of information to test the hypothesis concerning specific social forces to cause the rapid growth of private policing. These include official statistics, business annual reports, yearbooks, and books and journals, in addition to historical documents. First, official statistics include the annual reports of *Social Indicators in Korea*, *Social Statistics Survey*, *Annual Report on the Family Income and Expenditure*, *Indicators of Consumer's Behavior in Korea*, *National Accounts*, *Annual Report on the Vital Statistics*, *Economic Statistics Yearbook*, *International Statistics Yearbook*, *Yearbook of Labor Statistics*, *Population and Housing Census*, *Major Indicators of Industrial Technology*, *Yearbook of Justice*, *Analytical Report on Crime*, and *Annual Report of Police Statistics*; the monthly reports of *Monthly Statistics of Korea*, *Report on Monthly Labor Survey*.

*Social Indicators in Korea*, *Social Statistics Survey*, *Annual Report on the Vital Statistics*, *Population and Housing*, and *Annual Report on the Family Income and*

*Expenditure* are published by the National Statistical Office annually, and provide such information as components of population, income and consumption, employment, safety as well as the trends in those indicators. *National Accounts and Economic Statistics Yearbook*, published by the Bank of Korea, provide the trends in Korean economy, national income and consumption, and other indicators of Korean economy. *The Indicators of Consumer's Behavior in Korea* published by Consumer Protection Board provides trends in consumer's behavior. *Yearbook of Labor Statistics* published by the Ministry of Labor and *Major Indicators of Industrial Technology* published by Korea Industrial Technology Association provide information and trends in employment in private policing industry. These indicators show the change and continuity of Korean society and economy, which may account for the growth of private policing in Korea.

In addition to these, the public publications non-periodically published are also useful. *The Korean Economy of Half-Century: Sources and Data* published by the Korean Development Institute includes relevant data, press releases, official documents and research materials from 1945 to 1995, offering a whole picture of Korean economy.

Non-governmental business reports are also useful sources. The annual reports of S1, CAPS, Pan Asia Security, the leading private policing companies in Korea, are valuable for looking at the detailed features of the industry and the history of private policing industry. S1, the largest private policing company in Korea, has recently completed the publication of its history, *Twenty Year History of S1* (2001), which contains important facts unknown to the public but significant for unraveling the rapid growth of the industry in Korea. S1, a subsidiary company of Samsung conglomerates

and formerly known as SECOM, also operates the only research institute in the industry, S1 Institute of Crime Prevention, which produces reports regarding private policing.

Annual reports by credit rating firms such as Korea Investors Service and Korea Management Consulting & Rating Corporation provide detailed information on sales and earnings of the large, publicly held private policing companies. Company privileged files or private documents of the companies are also valuable to look into the nature and extent of private policing industry in Korea. Although these are usually not open to outsiders, some of those are available only for the purpose of academic research. The reports of economic research institutes are also good sources of information for figuring out the private policing industry. For example, Samsung Economic Research Institute published the reports regarding the growth of private policing in Korea, with the title of "*The Changes and Responses of Korean Society in the era of Per-Capita Income \$10,000, with the Focus on Crime*" (1996).

Of particular importance for the sources of this study is *The History of Korea Security Association* published by Korea Security Association in 1998. This appears to be the first comprehensive report on the history of private policing industry in Korea, which also includes the description of private policing companies and the mandates and statutes concerning private policing.

For the sources of information explaining and analyzing the criminal justice system and crime problems in South Korea, various publications are identified. *Analytical Report on Crime* published by the Supreme Public Prosecutor's Office, *Yearbook of Justice* published by Ministry of Justice, and *Annual Report of Police Statistics* published by the National Police Agency provide information on the nature

and extent of crime as well as its trends, which may account for the development of private policing in Korea. These sources also give numerical data on the criminal justice system in Korea.

Other sources also include *White Paper on Police* and *White Paper on Crime*, which give an overview of policing strategy and its vicissitudes, providing the description of private policing activities. Statistical reports and official publications are published annually or monthly, but available only after 1948 when the Republic of Korea was established and many of them were beginning to be published after 1960s.

In particular the publications of Korean Institute of Criminology and Research Institute of Police Science provide valuable data and information concerning public and private policing. *An Evaluation of the Police System in Korea* published by Research Institute of Police Science includes survey results, which give an insight into the problems and limits of public policing in Korea. Also included is *Dong-A almanac* published by Dong-A Ilbo annually. It provides a brief description of historical events, which may be related to the growth of private policing.

To test the hypothesis that modern private policing in Korea is not much different from its Western counterpart and that cultural influences are minimal, cross-national information and data would be needed. For cross-national comparison, included is *International Statistics Yearbook* published by Korea National Statistical Office, which provides socioeconomic indicators from other countries including a couple of western countries. The *Bureau of Justice Statistics* and the *Bureau of Labor Statistics* would offer information about the U.S. criminal justice system and businesses. The secondary sources include as follows: Jaap de Waard "The Private Security Industry in the Netherlands: Developments and Future Perspectives" (1996); A. H. Aydin's

“Private and Voluntary Policing Service in Turkey” (1996); Christopher Birkbeck’s “Against Ethnocentrism: A Cross-Cultural Perspective on Criminal Justice Theories and Policies” (1993); Forst and Manning’s *The Privatization of Policing* (1999); Obi N. I. Ebbe’s *Comparative and International Criminal Justice Systems: Policing, Judiciary, and Corrections* (2000); Erika Fairchild’s “National Culture and Police Organization in Germany and the United States”(1989); Mark Findlay and Ugliesa Zvekic’s *Alternative Policing Styles: Cross-cultural Perspectives* (1993); Martin Gill and Jerry Hart’s “Historical Perspectives on Private Investigation in Britain and the U.S.”(1996); Les Johnston’s *The Rebirth of Private Policing* (1992); Trevor Jones and Tim Newburn’s *Private Security and Public Policing* (1998); Milton Lipson’s “Private Security: A Retrospective”(1988); Robert McCrie’s “The Development of the U.S. Security Industry”(1988); Frank Morn’s *The Eye That Never Sleeps: A History of the Pinkerton National Detective Agency* (1982); Nigel South’s *Policing for Profit: The Private Security Sector* (1988); and Robert Weiss’s “The Emergence and Transformation of Private Detective Industrial Policing in the United States, 1850-1940” (1979).

# **PART TWO: THE DEVELOPMENT OF PRIVATE POLICING IN KOREA**

## **CHAPTER IV. PRE-MODERN ERA**

### **A. EXTENT AND FUNCTION**

#### **1. A Period of Unified Silla**

In a broad sense, private policing might have existed in Korea before the state was formed. However, there were no written records on private policing until Silla, one of Three Kingdoms, unified the Korean Peninsula in 676 AD. Not long after Silla unified, however, Silla had experienced strong resistance from the aristocrats who undermined the authoritarian power of the throne. The aristocratic elites had joined forces, but they soon found themselves torn by internecine strife. Political turmoil began with the rebellion of Daegong in 768 AD, which developed into endless political strife (Sung K. Min, 1997). In order to seize political power, some aristocrats utilized their huge economic resources to create private armed forces, arming their slaves and recruiting the landless peasants who roamed the Silla countryside (Ki-Baek Lee, 1994).

There was no public independent policing institution in the Unified Silla period. Policing was in the hands of private agents. The privileged class or aristocrats could

afford to possess private armed forces, while the rest of the people had to rely on self-help efforts such as self-defense or vigilantes. Fortunately low mobility of this period helped informal crime control system to work efficiently. The government drew attention to the crime waves that could escalate into riots. The absence of a public policing institution forced the government to mobilize the army to suppress them. Although the army was created for national defense against other states or nations' military threats, the army was often called out to carry out policing functions due to the lack of policing forces. Thus the distinction between the army and the police was blurred during this era. Since the mid-19<sup>th</sup> century when modern police institutions were created, the army's role of policing has remarkably been reduced, but the army is still performing a role as a backup force of the police in domestic emergencies.

As mentioned above, the private armed forces in this period were created for policing purposes due to the lack of public policing. They were typically performing the function of protecting private property and interests of the aristocrats or privileged class. However, they were sometimes mobilized for political purposes such as suppressing rival political units' coup attempts or initiating such a coup in order to take a throne. Thus they were usually either military or semi-military organizations. In this sense the private armed forces in this era could be termed either the private army or the private police, depending upon their primary role. There was no clear distinction between private army and police in this period. However, the forces were apparently different from the mercenaries who fought for any state or nation, in that the private forces were only carrying out the function of protecting personal or private interests not national or state interests, and controlled and paid by private persons. Particularly in this period, it was

political leverage and armed might that became decisive in determining succession to the throne. The politics of Silla's late period was distinguished by the pivotal role played by aristocratic forces. It was evident from the fact that during 150 years of late Silla more than 20 kings were enthroned but most of them were killed in political strife (Sung K. Min, 1997, p. 26).

Around the middle of the ninth century there appeared new power centers. The strict bone-rank system of Silla frustrated many people who had political ambition but lacked nobility. They had to seek other ways, including maritime trade. Such an undertaking reflected and also increased their economic and military power. Trade prospered with T'ang China and with Japan as well. The threat of piracy to Silla's thriving maritime trade caused to create a succession of garrisons at important coastal points. Chonghae Jin (Chonghae garrison) was regarded as the most important of these. It was established in 828 by Chang Pogo. Chonghae Jin was on Wando, an island just east of the southwestern tip of Korea and a key place at this time in the trade between China, Korea, and Japan. From this vantage point Chang Pogo became a merchant-prince with extensive holdings and commercial interests in China and with trade contacts with Japan (Reischauer, 1955, p. 100)

Chang Pogo does not seem to have come from the privileged class for the reason that his family and place of birth were not noted on historical documents. Chang had an ambition to become a government official, but it was not possible because of his underclass origin. Since Silla had maintained a strict bone-rank system, he had no choice but to go to China which had more flexible rank and file system at that time. In addition, Silla's losing control over local powers and perennial famines during the ninth century

drove many people who were hopeless in Silla to emigrate to T'ang China, which was relatively open to foreign immigrants (Kun Y. Choi, 1989).

Soon after Chang moved to T'ang China, he entered the Chinese army and was promoted to the level of a general. While he was serving in the Chinese army, he witnessed Korean people who were being kidnapped by Chinese pirates and sold into slavery. Although piracy was rampant in East Asia at that time, either the Chinese or Silla government was not able to control it due to inner political strife and lack of policing resources. Infuriated by the piracy and the government's inability to control it, Chang Pogo came back to Silla to fight against the pirates and to protect maritime trade. He persuaded the king of Silla and was permitted to control the private armed forces to sweep away the pirates. In 829 he was appointed Commissioner of Chonghae-Jin with the mission of curbing piracy in that region.

Historical documents such as B. S. Kim's (1145) *Samguk Sagi* (History of Three Kingdoms) noted that the king of Silla provided Chang Pogo with ten thousand soldiers for the control of piracy (*Samguk Sagi* Vol. 10, Silla Part No. 10). However this could not be true because Silla of the period was so weakened that it could not have afforded such forces (Duk H. Roh, 1982; Chong J. Chung, 1999). In addition, the forces under Chang Pogo were largely composed of navy forces, but Silla had no such forces or naval ships. *Samguk Sagi* also named the forces of the Chonghae Garrison "people" and "populace" (*Samguk Sagi*, Vol. 11, Silla Part No. 11). Thus Chang's forces seemed to consist of fishermen living around the Chonghae Garrison, which would suggest that they were not national guards but Chang's private forces.

Some historical documents indicate the extent of piracy at this time. According to In. J. Chung's (1454) *Koryo Sa* (History of Koryo), there were many islands that were the bases for pirates. Silla's decline and lack of policing made those islands the sanctuaries for pirates. Aphae Island flourished as the base of Neung-Chang who might be the most notorious pirate at that time (History of Koryo). Piracy was not the sole problem that Silla had. Japanese History noted that a couple of people were robbed and killed by pirates on their way to Japan in 811 AD. According to History of Old T'ang China, in addition, there were records that Silla people were kidnapped by pirates and sold on the Chinese coast. For this reason the Chinese government issued an edict forbidding anyone to sell Silla people into slavery.

However, piracy has two faces: plundering and trading. Pirates had to sell loot that was stolen. The ancient maritime tradesmen of Phoenicia, Carthage, Greece, and Rome not only bought and sold goods but also attacked others and stole things from them. Henry Morgan, a famous pirate, later became a vice governor of Jamaica and even fought against the pirates (The New Encyclopedia Britannica, 1998, Vol. VII, p. 1025).

Chang's forces were created to protect people from pirates, but also developed into traders among Silla Korea, T'ang China, and Japan in the 9<sup>th</sup> century. This was geographically possible because the Chonghae Garrison was situated at the midpoint of Korea, China, and Japan, and also because Chang's naval forces actually dominated the East Asia Sea while patrolling sea-lanes. Based on these advantages, Chang Pogo made a great fortune, which might be collected from a charge for protecting people from pirates and the trades with China and Japan.

Chang's forces could not be the only private armed forces that played a role of private policing during this period. As noted above, powerful aristocrats of the capital city and local powers created their own private armed forces, arming their slaves and recruiting the landless peasants. Taking advantage of the decline of the central government, local powers called themselves castle lords, strengthened their military might, and tried to extend their influence. They controlled their enclaves substantially in terms of administration, tax-collection, and military power. Among those were Wang Bong-Kyu in Kangju region, Jak Je-Kun in Song-Ak area, Lee Un-Mo in Kimju area (*Samguk Sagi*). They had in-house forces performing functions of body guarding and guarding houses and properties.

The private armed forces were also the major military might that was mobilized to take the throne in political strife. Kim Yang mobilized his private forces to place Kyun Jung on the throne, while Kim Myung and Lee Hong, key figures of the opposite party, also controlled their private forces to defend themselves from Kim Yang's attack (*Samguk Sagi*, Vol.44, Part of Kim Yang). Thus it seemed clear that Silla's aristocrats relied their powers and privileged rights solely upon their private forces or family forces. The aristocrats' reliance subsequently strengthened the need for the private forces (Won-Ki Hong, 1998, p. 16). Silla's private forces were indicated even on Chinese historical documents. They noted that Silla's aristocratic elites possessed slaves of more than three thousand and armed forces as well (*History of New T'ang China*, Part of Silla). If necessary, in addition, their slaves could be transformed into armed forces any time.

Based on historical documents, the numbers of private soldiers might be estimated to exceed tens of thousands at least, since Chang's forces alone were recorded to be more

than ten thousand. Because local powers and aristocratic elites were said to have thousands of armed forces respectively, the extent of private forces was assumed to be vast, although they were available only to the privileged class. In short, the domination of Chang's forces was attributable to the decline of central government and its losing control over local powers. In addition it was not possible without advanced technologies in shipbuilding and navigation.

## 2. A Period of the Koryo Dynasty

The increasing influence of local powers weakened the control of the central government of Silla over the countryside, which led to a civil war. Silla had problem of landless wanderers who were forced to abandon their farms by the severe exactions to which they were subjected. Some of these wanderers were formed into bandits, while others fell to into the slaves of aristocrats. Such changes brought social disorder, then caused rebellion.

The first revolt erupted in the Sangju area in 889, leading to an unending succession of rebellions in every corner of the country. Wang Kon, one of the rebel leaders, defeated other competitors, and eventually got a formal surrender from the last ruler of the Unified Silla dynasty in 935. He established the new Koryo dynasty, making his home area of Kaesong his capital. The establishment of Koryo , however, did not regain the control over the local powers. The castle lords continued to keep up their regional strongholds,

by which the influence of the central government did not reach beyond the capital and its vicinity.

However, it was Koryo's immediate to weaken the local powers, disbanding their private forces. By transforming his private forces, King Taejo (Wang Kon) thus established the royal guards to protect his throne from the threats of local powers. However, the private forces in the rest of regions remained under control of the local powers. King Taejo (Wang Kon) died without being able to consolidate centralized royal power. King Seongjong tried to weaken the economic and military grounds of the local powers, reorganizing local bureaucrats and sending the administrators to all regions. The sweeping reforms of King Kwangjong (949-975) gave a serious blow to high officials of local gentry origin, including appointments to scholars without a distinguished lineage background but who had passed the state examination. By these consecutive efforts of centralization, kings had success in disbanding the private armed forces of the local powers and putting them under the command of the national guards, Yukwi (Six Divisions). The private armed forces of the local powers in the countryside had at first been brought together under the control of the central government, but subsequently they were reorganized into provincial garrison forces.

The Koryo dynasty created several institutional arrangements, including the examination system and the Stipend Land Law. Although these were designed to restrict the arbitrary exercise of royal authority, they eventually contributed to the preservation of the privileged position enjoyed by the ruling elites. The aristocratic rule in Koryo was based on the principle of civil supremacy by which military officials were discriminated politically and economically. For example, appointments to high command in many cases

were given to civil officials. The situation worsened under King Uijong (1146-1170), a monarch only interested in pursuing the life of the aesthete. He had no thought for the deteriorating condition of the military.

The military revolt broke out in 1170. With officers and soldiers united in common cause, the revolt met with quick success. In the course of the revolt, countless civil officials were massacred, and a second major purge occurred three years later. After their seizure of power the military officials managed state affairs through the central mechanism of the Chungbang, the supreme military council, and they sought to effect a military monopoly of all government positions, high and low alike.

The military revolt provided military leaders with strong political powers and also economic abundance, which were grounds for the growth of private armed forces. According to *Koryo Sa* (History of Koryo), military leaders arbitrarily controlled the country and competed to have their own private soldiers, which caused a vacuum of national armed forces (Vol. 81, part of the military). Severe fiscal difficulties forced low ranking officers and soldiers to belong to the private armed forces of the military leaders. These had various names: Ak-So; Sa-Sa; Yong-Sa; Jang-Sa; Mun-Gaek; Ga-Dong, etc. *Koryo Sa* recorded that Lee Ko, Huh Seung and Kim Kwang Lipp, the military leaders, were enthusiastic to gather soldiers for their political ambition (Vol. 100, part of *Kyung Dae Seung*; Vol. 128, part of *Lee Eui Bang*). It now had become an age when what mattered was no longer lineage, but only how much force-in-being one could muster. As a result, power shifted again and again from one military strong man to another.

Choe Chung-hon (1149-1219), one of military leaders, finally brought an end to these years of disorder, crushing the competitors of military rule. Ridding himself of all

who questioned his authority including his own brother and nephew, in the end he succeeded in establishing a personal dictatorship. Even though he preserved the royal authority of Wang and the monarchy, he not only directed the affairs of government himself but also manipulated the throne at will. During his control over the country, Choe deposed two kings and set four on the throne.

The Choe regime relied on its own private armed forces. Eventually, the Choe regime created additional separate units to replace the police and combat functions performed by the Six Divisions of the regular army. These were the “Sambyolcho (Three Elite Patrols).” The economic basis that contributed to the growth of these private armed forces was the personal landholdings of the military leaders. Aristocrats tended to expand private land holding during the early Koryo dynasty. This situation remained almost same even after the military revolt. The military officers were eager to expand their private landholding, seizing the lands of civil officers. For instance, Choe took over the whole region of Chinju, a southeastern part of Korea, as his own private landholding.

The extent of private policing was not clearly shown in historical documents. However, some records indicate the extent. *Koryo Sa* (History of Koryo) noted that the number of private forces under command of Park Chin Jae exceeded several hundreds (Vol. 129, Part of Choe Chung-Hon). Since Park was not one of the main figures during the rule by the military, it could be assumed that other military leaders possessed more private soldiers than Park did. There was also a historical record that Choe Chung-Hon recruited three thousand Jang-Sa (warriors) for the suppression of the rebel (*Koryo Sa* Jeol-Yo, Vo. 13, King Myungjong, 26th Year’s Throne). Thus the total number would exceed several thousands.

Of note was the creation of Do-Bang and Yabyolcho which were the most powerful organizations that the military leaders made. The Do-Bang was the first organization created by Kyung Dae-Seung to protect himself as he was threatened by his political rivals. *Koryo Sa* recorded that the forces of the Do-Bang lived under the same roof, being always on the watch for any attack from rivals (Vol. 100, Part of Kyung Dae-Seung). Choe Chung-Hon, Kyung's successor who won the political struggle, had once abolished the Do-Bang, but revived it when he also needed to protect himself and his families. Choe continued to increase his private armed forces, while oppressing other military leaders not to have the private forces. Choe's forces were estimated to exceed three thousand, mostly consisting of Jang-Sa or warriors. The size of the Choe's forces was vividly described in *Koryo Sa* that recorded that the multiple rows of Choe's private forces extended to 4 miles when he inspected his forces (Vol. 129, Part of Choe Chung-Hon).

### 3. A Period of the Chosun Dynasty

Yi Seong Gye, one of military leaders in the late Koryo dynasty, ousted the king and seized political power. Then he established a new dynasty, Chosun Dynasty. The political instability in the early Chosun dynasty brought about military struggles between powerful figures, particularly Yi Seong Gye's (King Taejo) sons. King Taejo's close staff members sought to centralize military authority for the purpose of debilitating the Dynastic Foundation Merit Subjects including the king's sons. The princes who worried about the weakening of their private forces resisted this effort and killed key staff members of the

king, mobilizing their private forces. Then, the princes themselves competed with each other for hegemony and sought to gain control over the other, which led to the a military collision between Prince Bang-Won and Prince Bang-Gan. Prince Bang-Won, later King Taejong, won the battle and prohibited everyone else from maintaining private forces called Ga-Gap, Byol-Pae, Siwi-Pae, Ban-In, or Saban-Dang (*Annals of the Chosun Dynasty*, Cheogjong Sillok, Vol. 4). The private forces abolished were absorbed into the national guards. Disbanding private armed forces seemed to be common in the early days of new government or dynasty that needed the centralization of military authority (Hyun K. Min, 1984). Due to lack of public policing, however, the need for the private forces for protection was recognized, and they were permitted to keep up to 10 persons (*Annals of the Chosun Dynasty*, Taejong Sillok, Vol. 16).

The early Chosun dynasty witnessed frequent natural disasters – famine, flood, typhoon, etc., which turned a number of people into the hands of bandits, causing a crime wave. Due to the lack of public resources, the government could not control the crime but mobilize other sources for policing – private armed forces. The government removed the civil duties of the private forces in return for their service in patrolling at night to prevent crime (K. B. Lee, 1990).

With regard to private policing during the Chosun dynasty, Pobusang (or Pubosang) should be mentioned. The Pobusang, the peddlers' guild, which was so called as they were carrying wares on their backs, played a significant role in private policing. Pobusang was said to originate in the 6<sup>th</sup> century and was gradually developed into a merchant guild. They were a peculiar band of traveling merchants, something like a caravan in Asia, which made its spontaneous appearance as an underdeveloped

commercial organization in an ancient state prior to the establishment of order in transportation and industry. They grew into a powerful society before or after the unification of the Korean peninsula and carried on trade not only in their homeland but also in Japan and China by making travel rounds.

Moreover, judging from the historical facts recorded in "*Chong-Up-Sa*" (a popular song of Paekche, one of the Three Kingdoms) and in the story of "*Mangbusok*" (A woman who stood on the mountain waiting for the return of her peddling husband eventually turned into a life-like stone statue with a heartrending emotion on her face), "*Pobusang*" originated in the remote past. However, the Pobusang's organized activities were specified in the Chosun Dynasty.

From the Chosun Dynasty, a group of Pobusang established military merits with extraordinary valor in times of national emergency to defend their country against foreign invaders and domestic rebels, thus expressing loyalty toward their kings. To reward these patriotic deeds the successive monarchs gave them the privileges of monopoly of commodities and other commercial rights as supervisors of markets. They could be compared with the merchant guilds of Europe. The Pobusang had similar characteristics and important features of those of Europe. But Pobusang had some unique features because it sometimes performed the function of militia in times of national emergencies.

Since the Pobusang managed the markets and visited private homes they were suited to perform scouting duties to collect information, official or private, for their service to the state. In war or in national emergency the Pobusang established liaisons among the related offices by running on errands, thus performing communication duties. Especially, there was an express system, known as "porcelain bowl communication" in which the

names of the minutemen were written on a piece of white paper in a circle like the brim of a porcelain bowl, and the paper was forwarded in the written order to all related persons in top secret.

The Pobusang sometimes performed the services of protecting government officials, convoying them in traveling. The Pobusang also kept vagrants at bay in markets.

*Hansungbu Wanmun*, the official document of the Pobusang, recorded that they patrolled the markets, keeping thieves from stealing something in the market and also monitoring criminal deals between merchants (J. G. Cho, 1997). The Pobusang's policing activities were also witnessed by H. N. Allen, a missionary at that time.

A Pobusang, a peddler guild, is composed of 150,000 peddlers who travel all over the country in their business. They were helping the King by acting as detectives. When a culprit is wanted, for instance, his description is given to Pobusang men who write it in a book and pass it along. It soon traverses the whole country, as these fellows are everywhere with their wares. The man is sure to be found. (Allen's Diary, Part I, December 26, 1884)

These activities were performed primarily because the Pobusang members were awarded a business monopoly, though their loyalty to the King was also a contributing factor.

Major foreign powers in the late 19<sup>th</sup> and early 20<sup>th</sup> century were interested in securing concessions for such important resources as railroads, mines, forests and fisheries, particularly gold mines. This was because Korea was known for a long time as a country rich in gold, and because gold played such an important role in modern capitalistic setup as the means of setting trade transactions and those of reservation in currency issuance. As a result the foreign powers were eager to obtain mining concessions from the Chosun government.

Beginning in 1895 with granting a mining concession at Unsan gold mine in northern part of Korea to the United States, the Chosun government conceded mining rights to Germany in 1897, to Britain in 1898, to Japan in 1900, to France in 1901, and to Italy in 1905, respectively. The Unsan gold mine was known to be the biggest mine in term of its estimated gold deposits. The Oriental Consolidated Mining Co., an American company, employed more than 2, 000 Korean miners a day, which produced some problems in managing them. These included employee theft, labor tension because of the discriminatory treatment of Korean miners, and conflict with local residents. For the purpose of guarding its assets and overseeing its workers, the U.S. company employed Japanese inspectors and later Korean police officers. The company paid 12 police officers 12 Korean won a month to supplement its guarding and inspecting forces and facilitate control over the Korean miners (Diplomatic Notes of the Korean Empire, Section of the U.S., Vol. 2, No. 2024, June 27, 1899).

## B. AUTHORITY

For the pre-modern era, unfortunately, there were no statutes and mandates prescribing the authority of private armed forces. However, the private policing forces for this era appeared to have no legal authority because those were strictly prohibited except when the political power of a monarch was challenged. Inasmuch as the power arena was highly centralized and singularized, there was no room for the private armed forces (Hahm, 1986). Only in late Silla dynasty, the rule of the military in Koryo dynasty, and

late Chosun dynasty, when the power and prestige of royal authority declined and became politically unstable, were the private policing forces recognized and maintained on a large scale. During the rule by the military in Koryo dynasty, the authority of military rulers rested on the strength of their own private armed forces, which elevated the status of the forces. Not surprisingly, the regular army of this period deteriorated, which forced its most able men to opt for services in the private army. Most illustrative might be the case in which Kyung Dae-Seung, a military leader in this period, pardoned one of his private soldiers who killed a civilian (*Koryo Sa*, Vol. 100, Part of Kyung Dae-Seung). Although the government's attitudes toward private policing constantly remained hostile, a very limited number of the forces were permitted only for the purpose of protection of person and property. Particularly in the Chosun dynasty the private forces were permitted up to ten persons (*Annals of the Chosun Dynasty*, Taejong Sillok, Vol. 16). In these cases, the private forces seemed to derive their authority from their employers.

### C. ACCOUNTABILITY

Since private forces were formally prohibited, it is hardly likely that formalized accountability procedures existed. In fact, no historical records were found with respect to the accountability of the private police during this era. Given no basis for governmental regulation and civil suits, the private police at this time must have been controlled by self-regulation. In other words, there seemed to be no formal mechanisms for accountability of private policing. Only the aristocrats controlled and disciplined the forces. Concerning compensation, it was not likely that compensatory damage was

awarded to victims because the private armed forces were hired by the aristocratic elites and local powers. As demonstrated in the case of Kyung Dae-Seung's private guard who killed a civilian but was pardoned, the private armed forces were often regarded as "untouchable." Even worse, some of the forces were recruited from villains, rogues, or bandits who roamed the countryside.

The misconduct or troubles the private forces created during this time were recorded here and there in historical documents. As the name indicated, Ak-So (Bad juniors) behaved so arbitrarily that people made a stream of complaints against them (Dae J. Kim, 1993). Because the military leaders were competitively recruiting private soldiers, even bandits or fugitives could join the forces, which produced lots of problems. However, few cases were investigated and punished due to their lords' political power and influence.

In the Chosun dynasty, private armed forces such as Siwi, Byul-Pae, or Sa-Ban, were criticized for their misconducts. The troubles they caused brought about complaints by various sources, from the Office of Inspector-General to the public. The Inspector-General raised the issue of the problems of the private forces and suggested the abolition of the forces to prevent them (*Annals of the Chosun Dynasty*, Chungjong Sillok, Vol. 4). However, the political power of the merit subjects was strong enough to disregard such threats and petitions until the need for centralization of military authority was increased and the promulgation of the abolition of the private armed forces was made. However, Pobusang in the Chosun dynasty maintained strict rules and high standards of discipline. Any member of the Pobusang who violated its code of conduct received a severe punishment. The strict observance of discipline by all members was possible because of

their solid unity. Delinquents were subject to prescribed penalties, even death, according to their codes (Won S. Park, 1965).

In the late Chosun dynasty the concession of mines to the major foreign powers brought a number of complaints from the people, especially from local residents who lived on mining, which led to the conflicts between the foreign companies and local residents. Most illustrative was the incident happened on May 23, 1899, in which an American employee shot and killed a farmer who was mistaken for a thief (*Diplomatic Notes of the Korean Empire*, Section of the U.S., Vol. 2, No. 2021, 2022, June 19; June 23, 1899). The farmer died on the spot, triggering fierce protests and complaints from the local residents. Even the Korean government was upset and ordered the U.S. consul to capture the suspect and hand him over to the Korean authority. However, Sands, the U. S. consul at that time, denied the accountability of the American, and argued that it was a justifiable defense (*Diplomatic Notes of the Korean Empire*, Section of the U.S., Vol. 2, No. 2024, June 27, 1899). The Korean government had no means to enforce sanctions against foreign powers and had to accept the excuses of the U.S. consul, dismissing a local administrative official in order to meet the U.S. consul's demand.

#### D. RELATIONSHIP WITH THE PUBLIC POLICE

As noted in the review of literature, the Silla dynasty did not appear to have an independent public policing system. No historical records were shown regarding the existence of the public police during this period. Many researchers assume that the army

must have played the role of policing as well as defending national security, and that there was no distinction between the armed forces and the police at that time (Nam O Huh, 1998; Hyung J. Kim, 1991; Ki-Baek Lee, 1994; Kun Y. Choi, 1989). A historical record indicates that King Hunduk ordered army soldiers to capture robbers in 815 A.D. (*Samguk Sagi* Vol.10). According to *Samguk Sagi*, there was the Reebang-Bu, a bureau that administered tasks concerning criminal law – adjudication of criminals and administration of justice (*Samguk Sagi*, Vol. 38, No. 7). However, it consisted of no more than tens of officials, thus one might question the enforceability of the bureau. Both Guseo-Chong and Siwi-Bu played the role of preventing crime, while defending the capital city (Hyung J. Kim, 1991). The public police performed the function like the military police.

Silla's military system was based on conscription. However, Silla's late period witnessed the collapse of national armed forces, except for a small number of king's guards (Ki-Baek Lee 1994). Since the unification of the Korean peninsula, the kings tried to strengthen their power over aristocrats. Thus King Mun-Mu, who unified Korea, issued an edict disarming all people, ordering to make farming tools by melting arms (*Samguk Sagi*, Vol. 7, Part of King Mun-Mu). But it was futile; on the contrary, the aristocrats and local powers kept on building up their private forces.

Even though the private armed forces functioned as hands of aristocrats and local powers during the Silla dynasty, they also performed the function of law enforcement because of the lack of public policing. They were often regarded as police officers, thus they caught criminals and were mobilized to put down the rebels. In short, they were not only the military might used for rebelling but also the main forces to subjugate the rebels.

The relationship between the private forces and the government could be summarized into both complementary and conflicting.

As noted above, the distinction between private army and police was unclear, particularly during the rule by the military in Koryo dynasty. Because most military leaders needed private forces who could protect them and their interests, which might indicate the characteristic of private policing. However, some of the private police were in fact national guards and included in Six Divisions, but also worked for their military leaders, which was analogous to police officer's moonlighting. The desperate political struggle among military leaders brought about the vacuum of national defense, because the military leaders appropriated human resources for national guards. As a result, the private police during this period performed both policing and defending the nation when needed, especially in times of war.

The military system had been in a chaotic condition ever after the Chosun dynasty succeeded to the Koryo dynasty. Many powerful figures still retained personal armed retinues, which frustrated King Taejo's effort to centralize military authority in the hands of the government. It was King Taejong, Taejo's son, who resolutely abolished those private armed forces in 1400. King Sejo (1455-1468), a son of King Taejong, established Five Military Command Headquarters to defend the capital, and gave it authority over the fivefold division of the forces that garrisoned the capital. The troops that formed the core of the Five Commands were professional military men selected through tests of their military skills.

The military routinely performed the function of public policing, although a public policing institution was later established in the middle of the dynasty. The Chosun

government established the Podo-Jang (Constabulary) in 1471 to control the increasing crime, assigning two lieutenants and 40 officers (*Annals of the Chosun Dynasty*, Sungjong-Sillok, Vol. 9). In 1544, the Podo-Jang was expanded and reorganized into Podo-Chong, focused on policing in the capital and its vicinity, and leaving provincial areas to the armed forces for crime fighting. Such lack of resources for public policing eventually aroused the need for the cooperation with the private policing, mainly through community councils.

## E. ANALYSIS AND SUMMARY

### 1. Political Factors

A peculiar characteristic of private policing in this period was found in its close association with political situation. Political instability resulted in social unrest, bringing about the need for private policing. As mentioned above, shortly after the Silla dynasty, one of the Three Kingdoms in ancient Korea, unified the Korean Peninsula in the mid-7<sup>th</sup> century, the Unified Silla dynasty confronted strong resistance from the aristocrats, which inevitably led to political strife and instability. In the maelstrom of political turmoil, the aristocrats organized their own private armed forces in order to protect their private interests and property.

Chang Pogo, who founded Chonghaejin to protect people from pirates in the 9<sup>th</sup> century, could emerge as a maritime prince controlling thousands of private armed forces,

taking advantage of political instability at that time. Around the middle of the 9<sup>th</sup> century trade flourished with T'ang China and with Japan as well, but piracy was rampant and many Korean people were kidnapped by the Chinese pirates and sold into slavery.

However, neither the Chinese nor Silla government was able to control the pirates due to their inner political strife and lack of policing resources. It was apparent from the historical records that such private armed forces as Chang Pogo's took the place of the Silla government in fighting against piracy and even policing around the country.

The private armed forces were also responsible for political instability, since the powerful aristocrats mobilized their private forces in political strife. Thus it seemed clear that Silla's aristocrats relied for their powers and privileged rights exclusively upon their private forces or family forces, because of the political instability of the period.

During the Koryo Dynasty, the successor of the Unified Silla Dynasty, as well, political instability provided the ground for private policing. Koryo based its rule on the principle of civil supremacy, which inevitably led to the discrimination against military officials. Such a situation worsened under King Uijong (1146-1170) who showed publicly his preference for the civil officers, then the military revolt broke out in 1170.

After their seizure of power the military leaders took advantage of their positions to expand their private wealth, taking control of the country's economic resources. However, power struggle among the military leaders and their lack of political skill consequently led to a military collision against each other. The absence of governmental mechanisms of control forced the military leaders to rely upon their private armed forces for their protection and initiatives. Powerful military figures had created personal guard units by arming their household retainers and slaves. Thus private armed forces, such as Do-Bang,

Yabyolcho, and Sambyocho were created to fill the void of public policing during a politically unstable period. What mattered was how much force one could muster. As a result, power shifted again and again from one military strong man to another, and political instability continued.

The political instability in the early Chosun dynasty also brought about the need for private policing as a result of the military struggles between powerful figures, particularly King Taejo's princes. Just after King Taejo, the first King of the Chosun dynasty, took the throne, his close aides tried to centralize military authority, disbanding all private armed forces whom the princes and Dynastic Foundation Merit Subjects kept. This attempt collided with the princes and the Merit Subjects who wanted to keep their forces, and was followed by the victory of the princes over the King's staff members. The princes and the Merit Subjects mobilized their private forces for this maneuver and killed the staff members. The victory of the princes subsequently led to the competition and then to a military collision between the two, the Prince Bang-Won and Bang-Gan. The prince Bang-Won, later King Taejong, won the battle and his private forces were the basis for the victory.

A long period of political stability from the mid-15<sup>th</sup> century to the early 19<sup>th</sup> century made it unnecessary for the aristocrats or the privileged class to maintain private armed forces on a large scale. Some of them kept a small number of the forces only for protecting themselves and their properties, not for political purposes. In the early 19<sup>th</sup> century, however, the political stability of Chosun Dynasty was threatened both by a series of domestic uprisings and by foreign powers demanding diplomatic relationship

and trade which the Chosun government had not permitted for years. During this period the Pobusang, the peddlers' guild, played a significant role in private policing.

In the Chosun Dynasty, a group of Pobusang supplemented public policing, patrolling the streets and countryside and reporting crime suspects as informants to the public police. The role of the Pobusang in private policing was highlighted when political stability was threatened. In times of war and rebellion, they fought against foreign invaders and rebels, expressing strong loyalty toward their kings. In return they were given the privileges of monopoly over commodities and other commercial rights as supervisors of markets. Invaded by the French troops in 1866, the Chosun government again relied upon the Pobusang to complement its national guards. Accordingly the Pobusang performed not only as merchants but also as a militia, named "Sangbyung Dan" (Merchant-Militia).

## 2. Economic Factors

Until several decades ago Korea was an agrarian society with few natural resources. Since the late Koryo dynasty, the strong influence of Confucianism had hampered the development of capitalism because commercial activities were regarded as shameful or mean according to Confucian doctrines. The flourishing maritime trades of the mid-9<sup>th</sup> century were possible because the Silla and the early Koryo dynasty were not strongly influenced by Confucianism. Particularly in the Chosun dynasty merchants were despised and treated as the lowest class. Despite few resources produced, the governments did not

refrain from extorting tax from the people. The aristocrats were exempt from the taxes, though they were the only people who were affluent enough to pay taxes. As a result, it was natural that only the privileged class such as aristocrats enjoyed the benefits of private policing. The rest of the people had to rely upon self-help efforts and the informal crime control system. An agrarian society necessarily requires settling down and cohesiveness, which facilitates the detection of criminals and control of crime in a community. A serious crime problem was mainly caused by external forces including bandits or brigands, particularly during the time of natural disasters and their resultant famines. Since their major targets were mostly the privileged class's or wealthy people's properties, these people had to depend upon private policing forces by arming their slaves or recruiting private soldiers, due to the lack of public policing in this period. In consequence only the privileged class had a strong need and ability to employ private policing forces.

### 3. The Legal System and Culture

Until the Kabo Reform, sweeping changes enacted in 1894, the Korean had neither a court hierarchy nor a legal profession. Prior to the Reform, Korea followed the Chinese tradition of including judicial matters within the purview of government administrators. In addition, the Confucian philosophy has dominated the Korean legal system. It places an emphasis on social obligations and self-sacrifice, requiring that individuals or groups in conflict resolve their differences through mediation and compromise.

Under such a pre-modern legal system, it was regarded as usual and desirable to conciliate or mediate disputes privately before turn to the judicial process. When a case could not be resolved informally, it was usually handled by a local administrator who also served as a magistrate. He was a Confucian scholar, untrained in legal matters, and never regarded enforcement of the law as a function or specialty of the governments. He would prefer that conflicts be resolved informally. Law was only synonymous with punishment. Given the relatively large size of each magistrate's jurisdiction and the official animus against litigation, in addition, laws were rarely applied to local communities. Below the county level, groups such as landlords, the village heads, the merchant guilds, the clan (which united all descendants from common ancestors) and the family, played a significant role in settling both civil and criminal cases.

The informal justice process usually was called mediation. The first line of settlement was the family or clan. Clan mediation was usually accomplished by the older males or local gentry. Mediation between members of different clans was accomplished by the local government. In such a case the locally appointed village constable or village headman often decided the course of compromise and/or punishment. The determination of wrongs and negotiation of punishment through mediation was not bound by legal codes. In addition, because the parties in both civil and criminal cases were not permitted legal representation, there was no need for a legal profession.

Another reason for preference to the informal justice system could be found in a very high degree of stability and durability of kinship circles, which helped the Korean to enjoy emotional security. Despite gigantic upheavals caused by destructive foreign invasions, the social order proved surprisingly resilient. The strength of kinship affection

was certainly one of the important ingredients of this resilience. This attachment to kinship relation has created a tendency in the Koreans to view the “outside” world as cold and hard. Therefore, the stress toward personalizing the impersonal has been tremendous. Formalism was regarded as coldness. The impetus for breaking the boundaries between oneself and another has been so strong that the insistence on privacy has tended to be equated with coldness or aloofness. The basic objection to law and legal process is that they are so formal, systematic, cold, and impersonal.

The importance of affection in Korea lies in its function as a source of social stability and order. Affection was an important means of social control. The authoritative doctrine stressed the fact that as long as the family remained cohesive and stable the country and society also remained orderly and peaceful. This was in a sense borne out by history. For five centuries the Chosun dynasty maintained stability and order with a minimum of institutionalized violence. There was no organized constabulary. The military force consisted of 25,000 men for the population of about 10 million toward the end of the dynasty (Hahm, 1986). In this context, therefore, the legal system and culture of Korea appeared to impede to some extent the growth of private policing.

#### 4. The Policing System, Nature of Crime, and Historical Events

Korea has a strong tradition of centralized policing. Inasmuch as the power arena was highly centralized and singularized, there was no room for private policing. The government tried not to allow policing to the private hands, monopolizing it. As already

explained above, thus, private policing was available when political and social stability was threatened and public policing system was completely shaken. Chang Pogo's private forces in Unified Silla dynasty, and Yabyulcho and Mun-Gaek in Koryo dynasty were able to perform private policing activities only because they were powerful enough not to be suppressed by the forces of the central governments.

In addition, many researchers regarded the crime rates and fear of crime as one of main factors for the growth of private policing (Bayley & Shearing, 1996; Becker, 1974; Benson, 1998; McCrie, 1992). The official crime statistics in Korea was not available until a modern government was established in 1948. However, various accounts of crime appeared in historical documents. According to *Samguk Sagi* (History of Three Kingdoms) and *Cheungbo Moonheon Bigo* (Complementary Historical Documents), criminals such as bandits were flourishing during the period of Three Kingdoms and Unified Silla. The *Cheungbo Moonheon Bigo* noted that King Basa of the Silla dynasty ordered decapitation of the arrested bandits who were plundering the villages in 82 A.D. (Vol.127, Part of Criminal Justice). *Samguk Sagi* also noted that King Heongang of the Silla dynasty in 815 A.D. mobilized his army to suppress the bandits who were rampant at that time (Vol.10, Part of Silla, No.10). *Annals of the Chosun Dynasty* (1392-1910) recorded the perennial problem of crime waves whenever natural disasters such as flood or droughts occurred. With lack of public policing, therefore, the Chosun government praised and rewarded *Musa* (private soldiers), who helped to arrest or kill the bandits and criminals. Therefore, the rising crime rates and fear of crime particularly shown during a period of famines and riots appeared to contribute to the growth of private policing, though not clearly recorded in historical documents.

## 5. Summary of the Chapter

Private policing might be defined as peacekeeping activities such as guarding and protecting solely for profit. The commercial nature of private policing particularly emphasizes the professionalization and specialization of its services. In a strict sense, the private policing in a pre-modern era does not seem to meet such a standard. The private policing forces were usually recruited from aristocrats' slaves or landless peasants. They had little training for their duties. Thus it is difficult to believe that they had full knowledge of their duties, functions, and responsibilities. Furthermore, they were sometimes mobilized for political purposes such as frustrating coup attempts or launching such a coup in order to take a throne. They were usually either military or semi-military organizations. There was no clear distinction between private army and police in this period. Thus the private policing forces had the characteristics of both private army and police. Despite such pre-modern characteristics, however, it should be noted that the forces truly performed the function of private policing which included the protection of the private interests of those who hired them.

In short, political instability and weak central government were the major factors determining the extent and authority of private policing, and relationship with the public police in this period. In addition, the crime waves and fear of crime seemed to contribute to the bringing of the need for private policing, though restricted to the privileged class.

On the other hand, legal system and culture based upon informal justice and mediation might hinder the growth of private policing.

## CHAPTER V. THE EMERGENCE OF MODERN PRIVATE POLICING (1954-1976)

### A. EXTENT AND FUNCTION

The victory of the United States over the Japanese in World War Two brought liberation to the Korean peninsula in 1945. As its occupation force entered Korea in September 1945, the United States established the formal United States Army Military Government in Korea (USAMGIK). After nearly three years of military rule, under the auspices of the United States, the Republic of Korea (ROK) was established with Syngman Rhee as its first president in July 1948. Through the UN-supervised elections held in the southern part of Korea, the ROK claimed to be the only legitimate government in Korea and was promptly recognized by the United States and its allies. The North Korea also established its own government in October 1948, the Democratic People's Republic of Korea (DPRK), alleging monopolistic legitimacy on the whole Korean peninsula. As the Soviets withdrew their troops from North Korea in late 1948, the Americans did the same in June 1949. Then the Korean War broke out in June 25, 1950. The quick U.S. military intervention in the Korean War saved the South Korean regime. After three years of war a truce was finally signed on July 27, 1953. Since then the United States has continued to maintain its troops on the peninsula, even down to the present day.

The exploitation by the Japanese occupation for nearly 40 years and the Korean War brought ruin to Korea and left almost nothing for the country. The Korean War alone destroyed nearly a half of the industrial capacity and a third of the housing in South Korea, along with much of the public infrastructure. This industrial devastation more and more deepened the dependency of South Korea upon the United States. South Korea could not manage its economy without U.S. aid ranging from military to monetary to grains and commodities.

Table 5-1. The Private Policing Forces Guarding the U.S. Military Bases

	No. of Guarding Companies	No. of Bases Guarded	No. of Guarding Forces
1969	4	248	5,743
1970	4	210	5,206
1971	4	118	3,266
1972	4	168	3,765
1973	4	157	3,748
1974	4	150	3,311
1975	4	100	2,645
1976	4	101	2,678

Source: Korea Security Association, *The History of the Korea Security Association*, 1998.

Modern private policing in Korea also emerged out of the U.S. military presence in South Korea. Yongjin Industrial Co., Ltd., the first private policing company, was established in 1954 to guard the U.S. military base. Then Kyung-Hwa Co., Bong-Sin Co., and Sin-Won Co. were established to guard U.S. military bases. The private policing forces guarding the bases had been increasing to nearly 6,000 when the U.S. Army withdrew its 7<sup>th</sup> division stationed in South Korea in 1971. In terms of its revenues, guarding the bases ranked 7<sup>th</sup> among 26 categories of the military supply contracts of services to the U.S. army in 1963 (Dong-A Almanac, 1964). As shown in Table 5-1,

however, the number of the forces was reduced to about 2,700 in 1973. Unfortunately, data before 1969 are not available.

Private policing for civil or business purposes began with guarding the oil company. The Korea Oil Storage Company (KOSCO) was established in 1949 to store and distribute oil. The Pan-Asia Co., founded in 1958, contracted with KOSCO to patrol and guard the oil terminals at Busan Sasang, Busan Yongdo, Seoul Wangsimni, and Ulsan in 1962. Next year the Pan-Asia Co. contracted with Flour-Korea to guard the construction site of Ulsan Refinery, and with Bechtel International for security services for the construction site of Busan Kamchon Power Station and housing area in 1963. The Pan-Asia Co. also contracted with Yonsei University for its guarding services at the construction site of University Hospital in 1964, and with Flour-Korea for the construction of Third Fertilizer in 1967.

Table 5-2. The Private Policing Forces Guarding Civil Sites

	No. of Guarding Companies	No. of Sites Guarded	No. of Guarding Forces
1969	1	11	568
1970	1	13	609
1971	2	18	616
1972	3	21	532
1973	3	31	730
1974	4	95	1,269
1975	5	169	2,048
1976	5	186	2,344

Source: Korea Security Association, *The History the Korea Security Association*, 1998.

Tables 5-1 and 5-2 show a sharp contrast in trends. The private policing companies and their employees guarding the U.S. military bases rapidly decreased after 1970, while those guarding domestic civil sites showed a steep growth during this period. The

guarding companies for civil sites began to exceed those for the U.S. bases in 1975, and the number of the employees for each became nearly even in 1976.

The private policing during this period was to focus upon guarding facilities and goods from burglary, destruction, and intrusion. The most prominent characteristic that distinguishes the private policing in this period from pre-modern era seems to be a creation of "for-profit" companies that specialize only in security services and provide their services by contract. In the pre-modern era, by contrast, most private policing forces were in-house forces hired directly by their employers.

The ongoing military confrontation between South and North Korea created the particular situation in security services, in which the private policing companies played a role in national defense. In this context, Pan-Asia Gong-Shin was established in 1972, under the auspices of the Korean Veterans Association. The Association had an interest in finding jobs for veterans who participated in the Vietnam War, and the private policing companies appeared to be proper places for the veterans who needed jobs because the experience of military training would fit the job of private policing. The Association also regarded private policing as a mechanism which could supplement national defense as a reserve force. Thus private policing companies during this period performed not only the function of crime prevention but also national security as reserve forces.

Also of note were the auxiliary police forces. The government's lack of understanding about private policing led to the promulgation of the presidential decree on the defense of important national facilities in 1970 and then prescribed in 1974 that the important national facilities should be guarded by the auxiliary police. The Ministry of the Interior sent its notice on national security to the important national facilities,

indicating that only the auxiliary police and reserve forces were entitled to guard the facilities. It also criticized some agencies' decision to permit private policing companies to guard the important national facilities, on the ground that it would have a harmful effect on the security system of the facilities due to the difficulty in controlling the personnel who were not confirmed by security code and the legal status of the private forces. Therefore the Ministry ordered the administrative board of the important national facilities to prohibit private policing companies from guarding the facilities, and also to replace the employees of the private policing companies with the auxiliary police forces.

The auxiliary police are the forces that supplement the police especially in guarding the important facilities. The facilities include government buildings or sites, embassies, and such important facilities as dams, airports, seaports and banks. The auxiliary police are employed and paid by the facilities that employ them, which lifts a financial burden from the government. The Auxiliary Police Act was legislated and promulgated in 1962, for the purpose of strengthening the security of the important national facilities without budgetary implications.

## B. AUTHORITY

The authority of private policing forces during this period was not much different from that of earlier periods. They can only take the action that an ordinary person could take under the principles of justification. Any necessary force may be used to protect from wrongful injury one's person or property. As common law established limitations

on these principles, however, so too in Korea deadly force could not be used solely for the protection of property. The private policing forces usually rely their authority upon “legal agent” of those who own their private property.

The Pan-Asia Co.’s deed of contract shows the restricted authority of the private policing forces at this time. According to the deed, Pan-Asia had no discretion for its security services but its obligations, which could be even regarded as an unfair contract. Korea Fertilizer Co., the client, could arbitrarily intervene in the organization, setting schedules and even substitution of the guards. The only legal right Pan-Asia had was that the host would respect the Pan-Asia’s control over their own guards (A Deed of Contract of Security Services between Pan-Asia Co and Korea Fertilizer Co., 1972, p. 1). This was probably possible because the client did not have a strong need and understanding of contract guarding services. The most difficult task for private policing companies was to get clients to recognize the necessity of contract services at this time, particularly because very few people and companies had a concept of private policing. Thus private policing companies willingly submitted to clients’ excessive demands.

The authority of auxiliary police lies in the Auxiliary Police Act (No. 6466). The law and presidential decrees prescribe the function and obligation of the auxiliary police. The auxiliary police perform the same function as the police under the control of the chief of the police in its jurisdiction. Accordingly, the auxiliary police have the same legal authority and rights as the police officers in the facilities they guard. They should not be dismissed unless they are found guilty and reprimanded for their misconduct. They may also carry weapons when necessary.

### C. ACCOUNTABILITY

The private policing forces guarding the U.S. military bases were governed by law (Law Concerning Military Supply No. 979), enforcement decree (Presidential Decree No. 450), and enforcement regulation (Ministry of Trade and Industry Decree No.85):

According to these law and decrees, the Ministry of Trade and Industry administers all administrative affairs pertaining to the military supply business. It also requires any person who is to undertake the military supply business to register with MTI in compliance with the Presidential Decree. Accordingly any misconduct or trouble the military supply business makes should be controlled by the law and decrees. In addition, the Korea Military Contractors Association also regulated its members to conform to the law and decrees.

Private policing companies are accountable for their employee's misconduct or any misbehavior. The private policing companies are also responsible for damage to the host's property or facility and should compensate it. In addition they are accountable for third party damage and loss if those occurred during private policing activities. A contract usually prescribes that the amount of compensation should be deducted from payment in advance. In a contract with a shopping mall company, the Pan-Asia Co. promised to protect the mall from criminal activities such as burglary and destruction, and even fire and any disaster. Pan-Asia should be accountable for the damage and loss from its negligence, but be exempted in the case of fire and natural disasters.

The accountability of the auxiliary police is prescribed in the Auxiliary Police Act. It prescribes that the responsibility of the auxiliary police on duty depends on the Civil Law. It also prescribes that auxiliary police could be sentenced to imprisonment if they were found guilty of abusing their power.

#### D. RELATIONSHIP WITH THE PUBLIC POLICE

Private policing during this period was under the strict control of the public police. The police controlled and supervised the auxiliary police in all aspects: recruitment, placement, training, activities, and carrying weapons. This was because the auxiliary police performed the same function as the police did, especially in the area they guarded. Accordingly the distinction between the private and public police during this period was unclear. A few differences resulted from laws by which they were regulated, for instance, police activity and enforcement act applied to the police all the time whereas it only applied to the auxiliary police when they guarded the facilities.

#### E. ANALYSIS AND SUMMARY

##### 1. Political Factors

Just after the modern state was established in 1948, Korea encountered a catastrophic challenge, war. The Korean War broke out in June 1950 and took out almost everything, even hope for democracy. The lingering influence of the war continued to emphasize the importance of national security and offer an excuse to suppress opposition movements. The concentration of political authority and the centralization of coercive forces were strengthened, which brought a positive effect of political stability at a cost to democracy.

After 1960s the threat of war as a basis for political oppression was replaced with a slogan for economic development. Indeed, South Korea's stellar economic performance between the 1960s and 1980s coincided with the rise and deepening of hard authoritarianism (Moon and Mo, 1999, p. 11). As Seymour Martin Lipset (1963) earlier noted, the political stability of the state "depends not only on economic development but also upon the effectiveness and the legitimacy of its political system" (p. 64). Legitimacy is not the only condition for political stability. For political stability, according to Lipset, the lack of legitimacy could be complemented by economic development and the effectiveness of the political system.

Although Syngman Rhee, the first President of South Korea, had spent much of his life exiling in the United States for the independence of Korea and got Western education including Ph.D. at Princeton, his political behavior was that of a monarch. He seemed to have a King's mind that sovereignty was given to him rather than to a popular electorate or its representatives. Rhee's subsequent attempts to debilitate a democratic political system, and the opposition thus provoked, defined the political history of the First Republic.

Rhee relied for his political power upon various power structures, including the Liberal Party, established by Rhee in late 1951, the government bureaucracy and the national police, all of which were not free from the criticism for colonial collaboration in their higher ranks and were dependent on Rhee for their continued existence. The national networks of these power structures provided Rhee with mechanisms not only for social control but also for electoral success. By the late 1950s Rhee transformed the political system largely his own political machine. However, Rhee resigned in April 1960 after flagrant rigging of the presidential election was revealed and fierce demonstrations resulted.

In spite of its efforts for liberalization and democratization, however, less than a year after its inauguration, the Second Republic was overthrown by the military, an emerging sect within Korean power structures that had been growing throughout the 1950s. In the late 1950s, South Korea had one of the strongest military forces in the world: over 600,000 troops, although they were trained, equipped, and maintained by American military aid and expertise as a northeast Asian bulwark against communism.

Park Chung Hee and some junior officers took control of the government in a coup on May 16, 1961, by which the Korean military began to play a major role in the Korean political system. After only a year of liberalization, authoritarianism again dominated Korean political system. Shortly after a coup, Park created the Korean Central Intelligence Agency (KCIA). The KCIA wielded power far beyond that of its American counterpart, keeping both domestic and international area under constant surveillance. Park established the KCIA for the more sophisticated and systematic repression of the country, giving it power beyond all others.

In 1971, Park suddenly declared a state of emergency, mentioning domestic and international insecurity. Next year, he proclaimed martial law by which all political activities were forbidden, and restrictions were placed on other civil liberties, including free speech. Park then proposed a new *Yusin* (revitalizing) Constitution that was formally approved through public referendum by manipulating public opinion in 1972, transforming the presidency into a legal dictatorship. The new constitution made possible for the president to be elected indirectly by an easily manipulated elective body of several thousand non-party members called the National Council for Unification (NCU), which was headed by the president himself. The constitution also gave the president the power to appoint one-third of the National Assembly, thus enabling him to control the legislature in a more direct and personal way than before.

Like Rhee, Park did not hesitate to use stringent security legislation for political repression. However, Park devoted himself to economic development that reflected his need for legitimacy in the absence of other credentials. His very commitment to rapid economic development drove him toward greater authoritarianism in the 1970s, as the new socioeconomic system became increasingly complex, difficult to control, and vulnerable to external forces in the international capitalist system.

As shown above, the tight control of authoritarian governments and their policing efforts for whatever reasons were effective at least for policing purposes. By keeping a tight monopoly on coercive violence, the authoritarian governments did not allow other agencies to share out the role of policing, and this might have impeded the growth of private policing in Korea. Although modern private policing companies were established, the rapid growth of private policing was not witnessed during this period.

## 2. Economic Factors

There have been controversies about the origin of Korean capitalism because capitalism may be defined differently, depending upon perspectives. With the opening of Korea's ports in 1876, Korean landlords and commercial agents called *kaekchu* or *yogak* made fortunes in the new international trade of exporting rice and importing manufactures, thus initiating a process of capitalist accumulation and growth. In this context, Ki-Joon Cho (1991) earlier argued that Korean capitalism began with the foundation of the Dae-Dong Sang-Hoe (Dae-Dong Company) and the Jang-Tong Company that were founded in 1883, and also argued that companies had been established before the 20<sup>th</sup> century.

However, a capitalist society could be formed only when certain conditions were necessarily and sufficiently met. Chong C. Lim (1990) suggests the five crucial elements for capitalism, including the capitalist class and the working class, the capitalist's exclusive control over capital, a market for supply-demand price making mechanism, profit-pursuit, and economic rationalism. In terms of these elements, the companies such as the Dae-Dong Sang-Hoe did not satisfy the conditions for capitalism. First, Korean society in the 19<sup>th</sup> century was determined not by contract but by birth, thereby there were only the nobility and the humble, no differentiation of capitalist and working class. In the late 19<sup>th</sup> century Korea had one of the most entrenched landed aristocracies in the world, and the refusal of this class as a whole to countenance any serious change in the

economic and political status quo was a serious historical impediment to industrialization and the development of capitalism. Second, the market at that time was only a place of exchange, not a mechanism for supply-demand price making with self-regulation. Not until the 1970s did Korea establish a system of capitalist markets, including a stock exchange, money market, and bond market (Lim, 1990). In addition, Korean society based on Confucianism has traditionally placed much emphasis upon egalitarianism and stability, rather than pursuing happiness by maximizing material consumption based on economic rationalism. Economic activities were considered undesirable because they were thought to give rise to greed and avarice in men (Hahm, 1986). Those who engaged in the pursuit of wealth were also accorded positions of very low rectitude and respect.

For these reasons, it is hard to believe that a capitalist society had been formed in Korea in the 19<sup>th</sup> century. By the turn of the 20<sup>th</sup> century, a number of newly enriched Koreans were beginning to establish modern banks and commercial enterprises, but it was really the colonial period (1910-1945) that saw the emergence of a nascent industrial capitalist class, which developed in cooperation with Japanese colonial economic interests.

The early economic plan of Japanese colonial rule was to make the Korean peninsula a base for the production of more agricultural products, for the Japanese had a problem of food shortage due to its concentration on industrialization. It proclaimed the 'Chosun Company edict' in 1911 which restricted the establishment of companies in Korea, and the 'Land Survey edict' in 1912 which was intended to increase land tax revenues. These edicts were also designed to curb the industrialization of Korea by fixing the Korean economy onto agriculture.

After Japan invaded Manchuria in 1931, the economic policy toward Korea had changed. The need for the expansion of war industry forced her to transform Korea, especially North Korea adjacent to Manchuria, from an agricultural base to a heavy industrial outpost. The gross product of mining and manufacturing industries began to exceed that of agriculture in 1939. By 1940 about half of all factory production was from heavy industry. The chemical and metal industries in particular had rapidly grown because Japan most needed chemical and metal materials for its war industry. Korea was nothing but a supply base for these materials. Although Japanese colonialism laid the foundations for a capitalist economy, the colonial development was adjusted to Japanese, rather than Korean, goals and needs, preventing a balanced economic growth and capitalism from being firmly rooted in Korea.

Shortly after liberation from the Japanese colonial rule in 1945, the Korean War broke out and destroyed almost all industrial facilities. South Korea began its economic reconstruction and development after 1953 when the war brought to an end. By mid-1957 industrial plants and infrastructures (road, railway, electricity, and communication facilities) were reconstructed. By 1960, the policy goals of the initial industrialization of light consumer goods production and the import substitution of consumer and some intermediate goods were to some extent achieved. The recovery of the economy was possible only through massive economic assistance, mainly from the United States. As an integral part of its anticommunist strategy, the United States supported the development of a strong capitalist economy in Korea and consequently provided South Korea with large amounts of capital.

Table 5.3. U.S. Aid and its Proportion of the GNP of South Korea

Year	GNP (in million dollars)	Aid (in million dollars)	Aid/GNP (%)
1953	1,361	194	14.3
1954	1,467	154	10.5
1955	1,414	237	16.8
1956	1,459	327	22.4
1957	1,672	383	22.9
1958	1,897	321	16.9
1959	1,980	222	11.2
1960	1,996	245	12.3
1961	2,104	199	9.5

Source: Bank of Korea, *National Income in Korea; Statistical Yearbook of Korean Economy*.

Table 5.3 demonstrates the significance of the U.S. aid. In 1956 and 1957 the proportions of U.S. aid to the Gross National Product (GNP) reached 22.4 and 22.9 percent respectively. U.S. aid was clearly the crucial factor in South Korea's post-colonial economic survival and in the country's postwar reconstruction. Indeed, between 1953 and 1962 American aid financed about 70 percent of South Korea's imports and accounted for nearly 80 percent of total fixed capital formation, mainly in the areas of transportation, manufacturing, and electric power. In 1957, a peak year of U.S. aid, the growth rate of the Korean economy was 8.1 percent. However, since 1958 when the United States began to decrease the aid, the growth rates dropped rapidly to 6.5 percent in 1958, 4.8 percent in 1959, and 2.5 percent in 1960. Between 1946 and 1976 the U.S. provided a total of 12.6 billion dollars in economic and military assistance to South Korea.

The dependence of Korean economy upon the U.S. was also linked to the emergence of modern private policing in Korea. Just as the South Korean government depended

entirely on the U.S. aid; many industries sought their survival from military supply business. The first modern private policing company, Yongjin Industrial Co., Ltd., was established to guard the U.S. military bases. There was no precedent of guarding military bases by civilians in Korea before the U.S. military introduced this system for the first time. In fact, Korean industries at this time couldn't afford to contract out guarding services.

### 3. The Legal System and Culture

As briefly mentioned in the previous chapter, the first steps toward modernization of the Korean legal system were taken in 1894 when a judicial system modeled on the European one was introduced and established. Subsequently, applicable rules of law, both substantial and procedural, were also gradually modified or superseded by new laws derived from European laws. A system of modern courts was created and all judicial matters were placed under their jurisdiction. When the Japanese colonized Korea in 1910, they replaced the Korean legal system with the Westernized legal system of Japan. During a short period of the U.S. military occupation, the Anglo-American legal system was briefly introduced. Owing to this legacy of Japanese rule and U.S. military occupation, the modern legal system of Korea took the shape of a formally Continental European one with some American influence. As far as the formal organizational arrangements were concerned, the Korean legal system during this period was little different from any other Continental Civil Law systems.

Although Koreans established a modern judicial system, there remained deeply rooted in the social context of the country some reluctance to use the system as it was intended. A mere body of Westernized rules and structural set-up alone are not enough to make an effective legal system. The attitude of the people toward the law and the legal institutions must be favorable. Factors such as the reluctance of individuals or groups to litigate disputes in the court of law have an important bearing upon the effectiveness or even the relevance of the legal system (Hahm, 1986).

Therefore, the perspectives of the people toward the law, lawyers, litigation, judges, and the judicial process either bind the legal system to the totality of the social life or render it irrelevant and ineffective. It is this "cultural" component of the legal process that has consistently obstructed the effective functioning of the new legal system. As in other non-Western countries, it was relatively easy to "modernize" or westernize the prescriptions and structure of the legal system in Korea. But the perspectives of the people could not be superseded merely by fiat. The "legal culture" remained essentially unchanged, even though a new modern legal system was introduced. Moreover, it remained to some extent antagonistic to the imported system.

In the West the legal system developed through a process of mutual interaction. The legal system has remained fundamentally in consonance with the totality of the culture. By contrast Koreans did not experience such consonance. The postulates and structures were imposed upon the community, conflicting with the cultural component. Thus the process of interaction between the imported and the indigenous was often discordant and hostile. Although the postulates and structures won consistent victory over the culture

with the support of the coercive power of the community, the imported components remained largely alien and unassimilated until recently.

Therefore, it appears to be a mistake to classify the Korean legal system as simply Continental European, merely by comparing postulates and structures of different legal systems without ever probing into the different cultures underlining the postulates and structures. The danger of such classification is obvious if we remind ourselves of the significant differences that exist between the German and French legal systems or even between the U.S. and British systems within the same Common Law system (Hahn, 1986). Each legal tradition has unique elements that influenced its development and form. A legal tradition puts the legal system into a cultural perspective (Reichel, 1999). In fact, the amount of time courts spend functioning as conciliators in disputes proves the traditional aversion to using the legal system, implying the significance of legal culture. It is also shown by that the large number of cases from the lower courts that are either withdrawn or end in a compromise.

Until very recently the legal culture of Korea fostered hostility toward litigation. Such a legal culture also seems to be important in considering the growth of private policing. For the increase of litigation is regarded as one of reasons for the rapid growth of private policing (Benson, 1998; McCrie, 1992). According to the Bureau of Justice Statistics (1998), more than 2 million U.S. residents a year were victims of a violent crime while they were at work or on duty. This trend is unfortunately expected to continue and along with each incident comes the prospect of litigation for inadequate security from both outside and inside the institution. The fear of litigation and insurance requirements might drive people to rely upon private policing.

#### 4. The Policing System, Nature of Crime, and Historical Events

The structure and organization of the public police has influenced to a certain extent upon the development of private policing. As noted in the literature review, the early development of private policing in the United States was attributable to the jurisdictional limits on the local and state police in addition to the absence of federal police. By contrast, Korea has a strong tradition of centralized policing, having one national police force responsible for enforcing a single set of laws throughout an entire country. During the military rule by the United States, the United States military government created the Korean National Police. Although they could have created a decentralized policing system as they did in Japan, Americans preferred to build a highly centralized police force in Korea even though they have themselves resisted a national police force throughout their own history. As a result, the policing system in Korea was more strongly centralized. Such a centralized policing system might have hindered the growth of private policing, on the ground that there was little room for private policing where the power arena was highly centralized and the regimes heavily depended upon a monopoly of coercive force.

The Korean War and the U.S. army's presence deeply influenced the development of private policing in Korea. The private policing industry relied heavily upon the United States Army's presence in South Korea. The majority of its services were concentrated in guarding the U.S. military bases. Such an unusual situation continued until the United

States withdrew one of its combat divisions in 1971 and Korean economy got on the right track. In addition, a North Korean commando attack on the presidential mansion in 1968 and a series of the military threats by North Korea provided the need for external security forces, which subsequently brought attention to private policing forces.

## 5. Summary of the Chapter

Along with the political stability based on authoritarian rule and the low level of economic development, a lack of understanding about private policing also impeded its development. For the first time in history the authority and accountabilities of private policing companies were specified and acknowledged by contract, though these remained limited. Never loosening its tight control and supervision of the private policing industry, the government prohibited private policing companies from guarding important national facilities. Because of the government's arbitrary handling of the private policing industry, the relationship between public and private police was unfair. Despite such barriers, however, the significance of this period seems to lie in the emergence of the modern private policing system. The United States' strong influence in this period was also evidenced in the introduction of the private policing system.

## CHAPTER VI. THE ESTABLISHMENT OF PRIVATE POLICING (1977-1997)

### A. EXTENT AND FUNCTION

After 1970, the government began to show an interest in private policing because it sought something that would supplement the public police without budgetary burdens. The crime rates had been increasing due to rapid industrialization and urbanization. The military confrontation between two Koreas had also been sharpening since the Vietnam War was over with the communists' victory, which brought concern about national security. The successful development of the private policing in Japan during late 1960s and early 1970s also caught the government's attention. These circumstances might have contributed to the legislation of Security Service Contract Act (Code 2946) in 1976.

Since the Security Service Act was legislated, private policing industry has been growing rapidly. As shown in Table 6-1, private policing companies increased to 10 in 1978, then to 31 in 1983, more than a 300 percent of growth in five years. The growth trend continued in the 1980s, with expansion to 197 companies in 1989 with 21,990 employees. During the 1990s the growth kept going up and the number of private policing companies reached 1,000 in 1996. The average growth rates of the companies were 27.7% during this period and those of the employees were 14.9%. However, the development level of private policing in Korea still remained low. The Freedonia Group, Inc. reports that the revenues of the private policing industry in the United States

increased 35 billion dollars in 1997 and also estimated to be 53 billion dollars in 2002

(Harowitz, 2000, p. 42).

Table 6-1. The Growth of Private Policing Industry in South Korea

	Companies	Growth Rates	Employees	Growth Rates
1977	9		5,484	
1978	10	11%	4,991	-9%
1979	11	10%	5,169	4%
1980	13	18%	5,632	9%
1981	19	46%	5,819	3%
1982	27	32%	6,396	10%
1983	31	15%	7,811	22%
1984	44	47%	8,631	11%
1985	55	20%	8,709	1%
1986	78	40%	12,625	45%
1987	106	36%	16,098	28%
1988	136	28%	19,456	21%
1989	197	45%	21,990	13%
1990	252	28%	25,559	16%
1991	349	39%	30,941	21%
1992	408	17%	34,541	12%
1993	499	22%	36,320	5%
1994	682	37%	37,607	4%
1995	833	29%	40,109	7%
1996	1,020	22%	43,611	9%
1997	1,140	12%	72,139	65%

Source: Korea Security Association, *The History of the Korea Security Association*, 1998.

The private policing industry is concentrated primarily in Seoul, capital city of South Korea. Until 1980, as shown in Table 6-2, all private policing companies were situated in Seoul. During 1980s such concentration seemed to continue, even though it was lessened. However, in the late 1990s, the trend reversed and the number of private policing companies in other cities and provinces began to exceed that of Seoul, which indicates the wide availability of private policing nationwide.

Table 6-2. The Growth of Private Policing Industry in South Korea By Region

	1970s (Companies)	1980s (Companies)	1990s (Companies)
Seoul (Capital City)	11	117	522
Other Cities and Provinces	0	55	574

Source: Korea Security Association, *The History of Korea Security Association*, 1998, p. 66.

Private policing has widened its scope from guarding the U.S. military bases and oil storage facilities in 1950s to almost all areas, including government buildings, airports, schools, and shopping centers in 1990s. As presented in Table 6-3, industrial facilities and commercial buildings rank first and second respectively in employing private policing forces, followed by residential houses and financial buildings. Although it is not possible to compare this with the patterns of 1970s and 1980s due to the unavailability of data, it seems certain that the range of private policing has been broadening and diversifying.

Table 6-3. The Facilities That Private Policing Companies Guard in 1997

	No. of Guards (%)	No. of Facilities (%)
Government Office	462 (0.6)	59 (0.6)
Foreign Institution's Office	2,086 (2.9)	60 (0.6)
Nationalized Company	1,293 (1.8)	116 (1.1)
Industrial Facility	31,119 (43.1)	4,330 (41)
Financial Building	4,954 (6.9)	1,072 (10.1)
Mass Media Building	510 (0.7)	60 (0.6)
School	1,007 (1.4)	103 (1.0)
Airport	852 (1.2)	9 (0.1)
Seaport	241 (0.3)	24 (0.2)
Commercial Building	15,199 (21.1)	2,036 (19.2)
Residential House	6,919 (9.6)	815 (7.7)
Shopping Center	2,790 (3.9)	452 (4.3)
Oil Storage Facility	909 (1.3)	127 (1.2)
Other	3,798 (5.3)	1,330 (12.6)
Total	72,139 (100)	10,597 (100)

Source: Korea Security Association, *The History of Korea Security Association*, 1998, p. 70.

The growth of private policing in Korea is best exemplified by the case of S1 (Security 1), a leading security company in South Korea, because S1 has played a significant role in the development of modern private policing in Korea. S1 is a subsidiary of Samsung conglomerate that was founded in 1981, as a joint-venture company with Japan's leading private policing company, SECOM (S1, *Twenty Year History of S1*, 2001). Other private policing companies were small-sized and found it hard to provide mechanical security system that required large sum of money. S1 with enormous financial support from the Samsung group could invest lots of money in building mechanical security systems, which set a milestone in the development of modern private policing in Korea. Thus private policing that relied only upon manned guarding and patrolling was transformed into a mechanical security system including electronic alarming services.

S1's rapid growth was easily anticipated because its link with Samsung. Samsung's other subsidiaries contracted with S1 for guarding and access control services. These include Samsung Life, Samsung Fire & Marine, Samsung Electronics, Samsung Heavy Industries, Cheil Industries, etc. As shown in Table 6-4, S1's new contracts increased from 22 in 1981 to 120 in 1982, and total revenues increased from 156 million won in 1981 to 867 million won in 1982 to 2,820 million won in 1983, showing a growth rate of more than 300%. As noted above, this splendid growth during this period would not have been possible without Samsung Group's support. Even after the early period of Samsung Group's support, however, S1 has shown remarkable growth. It has grown up more than 30% annually, taking almost half of the whole market share.

Table 6-4. The Growth of S1

	New Contracts	Cancellation	Net Increase	Total Contracts	Revenues (Million Won)	Increase of Revenues (%)
1981	22		22	22	156	
1982	120	8	112	134	867	455.8
1983	245	33	212	346	2,820	225.3
1984	549	69	480	826	4,995	77.1
1985	857	141	716	1,542	7,608	52.3
1986	1,055	172	883	2,425	9,966	31.0
1987	1,778	192	1,586	4,011	13,818	38.7
1988	2,923	326	2,597	6,608	20,536	48.6
1989	5,109	571	4,538	11,146	32,059	56.1
1990	7,021	1,229	5,792	16,938	45,686	42.5
1991	8,786	2,295	6,491	23,429	58,738	28.6
1992	10,198	3,107	6,156	29,585	72,539	23.5
1993	14,294	4,264	9,437	39,022	92,191	27.1
1994	16,414	5,773	10,641	49,663	121,248	31.5
1995	17,115	6,586	10,867	60,530	174,160	43.6
1996	23,693	8,342	15,135	75,665	216,081	24.1
1997	35,941	12,228	22,831	98,496	252,587	16.9

Source: S1, *Twenty-Year History of S1*, 2001.

As the first private policing company in Korea to develop online control programs in 1986, S1 developed a fully automated banking system with ongoing efforts in R&D. It also created customized security programs for residences, shops, buildings, public and financial institutions, airports, harbors, and defense installations. In 1993, S1 established the S1 Engineering Institute, focusing on security research, which has developed new technologies and services a step ahead of others in the security sector, including a satellite-based global positioning system (GPS) for a dispatched vehicle and wireless data control system. S1 covers various security services, including local security systems, access control systems, and fence surveillance systems.

As commercial banks increasingly installed ATMs (Automated Teller Machines) in many places, S1 began to provide armored car services, along with convoy services in

1990. S1 also adopted an Electronic Article Surveillance (EAS) system in 1992, by which shoplifting could be prevented. This system could be applied to any retailer who was selling articles that could be stolen, including clothes, shoes, books, music tapes, and CDs.

S1's success brought other private policing companies' entry into mechanical security systems. In 1985 CAPS contracted with Ademco, a U.S. private policing company, and began its alarm services. In 1986 Pan-Asia Co. also made inroads into the market of mechanical security systems, equipped with computerized access control systems. As these companies entered the market of mechanical and electronic security systems, competition among companies became fierce, which eventually expanded the volume of private policing in Korea.

The growth accordingly brought technological advances. Private policing companies developed Home Security Systems by which the companies could check the condition of homeowner and set its service to be optimized. Using these new systems, the companies provided the service of detecting fire and gas leakage, and emergency as well as crime prevention.

Private policing companies also developed car radar system that was designed for locating stolen cars. When customer's car is reported being stolen, the control center of private policing company activates the radar system and can locate the stolen car by GPS even if the car's license plate or color is changed. New access control systems were also developed to the extent that biometric systems such as fingerprint recognition technology were developed and applied at various facilities.

## B. AUTHORITY

The authority of private policing during the period 1954-1976 has not changed much. The authority depends upon their being legal agents of those who control and own private property. It is also limited by the principle of justifiable defense. According to the Security Service Contract Act, private policing in a legal sense is confined to the contract services for guarding, conveying, body guarding, and alarming. Therefore, in-house forces are not under control of the law and not regarded as private policing. In addition, only corporations could perform the function of private policing under the law, while individuals are not permitted to do. This was because the government wanted to control the private policing industry easily. Furthermore, private policing industry is still not given an independent code in the industrial classification conducted by the Ministry of Industry, but is included into the code of other services. This seems to prove that the significance and role of private policing industry is not yet properly recognized, although there is a growing recognition of the need for private policing.

## C. ACCOUNTABILITY

In the event of damage or loss caused by the theft or negligence of guards, the damages or losses are to be indemnified by the private policing companies. Since private policing companies are insured by insurance companies for the damage or loss for which they are responsible, the damage or loss can be compensated by the insurance companies.

The Security Service Contract Act also describes the accountability of private policing companies in detail. Article 26 prescribes that private policing companies should indemnify for loss or damage not prevented by the companies, if not exempted. It also dictates that private policing companies should be accountable for their employees' misconduct or negligence.

#### D. RELATIONSHIP WITH THE PUBLIC POLICE

Although private policing supplemented public policing, the relationship between public and private police was not easy. The dispatched car of the private policing companies is still not authorized as an emergency car by the National Police Agency, which makes it difficult for quick response when needed. In 1994 the dispatched cars were only permitted to attach emergency light and authorized as emergency cars.

Korea has historically depended for its policing system on the public police. Crime investigation and control have been regarded as government's tasks, not private sector's. Even crime prevention has been considered to be the government's, even though the government has limited resources for crime prevention. The main role of private policing appears to fill the gap left by public policing. While public policing is targeting the whole population, private policing serves only the particular group or individuals who pay for the service. In this sense private policing is expected to supplement public policing and does nothing to conflict with it. Because the reality is such that two sectors are overlapping each other, which might be a cause of uneasy relationships.

Table 6-5. Attitudes On the Relationship Between Public and Private Police (%)

	Very Bad	Bad	So-so	Good	Very Good	Total
Public Police	7.1	31.8	53.5	7.1	0.5	100.0
Private Police	5.5	18.0	58.0	18.5		100.0
Total	6.3	24.9	55.8	12.8	0.3	100.0

Source: Seo, *A Study of the Role Sharing Between Police and Private Security*, 1999, p. 172.

As in the U.S. and other countries, in Korea too, the public police regard their private counterpart organizations with little training and low quality. The skyrocketing growth of private policing also brought concern of the public police who might worry about the possibility of diminishing role of the public policing. According to Seo's (1999) survey, as shown in Table 6-5, negative responses exceed positive ones with regard to the relationship between public and private police: 31.2 percent of respondents answered uneasy relationship between public and private police, while 13.1 percent responded positively.

Table 6-6. Exchange of Information Between Public and Private Police (%)

	Yes	No	Total
Public Police	29.5	70.5	100.0
Private Police	16.0	84.0	100.0
Total	22.8	77.3	100.0

Source: Seo, *A Study of the Role Sharing Between Police and Private Security*, 1999, p. 173.

In Korea, in addition, there is no program like the APPL (Area Police/Private Security Liaison) of New York City, which makes it difficult to develop productive working relationship between the public and private police. The absence of such program makes it more difficult for public and private police to exchange the latest information

regarding crime, training availability and security technology. Table 6-6 reveals that more than three fourths of the public and private police have no experience in exchanging information each other. It indicates that the private policing forces are more reluctant to communicate with the public police, which might be attributable to the public police's regulation and control over the private police.

## E. ANALYSIS AND SUMMARY

### 1. Political Factors

As noted in the previous chapters, political instability tends to bring about the need for private policing because of government's inability to control crime, which compels people to protect themselves via private means. However, a question still remains as to the relationship between political stability and private policing, since political stability does not always shrink private policing. In fact private policing has rapidly and explosively grown in most industrialized countries during recent decades when these countries have been more politically stable than ever. Similarly, Korea experienced political development, accompanied by increasing political stability and an explosive growth of private policing during the past ten years. This phenomenon requires some explanation in the Korean context.

The political history of Korea has been characterized by authoritarianism and concentration of power (Eckert et al., 1990; Ki-Baek Lee, 1990; Hahm, 1986).

Throughout the Korea's written history, Korea has witnessed the centralized authoritarian control of the state. Interestingly Korea did not experience a feudal system. A growing authoritarianism in the power exercised by the throne had been shown through Three Kingdoms period, Unified Silla, Koryo, and Chosun dynasty. Even when some aristocrats or military leaders took the power and controlled the country, they never loosened the authoritarian way of rule. The elite wanted to perpetuate their favorable value positions by concentrating power in the arena under their immediate control (Hahm, 1986). This meant that all the significant and important decisions were to be made in the central arena in the royal capital.

Authoritarianism has dominated modern Korea as well. Since the modern government was established in 1948 South Korea has experienced six Republics. As described in detail in the previous chapter, the authoritarian way of the rule has not changed. Ever since the introduction of the republican system, the ruling parties in Korea have been formed to provide an institutional framework for one man (that is, the President) and a core interest/power group gathered around him (Ahn, 1999, p. 29).

Although authoritarianism was strongly rooted in Korean political culture, however, the efforts for democratization and liberalization, mainly through civil movements, have not been frustrated but rather strengthened from the start of the First Republic. These efforts brought an end to the Rhee regime of the First Republic and also the Park regime in late 1970s. Like the end of Rhee's, the end of the Park regime came very soon after a combined economic and political crisis. The second oil shock in 1979 aggravated economic problems that had been accumulating since the early 1970s, causing a number of middle class South Koreans to question the government's handling of the economy.

Political opposition movements for democratization were also on the steep rise. Finally, on October 26, 1979, Park was assassinated by his close aide.

Park's assassination stunned the country, while giving hope and expectation that the "Yusin" system would finally be collapsed and that the country would achieve political development corresponding to its remarkable economic growth. However, the result, as it turned out, was the very reverse to what the people anticipated. After the Park regime collapsed, a new junta of army officers led by Major General Chun Doo Hwan took control of the state.

Chun followed Park's basic policies, stressing economic growth over political development. But he gave political parties more space, lifting the ban on political activities over a five-year period. Chun also introduced several new policies which could give the impression of greater liberalization, including the abolition of a curfew that had been in effect since the Korean War. Chun apparently assumed that with continued economic growth and a few political changes would accord political legitimacy to the new regime.

However, Chun did not recognize the enormous socioeconomic changes having occurred in South Korea. The social effects of nearly twenty years of rapid economic growth not only helped topple the Park's regime in 1979, but also elevated the expectation of most South Koreans toward political liberalization. Chun's superficial changes could not satisfy South Koreans seeking more political freedom and greater equity.

Confronting with the growing opposition movements, Chun and his successor, Roh Tae Woo, agreed to the amendment of a constitution guaranteeing direct presidential elections. In spite of direct presidential elections, Roh Tae Woo won the election due to a

personal and party split between the two main opposition leaders, Kim Young Sam and Kim Dae Jung. The new constitution was regarded arguably as the most liberal in the country's history. It prohibits the military from engaging in political activity and provides new safeguards against official abuse of civil and human rights, substantially reducing the president's powers. Moreover, Roh was apparently willing to allow the system it envisions to function.

In the National Assembly elections of April 1988, the ruling party failed to secure a majority in the legislature. A new political climate drove the opposition parties to probe into the financial scandals of the Chun administration and to reject Roh's nominee for Chief Justice, the first parliamentary repudiation of a Supreme Court nominee in South Korean history. Roh also adopted a more liberal attitude toward labor disputes. Numerous political prisoners have been freed. The press was also noticeably freer under Roh. Local governments were given autonomy.

With the 1992 and 1997 elections the former opposition leaders, Kim Young Sam and Kim Dae Jung took the presidency in turn. Being led by the first civilian president since the early 1960s, the Kim Young Sam administration was obliged to expedite democratic reforms and to complete the process of democratic consolidation. Upon his inauguration, Kim Young Sam undertook extensive democratic reform measures such as amendments to electoral and campaign finance laws, implementation of local autonomy, purification of the military, labor and *chaebol* reforms, and introduction of the real name financial transaction system. As political liberalization made a steady progress, the military retreated to the barracks, showing no sign to meddle in the political process. It

seems certain that South Korea has shown political progress with political liberalization, democratization, and decentralization.

The authoritarian governments and their tight control had been effective at least for policing purposes. Since those governments relied heavily upon the monopoly of coercive violence, the authoritarian governments had not permitted other agencies to perform policing activities, which might have hindered the growth of private policing in Korea. As the process of political liberalization was making progress, however, the governments began to loosen their monopoly on policing. Legitimacy gained by free elections and political efforts of liberalization provided the government with a certain confidence in politics, offering the base for the growth of private policing. It is not coincidental that there has been an explosive growth of private policing in South Korea since the mid-1980s during which the process of democratic consolidation began to accelerate.

## 2. Economic Factors

Since the early 1960s, the Korean economy began and has sustained high growth. Even during the 1974-1975 worldwide recession following the first oil shock, Korea managed to attain a relatively high, 6 to 8 percent real GNP growth. Korea's real GNP grew at an average annual rate of 8.5 percent over the three decades from 1962 to 1995, much higher rate than the average growth rate of about 4 percent for the preceding period (1953-1962). South Korea's GNP growth during the period of the Park regime (1962-

1979) was 8.6 percent a year. The country's per capita GNP, which had grown only 1 percent a year prior to 1962, also increased rapidly thereafter. Per capita GNP rose more than 120 times from \$79 in 1960 to \$10,853 in 1995, as shown in Table 6-7.

Table 6-7. Major Indicators of Korean Economic Growth During the Post-War Period

	GNP (in billion U.S. dollars)	Per Capita GNP (in U.S. dollars)	Per Capita Personal Disposable Income (in U.S. dollars)
1955	1.4	65	59
1960	1.9	79	73
1965	3.0	105	88
1970	8.1	253	242
1975	20.9	594	558
1980	60.6	1,597	1,449
1985	91.1	2,242	2,002
1990	251.8	5,883	5,103
1995	488.1	10,853	7,447

Source: Bank of Korea, *National Accounts*, 1956-1996.

The rapid economic development of South has been regarded as a remarkable success, often as a miracle, as Cummings notes that “this industrial success [of South Korea] is not something that the elder George Kennan or our good Fabian Beatrice Webb would ever have predicted. ... As it happened, much of our understanding of what it takes to build a strong capitalist system was thrown into question, Western conceits get mirrored back to ourselves, and pundits scratch around for something to explain it: must've been a miracle” (Cummings, 1997, pp. 299-300).

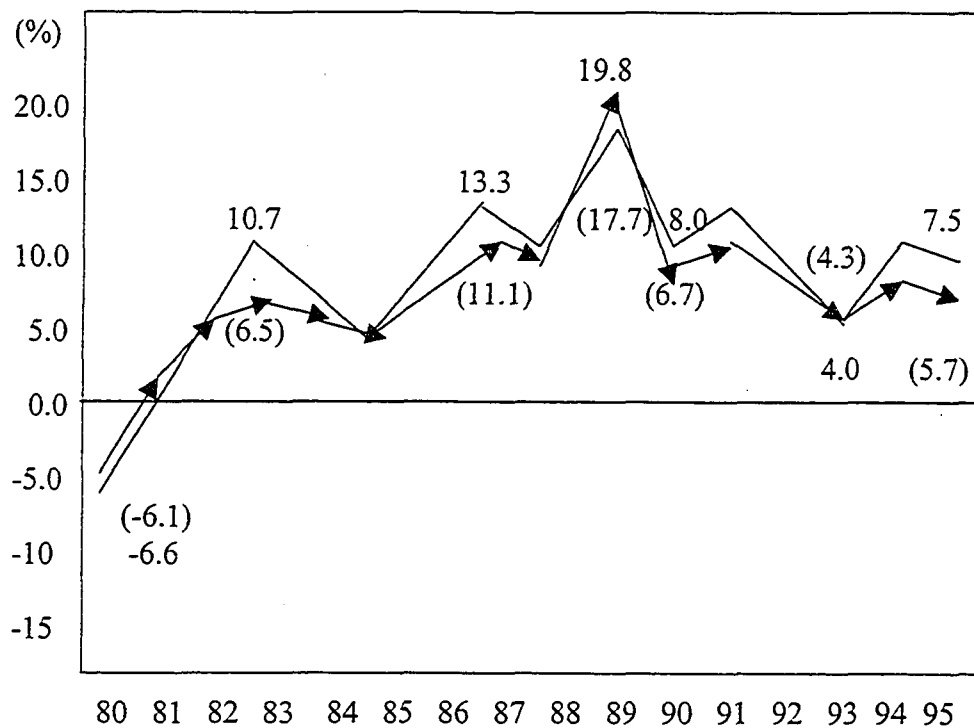
The indicators for the mass-production and mass-consumption society may include Gross National Product (GNP), per capita GNP, and personal disposable income, as presented in Table 6-7. These indicators show the rapid growth of South Korea during the

post-war period, revealing that the material and structural foundation for mass-consumption society has been laid. In other words, the opportunities and possibilities to satisfy a desire for consumption were opened wide to the masses.

Gross domestic investment, which had been less than 13 percent of GNP in 1962, increased to 36 percent in 1979 and maintained a roughly similar level until the mid-1990s. For this increase in domestic investment, domestic saving had to be rapidly increased, although foreign saving could finance a significant proportion of domestic investment until the early 1980s. Gross domestic saving, which had been as low as 3 percent of GNP in 1962 gradually increased to 27 percent in 1979 and then to 36 percent by 1995.

This gradual increase in domestic saving did not, however, prevent a substantial rise in the absolute amount of per capita private consumption expenditures over the last three decades. Although total private consumption expenditures grew slightly less rapidly than GNP, per capita private consumption expenditures in 1990 constant prices rose from approximately 0.5 million won in 1962 to 3.1 million won by the mid-1990s, showing an average annual increasing rate of nearly 6 percent over that period.

Figure 6-1. Trends in the Growth Rates of Household Income and Expenditure, 1980-1995 (Line and none: Income trend; Arrow and parenthesis: Expenditure trend)



Source: Korea National Statistical Office, *Annual Report on the Family Income and Expenditure Survey*, 1999.

Figure 6-1 shows the strong correlation between household income and expenditure, indicating that mass-consumption society is not established without increased income level of the whole population. These indicators show that the grounds for the mass-production and mass-consumption capitalist society have been provided during this period, especially since mid-1989s. From these indicators, thus, it is no coincidence that the private policing industry in South Korea has grown explosively since the late 1980s.

Table 6-8. Trends in the Composition of Household Consumption Expenditures

	1960	1965	1970	1975	1980	1985	1990	1995
Food & beverages	57.4	59.3	48.9	48.8	43.2	37.5	32.0	28.8
Housing	7.4	4.8	2.2	2.7	4.5	5.0	4.7	3.7
Fuel, light, & water charges	4.7	4.2	7.0	6.5	7.8	7.5	4.5	4.1
Furniture & utensils	0.9	2.6	4.1	4.9	4.8	4.8	5.7	4.8
Clothing & footwear	12.9	10.9	11.6	9.8	10.9	7.7	8.3	7.9
Medical care	4.0	4.1	3.5	4.4	6.3	5.5	5.2	4.8
Culture & recreation	5.4	4.2	9.7	9.1	8.1	11.1	12.8	14.4
Transport & communication	2.7	4.2	5.5	4.6	5.8	6.4	8.4	11.6
Others	5.5	5.7	9.7	9.1	8.5	14.4	18.3	20.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Bank of Korea, *National Accounts*, 1961-1971; Korea National Statistical Office, *Annual Report on the Family Income and Expenditure Survey*, 1971-1996.

As a result, the Engel's coefficient<sup>1</sup>, which shows a level of economic development, has continuously dropped from 59.3 percent in 1965 to 28.8 percent in 1995. However, it should be noted that the percentage of eating out among the items of food and beverages has been increasing from 2.8 percent in 1975 to 21.4 percent in 1990 and then to 33.1 percent in 1995. Given this proportion of eating out, the drop rates of the consumption of food and beverages must have been much sharper. By contrast, the consumption of transportation and communication has consistently increased from 2.7 percent in 1960 to

<sup>1</sup> The proportion of a consumer's budget spent on food. "Engel's law" states that the proportion of a consumer's budget spent on food tends to decline as the consumer's income goes up, or, in more technical terms, that the income elasticity of demand for food is less than one (*The Encyclopedia of Social Science* 1990, p. 63).

11.6 percent in 1995. Other miscellaneous consumption expenditures have also increased from 5.5 percent in 1960 to 20.0 percent in 1995. The miscellaneous expenditures include personal care, personal effects, and other personal expenses.

As presented in Table 6-9, the growth of the private policing industry in South Korea has revealed almost an identical pattern with that of South Korean economy, particularly since the 1980s. Since the Security Service Act was legislated in 1976, private policing industry has been growing rapidly. Before 1977 the private policing industry relied upon guarding the U.S. military bases. In 1970 four out of five companies and 5,206 out of 5,815 employees belonged to the private policing companies guarding the U.S. bases and facilities. After the United States withdrew its 7<sup>th</sup> combat division in 1971, the number of employees of private policing companies was reduced to 4,693 in 1975. Instead the number of private policing companies increased from 5 in 1970 to 9 in 1975. Given such an extraordinary situation, it is hard to see much difference in the trends of growth between private policing industry in Korea and Korean Economy.

Table 6-9. Comparison of Trends in Personal Disposable Income, Consumption Expenditure and Private Policing Industry

	Personal Disposable Income (in U.S. dollars)	Consumption Expenditures Per Capita (in U.S. dollars)	Private Policing Industry	
			Companies	Employees
1970	242	240	5	5,815
1975	558	426	9	4,693
1980	1,449	1,061	13	5,632
1985	2,002	1,348	55	8,709
1990	5,103	2,733	252	25,559
1995	7,447	5,686	833	40,109

Source: Bank of Korea, *National Accounts*, 1971-1996; National Statistical Office, *Social Indicators in Korea*, 1981, 1999; Korea Security Association, *A History of Korea Security Association*, 1998.

During the period of 1980-1985, personal disposable income, consumption expenditures, private policing industry had increased approximately two times. However, in the late 1980s, the growth of private policing industry was more remarkable than those of income and expenditure. During the period, the growth rates of income and expenditure were 154 percent and 103 percent each, while the growth rates of private policing industry were 358 percent in companies and 193 percent in employees. S1, the leading private policing company in South Korea also showed dramatic growth rates of more than 500 percent during the same period. Its revenues increased from 7.6 billion Korean won in 1985 to 45.7 billion Korean won in 1990. This seemed to reflect that the mass-consumption system was established during this period. In other words security or policing seemed to be transformed into a commodity and acquired through a market during the period. More specifically, as shown in Table 6-9, the private policing industry has explosively grown since personal disposable income and consumption expenditures exceeded 2,000 U.S. dollars and 1,300 U.S. dollars each in 1985. For the first time in history, private policing became available to the majority of the people beyond the wall of a privileged class. That is, wide availability and popularization of private policing were realized during this period with the help of such economic performances as shown above.

### 3. The Legal System and Culture

The legal system of Korea in this period has remained unchanged since 1977. With a phenomenal economic growth and its resultant social changes, however, it seems clear that the legal culture of Korea has rapidly been changing during recent decades, on the ground that people's attitude toward litigation has altered. As shown in Table 6-10, litigated cases greatly increased from 2,154 thousand in 1980 to 4,289 in 1995. judicial cases per 10,000 persons increased from 565 in 1980 to 951 in 1995.

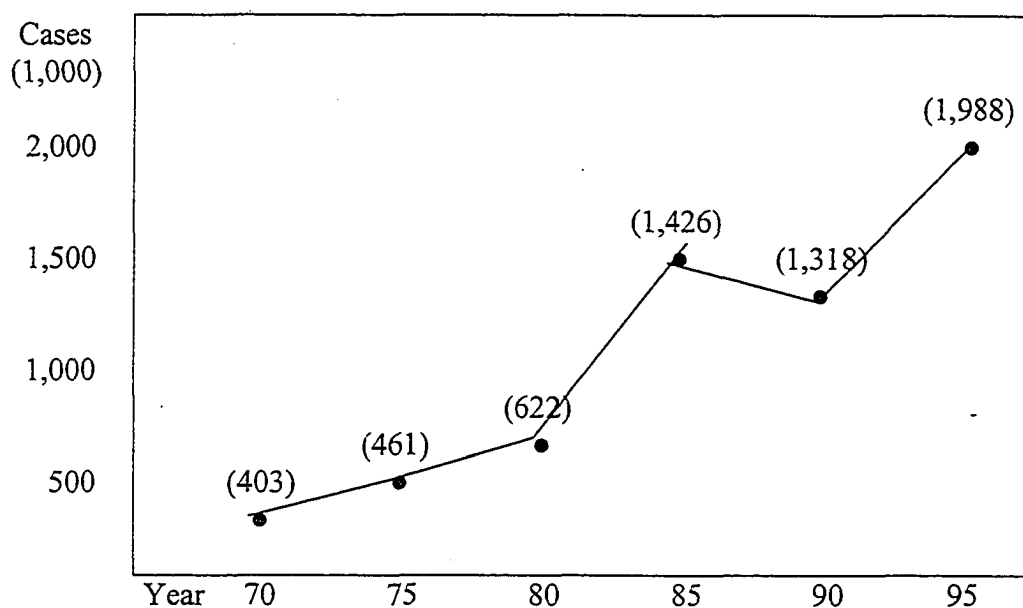
Table 6-10. Trends in Litigation, 1980-1997 (Judicial Processing)

	Total (in thousands)	Per 10,000 Persons	Civil Cases (in thousands)	Criminal Cases (in thousands)
1980	2,154	565	622	1,461
1981	2,276	588	851	1,344
1982	2,452	623	962	1,403
1983	2,427	608	1,044	1,281
1984	2,551	631	1,277	1,171
1985	2,628	644	1,426	1,089
1986	2,805	681	1,572	1,117
1987	2,707	650	1,566	1,021
1988	2,624	624	1,410	1,095
1989	2,770	653	1,281	1,367
1990	2,998	699	1,318	1,559
1991	3,446	796	1,472	1,847
1992	3,456	790	1,621	1,698
1993	3,896	882	1,707	2,036
1994	3,950	885	1,616	2,212
1995	4,289	951	1,988	2,177
1996	4,349	955	2,206	2,003
1997	5,332	1,159	2,617	2,553

Source: National Statistical Office, *Social Indicators in Korea*, 1999.

In particular the increase of civil cases was more noticeable than that of criminal ones. The civil cases of litigation increased 220 percent from 622 thousand in 1980 to 1,988 thousand in 1995, while the criminal cases increased 49 percent from 1,461 thousand in 1980 to 2,177 thousand in 1995. Figure 6-2 shows a steep rise of litigation in civil cases especially since 1980.

Figure 6-2. Trends in Litigation of Civil Cases (in thousands)



Source: The Court Administration Office, *Yearbook of Justice*, 1971-1999.

The change in the legal culture is also evidenced by the dramatic rise of legal aid, counseling, and the number of lawyers. As presented in Table 6-11, people have increasingly been asking for legal assistance from available sources. The cases of legal aid from the Korea Legal Aid Corporation founded in 1987 increased from 20,433 in 1990 to 47,658 in 1995, and then to 51,795 in 1997, showing the increase of more than two times in just five years. The increase of legal counseling was more remarkable, 4.6

times over the same period. Accordingly, the number of lawyers also increased, without being able to meet the need of legal assistance adequately. The lack of lawyers reflects from the extraordinary competitive nature of qualification for lawyers in Korea. Until recently, fewer than 200 attorneys were produced annually. Most lawyers come from judges and prosecutors who have served for at least 10 years in their fields, unlike their American counterparts who often come fresh from their successful performance on a recent bar examination. Such a scarce availability of lawyers has not only hinders free competition of lawyers but also discourages people's attempt for litigation. But the increase of litigation has forced the recruitment of more than 500 lawyers a year since the late-1990s, and they were raised to 1,000 in 2000.

Table 6-11. Legal Aid, Counseling and Number of Active Lawyers

	Cases of Legal Aid	Cases of Legal Counseling	Number of Active Lawyers
1988	18,591	228,646	1,666
1989	19,958	238,000	1,803
1990	20,433	250,588	1,924
1991	21,002	262,832	2,258
1992	28,321	303,234	2,450
1993	34,625	494,595	2,685
1994	37,729	634,128	2,852
1995	47,658	683,334	3,079
1996	52,697	1,082,152	3,188
1997	51,795	1,161,231	3,364

Source: National Statistical Office, *Social Indicators in Korea*, 1999.

The Korean legal system still has unique features that differentiate it from other countries, favoring an informal justice system as compared to Western industrialized countries. From the results shown above, however, it is apparent that Koreans no longer

rely only upon mediation and conciliation to resolve disputes. Instead they tend to seek legal assistance and use the formal justice system. The results also show that the capitalist system has deeply pervaded Korea, weakening the informal justice system on which the tradition of the Korean legal culture has based. It seems that Koreans no longer sacrifice for group harmony, but pursue personal interests and material compensation through litigation. Thus this changing nature of the Korean legal system provides another explanation for the rapid growth of private policing in Korea, because the increase of litigation is regarded as one of bases for the development of private policing.

#### 4. The Policing System, Nature of Crime, and Historical Events

The Korean National Police Agency (KNPA) commands entire the police force in Korea that comprises 5 metropolitan and 9 provincial police forces. As of year 2000, it has 146,712 police employees consisting of 90,670 career officers, 50,215 non-career personnel (serving instead of their mandatory military services), and 5,827 civilian employees. The KNPA performs various law enforcement activities other than crime fighting, including crime prevention and investigation, traffic control, and quasi-military operations such as counterespionage operations, riot-policing and intelligence. The KNPA operates as an independent agency under the Ministry of the Interior. The head of the KNPA is the commissioner general, appointed by the president. In 2000 there were 230 police stations and 2,914 police boxes in Korea under the control of each metropolitan and provincial police agency (KNPA, 2001). The centralized policing

system has remained unchanged, and its strict control and supervision of the private policing industry is not much different from earlier periods. The policing efforts during this period have mostly been mobilized for political purposes such as collecting information and investigation of anti-government movements, and breaking up of anti-government demonstrations. The police could not focus on crime control and prevention at least until early 1990s.

As many researchers point out, poor performance of the public police is one of the main reasons why people tend to rely on the private police (Bayley & Shearing, 1996; Benson, 1998; Poole, Jr., 1980). Thus the public's dissatisfaction with the performance of the public police was directly related to the rise of private policing. The public enforcement agencies do not respond to the specific needs of clients but provide general security services. On the other hand, private policing is able to focus on selected targets with special attention (Poole, Jr., 1980; Cunningham and Taylor, 1985; Bayley & Shearing, 1996; George & Button, 1997; Spencer, 1997; Benson, 1998; Sarre, 1998).

According to the Social Statistics Survey conducted by the Korea National Statistical Office in 1997, only 8.5% of the respondents answered that they satisfied with the services of the public police. About half of the respondents (50.2%) showed dissatisfaction with the performance of the public police, while the rest of them did not give clear answers. The reasons for their dissatisfaction included low quality of the police officers, lack of the police personnel, and outworn police equipment. These reasons could be attributable to the inability of the police to respond efficiently to the rapidly changing social circumstances.

The performance of the police is also related to fear of crime which has been considered one of main reasons for the growth of private policing (Bayley & Shearing, 1996; Becker, 1974; Benson, 1998; McCrie, 1992). Becker (1974) regards people's hiring of private police as an indication that "those who hire such protection feel that public police protection is in some way inadequate" (p. 449). Thus, the ineffective control of crime by the public police would increase people's fear of crime, which in turn makes private policing more attractive. From a criminal opportunity and a routine activity perspective, criminal victimization and fear of crime may lead people to take protective actions that are intended to reduce the risks of victimization by increasing the ability to deter or resist a criminal act (Mieth, 1995). These safety precautions include various types of target-hardening and situational prevention measures – including installing alarms and purchasing protective equipment such as mace and a rape-whistle.

Table 6-12. Reported Fear of Crime (in percentage)

(%)	1988			1991			1997		
	Fearful	Fair	Not fearful	Fearful	Fair	Not fearful	Fearful	Fair	Not fearful
Whole	50.9	25.6	23.5	57.6	19.9	22.5	57.2	22.8	20.1
Urban	57.9	25.3	16.8	64.2	19.8	16.0	61.3	22.3	16.5
Rural	33.6	26.3	40.1	38.6	20.2	41.2	40.8	24.7	34.5
Male	48.0	27.3	24.7	46.9	24.4	28.6	47.0	27.4	25.6
Female	53.6	24.1	22.4	67.2	15.9	16.9	66.8	18.4	14.8

Source: National Statistical Office, *Social Statistical Survey*, 1999.

Although the responses presented in Table 6-12 only cover a limited period of time, the results indicate a gradual increase in fear of crime in Korea. The respondents who

admitted their fear of crime victimization increased from 50.9 percent in 1988 to 57.2 percent, regardless of region. In terms of gender, it is revealed that the female's fear of crime victimization has been growing, whereas the male's responses have been showing steady or a little bit decrease.

However, fear of crime could mask the genuine crime, reflecting the exploitation of crime by media. A variety of forms of media include television, radio, newspapers, magazines, movies, and personal communications with others. For most Koreans who have not been directly victimized by serious crime, these indirect and vicarious experiences become their primary contact with crime. Thus media coverage of crime and crime talk in personal communication tend to shape attitudes and beliefs about crime (Miethe, 1995). Furthermore, it is likely that media reports and personal accounts are susceptible to a wide variety of distortions and selective interpretations. Offenses that are severe and bizarre are mostly regarded as newsworthy. Taking seriousness and novelty as the criteria of newsworthiness, the media are most likely to report those crimes that are least likely to occur (War, 1991, pp. 5-19).

As a result, the media may give a picture of criminal events that differs in many ways from the one provided by official crime statistics. Variations in the volume of news about crime seem to bear little relationship to variations in the actual volume of crime between places or over time. While official crime statistics indicate that most crime is nonviolent, media reports show the opposite images of crime, violent and severe. These images of crime, the criminal, and the victim that appear with patterned regularity in print and broadcast news emerge quite logically from the organizational processes of news production (Sacco, 1995, p. 143).

Media construction of crime problems serves to impress on readers and viewers the gravity of particular crime problems and the need to confront them in particular ways. Large numbers of problems provide convincing evidence that problems exist. This is perhaps most evident in the case of crime waves, when it is argued that crime is becoming more frequent. Yet, with respect to many crime waves, it is the belief that crime is increasing, rather than crime itself, that is really on the rise. Moreover, the news media often stress the random nature of a particular form of victimization because problems must be seen more urgent when everyone is threatened. In addition, the police, in their role as gatekeepers of crime news, have reacted to the increased media interest by making available more stories that reflect and reinforce the crime stories (Sacco, 1995, pp. 147-150).

Such media construction of crime leads to fear of crime. Public anxieties would appear to be rooted in vicarious rather than direct experiences, and messages about crime are so prevalent in the media. Thus, it seems reasonable that much public fear originates in media coverage of the crime problem (Sacco, 1995, p. 151). Such media construction of crime contributes to the rise of private policing industries, by its stress on gravity and randomness of crime. Sensational crimes are one of major items that Korean new media do not miss to catch readers and viewers' attention. As seen in Table 6-13, the newspaper readers and TV viewers in South Korea have gradually been increasing, although the statistics prior to 1980 are not available. The spread of mass media appeared to contribute to the increase of fear of crime, as some researchers note, which in turn helped the private policing industries grow rapidly.

Table 6-13. The Growth of Newspaper Readers and TV Viewers

	Percentage of People Reading Newspapers	Percentage of People Watching TV
1983	N/A	84.2
1985	62.2	N/A
1990	66.6	93.9
1993	70.5	94.8
1996	N/A	95.6

Source: National Statistical Office, *Social Statistics Survey*, 1999.

Since fear of crime very often reflects the exploitation of crime by media, the official crime statistics and victimization survey results should be added to investigate the nature of crime, that is, its social, spatial, and temporal distribution. The nature of crime varies across borders and culture. The property crime rates in the United States are not higher than those in other industrialized countries, while its homicide rates are much higher. Likewise South Korea has serious problem of corruption and white collar crimes, while having low homicide rates. Trends in crime also appear to be good indicators of change in private policing patterns. The increase of hi-tech crimes and white-collar crimes in recent years has helped bring the public's dissatisfaction with public police and accordingly led to the growth of private police. Given these facts, the nature of crime has an effect on the development of private policing.

As official crime statistics, *The Analytical Report on Crime* of the Supreme Public Prosecutor's Office has been regarded as the most authoritative source on crime in Korea. This source provides estimates of the extent of crime. While the private policing industries have shown a steep growth since the mid-1980s, the increase of the crime rates was relatively incremental.

Table 6-14. Trends in the Crime Rates, 1970-1995 (per 100,000 inhabitants).

	Total	Burglary & Theft	Robbery	Homicide
1970	1,023	196	2.88	1.77
1975	1,057	223	4.50	1.60
1980	1,477	254	6.23	1.41
1985	1,499	253	7.68	1.47
1990	1,597	222	9.79	1.55
1995	2,015	136	7.60	1.44

Sources: The Supreme Public Prosecutor's Office, *Analytical Report on Crime, 1970-1999*.

The total crime rates per 100,000 inhabitants increased 36.4 percent from 1,477 in 1980 to 2,015 in 1995, whereas the employees of the private policing industries expanded 612.2 percent from 5,632 to 40,109 during the same period. Although the Korean crime statistics do not distinguish between burglary and larceny theft, the crime rates for burglary and theft decreased 46 percent from 253 in 1985 to 136 in 1995. The rates of robbery and homicide have been steady with little difference during these years, from 7.68 to 7.60 and from 1.47 and 1.44 each. The crime rates of the United States also showed a similar trend. The total crime rates (per 100,000 inhabitants) of offenses known to police increased only 3.3 percent from 13,408,300 in 1980 to 13,862,700 in 1995 (Bureau of Justice Statistics, 1997). Since 1990 the rates of robbery and burglary have declined 9.2 percent from 639,270 in 1990 to 580,510 in 1995 and 15.6 percent from 3,073,900 in 1990 to 2,593,800 in 1995 respectively. Given that the need for private policing mainly resulted from fear of burglary and robbery, the correlation between the growth of private policing and the crime rates has been shown to be weak. These results

indicate that the crime rates have little impact on the growth of private policing in recent years.

Unfortunately, South Korea conducted no criminal victimization survey until 1990. Since 1990 there have been three victimization surveys, the latest one in 1998, in which a sample of 2,100 of national population aged 15 years or above were surveyed using the method of face-to-face interview. According to the surveys, the total victimization rates per 1,000 respondents decreased gradually from 256.3 in 1993 to 224.0 in 1996 then to 210.5 in 1998 (Park and Choi, 1999, p. 71). These also support the results of the official crime statistics both of Korea and of the United States, revealing little relationship between crime victimization and the growth of private policing.

Finally, it seems necessary to identify the conditions under which forms of policing arise. The emergence of a new policing pattern, either public or private, appears to stem from rapid social changes, such as industrialization, urbanization, and the introduction of new technology. As railroads, labor disputes, and World War One & Two paved the way for the rapid growth of private policing in the United States, Korea also owed its development of private policing to some historical events. Among those in recent years, such international events such as the 1988 Seoul Summer Olympics and the 1993 Daejeon Expo are of special significance, igniting the explosive growth of private policing industries. In 1997 the International Security Forum was held in Seoul. Japan also had a similar experience. After Japan held the 1964 Tokyo Summer Olympics and the Osaka Expo in 1970, its private policing industry skyrocketed, leading to the legislation of the Act of Security Services in 1972. Indeed the Japanese successes in those events urged the Korean government to have an interest in private policing industry and hurry its

legislation of the Security Service Business Act in 1976. At any rate, such historical events in recent years demanded more security forces and mechanized security systems, which in turn helped the expansion of private policing industry.

## 5. Summary of the Chapter

During the period 1977-1997 the private policing industry showed a remarkable growth. The legislation of the Security Service Contract Act provided the private policing industry with legal authority, while it also prescribed clearly the accountability of the industry. Despite the growth of private policing and acknowledgement of its need by the public police, the relationship between public and private police has not been easy. The public police have been trying to maintain their firm control of private policing.

As explained in detail in the previous chapters, political instability necessarily brought about social unrest, which provided the need for private policing. Along with political liberalization and democratic consolidation, however, the policing power has been decentralized. Political legitimacy and economic growth no longer required the government to maintain its monopoly of coercive violence, which are rather inefficient. Thus the decentralization of authority provides a political ground for a rapid growth of private policing.

From the late 1980s, in Korea, the private policing industry began to provide its services to the people at large. The late 1980s were characterized as a period when the mass-production and mass-consumption capitalist society was established in Korea. Wide

availability of private policing and its specialization were not possible without the economic growth and the rise of personal income during this period.

The rapid industrialization and urbanization also led to dramatic social changes. Even the legal culture of Korea has been rapidly changing during recent decades. The number of people involved in litigation and seeking legal aid greatly increased, contributing to the growth of private policing. The people's dissatisfaction with the public police's performances and fear of crime, whether or not it reflected a true crime also increased, providing a ground for the growth of private policing. In addition, such special events as the 1988 Seoul Olympic games and the 1993 Daejeon Expo appeared to have contributed to the rapid growth of private policing in recent years.

## CHAPTER VII. CONCLUSION

Private policing has existed from a dawn of Korea's history, having played a significant role of defending people's life and property. However, it has been restricted to a very small portion of society, namely the member of privileged class. The widespread availability and popularization of private policing are relatively new phenomena, particularly since 1960s, even in industrialized countries. The situation in developing countries is not much different. In Korea, the explosive growth and popularization of private policing did not appear until the late 1980s. What has brought about this change? For the quest for the answers, it was the first task of this study to compare private policing in historical periods with that in recent years, in terms of extent and function, authority, accountability and the relationship between public and private policing. This was also to answer to the first section of the research questions of this study.

First, until recently, the extent of private policing in Korea was not noticeable. Private policing was enjoyed by only a small number of people. The private armed forces played an important role in policing, especially during the periods of late Unified Silla dynasty, the military rule in the Koryo dynasty, and early and late Chosun dynasty. These periods were characterized in common as politically and socially unstable. However, the private policing forces in these periods were hired not by private policing companies but by the person in need, usually recruited from the employers' slaves or landless peasants. Modern private policing based upon contract services began with the establishment of a new government under the auspices of the United States. As the United States introduced

its political and economic system to the newborn South Korea, it also brought its own private policing system. The private policing industry in South Korea was concentrated on guarding the military bases of the United States military in 1950s and 1960s. Most of industrial facilities guarded by private policing companies were also those in which American companies invested. It was the mid-1970s when the private policing industry in Korea began to focus on the Korean people and companies as their clients after the United States withdrew one of its combat divisions from South Korea and South Korean economy met its boom years. Since the late 1980s, the private policing industry has become familiar to the people, evidenced by its explosive growth. Therefore, as shown above, there are many differences between contemporary private policing and its historical counterpart, in terms of the extent and function of private policing, though such functions as protecting and guarding private interests has remained unchanged. In particular, the extent of private policing has much changed, from protecting only a privileged class to extending to a middle class.

Second, the authority of private policing was not legally specified until the Security Service Contract Act was legislated in 1976. In the historical periods, furthermore, the private policing forces had no legal authority because they were strictly prohibited as a potential threat to the government. The authority depended upon de facto power and influence of the employers of the forces. During the politically and socially unstable periods, the significance and role of private policing was strongly recognized simply because public policing and informal crime control did not function properly. The emergence of private policing in 1970s attracted the government's attention, which led to

the legislation of the Security Service Contract Act in 1976 that prescribed the legal authority and role of private policing.

Third, there were no formal mechanisms for the accountability of private policing in the pre-modern era, because private policing was not legalized. When their misconduct was against commoners, moreover, the private policing forces were not expected to be responsible for the misconduct because their employers were mostly from the privileged class. The accountability totally depended upon the employer's decision and power relations. As the United States introduced the private policing system to South Korea and made a contract with Korean firms for the services in the 1950s, the provisions of accountability and compensation were specified in the contract deeds. The Security Service Contract Act in 1976 prescribes the accountability of private policing companies, dictating the companies to indemnify for loss or damage not prevented by the companies, if not exempted.

Fourth, the relationship between public and private police could be described as hostile in the pre-modern era. Not until the late 19<sup>th</sup> century did Korea have the centralized national policing system. Thus the relations in this period were those between the military and the private policing forces. As the private armed forces were regarded as potential military threat against the government and actually mobilized for a coup several times, the relations must have been conflicting and non-cooperative in most of cases. In a few cases, however, some private policing forces were mobilized to assist the military to suppress and quell coups and riots particularly when these were against their interests, or fight against foreign invasions. Even in the modern period, the public and private police have maintained an uneasy relationship, though the possibility of military threat has

disappeared and the private police were under the strict control of the public police.

Private policing is still considered to be supplementary or auxiliary to public policing, not as a partner even in crime prevention. Many police officers criticize private policing forces for their low quality and lack of accountability. Further, police officers concern that private policing forces would encroach on their rights. On the other hand, private policing companies have complained of the regulating and meddlesome attitudes of the public police. For these reasons, a desirable relationship such as partnership requires more time.

As described above, private policing has changed in many respects. The changes must have been the response to certain forces or stimuli. To explore these forces was to answer to the second section of the research questions of this study: the contributing factors to the growth of private policing, including Western influences on the growth of private policing. First of all, private policing has a close association with political situation. Private policing in Korea has constantly responded to political situations. Political instability causes social unrest, thus bringing about the need for private policing. The noticeable private policing activities in the pre-modern era were all shown during the times of political instability. However, private policing has rapidly grown in recent years when political stability has been more firmly maintained. This period has also been characterized by democratic consolidation. Political stability based on democratic consolidation and legitimacy no longer requires the maintenance of monopoly of coercive violence. The decentralization of authority provides a political ground for the growth of private policing.

Not until recently was private policing available to people generally, simply because they could not afford it. Only a small portion of privileged people such as aristocrats enjoyed the benefits of private policing. In the post-war period, however, private policing has been transformed into a commodity that can be acquired through a market system, responsive to Fordism and post-capitalism. Fordism brought an enlargement of a middle class who had a purchasing power, while post-capitalism made private policing a commodity. The commodification of policing contributed to the wide availability and popularization of private policing. Such popularization is also a new phenomenon in Korea. Until several decades ago, Korea had been an agrarian society with few natural resources. In addition, the strong influence of Confucianism hindered the development of capitalism because commercial activities were regarded as shameful or mean. Thus, a majority of the people in the pre-modern periods could not afford to rely upon private policing for the protection of their interests. Shortly after the Republic of Korea was established in 1948, the Korean War broke out and destroyed almost all industrial facilities, which drove the Korean economy to depend entirely upon the U. S. aid. The private policing industry also concentrated its services on the U.S. military-related businesses, such as guarding the U.S. military bases. The 1980s witnessed the Korean society as mass-production and mass-consumption capitalist society. It was the late 1980s when the private policing industry began to provide its services to Korean people generally. It was also this period when private policing began to be regarded as a commodity. The remarkable economic growth and increase of personal income paved the way for the wide availability of private policing and its specialization in Korea.

Until recently the legal culture of Korea had favored the informal justice process of mediation and shown hostility toward litigation. Owing to rapid industrialization and urbanization, however, Koreans no longer rely only upon mediation and conciliation to resolve the disputes. Instead they are more likely to seek legal assistance and litigation. The results seem to imply that the capitalist system has deeply pervaded Korea, while weakening the informal justice system on which the tradition of the Korean legal culture has been based. Therefore, the changing nature of the Korean legal system provides another explanation for the rapid growth of private policing in Korea, because the increase of litigation leads to the growth of private policing.

To the extent that the policing system is highly centralized and efficient, there is little room for private policing. On the contrary, the poor performance of public policing brings about the introduction of alternative policing including private policing, increasing people's fear of crime at the same time. Although many researchers (Bayley and Shearing, 1996; Becker, 1974; Benson, 1998; McCrie, 1992) identify crime rates for the growth of private policing, the Korean case indicates that crime rates have few impacts on the growth of private policing in recent years. Whether or not reflecting genuine crime and disorder, however, fear of crime certainly leads people to take such protective actions as purchasing private policing. Finally, certain historical events might contribute to the growth of private policing. In the pre-modern era, the need for private policing increased in times of a great famine. The famines often drove helpless peasants to make bandits and even developed into a riot, which brought the need for private policing. Some international events such as the 1988 Seoul Olympic games and the 1993 Daejeon Expo also contributed to the growth of private policing.

In sum, the need for private policing increases when political authority is decentralized, decentralized authority has private interests to protect, crime and disorder or the perception of it exists, and the public policing system does not function properly. Compared to private policing in the pre-modern era, however, the rapid growth and popularization of private policing in recent years requires further explanation. The wide availability of private policing was made possible only when economic growth provided a ground for commodification of policing on the basis of Fordism and post-capitalism. The economic affluence and increase of personal income opened the door to widespread private policing.

As mentioned repeatedly, the modern private policing system in Korea was primarily influenced by Western culture, especially the United States. The United States brought its private policing system to Korea, and was the most important client for the private policing industry in Korea. Along with industrialization and urbanization, Westernization brought remarkable social changes, which facilitated and expanded private policing. With changing legal culture, the Korean people no longer prefer an informal justice system as mediation but tend to seek litigation and legal aid. The influences of authoritarianism deeply rooted in Korean political culture have also been undermined by political liberalization and democratic consolidation in recent years. The peculiar characteristics of political and legal culture of Korea have been colored by Westernization. These changes eventually led to the decentralization of policing authority and the growth of private policing. Though not fully diversified and specialized, the private policing industry in Korea closely resembles that in other industrialized countries. In this context, the dramatic changes concerning private policing after the September 11 incident in the

United States would have a significant impact on private policing in South Korea. The transfer of the authority to provide security from public to private agencies would be accelerated by such historical events.

With respect to such changes in private policing, there are several new findings in the present study. Contrary to the arguments of the previous researches, this study shows that the crime rates are not significantly related to the growth of private policing in recent years. The steady increase in the crime rates is hard to explain the explosive expansion of private policing. This study also suggests that political liberalization and democratization are contributing factors for the growth of private policing, especially in developing countries. It explores the changing nature of the legal system and culture, from the informal justice process of mediation and reconciliation to the formal process of litigation, which can be attributable to the growth.

While most previous researches do not provide empirical data for economic factors, this study explores the relationship between the growth of private policing and economic affluence on the basis of statistical indicators. Although this study does not employ a statistical method to test the relationship, the empirical data of this study could enhance the validity of the findings. Along with these findings, this study also confirms the significance of public dissatisfaction with public policing, fear of crime, and the new technologies that the previous studies provide as the causing factors for the development of private policing.

Finally, if future studies focus on other cultures such as Islamic or African cultures, the influences of culture on private policing could be explored with reliability and validity. Furthermore, such cross-cultural studies would enhance our understanding of the

developmental process of private policing. In addition, it is desirable that quantitative researches using statistical methods should be followed to prove the empirical validity of the findings of this study.

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