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# Tenacious particularism: rethinking contemporary South Korean democracy through the prism of culture and history

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BOSTON UNIVERSITY  
GRADUATE SCHOOL OF ARTS AND SCIENCES

Dissertation

**TENACIOUS PARTICULARISM: RETHINKING CONTEMPORARY SOUTH  
KOREAN DEMOCRACY THROUGH THE PRISM OF  
CULTURE AND HISTORY**

by

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Doctor of Philosophy

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2018

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## **DEDICATION**

To my husband, Yeon Jae, and to my daughter, Ryuha

## ACKNOWLEDGEMENTS

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**ABSTRACT**

This dissertation theorizes recent political events in South Korea. It consists of three separate essays which proceed chronologically and are united by their critiques of the culture and government of South Korea.

The first essay concerns the 2006 debate over South Korea's founding that was shaped by two opposing achievements: the establishment of the Korean Provisional Government in 1919 and the creation of the South Korean government in 1948. Drawing on the fact that the majority of the South Korean population supports the former, I argue that the South Korean approach to founding is deeply tied to the issues of national identity and past history and the notion of "We, the People" as a cultural and historical concept. Deviating from the notion of individual rights and liberties, the South Korean case sits outside the existing perspectives—both foundationalist and anti-foundationalist—on founding.

The second essay addresses the 2015 agreement between South Korea and Japan

on the issue of the Korean comfort women during WWII. I demonstrate that emotions—specifically, an intense culture-bound sentiment called *han*—takes the center stage when dealing with issues of justice and moral concerns in Korea. The result is an emergence of an affective, historically-generated moral paradigm that is determined, not by the force of reason and logic, but by victimhood. I conclude that while such a standard of justice may be difficult to grasp for non-Koreans, it is easily understandable from the Korean perspective.

The third essay deals with the candlelight protests of 2016-2017 that led to the impeachment of the former President Park Geun-hye. I analyze the causes of the candlelight protests of 2016-2017 with a view to investigating the distinctive characteristics of political protests in South Korea. I argue that while the common understanding of political protest is that it is a sign of a successful democracy and a symptom of healthy civil society, the South Korean situation suggests an alternative perspective; that it is instead an indication of a serious political dysfunction and an absence of an unconditional support for democracy.

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## Introduction

This dissertation theorizes recent political events in South Korea. Just thirty years ago, South Korea was a budding democracy. Forty years of repression under the successive dictatorships of Syngman Rhee, Park Chung-hee, and Chun Doo-hwan offered little space for discussions of freedom, rights, equality, and justice. Such notions did not enter the political lexicon until the late 1980s when South Korea finally instituted a direct presidential election and transitioned to democracy. Today, South Korea is known as one of the most enduring democracies in Asia with a vibrant economy and dynamic citizenry. According to political scientists Gi-Wook Shin and Larry Diamond of Stanford University, South Korea is political proof that liberal democracies can take root in the Confucian cultures of Asian countries.<sup>1</sup>

This dissertation paints a much less flattering picture of the state of South Korean democracy. It consists of three separate essays which proceed chronologically and are united by their critiques of the culture and government of South Korea. The first essay concerns the 2006 debate over South Korea's founding that was shaped by two opposing achievements: the declaration of independence from Japanese colonial occupation and the establishment of the Korean Provisional Government in 1919 and the adoption of a

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<sup>1</sup> Larry Jay Diamond and Gi-Wook Shin. *New Challenges for Maturing Democracies in Korea and Taiwan*. Studies of the Walter H. Shorenstein Asia-Pacific Research Center (Stanford, California: Stanford University Press, 2014).

democratic constitution and the creation of the South Korean government in 1948. In the Western tradition, founding is typically associated with constitution-making; the assumption is that the form of constitution is what guarantees freedom. Hence, from this perspective, South Korea was founded in 1948 with the adoption of its first constitution. Yet, few Koreans would identify 1948 as an authoritative year. First, the events of 1948 were neither self-motivated nor self-driven by South Koreans themselves; second, South Korea's inaugural government of Syngman Rhee did not establish a tradition of democracy but that of authoritarianism; and third, constitutionalism and the notion of the rule of law carried little force in the post-war Korean context. The year 1919, on the other hand, attracts support because it represents Korea's independence struggle against Japan and the exercise of self-rule through the Korean Provisional Government. I argue that in the absence of a strong link between constitutionalism and democratic foundation and a clear notion of individual rights, the South Korean conception of founding is best understood as being cultural and historical in nature. The moral foundation of South Korean democracy, in other words, resides in the "Koreanness" of the actors involved, not in their agency as an autonomous, rights-holders.

The second essay addresses the 2015 agreement between South Korea and Japan on the issue of the Korean "comfort women"—women who were drafted as sex slaves during WWII by the Japanese military. At first, the agreement appeared to have successfully resolved the problem, offering the victims an apology from the Japanese Prime Minister and financial compensations. But the reactions of the surviving victims—pouring

out anger at the vice foreign minister and yelling, “Why are you trying to kill us twice?”— broadcast worldwide left many wondering if South Korea is indeed a democracy. If democratic deliberation means being able to control one’s emotions and engage in reasoned arguments in search of a viable solution, then the scene suggested otherwise. But how could this be when Korea is one of the most successful democracies in Asia? I argue that the answer can be found in the peculiar concept of *han*, an intense feeling of sorrow, yearning, and anger located at the deepest-end of the Korean psyche stemming from Korea’s sad history and stringent Confucian tradition. What the episode suggests is that emotions take center stage when dealing with issues of justice and moral concerns in Korea. The result is an emergence of an affective, historically-generated moral paradigm that is determined, not by the force of reason and logic, but by victimhood. I conclude that while such a standard of justice may be difficult to grasp for non-Koreans, it is easily understandable from the Korean perspective.

The third essay explores the relations among popular protests, law, and political change in South Korea. Specifically, it deals with the candlelight protests of 2016-2017 that made international headlines from late 2016 to early 2017. In October 2016, a major political scandal involving Park Geun-hye, the former South Korean President, and Choi Soon-sil, Park’s mysterious friend of forty years, splashed across the front pages of newspapers and televisions screens. The scandal, as known as “Choi gate,” brought to surface the allegations that Choi, who held no official title or position, had been meddling in state affairs and building tremendous wealth and power using her connection to the

president. Over the course of four months, hundreds of thousands of people took to the streets calling for Park's ouster and, in March 2017, the Constitutional Court formally removed Park from office. With the success of candlelight protests, South Korea was widely praised as a model of dissent to follow. I argue that such a view, however, is unwarranted. There are two factors that motivated the demonstrations: first, the personal oddities of Park and her bizarre relationship with Choi; second, the continuation of government practices that bear the mark of Park Chung-hee, Park's dictator father, and the deep political and socioeconomic divisions and inequalities resulting from it. I argue that while the common understanding of political protest is that it is a sign of a successful democracy and a symptom of healthy civil society, the South Korean situation suggests an alternative perspective; that it is instead an indication of a serious political dysfunction and an absence of an unconditional support for democracy.

In discussing the three issues, my analytical approach is comparative—focusing on the cultural and historical aspects of South Korean society that influence the nature and character of South Korean democracy—and the voice through which I speak is Eastern, specifically South Korean. The claims that I make are based not only on observations but also on my lived experience *as* a South Korean *in* South Korea; in this sense, the study has an anthropological dimension. The obvious challenge to this approach is that the conceptual lens through which I theorize is primarily Western for reasons that have much to do with the origin of the field of political theory as well as that of democracy itself. My intention, therefore, is to offer a perspective that requires one to think outside the box and

can turn the existing paradigms on their head.

Not unexpectedly, the result of this study is a theory of difference rather than equivalence. The notions of founding, morality, justice, political protest, and democracy that emerge from the three essays depart from the dominant ones, casting doubts on the possibility of identifying a common language that can serve as universal categories to overcome the so-called East-West divide.<sup>2</sup> As I demonstrate, concepts such as the rule of law are rarely received the way it is conceived in the Western context and instead is always filtered through the lens of culture and history. The differences are, in other words, real, and the particularities associated with culture and history, more tenacious than one may wish to believe.

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<sup>2</sup> Loubna El Amine, "Beyond East and West: Reorienting Political Theory through the Prism of Modernity." *Perspectives on Politics* 14, no. 1 (2016): 102-20.

# **We the *Korean* people: The 1919 vs. 1948 Debate and the Problem of Founding in Contemporary South Korea**

## **Introduction**

Contemporary debate over South Korea's founding began at the tip of a pen. In a July 31, 2006 opinion piece featured in *Donga Ilbo*, one of South Korea's leading newspapers, Lee Young-hoon, an economics professor at Seoul National University, proposed the creation of a National Foundation Day. Drawing attention to the fact that there have never been government initiatives to commemorate the nation's founding, he wrote:

The secondary school history textbooks sponsored by the government makes no reference to "the founding of the Republic of Korea (RoK)" whatsoever. It merely reduces the founding of the Republic of Korea to the establishment of the South Korean government which took place against the national will for a unified Korea. "As one sows, so shall he reap," they say. It is indeed not at all surprising that the younger generation does not know when the country was founded. Moreover, the commemorative events of the National Liberation Day<sup>1</sup> held annually have never included honoring of the nation's founding. The occasion is remembered solely as

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<sup>1</sup> National Liberation Day is August 15, 1945. It is called Kwangbok-jeol ("광복절"), which literally means restoration of light. The day marks Korea's liberation from Japanese colonial occupation.

the day of liberation. In other words, the Republic of Korea does not have what all other nations have: the Day of National Foundation.

He continued:

If I were asked which is more important, our liberation (from Japan) in 1945 or the adoption of a constitution in 1948, I would not hesitate to say that it is the latter. The establishment of the Constitution of the Republic of Korea was the first time in our two thousand year history that “the sovereignty of the people” was proclaimed and “personal freedom” was guaranteed. The significance of a constitution in the development of human civilization cannot be overstated. Our liberation from Japan in August 1945, on the other hand, stirs little emotions in me. It may have been a deeply moving experience for the people who lived through it but the same kind of reaction cannot be expected from a person born later in time.<sup>2</sup>

Whatever the intention, Lee’s comments marked the start of an intense debate on

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<sup>2</sup> Lee Young-hoon, “Let’s make a National Foundation Day,” *Donga Ilbo*, July 31, 2006. <http://news.donga.com/3/all/20060731/8335196/1>. Note that the English translation is mine. The original text was written in Korean.

South Korea's founding. In September 2007, Representative Jung Gap-yoon of the conservative Hannara Party formalized Lee's suggestion by motioning a bill that proposed changing National Liberation Day to National Foundation Day. On May 22, 2008, the freshly-inaugurated Lee Myung-back government launched a Committee for the 60<sup>th</sup> Anniversary of the Republic of Korea in line with Jung's initiative. The Committee was mandated with the task of leading and organizing events in celebration of the country's sixtieth birthday. The bill and the creation of the Committee, however, amounted to little.

On August 7, 2008, the Committee for Korean Provisional Government, along with over fifty other organizations, filed a constitutional petition, claiming that recognizing 1948 as the country's founding year violates the Constitution. It contended that because the Constitution's Preamble makes a specific reference to the establishment of the Provisional Republic of Korea Government in 1919 as a significant moment in South Korea's two thousand year history that represents the spirit of democracy and national aspirations for a peaceful unification, it is wrong to claim that 1948 is South Korea's founding year.<sup>3</sup> On August 12, the members of the Association for Korean Modern and Contemporary History and fourteen other history-related organizations signed a petition denouncing the creation

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<sup>3</sup> The Preamble reads, "We, the people of Korea, proud of a resplendent history and traditions dating from time immemorial, upholding the cause of the Provisional Republic of Korea Government born of the March First Independence Movement of 1919 and the democratic ideals of the April Nineteenth Uprising of 1960 against injustice, having assumed the mission of democratic reform and peaceful unification of our homeland and having determined to consolidate national unity with justice....the Constitution, ordained and established on the Twelfth Day of July anno Domini Nineteen hundred and forty-eight, and amended eight times subsequently. Oct. 29, 1987." For a full translation of the South Korean Constitution see: <http://www.moleg.go.kr/english/korLawEng?pstSeq=54794>.

of the National Foundation Day. On August 14, the Association for the Families of Fighters for National Independence demanded an immediate stop to all activities pertaining to the celebration of the country's 60<sup>th</sup> anniversary. Amid vociferous opposition, Representative Jung withdrew the bill, bringing the controversy to a temporary halt. On March 1, 2018, on the occasion of March First Independence Movement, President Moon Jae-in publicly announced that 2019 would mark the centennial anniversary of the country's founding. The decision received overwhelming support of the South Korean people.<sup>4</sup>

This essay investigates the question of founding in contemporary South Korea. I argue that given the overwhelming popular support for 1919 as South Korea's founding, the South Korean conception of founding is best understood as being cultural and historical in nature. In the absence of a strong link between constitutionalism and democratic foundation and a clear notion of individual rights, the South Korean case sits outside the scope of the existing theories on founding. While the anti-foundationalist perspective that challenges the importance of constitutional forms may help make sense of the South Korean situation, its rights-based approach—deriving from the notion of individual rights and the perception of individuals as autonomous, equal rights-holders—poses problems in the South Korean context because an atomistic ontology of self does not exist in the

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<sup>4</sup> In a 2015 public opinion poll taken by a South Korean polling company, Realmeter, 63.9% of the 500 people polled identified 1919 as the country's founding while only 21.0% answered 1948. See Hyun-san Yoo, "6 out of 10 South Koreans citizens say founding year is 1919," *CBS No Cut News*, August, 21, 2015. <http://www.nocutnews.co.kr/news/4461631>. In a similar poll conducted by JoWon C&I in 2018, the result remained largely unchanged: 62% of the respondents said 1919 whereas only 27.2% stated 1948.<sup>4</sup> See Dae-chan Moon, "62% says foundation coincides with the establishment of the Korean Provisional Government," *Kuki News*, March 6, 2018. <http://www.kukinews.com/news/article.html?no=529584>.

traditional Korean culture; self is first and foremost a relational concept, rather than absolute. Despite South Korea's democratization and the adoption of the language of constitutionalism, rights, and equality, the prevailing notion of peoplehood in South Korea is cultural, originating from ethnic homogeneity that has existed and remained unchanged for thousands of years. In light of this historically-generated conception of the people, the introduction of the notion of "We the People" as an assembly of individual constitutional agents in 1948 attract little support when questions that concern national identity and legitimacy such as South Korea's founding are raised.

The essay will proceed as follows. I begin by articulating the problem of founding as presented in contemporary democratic theory and discussing the existing literature on the topic. Then, I discuss the events of 1919 and 1948 in turn with a view to bringing to light the specific aspects of the events that play an important part in the shaping of South Korean approach to founding. The last section attempts to draw out theoretical implications of the 1919 vs. 1948 debate and define the meaning of founding in the South Korean context.

### **Constitutional Democracy and the Problem of Founding**

In *On Revolution*, Hannah Arendt raised the problem of founding in the modern era. The principal issue, she claims, is the "constant, ever-widening and –deepening crisis

of authority”<sup>5</sup>—that is, the fact that “authority has vanished from the modern world.”<sup>6</sup> For much of the Western world history, authority was thought to have stemmed from a kind of “higher being”—the “absolute” as she called it—that bestowed “legality and legitimacy upon positive, posited laws” and “legitimacy upon the powers that be.”<sup>7</sup> But with the onset of secularization and the fall of absolute monarchy, authority lost its basis and, as a result, the world came to exist without authority. Recreating the absolute and “grappling with the perplexities of beginning” became the chief task of all revolutionaries.<sup>8</sup>

Between the French Revolution and the American Revolution, only the latter, Arendt argues, succeeded in identifying a new and viable source of authority. The French tried to locate the absolute in the nation, more precisely the *general will* of the people, but failed miserably due to its tendency to change like “quicksand” and relentlessly produced new laws—such as ordinances and decrees—that became obsolete the moment they were issued.<sup>9</sup> The Americans, on the other hand, succeeded because they turned to the “political wisdom of antiquity,” specifically that of Rome.<sup>10</sup> Using the Latin concept of law (*lex*, meaning an intimate connection or relationship), religion (*religio* coming from the verb *religare* which means to bind) and authority (*autoritas* coming from the verb *augere* which means to augment and increase), they found the source of authority in the tradition of

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<sup>5</sup> Hannah Arendt, *Between Past and Future: Six Exercises in Political Thought* (New York: Penguin Books, 1961), 91.

<sup>6</sup> *Ibid.*

<sup>7</sup> Hannah Arendt, *On Revolution* (New York: Penguin Books, 2006), 151-152.

<sup>8</sup> *Ibid.*, 199.

<sup>9</sup> *Ibid.*, 154-156, 175.

<sup>10</sup> *Ibid.*, 199.

“handing down, through an unbroken line of successors, of the principle established in the beginning”—put another way, in the display of unconditional deference to the constitution representing the nation’s founding.<sup>11</sup> She wrote:

What saves the act of beginning from its own arbitrariness is that it carries its own principle within itself, or, to be more precise, that beginning and principle, *principium* and principle, are not only related to each other, but are coeval. The absolute from which the beginning is to derive its own validity and which must save it, as it were, from its inherent arbitrariness is the principle which, together with it, makes its appearance in the world.<sup>12</sup>

In this way, the new American republic succeeded where all others failed: to found a new body politic stable enough to last for generations to come.<sup>13</sup>

Yet Arendt’s celebration of the American Revolution and its achievements hardly precluded further discussion on the problem of founding. In recent years, the topic has taken a normative turn, regaining prominence as “the paradox of founding” that has been subject to intense scrutiny by political theorists interested in the problems of authority and legitimacy associated with foundings in contemporary democracies. At the heart of the

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<sup>11</sup> *Ibid.*, 192-193.

<sup>12</sup> *Ibid.*, 205.

<sup>13</sup> *Ibid.*, 190-191.

debate are the following questions. First, it has come to the attention of many that the common presupposition that there exists a well-defined, fixed body of people who gives life to the phrase “We the People” is in fact questionable. Who *are* the people who claim to be the “We” and how does the act of self-constitution come about prior to the constitution-making? Second, what gives “the people” the authority to found? The advent of modernity does away with the notion that there are lawgivers whose superior wisdom and impartiality authorize them to create laws from *ex nihilo*; clearly, Plato’s philosopher king or Jean-Jacques Rousseau’s mysterious and foreign legislator are not viable options in a constitutional democracy. Third, if the answer to the second question is the constitution, then we find ourselves in an inextricable bind: what comes first, the people or the constitution? If “the people” are the defining feature of constitutional democracy and are the author of the constitution, then it seems that “the people” are, as Angélica Maria Bernal has put it aptly, both “the cause and effect of its own constitutional founding”—the so-called, “the paradox of founding.”<sup>14</sup>

One approach to addressing this problem has been to reconcile popular sovereignty and constitutionalism—a strategy that is best represented in Bruce Ackerman’s classic work, *We the People: Foundations*. Here, Ackerman attempts to bring popular sovereignty and constitutionalism together by interpreting the American constitutional democracy as a “dualist democracy” in which there are two different decisions being made—a decision by

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<sup>14</sup> Angélica M. Bernal, *Beyond Origins: Rethinking Founding in a Time of Constitutional Democracy* (New York, NY: Oxford University Press, 2017), 7.

the American people, which occurs rarely and only under special circumstances, and a decision by their government, which occurs regularly in relation to managing the day-to-day operations of the government.<sup>15</sup> In times of “ordinary politics,” the political leaders work through existing institutions, norms, and practices to reach decisions. But when there are exceptional events, constitutional politics takes precedence over ordinary politics and compels the democratic citizenry to participate in the decision-making process. In this light, founding was spearheaded by the revolutionaries but is still democratically legitimate due to the process of popular consensus through which the would-be founders gained the right to speak and act in the name of the people.

A second approach involves understanding the constitution as an on-going, open-ended project that is amenable to correction, reinterpretation, and expansion. Its best known advocates are Jürgen Habermas and William Rehg. In their co-authored article, “Constitutional Democracy: A Paradoxical Union of Contradictory Principles?”, Habermas and Rehg argue that a “democratic” constitution is a tradition-building project with a clear starting point and one that gains legitimacy with the passage of time.<sup>16</sup> They write:

[t]he allegedly paradoxical relation between democracy and the rule of law resolves itself in the dimension of historical time, provided one conceives the

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<sup>15</sup> Bruce A. Ackerman, *We the People* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1991), 6-7.

<sup>16</sup> *Ibid.*, 774.

constitution as a project that makes the founding act into an ongoing process of constitution-making that continues across generations.<sup>17</sup>

What they propose is a “dynamic understanding of the constitution” which involves holding the later generations responsible for actualizing the “still-untapped normative substance of the system of rights” provided in the original constitution.<sup>18</sup> In their view, constitution-making should be understood as a long-term “self-correcting learning process.”<sup>19</sup>

A third approach draws on an agonistic understanding of political life in general, providing an anti-foundationalist vision of founding that diverges from the previous two. A leading proponent of this view is Jason Frank who suggests that “the preoccupation with ‘founding’ should perhaps be supplemented by the ongoing and enacted pursuit of a ‘finding,’ a search after our answerability to the claims made by others upon us and by us upon them.”<sup>20</sup> He argues that instead of one defining founding moment, history repeatedly demonstrates—through public protests, marches, sit-ins, and candlelight vigils—a struggle over what Hannah Arendt called “the right to have rights”<sup>21</sup>: that is, “the right to be a

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<sup>17</sup> Jürgen Habermas and William Rehg, “Constitutional Democracy: A Paradoxical Union of Contradictory Principles?,” *Political Theory* 29, no. 6 (2001): 768.

<sup>18</sup> *Ibid.*, 774.

<sup>19</sup> *Ibid.*, 774.

<sup>20</sup> Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham: Duke University Press, 2010), 253.

<sup>21</sup> Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & World, 1968). See Chapter 9, “The Decline of the Nation-State and the End of the Rights of Man” and specifically, the section, “The Perplexities of the Rights of Man,” 290-302.

political being, to make claims not through appeal to an existing juridical authority but through the popular enactment and protection of rights themselves.”<sup>22</sup> These struggles form what he calls “constituent moments” that open up a new and unclaimed political space and serve as a witness to the creation and recreation of “We the People” in varied instances of democratic claims making.<sup>23</sup>

None of the three perspectives, however, are able to fully account for the South Korean approach to founding. The principal reason is that they all make their case based on the notion of individual rights—whether in a naturally endowed form or in the shape of popular enactment—and the perception of individual as an abstract, independent being. The purpose of their discussion is, therefore, to ruminate over *how* to best protect these rights and, more specifically, whether a constitutional form is enough. In the case of South Korea, however, rights is simply not the issue at stake. Rather, it is past historical experiences and the question of national identity that drive the debate. In the next section, I discuss the events of 1919 and 1948 and their respective significance in South Korean political history.

### **The 1919 vs. 1948 Debate**

#### *1919*

There are two main events that are typically associated with 1919: the March First

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<sup>22</sup> Frank, *Constituent Moments*, 147.

<sup>23</sup> *Ibid.*, 253.

Independence Movement and the creation of the Korean Provisional Government on April 11<sup>th</sup>. The advocates of 1919 as the country's founding year unanimously point to the Preamble of the South Korean Constitution which makes specific reference to both events as a defining moment in South Korea's history that embody the nation's aspirations for independence and self-determination.<sup>24</sup> Indeed the historical significance of the events of 1919 is tremendous in the modern South Korean history for the two following reasons.

First, the March First Independence Movement symbolizes Korea's resistance against the injustice of the Japanese colonial occupation and national aspirations for Korea's independence. Here, I provide a short history lesson in order to demonstrate the significance of Japanese colonization in South Korean history. Japan occupied Korea from 1910 to 1945 as part of its expansionist foreign policy that began in the late 1800s and later developed into the Greater East Asia Co-Prosperity Sphere project. Japan's annexation of Korea came in three stages. In 1905, Korea was made a protectorate of Japan under the Korea-Japan Treaty, also known as Eulsa Treaty, which deprived Korea of its diplomatic sovereignty. In 1907, Korea lost its right to administer internal affairs to Japan as the provisions of Korea-Japan Treaty of 1907 stipulated that the authority to make decisions concerning Korea's internal affairs—such as appointing and dismissing high-ranking

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<sup>24</sup> As already mentioned in Footnote 3, *supra*, the Preamble reads, "We, the people of Korea, proud of a resplendent history and traditions dating from time immemorial, upholding the cause of the Provisional Republic of Korea Government born of the March First Independence Movement of 1919.....For a full translation of the South Korean Constitution see: <http://www.moleg.go.kr/english/korLawEng?pstSeq=54794>.

officials—rested with the Japanese Resident-General stationed in Korea. In 1910, the signing of the Korea-Japan Annexation Treaty formally enabled the Japanese Empire to engulf Korea.

The Japanese colonial occupation of Korea is typically characterized as having three phases: the initial military rule from 1910 to 1919, the “cultural rule” from 1919 to early 1930s, and the final militarist-fascist rule. In the initial period, Japan ruled Korea through the military, ruthlessly crushing dissent and banning newspapers.<sup>25</sup> Following the March First Independence Movement in 1919, it took a milder approach, granting more latitude in the freedom of expression—for example, allowing intellectuals to explore Western ideas and literary forms.<sup>26</sup> The final period saw the Japanese colonial rule in its most intense form as Japan embarked on the Second Sino-Japanese War (1937-1945) against China and the quest to conquer all of Asia gained force.<sup>27</sup> On Japan’s policy of full wartime mobilization, Andrea Matles Savada and Williams Shaw, researchers with the Library of Congress, wrote:

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<sup>25</sup> One of the first things the Japanese did was to ban newspapers and the press. By 1912, over 50,000 arrests had been made on the grounds of illegal political activities. See George Katsiaficas, *South Korean Social Movements in the 20th Century. Asia's Unknown Uprisings*; v. 1. (Oakland, Calif.: PM Press, 2012), 42.

<sup>26</sup> Andrea Matles Savada and William Shaw. *South Korea a Country Study* (Washington, D.C.: Federal Research Division, Library of Congress, 1992), 22-23. While all literary outlets were subject to Japanese censorship, some magazines were still in circulation. A prime example is *Kaebiyok* that served as a vehicle for spreading important social and intellectual ideas that could facilitate Korea’s cultural and socioeconomic development. See Oh, *Korean Politics*, 21-22.

<sup>27</sup> *Ibid.*

Not only was the economy reorganized onto a war footing, but the Koreans were to be totally assimilated as Japanese. The government also began to enlist Korean youths in the Japanese army as volunteers in 1938 and as conscripts in 1943. Worship at Shinto shrines became mandatory, and every attempt at preserving Korean identity was discouraged.<sup>28</sup>

Indeed, Korea became more than a war supply base for Japan's growing empire; it was, according to Jeon Sang-sook, a political science professor at Yonsei University, "a strategic pillar for the Japanese enterprise for regional dominance and territorial expansion" and was widely considered "crucial" to guarantee the success of Japan's imperialist goals.<sup>29</sup> By the end of Japan's thirty-five year rule, Koreans had been completely stripped of their national identity and culture.

In light of such brutal colonial experience, the March First Independence Movement carries enormous significance in Korean history because it was the first nationwide organized public display of resistance against Japan.<sup>30</sup> Led by a group of thirty-three independence activists, it began with a solemn proclamation of the Declaration of Independence—which had been drafted by historian Choe Nam-seon,<sup>31</sup> who was one of

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<sup>28</sup> Savada and William. *South Korea a Country Study*, 21.

<sup>29</sup> Jeon Sang-sook, "The Characteristics of Japanese Colonial Rule in Korea," *The Journal of Northeast Asian History* 8, no. 1 (Summer 2011), 40.

<sup>30</sup> This is not to say that there were no resistance activities preceding the event. According to Katsiaficas, the number of armed confrontations against Japan between 1907 and 1911 is recorded at 143,690. (Source: Governor General of Korea) See Katsiaficas, *South Korean Social Movements in the 20th Century*, 41.

<sup>31</sup> Choe Nam-seon (1890-1957) was a prominent historian who was also an independence activist.

the thirty-three men, prior to the event—at 14:00 at Taehwagwan Restaurant<sup>32</sup> in Insa-dong, Jong-no district in Seoul. It read:

We hereby declare that Korea is an independent state and that Koreans are a self-governing people. We proclaim it to the nations of the world in affirmation of the principle of the equality of all nations, and we proclaim it to our posterity, preserving in perpetuity the right of national survival. We make this declaration on the strength of five thousand years of history as an expression of the devotion and loyalty of twenty million people. We claim independence in the interest of the eternal and free development of our people and in accordance with the great movement for world reform based upon the awakening conscience of mankind. This is the clear command from heaven, the course of our times, and a legitimate manifestation of the right of all nations to coexist and live in harmony. Nothing in the world can suppress or block it.<sup>33</sup>

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<sup>32</sup> The original location was the Tapgol Park in downtown Seoul. But due to fear that the location would be compromised before the event and that the crowd might become unruly, the venue was changed to a more private location.

<sup>33</sup> Declaration of Independence (March 1<sup>st</sup>, 1919) See: [http://afe.easia.columbia.edu/ps/korea/march\\_first\\_declaration.pdf](http://afe.easia.columbia.edu/ps/korea/march_first_declaration.pdf). In closing, the thirty-three men made three open pledges to convey the sincerity and seriousness of their intent: first, that their actions represent the Korean people's demand for justice, humanity, survival, and dignity; second, that they will not hesitate to exercise their right to publicize the views of the Korean people; and lastly, that they will use non-violent means to achieve their goal. Upon completing their planned actions, they informed the police, sent a copy of the declaration to the Japanese resident-general and surrendered themselves for arrest to publicly display their commitment to the principle of non-violence.

Inspired by Woodrow Wilson's Fourteen Points<sup>34</sup> introduced at the Paris Peace Conference in January 1919, only two months before the event, the declaration embodied the liberal democratic principles of freedom, equality, and national self-determination and the right to self-rule that Koreans had long been deprived of and aspired to regain.

Outside Taehwagwan, a network of activists worked meticulously to ensure the movement's widest impact. In Pagoda Park located at the heart of Seoul, a young student named Jung Jae-yong read the Declaration out loud before an immense crowd. In other places, special delegates arrived with a copy of the declaration in hand and delivered it in public squares so that the people there too could hear the message. As a result, demonstrations erupted not only in Seoul but everywhere—including the cities of Wonsan, Pyongyang, Jinnampo, Anju, Jinju, Euiju, and Suncheon—all at the same time.<sup>35</sup> Out of a total population of sixteen million, over one million people were mobilized that day across the country, which makes the event one of the largest nationalist movements in Korean history.<sup>36</sup>

Second, the establishment of the Korean Provisional Government (KPG) represented the notion of self-determination and self-rule of the Korean people for the first time in Korean history. Initially based in Shanghai, China, the KPG took its shape and came into existence shortly after the March First Independence Movement although rumors of

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<sup>34</sup>President Woodrow Wilson's 14 Points (1918) See:  
[www.ourdocuments.gov/doc.php?flash=false&doc=62](http://www.ourdocuments.gov/doc.php?flash=false&doc=62).

<sup>35</sup> Katsiaficas, *South Korean Social Movements in the 20th Century*, 43.

<sup>36</sup> *Ibid.*

its creation and blueprint had been in circulation for quite some time.<sup>37</sup> Contrary to the common belief that the KPG was, as its name suggests, merely a “provisional” government without any legal grounding or actual substance, it was formed via a democratic process. On April 13, 1919, over 1,000 independence activists arrived in Shanghai to elect 33 members of the legislature who would represent the Korean people residing in the thirteen provinces located in Korea as well in Russia, United States, and China.<sup>38</sup> Accordingly, the KPG was founded on a constitution that identified the March First Independence Movement as its spiritual origin and envisioned a “republican government”<sup>39</sup> that upholds the democratic ideals of freedom and equality. Its beginning reads:

By the will of God, the people of Korea, both within and without the country, have united in peaceful demonstration of their independence and for over one month have carried on their demonstrations in over three hundred districts, and because their faith in the movement they have, by their representatives, chosen a provisional government to carry on to completion this independence and so to preserve blessings for our children and grandchildren. The Provisional Government in its council of state have decided on a provisional constitution,

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<sup>37</sup> The blueprint was featured in underground newspapers around the time of the March First Movement.

<sup>38</sup> Nam Mun-hee, “April 13<sup>th</sup> is the founding day,” *Sisain*, April 25, 2016.

<http://www.sisain.co.kr/news/articleView.html?idxno=25891>.

<sup>39</sup> The KPG established three branches of government: legislative, administrative, and judicial. Syngman Rhee was its first president.

which it now proclaims:

1. The Korean Republic shall follow republican principles.
2. All powers of state shall rest with the provisional council of state and the provisional government.
3. There shall be no class distinction among the citizens of the Korean Republic, but men and women, noble and common, rich and poor, will have equality.....<sup>40</sup>

The KPG operated as a *de facto* government for the Korean people under which all resistance groups, both at home and abroad, united and worked together to resist Japan and achieve independence. Its activities included sending delegations to international conferences to solicit moral support for its cause, providing aid to independence fighters, and producing the influential newspaper, *The Independent*, to raise national consciousness and promote political participation. To be sure, the KPG was not without problems and it is unclear just how much the ordinary Korean people knew of their plans and activities and were impacted by them.<sup>41</sup> Furthermore, the KPG did not have formal international recognition—a point supporters of 1948 as South Korea's founding year consistently raise

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<sup>40</sup> For a full text of the Constitution of the Provisional Government of 1919 see: <http://digitallibrary.usc.edu/cdm/fullbrowser/collection/p15799coll126/id/22238/rv/singleitem>

<sup>41</sup> As Japan tightened its grip during the final phase of its occupation and viciously suppressed all nationalist activities, the KPG began to split among those operating in Russia, China, and the U.S. In the later period, there were multiple provisional governments each claiming to be the legitimate authority. But the KPG I mention here is the one formed in 1919 and based in Shanghai—which is generally considered the first self-governing democratic body in Korean history.

to challenge the legitimacy of KPG.<sup>42</sup> But what is clear is that it was the first time in Korean history that an independent, self-governing body based on republican ideals was established *by* Koreans through a process that they had planned and organized. The KPG, even with its shortcomings, helped Koreans regain their sense of national identity and exercise sovereignty—even if limited—that they had been deprived of for decades since Japan took over the Korean peninsula.

### *1948*

By all accounts, 1948 was a critical year in South Korean history. After all, all the important milestones in the country's journey towards democracy were reached in 1948: first, the creation of the National Assembly on May 10<sup>th</sup> through a UN-sponsored general election; second, the adoption of the constitution on July 12<sup>th</sup> and its promulgation five days later; third, the proclamation of the government of South Korea on August 15<sup>th</sup>; and lastly, the formal recognition of the newly created South Korean government as the sole legitimate governing body on the Korean peninsula by the United Nations General Assembly in December. Yet to take these events at face-value would be to entirely miss the way South Koreans understand them in relation to the country's democratic founding. Indeed there are three important reasons why the majority of the South Korean population

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<sup>42</sup> This is controversial. Some claim that the KPG in fact did gain recognition from a number of foreign governments (mostly those who were also in exile such as the Nationalist Government of China) whereas others claim that recognition under international law need not be legal. But the prevailing view in South Korea is that international recognition is not needed for the government to claim legitimacy.

do not associate 1948 with the country's democratic founding.

First, the events of 1948 were neither driven nor motivated by South Koreans themselves. South Korea became independent from Japan not by way of revolution but by liberation by the Allied Forces. Arendt once argued in *On Revolution* that revolution and liberation are not the same; the former leads to freedom whereas liberation does not—at best, it leads to nothing more than a release from bondage.<sup>43</sup> South Korea was precisely the case of liberation that Arendt described. And because South Korea did not win its freedom with its own hands and was quickly occupied by the Allied Forces as soon as the Japanese troops withdrew, the nation-making process was far from being an independent, self-directed process. To begin, democracy was introduced in South Korea not by choice but by circumstances. The following remark by Byung-kook Kim, a renowned professor of political science at Korea University, captures best the situation surrounding South Korea's turn towards democracy in the early days of the Cold War:

A product of U.S foreign policy and a child of conflict with communism, South Korea embraced democracy as its state ideology not because of a belief in its intrinsic superiority but because of an acute sense of military insecurity and political vulnerability. There could be no other alternative. An explicit negation of democracy as its state ideology would have left South Korea with neither a

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<sup>43</sup> Arendt, *On Revolution*, 1.

national identity different from North Korea's nor a foreign patron. The ruling elites of South Korea thus embraced democracy mainly on pragmatic or functionalist grounds, as an instrument for national survival.<sup>44</sup>

The fact that the constitution was drafted and adopted within such a short period of time—only two months—was no mere coincidence: the United States Congress had made a massive defense budget cut shortly after WWII, precipitating an early termination of American military presence on the Korean peninsula and a transfer of power to the Koreans.<sup>45</sup> To expedite the adoption of constitution, the American military government created an interim government which, in turn, appointed the initial constitution-drafting subcommittee.<sup>46</sup> The whole nation-building program was, in other words, shaped and directed by the Americans.

Second, despite the adoption of a constitution, South Korea's inaugural government of Syngman Rhee did not establish a tradition of democracy—if anything, it introduced and helped institutionalize authoritarianism. Again, a short history lesson is in needed here in order to facilitate a fuller understanding of the legacy of Rhee's presidency.

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<sup>44</sup> Byung-Kook Kim, "Party Politics in South Korea's Democracy: The Crisis of Success," in Larry J. Diamond and Byung-Kook Kim. *Consolidating Democracy in South Korea* (Boulder, CO; London: Lynne Rienner Publishers, 2000), 70-71.

<sup>45</sup> John Kie-chiang Oh, *Korean Politics: The Quest for Democratization and Economic Development* (Ithaca, N.Y.: Cornell University Press, 1999), 26. The general election (through which the members of the National Assembly were selected) occurred on May 10<sup>th</sup> and the constitution was adopted on July 12<sup>th</sup>—which indicates that the lawmakers had only two months to draft the constitution.

<sup>46</sup> *Ibid.*

The South Korean government at its birth was a “mixed government,” a blend of the presidential system and parliamentary system, that was adopted, not on the basis of any theory or the experience of its superior form, but as a result of a political compromise between Syngman Rhee, South Korea’s would-be first president and a firm advocate of the presidential system, and the Korea Democratic Party (KDP), which backed the parliamentary system due to its majority position in the National Assembly. Rhee rejected parliamentarianism, arguing that it would lead to factionalism and deprive the people of their right to exercise popular sovereignty. The KDP, on the other hand, contended that a presidential system would give too much power to a single individual and that the parliamentarian system was a better option for maintaining a balance of power among the different branches of government. In the end, the two sides settled on a government with the following features: first, the president serves as the head of the government; second, the National Assembly elects the president in an indirect election; third, the executive power is shared between the president and the cabinet.<sup>47</sup>

The mixed government, however, had a short life—lasting only about four years in effect. One reason for this was that, being subject to a near constant embattlement between the president and the National Assembly, it was unable to maintain a stable and functioning government. But the main reason was that its legitimacy was profoundly compromised by the very people who had created it. Rhee amended the constitution twice

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<sup>47</sup> Myung-Lim Park, "Original Peculiarities of Constitution and Democracy in South Korea." *Korea Observer* 41, no. 2 (2010): 226.

during his twelve-year presidency and in both times, the motive for amendment had little to do with protecting the rights of the people or expanding public interest. Instead, it had everything to do with extending his presidential term and scope of power.<sup>48</sup>

The first revision of the constitution came on July 7, 1952. Under the pretext of the outbreak of the Korean War in 1950, Rhee pushed through a bill that changed the selection process for president from an indirect election to a direct popular vote, knowing that he had a slim chance of being re-elected by the National Assembly where he had little support. Outside the parliament, however, Rhee was revered by the majority of the population—who were barely surviving the war and knew little of his true intention—as the “father of the nation” and enjoyed immense popularity which would guarantee his re-election.<sup>49</sup> In order to secure votes in his favor, Rhee ordered the police and army troops to seal off the National Assembly for two days.<sup>50</sup> The second revision occurred on November 29, 1954—only sixteen months after the first amendment. The change lifted the two-term limit on the presidency, allowing Rhee to run for president for a third term in May 1956. Rhee was elected for the fourth time in March 1960 but, amid violent student

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<sup>48</sup> Rhee was president from 1948-1960.

<sup>49</sup> John Kie-chiang Oh, *Korean Politics: The Quest for Democratization and Economic Development* (Ithaca, N.Y.: Cornell University Press, 1999), 39.

<sup>50</sup> Park, “Original Peculiarities of Constitution and Democracy in South Korea,” 229. Park noted that all 163 assembly members in attendance voted in favor of the new draft Constitution; there were no votes against it. Another important point is that Rhee, who had been a harsh critic of political parties during constitution-making, later formed his own Liberal Party in order to muster support in the National Assembly. While the creation of the Liberal Party was still not enough to earn him the required number of votes to win the indirect election, it demonstrates that Rhee’s criticism of party politics was not genuine and politically motivated.

demonstrations, resigned six days later.

According to Myung-Lim Park, a political science professor at Korea University, the first constitutional revision essentially turned the mixed government into a plebiscitarian democracy that Rhee used to suppress and bypass formal institutional arrangements and methods such as legislature, elections, party politics by forging a direct relation between the state and the people: “[r]esorting to a revision of the Constitution, the repeated circumvention of the legislature, and a mobilization of the people,” Park wrote, “are all typical features of plebiscitarian democracy.”<sup>51</sup> With a plebiscitarian government in operation, Park argues, the role of the legislature and political parties gradually diminished, leaving power solely in the hands of the president.<sup>52</sup> Indeed Rhee exercised dictatorial power and tolerated little opposition to his policies, steering the country in the direction away from democracy. Furthermore, he set a dangerous precedent of manipulating the constitution to create conditions in his favor or suspending it when things got in his way—a practice his successors, Park Chung-hee and Chun Doo-hwan, did not hesitate to reprise for their own political gains.<sup>53</sup> Between 1948 and 1987, the constitution underwent nine revisions—an average of one amendment every four to five years.<sup>54</sup> In the

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<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*, 230.

<sup>53</sup> *Ibid.*

<sup>54</sup> The First Republic alone witnessed two constitutional changes. The third revision introduced a parliamentary cabinet system and established the Second Republic (1960-1961). However, it lasted only for nine months and was overthrown in a coup d'état led by Park Chung-hee. When Park seized power in May 1961, he declared martial law and ruled through the Supreme Council for National Reconstruction of which he was the head. The Third Republic (1963-72) returned to the presidential system with Park as president in 1963. Park was reelected to his second term in May 1967. In October 1969, the National Assembly revised

view of many, the Rhee government simply does not symbolize the beginning of democracy but that of authoritarianism that would engulf South Korea for the next forty years.

Third, constitutionalism and the notion of the rule of law carried little meaning in post-war Korea. It goes without saying that Rhee's authoritarian and arbitrary rule made abundantly clear to everyone that laws and institutions cannot or are not enough to curb political ambitions and guarantee a democratic process. But more importantly, Koreans do not trust the law as a source of justice and equality for reasons that have much to do with traditional Korean culture and customs as well as history.

When the Yi family founded the Chosun Dynasty in 1392, its first king, Taejo, formally introduced Confucianism as the official state ideology. As the nation's principal belief system, Confucianism dictated every aspect of Korean life—providing guidelines for government administrations as well as shaping the social norms, values, ideals and practices.<sup>55</sup> It also imposed a deeply hierarchical political and social system, dividing the population into three main groups: the royal family, *yangban* (the noble people who were

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the constitution so that Park could run for election for the third time. In December 1971, shortly after beginning his third term, Park declared a national emergency—on the grounds of national security—and, in October 1972, suspended the constitution and dissolved the legislature. Soon after, Park announced the launch of the Fourth Republic (1972-1980) based on the newly drafted Yushin Constitution that would allow him to serve a six-year term with no restrictions on reelection. In 1980, Chun Doo-hwan changed the constitution for the eighth time to allow himself to serve a single seven year term and to launch the Fifth Republic (1980-1987). The final constitution amendment occurred in 1987. It introduced the Sixth Republic and is the most enduring constitution to date.

<sup>55</sup> Chan Jin Kim, "Korean Attitudes Towards Law." *Pacific Rim Law & Policy Journal* 10, no. 1 (December, 2000): 4-5.

eligible to sit for the national civil servant examination), *pyeongmin* (ordinary folks such as farmers and traders) and *cheonmin* (slaves who could be bought and sold).<sup>56</sup> Using this caste system as the basis of its application, the legal system subjected each group to a different set of laws. For those in the lower caste, the laws were harsh, often serving as a vehicle for chastisement and punishment.<sup>57</sup> But for those in the ruling caste, the laws were much more forgiving, allowing them to do things that average folks would not be able to do without consequences. This unequal treatment based on caste endured for over five hundred years. By the time the Chosun Dynasty came to an end in 1910, inequality before the law had become a standard practice in the traditional Korean society.

Under the Japanese occupation, the situation grew only worse. The Japanese introduced Western law, much of which derived from the German civil law system, and established courts in which *yangban* and commoners were treated equal.<sup>58</sup> But this hardly mattered since law in the context of colonial rule served merely as an instrument of subjugation and exploitation. The Japanese legal code prescribed separate laws for the Japanese and the Koreans, making Koreans second-class citizens. Indeed it quickly became a symbol of oppression as it forced Koreans to embrace Japanese culture and customs against their will; for instance, requiring all Koreans to adopt a Japanese name or speak only in Japanese, or banning men's traditional hairstyle—the topknot.<sup>59</sup> In this light,

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<sup>56</sup> *Ibid.*, 6.

<sup>57</sup> *Ibid.*

<sup>58</sup> Katsiaficas, *South Korean Social Movements in the 20th Century*, 39.

<sup>59</sup> *Ibid.*

breaking the law came to be seen as an expression of resistance toward the Japanese occupation and an act of patriotism that involved a great degree of personal sacrifice and risk-taking. Chan Jin Kim, a legal scholar and practitioner as well as former member of the National Assembly, explained:

During this period, law came to be seen as the antithesis of equality, justice, and inalienable rights. Likewise, patriotism coincided with having the courage to commit treason or to show disrespect towards the colonial rulers. Breaking the law was regarded as a means for the people to express their discontent with colonial rule.<sup>60</sup>

Law and justice in the traditional Korean society, in other words, did *not* go hand in hand—to the contrary, they opposed each other.

In his influential study of the Korean political tradition and the law, Dr. Hahm Pyong-choon, one of South Korea's most prominent legal scholars, argued that South Korea's traditional culture and history conflicted with the Western notion of the rule of law and justice that originate in the abstract notions of freedom, equality, and fairness.<sup>61</sup> Because the application of law in the Korean society has always been partial to one's status in society, the prevailing belief is that justice involves taking into account one's

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<sup>60</sup> *Ibid.*, 7.

<sup>61</sup> *Ibid.*, 1.

circumstances and amending unequal relationships. The rule of law, on the other hand, assumes equality in standing—or what Alexis de Tocqueville called “equality of condition”<sup>62</sup>—and universal application of the law regardless of circumstances. Such condition, however, is difficult to relate to from the Korean perspective. In the Korean frame of mind, the constitution and the rule of law are merely a means for the powerful to get what they want. As Prof. Jeong-Ho Roh noted in his study of constitutional democracy in Korea, the “pervasive detachment of the constitution in the minds of the people as the supreme law of the land and the difficulty of socializing the rule of law concept and constitutionalism” posed a major challenge to South Korea’s democratization.<sup>63</sup>

### **Theoretical Implications of the 1945 vs. 1919 Debate and the South Korean Understanding of Founding**

The 1945 vs. 1919 debate and the overwhelming popular support for 1919 as South Korea’s founding direct us to the following important implications about the perception of founding in contemporary South Korea.

First, constitution-making and the constitution, from the South Korean perspective, have little connection to freedom. In the Western tradition, the conventional wisdom is that

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<sup>62</sup> Alexis de Tocqueville pointed out in *Democracy in America* that one of the most compelling aspects of the American society was the “equality of condition” from which its democracy animated. He believed that it was what was responsible for the success of American democracy. See Alexis de Tocqueville. *Democracy in America*. Translated, edited, and with an Introduction by Harvey C. Mansfield and Delba Winthrop. (Chicago: University of Chicago Press, 2000).

<sup>63</sup> Jeong-Ho Roh, “Crafting and Consolidating Constitutional Democracy in Korea,” in Kim, Samuel. *Korea’s Democratization*. Cambridge: Cambridge University Press, 2003), 183.

the adoption of a constitution and the form of government emanating from it are what guarantee freedom. In *America's Constitutional Soul*, the prominent political theorist Harvey Mansfield argued that constitutional democracy leads to a better, safer, and nobler democracy “because it has an order, or structure, or form.”<sup>64</sup> The “formalism” of constitutionalism is what brings about a true democracy in which the government secures the rights of all and citizens perform their duty to govern themselves. The reason that there are political ills, he argues, is that the people regard the constitution as a means to get what they want rather than as a “form of government.”<sup>65</sup> Only by restoring institutionalism and respect for form can the political ills be eliminated—because “the basis of freedom in our nature,” he says, is “formality.”<sup>66</sup> He wrote:

...liberalism in its origin was primarily a doctrine of political science. Although liberalism was based on rights and interests, it was not primarily a doctrine—as we often suppose today—asserting that men should have their rights guaranteed and their interests satisfied. Liberalism was originally about self-government in which men attempt to exercise their rights and pursue interests—the *forms* of self-government—were...as important as the securing of rights and interests because rights and interests had to be secured *freely*. So although

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<sup>64</sup> Harvey C. Mansfield, *America's Constitutional Soul*. The Johns Hopkins Series in Constitutional Thought (Baltimore: Johns Hopkins University Press, 1991), ix.

<sup>65</sup> *Ibid.*, 178.

<sup>66</sup> *Ibid.*, 151-152.

liberalism began its reasoning from prepolitical rights and interests in a state of nature, from that beginning it looked forward to the constitution of government under which rights and interests would be exercised and pursued politically, in constitutional channels. Liberalism was originally a doctrine of constitutionalism discovered and set forth by political science.<sup>67</sup>

In the case of South Korea, however, the constitution in its early days carried little force and hardly guaranteed the freedom of the South Korean people. Furthermore, there never was a “form” or “formalities” to speak of given the frequent constitutional amendments and changes to the government structure.

Second, given the overwhelming support for 1919 as South Korea’s founding year, founding, in the South Korean context, is best understood as *doing* and *acting*—whether in the shape of public protests, marches, or violent resistance—in the name of freedom and independence. What ties together the events of 1919—the March First Independence Movement and the achievement of the Korean Provisional Government—is the display of defiance, courage, will, and pride of the Korean people in the face of oppressive Japanese occupation. In this light, the anti-foundationalist approach that reduces the importance of constitutional forms and instead emphasizes popular actions lend support to the South Korean case. The shared assumption here is that law and morality are *not* inextricably

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<sup>67</sup> *Ibid.*,139.

bound, contrary to the claims made by the foundationalists such as Mansfield and Ackerman that they are, and that the laws are not enough to guarantee freedom.

In *Beyond Origins: Rethinking Founding in a Time of Constitutional Democracy*, Angélica Maria Bernal presented a view of founding which favors “contestation over unity, incompleteness over consolidation, creative unsettlement over perpetual binding, and ongoing foundation building over singular beginnings.”<sup>68</sup> Building on Jason Frank’s concept of the “underauthorized” which he describes as the “imposters, radicals, self-created entities” who “seize the mantle of authorization, changing the inherited rules of authorization in the process,”<sup>69</sup> she offered a framework of “underauthorized authorization”: that is, the “claims and political actions that challenge the unstable and incomplete authority of an existing political order from a precarious and insufficiently authoritative place within it.”<sup>70</sup>

The problem, however, is that the anti-foundationalist approach continues to operate within the framework of rights—even if it does not embrace rights as a moral entitlement and view them as being subject to claim. Both Bernal and Frank derive their action-oriented approach from Arendt who argued in *The Human Condition* that in order to achieve freedom, one has to actively and deliberately insert oneself into the world and appear in public by way of words and deeds. Her assertion follows from her previous

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<sup>68</sup> Bernal, *Beyond Origins*, 2.

<sup>69</sup> Frank, *Constituent Moments*, 8.

<sup>70</sup> Bernal, *Beyond Origins*, 99.

discussion in *The Origins of Totalitarianism* on the “right to have rights”<sup>71</sup>—that is, “the right to be a political being, to make claims not through appeal to an existing juridical authority but through the popular enactment and protection of rights themselves.”<sup>72</sup> As Lida Maxwell points out, this “right to have rights” is not “an inviolable possession”<sup>73</sup> or an entitlement but realized through a positive contribution—that is, “helping to stage a common world where everyone can demand rights”<sup>74</sup> or “building the kind of political world where everyone can be fearless equal rights-claimers.”<sup>75</sup>

But in the South Korean case, the March First Independence Movement and the achievement of the Korean Provisional Government are celebrated not because they were moments in which individual rights and liberties were enacted through action and speech but because they symbolize the reclaiming of national sovereignty, identity, culture and history—which brings us to the last point.

Third, the concept of “inalienable” individual rights—consider, for instance, reference to “the Laws of Nature and of Nature’s God” in the U.S. Declaration of Independence—that must never be transgressed or an atomistic ontology of self—as an independent and autonomous being as represented in Western social contractarianism—simply do not constitute the highest values in the Korean political culture.<sup>76</sup> In the

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<sup>71</sup> See Footnote 21.

<sup>72</sup> See Footnote 22.

<sup>73</sup> Lida Maxwell, “...to Have...” in De Gooyer, Stephanie, Alastair Hunt, Lida Maxwell, and Samuel Moyn. *The Right to Have Rights*. (London; New York: Verso, 2018), 48.

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*, 53.

<sup>76</sup> For the full text of US Declaration of Independence (1776) see: <https://www.archives.gov/founding->

traditional Korean society, individual identity is defined not in absolute, but in relational terms—as a son, a father, and a member of a township or the Korean race. Hence, the understanding of self as an abstract, sovereign being means little. Consider the following statement by Byung-kook Kim on the nature of self from the Korean perspective:

The individual lacked absolute sovereignty. He was a relational social being, always placed in mutually interlocking and interpenetrating positions with the others....The self was, in conclusion, constituted by specific positions and roles that an individual occupied and played within the expandable concentric circles of human relations... The inner core of identity was defined by blood ties (*hyolyon*). The outer rim was national consciousness (*minjok*). The circles lying in between blood ties and national consciousness were constituted by school (*hakyon*) and regional (*jiyon*) ties.<sup>77</sup>

Human existence, in other words, is “anthropocentric”—to further borrow from Kim’s characterization—and constantly shaped and reshaped by varying degrees of overlapping human relationships. Furthermore, because the Korean people have existed as an ethnically homogeneous body, as a “dan-il-minjok” Koreans like to call themselves, on the Korean

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[docs/declaration-transcript](#).

<sup>77</sup> Byung-Kook Kim, “Party Politics in South Korea’s Democracy: The Crisis of Success,” in Larry J. Diamond and Byung-Kook Kim. *Consolidating Democracy in South Korea* (Boulder, CO; London: Lynne Rienner Publishers, 2000), 64-65.

peninsula for over five thousand years, the idea of shared blood and common heritage occupies a central place in the Korean political life.<sup>78</sup>

Seen from this light, it is understandable why South Koreans associate founding with the events of 1919 rather than those of 1948. The notion of “We the People” carries cultural and historical significance and readily eclipses the notion of the people as individual rights-holders that is both new and foreign. This is, of course, not to say that the concept of individual rights does not exist in contemporary South Korea; constitutionalism, democracy and rights have become an increasingly important part of everyday discourse. And to be clear, the 1919 KPG constitution also adopted the language of rights, equality and justice. Yet when it comes to addressing questions concerning the authority of the South Korean state, culture and history take precedence over all else. The moral foundation of South Korean democracy, in other words, resides in the “Koreanness” of the actors involved, not in their agency as an autonomous, rights-holders. In this sense, “We the people” is necessarily “We the *Korean* People.”

## **Conclusion**

Ultimately, the recent South Korean debate on founding implies an alternative conception of founding that does not center on the rights discourse that is the defining feature of democracy. The South Korean understanding of founding is first and foremost

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<sup>78</sup> *Ibid.*, 63. “Dan-il” means single and “minjok” means national consciousness. Put together, the two emphasize the Korean people’s ethnic homogeneity.

nationalist, driven by the notion of peoplehood that is culturally and historically charged and always relational—for instance, vis-à-vis the Japanese colonizers. What further attests to this nationalist approach is the fact that in addition to the events of 1919 and 1948, the debate was also shaped by other views such as those that identified October 3<sup>rd</sup>, known as *Gaecheonjeol* (개천절), which literally means the “Opening of Heaven” as the nation’s founding.<sup>79</sup> *Gaecheonjeol* marks Korea’s legendary founding of the state of Gojoseon in 2,333 B.C. with the birth of Tan-gun, Korea’s mythical and semi-god, first king who was the son of a god (*hwanin*, “환인”) and a mortal woman (*oongneyo*, “웅녀”).<sup>80</sup> The argument is that while the day celebrates Korea’s mythical origin, it signifies the beginning of the Korean race and of Korea’s two thousand year history. Another line of argument that also emerged during the debate was that Korea’s founding is yet to occur since Korea exists only as a unified nation.<sup>81</sup> For the supporters of this view, only a reunification of South Korea and North Korea would constitute a proper founding of the Korean state. Indeed, from the Western perspective, the South Korean debate on founding may be a lost cause, completely misunderstanding what a democratic founding. But then again, the idea of rights is not necessarily considered the most important value in the Korean frame of mind.

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<sup>79</sup> Kwon Hyunk-si, “Celebrate founding on *Gaecheonjeol* and designate March First as the Day of the Declaration of Independence,” *cnbcnews*, September 13, 2016.

<http://m.cnbcnews.net/news/articleView.html?idxno=3305>.

<sup>80</sup> Gojoseon literally means “old” Joseon or Chosun.

<sup>81</sup> Lee Jung-moo, “A true founding has yet to arrive,” *Voice of People*, August 20, 2017.

<http://www.vop.co.kr/A00001192457.html>.

Preserving the *Koreanness*, on the other hand, has always been a source of pride and dignity.

## Ethics of *Han*: Emotions and the Problem of Korean Comfort Women

### Introduction

On December 28, 2015, the Governments of Japan and South Korea made a surprise announcement concerning the issue of Korean “comfort women”—a euphemism for hundreds of thousands of women predominantly from Korea but also from China and Southeastern Asian countries who were forced to serve as sex slaves for the Imperial Japanese Army during WWII.<sup>1</sup> Appearing together in a joint press conference, the Japanese Foreign Minister Fumio Kishida and South Korean Foreign Minister Yun Byung-Se envisioned a roadmap for a “final and irreversible” resolution of this decades-old controversy through the implementation of the following measures: first, an issuance of a sincere apology from the Government of Japan for its wartime conduct relating to the experience of comfort women; second, a payment of 1 billion Japanese yen (approximately \$8.9 million) by the Government of Japan to a foundation established by the Government of South Korea to provide support for the former comfort women; third, the effort of the South Korean Government to help remove *sonyeosang*<sup>2</sup> —seated “girl” statue commemorating the women forced into sexual slavery—in front of the Japanese Embassy

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<sup>1</sup> Estimates vary but it is widely understood that there were between 150,000-200,000 women who were forced to serve as sex slaves in military “comfort stations” in the Japanese-occupied territories between 1932 and 1945. About 80% of these women were from Korea. Others came from China, Taiwan, Malaysia, and Indonesia.

<sup>2</sup> *Sonyo* (“소녀”) literally means a young girl and *sang* means statue in Korean.

in Seoul; and fourth, a pledge on the part of both governments to avoid further discussion, including accusing or criticizing each other, on this issue in the international community, including at the United Nations.<sup>3</sup>

The expectation was that the settlement would help remove the key stumbling block in Seoul-Tokyo relations that had prevented the two countries from putting the past behind them and help foster a friendlier and more cooperative bilateral partnership in the face of growing security threats from China and North Korea. Yet two years have passed and the deal is barely surviving. Shortly after taking office in May, 2017, the South Korean President Moon Jae-in told the Japanese Prime Minister Shinzo Abe that the 2015 accord represented something that the majority of the South Korean people “cannot *emotionally* accept.”<sup>4</sup> He went on to suggest that the two sides “work together based on understanding of the *emotions and reality of the people*,” throwing doubts on the viability of the arrangement and raising speculation whether he would seek renegotiation over the issue.<sup>5</sup> In January, 2018, Foreign Minister Kang Kyung-hwa announced that South Korea would honor the bilateral agreement and not seek renegotiations. She nonetheless stressed that the issue was far from being resolved and that Japan must be committed to “keep making

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<sup>3</sup> For full text of the announcement by the Foreign Ministers of Japan and South Korea at the Joint Press Conference on December 28, 2015 see WSJ Staff, “Full Text: Japan-South Korea Statement on ‘Comfort Women’ at <https://blogs.wsj.com/japanrealtime/2015/12/28/full-text-japan-south-korea-statement-on-comfort-women/>.

<sup>4</sup> James Griffith, “South Korea’s new president rejects Japan ‘comfort women’ deal,” *CNN*, June 5, 2017. <https://www.cnn.com/2017/05/11/asia/south-korea-japan-comfort-women/index.html>.

<sup>5</sup> *Ibid.*

efforts to honor and restore the dignity of victims.”<sup>6</sup>

In this essay, I explore the relations among emotion, culture, public deliberation, moral judgment, and justice in Korea by analyzing the comfort women issue. In stark contrast to the long-standing Western tradition that emphasizes reason and logic, emotions often take the center stage when dealing with issues of justice and moral concerns in Korea: more specifically, an intense culture-bound sentiment called *han*.<sup>7</sup> The centrality of *han* in the Korean context suggests an alternative paradigm of moral and political judgment that sits outside the rationalist framework and is free of the deeply entrenched assumptions about the primacy of reason over emotions. I argue that the reason that the case of Korean comfort women has proven to be so challenging is because of *han*: that is, the failure to understand that the *han* of these women does not emerge solely from their wartime experience but begins in their pre-war lives and continues even after the war. Their accumulated *han* does not allow them to accept anything less than what they have been demanding repeatedly over the years: an official apology from the Japanese Prime Minister and an acknowledgement of “legal” responsibility.

The Korean comfort women controversy offers insight into how the dominance of emotions shapes Korean political culture and leads to a kind of public deliberation that is

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<sup>6</sup> Bryan Harris and Robyn Hardin, “South Korea will not renegotiate ‘comfort women’ deal with Japan,” *Financial Times*, January 9<sup>th</sup>, 2018. <https://www.ft.com/content/3e21906e-f50e-11e7-88f7-5465a6ce1a00>.

<sup>7</sup> *Han* is written 恨 in Korean and 恨 in Chinese characters (pronounced hèn in Mandarin). In modern Chinese, *han* means hatred, animosity, or resentment. In classical Chinese, however, it refers to “regret” or “unavenged injustice” and is similar to the Korean concept of *han*.

unlike the one typically envisioned in a liberal democracy—that involving reasoned and logical arguments. Emerging from this affective moral paradigm is a moral standpoint and impartiality that is determined, not by the force of reason and logic, but by victimhood. Indeed justice, in the Korean context is deeply cultural and historical and, more than anything else, is about alleviating the *han* of the victims and restoring their human dignity.

The essay proceeds as follows. In the first section, I explain the concept of *Han*. In the second section, I describe the key aspects of Korean culture that place emotions at the heart of moral and political debates. In the third section, I read the case of Korean comfort women through the lens of *han*. In the last section, I discuss how emotions shape the nature and characteristics of public deliberation, moral judgment, and justice in the Korean context.

### **Understanding the concept of *Han***

In her testimony as a former comfort woman, Hwang Keum Ju *halmeoni*<sup>8</sup> remarked:

Until today, there isn't a part of my body that doesn't hurt. Aches are everywhere in my body. I always wanted to lead a dignified life without other people's

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<sup>8</sup> *Halmeoni* (할머니) is an affectionate term for grandmother or a polite term of reference given to any woman old enough to be a grandmother. Contrary to the Western tradition, any kind of title attached to a person comes after the name. Prof. Smith, for instance, would be Smith Professor.

contempt or pity. (*choking silence*) I left home for a sick father. I agreed to work in “a Japanese factory” or whatever it was to live my life with dignity. But look at what happened to my life. No matter how hard I try, it is impossible to describe what Japan did to me, to hundreds and thousands of young women. It is even more difficult to describe how I feel. Japan tore my human dignity into shreds and through no fault of mine, Japan inflicted pain and shame on me. Nothing they can do now can make this up.<sup>9</sup>

What Hwang is expressing here is *han*, a broad, if not esoteric, concept that, in the absence of a clear English-equivalent, can be described as sorrow, yearning, anguish, shame, isolation, and regret caused by injustice done to a person or to a collective. At the age of twelve, Hwang left home to earn money to support her poverty-stricken family. She was promised a factory job in Japan but the job awaiting her was unlike anything she had imagined. She served as a sex slave for the Japanese military for eight years in China. The experience shattered her body and her soul. Upon liberation, she returned to Korea but never returned to her family, married or had children. When the Korean War broke out, she took care of orphans—five in all—all of whom she left at an orphanage. But they all found their way back to her and were the only “family” she had. She died in 2013 at the age of

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<sup>9</sup> Dai Sil Kim-Gibson, *Silence Broken: Korean Comfort Women* (Parkersburg, Iowa: Mid-Prairie Books, 1999), 29-30.

92.<sup>10</sup>

To be sure, feelings of resentment, sorrow, and grief in the situation of injustice is not unique to Korea. Anyone who has been wronged or treated unfairly has experienced them to some degree or another. As human history has repeatedly demonstrated that there is more injustice than justice in the world, such feelings are a normal and inevitable part of collective life. Yet *han* is distinctive in three important aspects.

First is that it manifests in both psychological and physiological forms and for an extended period of time. According to *minjung*<sup>11</sup> theologian Suh Nam-dong, *han* is a “feeling of unresolved resentment against injustices suffered, a sense of helplessness because of the overwhelming odds against one, a feeling of acute pain in one’s guts and bowels, making the whole body writhe and squirm, and an obstinate urge to take revenge and to right the wrong—all these combined.”<sup>12</sup> As Hwang’s testimony suggests, *han* involves both prolonged emotional and physical suffering.<sup>13</sup>

Secondly, it can be experienced at both individual and collective levels. At the

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<sup>10</sup> Hwang Keum Ju (1922-2013). For her full testimony, see *ibid.*, 12-31.

<sup>11</sup> *Minjung* theology was born in the 1970s of the struggle for social justice led by South Korean Christians.

<sup>12</sup> Boo-Wong Yoo. *Korean Pentecostalism: Its History and Theology* (Frankfurt Am Main: Peter Lang, 1988), 221.

<sup>13</sup> Another Korean culture-bound syndrome that is closely related to *han* is *hwa-byung*, a Korean folk illness inflicted by prolonged suppression of anger. *Hwa* means “fire” in Korean. In Korean culture, fire and anger have a very close affinity. Patients who suffer from *hwa-byung* also complain of physical discomfort caused by a mass in their abdomen area and fear of impending death. However, it is typically the case that the mass is not present on physical examination. To clarify, *han* and *hwa* overlap but whereas *han* includes a broad set of emotions, *hwa* is more specifically associated with anger. For further insight into *hwa-byung*, see K. M. Lin, “Hwa-Byung: A Korean Culture-bound Syndrome?” *The American Journal of Psychiatry* 140, no. 1 (1983): 105-7.

individual level, any person can feel *han* upon being subject to injustice or unfair treatment. In general, however, *han* is more pervasive among those who are powerless, marginalized, oppressed, and exploited. Hence women tend to feel *han* more than men due to the way they have long been perceived and treated in the Korean society.<sup>14</sup> The Confucian way of life made women subordinate to and dependent on men. They had little identity of their own besides being a mother, a wife, or a daughter. Women who did not conform to the prescribed social norms—such as *kisaeng*<sup>15</sup>—were looked down upon and treated with contempt. While present-day Korea is much less stringent and offers women opportunities outside the home, Confucian values of family, hierarchy, and social harmony persist and can be found in many aspects of Korean life.

At a national level, *han* is shared by all Koreans by virtue of being a Korean. It emanates not only from the internal tensions arising from rigid social structure but also from the country's past history of dependence and submission. Throughout history, Korea struggled with constant threats of invasion from its neighbors due to its geographic location. During the first half of the *Chosun* dynasty (1392-1897),<sup>16</sup> Korea was under the powerful cultural influence of China which considered Korea its client state. *Han* became particularly acute in the first half of the twentieth century as Korea underwent thirty-five

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<sup>14</sup> The best-selling novel *Pachinko* by Min Jin Lee vividly captures the sufferings of ordinary Korean women and the hardships they had to face in life, particularly during the period of Japanese colonization. See Min Jin Lee, *Pachinko*. (New York: Grand Central Publishing, 2017).

<sup>15</sup> *Kisaeng* (“기생”) were women who were trained in music, dance, fine art, and poetry to entertain the nobility. Some also provided sexual services. *Kisaeng* were considered lower-class.

<sup>16</sup> *Chosun* dynasty (1392-1897) was founded by Yi Seong-Gye, a military commander during the *Goryeo* dynasty (918-1392). Confucianism was the official state ideology of *Chosun*.

years of Japanese colonization (1910-1945), only to be further intensified by the devastating Korean War (1950-1953) and the externally enforced partition of the Korean peninsula. Indeed, a strong sense of victimhood, frustration and anger over unresolved injustice run deep in the Korean society.

Third, *han* finds expression, implicit and explicit, in nearly all areas of Korean society. In studying a broad range of Korean films, Professor Baek Moon-im found that *han* has been “at the core of cultural discourse”<sup>17</sup> since the 1960s when rapid modernization and social changes left people searching for ways to reclaim and rebuild national identity that had been displaced due to decades of colonization. To this day, accumulated sorrow and deep-seated desire for vengeance against oppressors are popular subjects of films, narratives, and songs.<sup>18</sup> *Han*, simply put, occupies a central place in Korea’s national identity and culture. *Korea Times* Columnist Jon Huer wrote, “Virtually all of Korea’s institutions and persons are under the powerful influence of *han*. Virtually all of Koreans have a deep-seated grief and grievance that they have been wronged by some very powerful agents of injustice.”<sup>19</sup> Huer went on to comment that anyone wishing to understand Korea must first understand *han*: otherwise, one’s understanding would be

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<sup>17</sup> Roland Bleiker and Young-ju Hoang, “Korean Sources of Conflict Resolution: An Inquiry into the Concept of Han,” in *Mediating across Difference: Oceanic and Asian Approaches to Conflict Resolution. Writing Past Colonialism*. Edited by Morgan Brigg and Roland Bleiker (Honolulu: University of Hawaii Press, 2011), 248-269. For details see Baek Moon-im, “Melodrama wa Hanui Mihak” [Melodrama and the Esthetics of Han], *Minjokmunhaksa Yeonku* 299: 243.

<sup>18</sup> Baek, “Melodrama wa Hanui Mihak,” 243.

<sup>19</sup> Jon Huer, “Psychology of Korean Han,” *The Korean Times*. March 22, 2009.

“wholly inadequate.”<sup>20</sup> Ko Eun, a prominent Korean poet also claimed, “We Koreans are born from the womb of *Han* and brought up in the womb of *Han*.”<sup>21</sup> Huer and Ko’s remarks are, of course, only two of many interpretations of *Han*. But what is clear is that *han* is much more than a sentiment; it is a key character trait that is representative of all Korean experiences and plays a critical role in defining Korean-ness.

### **The Centrality of Emotions in the Korean Culture**

Since the time of ancient Greece, reason has occupied a central place in Western political life. In Book IV of *Republic*, Plato describes a human soul that is divided into three forms: reason, spirit (passions and will) and appetite (physical desires).<sup>22</sup> The three parts are not equal but hierarchical in standing. A just person is someone who has a full command of reason allied with spiritedness against appetite. Justice at the individual level therefore coincides with the virtue of the soul where reason reigns supreme. At the political level, individuals are categorized into three groups depending on the quality of the soul that they each possess: the rulers (philosopher kings), auxiliaries (warriors), and producers (farmers, artisans, etc.). Equipped with the ability to comprehend the Form and the desire for knowledge, rulers govern the *polis* and make moral judgments in the interest of the common good. The auxiliaries, endowed with natural courage, are responsible for protecting the city from invasions and ensuring peace at home by enforcing the decisions

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<sup>20</sup> *Ibid.*

<sup>21</sup> Yoo, *Korean Pentecostalism*, 222.

<sup>22</sup> Allan David Bloom, *The Republic of Plato*. 2nd ed. (New York: Basic Books, 1991).

of the rulers. The producers, the largest class which includes a broad range of professions, focus on exercising the skills they are befitted with and follow whatever the rulers command. A just society, in other words, is where reason rules, spirit aids reason, and appetite obeys.

In the eighteenth century, reason played a principal role in the ethical theory of Immanuel Kant which continues to exercise tremendous influence in the field of Western moral and political philosophy. Writing in a time when the idea that emotions and desires shape moral decisions was gaining support,<sup>23</sup> Kant argued in his groundbreaking work *Groundwork of the Metaphysics of Morals* that the foundation of morality lies in reason.<sup>24</sup> The rightness of an action, in his view, is knowable, not from experience, but *a priori*. It is to be judged solely by the character of the principle one acts upon, not by the consequences it produces. To support this claim, he established the famous *categorical imperative*, a supreme moral concept that demands individuals to act only in a way that the maxim upon which they act could become a universal law. By following the categorical imperative, individuals are able to put aside private desires and inclinations and determine moral right and wrong objectively. Kant was indeed the first to propose a moral theory that was designed to be applicable in all situations.

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<sup>23</sup> The most prominent advocate of moral sentimentalism was David Hume (1711-1776). See his *A Treatise of Human Nature* (1738) and *An Enquiry Concerning the Principles of Morals* (1751) in which he argued that sentiment drives morality and that morality has non-rational character.

<sup>24</sup> Immanuel Kant and James W. Ellington, *Grounding for the Metaphysics of Morals; With, On a Supposed Right to Lie Because of Philanthropic Concerns*. 3rd ed. (Indianapolis: Hackett Pub., 1993).

Following in this rationalist tradition, John Rawls, in what is perhaps the single most influential 20<sup>th</sup> century work on justice, *A Theory of Justice*, argued that justice is essentially about fairness between individuals and is grounded in the principles of equal liberty and equal opportunity.<sup>25</sup> To illustrate his claim, he uses the hypothetical device called the “original position” in which individuals are put behind the “veil of ignorance.” Being “ignorant” of the details of oneself, reason prompts self-interested individuals to choose principles of justice that are in the best interest of all. That is, not knowing their own attributes induces individuals to choose principles that benefit the most disadvantaged, in case they are in that group, but that also allow for the pursuit of opportunities, in case they are not among the most disadvantaged and have attributes to pursue them. In this way, a universal conception of justice is possible. Like Kant, Rawls believed that reason alone formed the basis for the principles of justice and the public conception of morality.

Indeed reason has long been a starting point for philosophic inquiries, generating a wealth of contemporary scholarship that supports, questions, and challenges its implications. Jürgen Habermas, for instance, contends that the rational potential emerging from interpersonal communications serves as a precondition for a genuine democracy.<sup>26</sup> Michael Sandel, on the other hand, finds Rawls’s conception of self in his theory of justice to be overly individualistic. He claims that the self does not exist in a vacuum but is

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<sup>25</sup> John Rawls, *A Theory of Justice* (Cambridge, Mass.: Belknap Press, 1971).

<sup>26</sup> Jürgen Habermas, *The Theory of Communicative Action, Vol I. Reason and the Rationality of Society*, Trans. T. McCarthy (Boston: Beacon Press, 1984).

constituted and defined by the nature and character of communities to which one belongs. He went on to present an alternative notion of the self as “encumbered” by being associated with a certain collectivity and the duties accompanying this association.<sup>27</sup> Alasdair MacIntyre and Charles Taylor also emphasize the role of particular ways of life in shaping the conception of the good. In their view, an excellent moral judgment does not come from abstract reasoning about universal obligations but from understanding morals in connection to the community from which one comes.<sup>28</sup> Iris Young, in another forceful line of attack, argues that the Rawlsian conception of justice privileges a select group of people while ignoring the rest, particularly those who are marginalized, weak and powerless. Consequently, the rationalist approaches falls short of being impartial and devising universally valid norms.<sup>29</sup>

The problem, however, is that while all of these thinkers offer criticisms that are no doubt highly important, they are still unable to do away with the deeply entrenched Western assumptions about the primacy of reason in political life. They continue to operate in a culture of reason which they seek to rectify but cannot subvert altogether. In this respect, a historically-generated and affective moral paradigm that is specific to Korea is beyond

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<sup>27</sup> Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982).

<sup>28</sup> Alasdair MacIntyre, *After Virtue* (Notre Dame, Indiana: University of Notre Dame Press, 1984); Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, Mass.: Harvard University Press, 1989).

<sup>29</sup> Iris Marion Young, *Inclusion and Democracy*. Oxford Political Theory (Oxford; New York: Oxford University Press, 2000); Iris Marion Young, *Justice and the Politics of Difference*. (Princeton, N.J.: Princeton University Press, 1990).

the scope of their philosophic imagination. The concept of *han* is therefore worth exploring because it engages emotions on its own terms. Unlike Westerners, Koreans perceive and respond to issues of injustice and moral considerations in a deeply emotional and personal way even in public. There are three aspects of the Korean culture that help explain why this is so.

First is the sheer breadth of vocabulary and expressions pertaining to emotions that forms an integral part of the Korean language and culture. As Bleiker and Hoang have indicated, it is challenging, if not impossible, to convey the implications of these linguistic attributes given the absence of corresponding words, expressions and concepts in English. To demonstrate the nature and character of the Korean language, they provide an extract of a text written by a Korean scholar of *han* which, although written in English, still demonstrates the centrality of emotions in the Korean cultural context. Here, I share the text:

Han is a knot of life alive embedded down at the bottom of unconsciousness. It is a feeling of the long accumulated pains, outrages, frustrations, losses, sorrows and regrets felt during the course of our unfulfilled life in this world, or a sentiment of missing and yearning. It is, for the Korean people, the source of the wounds and scars of their life and soul, of their sighs and lamentations, of their resignations and frustrations, their curses and hates, and their sadism and masochism. It would sometimes become the malaise of defeatism resulting from rotting resignation or

despair which must be get [sic] rid of and overcome for a healthy and vibrant life.<sup>30</sup>

From the Western perspective, such style of writing would be considered too subjective and inappropriate, if not unprofessional, in an academic context. A much more neutral language and an impartial tone would be expected. But in Korea, texts that are fused with deep emotions and personal sentiments are not uncommon even in a scholarly journal. Consider also the following text, an extract taken from the Declaration of Korean Independence of 1919:

Behold! A new world is before our eyes. The days of force are gone, and the days of morality are here. The spirit of humanity, nurtured throughout the past century, has begun casting its rays of new civilization upon human history. A new spring has arrived prompting the myriad forms of life to come to life again. The past was a time of freezing ice and snow, stifling the breath of life; the present is a time of mild breezes and warm sunshine, reinvigorating the spirit. Facing the return of the universal cycle, we set forth on the changing tide of the world. Nothing can make us hesitate or fear.<sup>31</sup>

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<sup>30</sup> Bleiker and Hoang, "Korean Sources of Conflict Resolution: An Inquiry into the Concept of Han," 252. For further details see Jae Soon Park, "Han (恨) and Shinmyong: The suffering soul and liberating life of the oppressed people," *Korean Journal of Systematic Theology* 3 (1999): 211.

<sup>31</sup> For a full translation of the Declaration of Korean Independence (March 1, 1919) see: [http://afe.easia.columbia.edu/ps/korea/march\\_first\\_declaration.pdf](http://afe.easia.columbia.edu/ps/korea/march_first_declaration.pdf).

And compare it with an abstract from the American Declaration of Independence of 1776:<sup>32</sup>

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

Filled with bright imagery and metaphors, the former reads more like poetry intended to evoke strong emotions. The tone is upbeat and forward-looking. The latter, on the other hand, is essentially argumentative prose explaining why the American colonies have no other choice but to seek independence from the British Crown. What follows the

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<sup>32</sup> For the full text of US Declaration of Independence (1776) see: <https://www.archives.gov/founding-docs/declaration-transcript>.

text is a long description of each of the “injuries” and “usurpations” to which the British Crown have subjected the American colonies; they are the “evidence” that justify the need for a new government. The differences in the character and literary style of the two declaratory statements are indeed striking.

The second reason also has to do with the Korean language: more precisely, the conceptual and semantic ambiguities concerning the distinction between *self* (“나”) and *us* (“우리”). In a 2015 public lecture series called, “Koreans: Who are we?”,<sup>33</sup> organized by Plato Academy and Yonsei University in Seoul, Korea, Lee Ki-Dong, a Confucius scholar and a professor at Sungkyungwan University, showed two paintings of bamboo trees side-by-side. One painting showed two bamboo trees standing separately above ground. The other painting showed two bamboo trees standing separately above ground but had a shared root below the earth. The first painting, he explained, represented the Western perception of self, while the second painting, demonstrated the Korean understanding of *self* in relation to *us*. The idea of “one root” (“한뿌리”) or “one mind/soul” (“한마음”)<sup>34</sup> is, in short, a unique aspect of the nature of the relationship between the individual and the collective in Korea.

The notion of “one root” is evident in the linguistic usage of the terms *self* and *us*. In the Western culture, *us* is a collective of many independent *selves*. The difference

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<sup>33</sup> This lecture series is available for public viewing in Korean on *Youtube* at: <https://www.youtube.com/watch?v=4MX14arqjGIT>. This particular segment was filmed on November 16, 2015.

<sup>34</sup> In both of these terms, *han-* means one. Note that this *han* is an entirely different concept than *han* as an emotion.

between *us* and *self* is in the number of *selves*; more than one *self* becomes *us*. But throughout the process of becoming *us* the identity of *self* as an independent agent never changes. In Korea, this is not necessarily the case. To be sure, *us* can be a collective of many *selves*. But more often than not, the assurance of being a *self* comes from being part of *us*. In other words, the identity of *self* easily coincides with the identity of *us*. For instance, if I were to say, “Let’s go to *my* house,” in English, it would automatically translate into “Let’s go to *our* house” in Korean. The house that I am referring to is not *my* property but the property of the collective of which *I* am a member; hence it is not *my* house but *ours*. The notions of *mine* and *ours*, put another way, are interchangeable and do not have clear boundaries.

These linguistic and conceptual ambiguities have important implications in the way individuals relate to each other and shape societal norms, values, and practices. While the Western influence has increasingly shifted the focus to the *self*—especially among the younger people in Korea—the prevailing mood is that *us* precedes *self* and that *us* is what makes the existence of *self* possible from the very beginning. A well-knowing Korean saying, “Are we not but one (family)?” (“우리가 남이가?”)—or “Are you saying that you and I are ‘others’ or ‘unrelated’?”—is representative of the “one root” mentality that permeates the Korean society and of the extent to which the needs of family, community, and the nation are placed above that of a single person.

A prime example of this collectivist way of life is the gold campaign that took

place soon after the outbreak of the Asian Financial Crisis in the late 1990s.<sup>35</sup> In order to repay the \$58 billion loan South Korea received from the International Monetary Fund as part of the bailout package, the South Korean government made a public appeal for gold to be sold on the international markets. Millions of South Koreans stood in line for hours to donate gold in all forms—wedding rings, family heirlooms, keys, medals, and trophies—and within the first two days of the campaign, ten tons of gold were collected. In times of national emergency, Koreans do not hesitate to make personal sacrifices and work together to overcome any challenges that come their way. Likewise, when an injustice is inflicted upon a person, it quickly becomes not simply a matter that concerns the affected individual but a matter that concerns the entire group to which one belongs. “Your affair is my affair, my affair is your affair” (“네 일이 내 일이고, 내 일이 네 일이지”) Koreans often say. Such mentality helps turn emotions such as *han* into a kind of “co-emotion,” as I would like to call it, that is readily shared among all Koreans and serves as a unifying force.<sup>36</sup>

Third, unlike in the West where emotion tends to be viewed primarily as a private experience, vocalizing emotions in Korea is in fact an important part of cultural life. A case in point is the traditional funeral rite, parts of which are still practiced today. One of the key characteristics of Korean funeral traditions is the act of wailing that is known as *gok*.

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<sup>35</sup> Kate Liang, “Koreans give up their gold to help their country,” *BBC*, January 14, 1998.

<sup>36</sup> Another important Korean emotion is *jeong* (“정” which means affection, understanding, and warmth) People can feel *jeong* towards their families, friends, neighbors, coworkers, strangers (by virtue of having gone to the same school or being from the same hometown, for instance), or even objects that are dear to them.

(“곡”). There are four types of *gok*: first, *tong-gok* (“통곡”), a loud, intense, cathartic cry one releases upon losing immediate family members such as grandparents, parents, siblings, or husband and wife; second, *ae-gok* (“애곡”), less intense but continuous weeping that lasts throughout the mourning period; third, *yae-gok* (“예곡”), a repeated, ceremonial cry (“ae-go, ae-go, ae-go”) expressed by the family of the deceased upon receiving guests arriving at the funeral home to pay their respect; and lastly, *jomungaek-gok* (“조문객곡”), a repeated, ceremonial cry (“heo-hee, heo-hee, heo-hee”) on the part of the visitors in response to *yae-gok* of the family of the deceased. Intense crying, in other words, is a customary practice intended to demonstrate the extent of loss and the value of the deceased to the family as well as to the society at large.

In modern day Korea, the tradition of ceremonial cries—particularly the latter two of the four—have died out. Yet, the practice of wailing loudly and behaving visibly grieved by the family of the deceased in front of guests persists. Indeed “sea of tears” is the common phrase used in the Korean media to describe scenes of uncontrollable wailing—reunion of separated families at Mount Kumgang Resort in North Korea or premature or unexpected deaths come to mind. The point, in any case, is that expressing intense emotions in public is not a source of shame or an act that is frowned upon by viewers but an integral part of Korean society that has deep cultural roots.

### **Reading the Case of Comfort Women through the Lens of *Han***

In light of the discussion of the centrality of *han* and the emphasis on emotions in

the Korean culture, I suggest that one way to understand and analyze the challenges surrounding the case of Korean Comfort Women is through the lens of culture-bound affect. In my view, the principal reason that the case is so difficult to resolve despite many attempts by the Japanese and the Korean governments to reach an agreement is the failure to understand *han*. It is this intense feeling of sorrow, yearning, anguish, shame, isolation, and regret that these women have accumulated in the deepest end of their heart throughout their lives that stands in the way and disables them from accepting anything less than what they have been demanding repeatedly over the years: an official apology from the Japanese Prime Minister and an acknowledgement of Japan's *legal* responsibility over the government-sponsored comfort system. The former has *arguably* come—in varying degrees of sincerity but none of which the victims have accepted as being genuine enough—but the latter has clearly yet to arrive.

The revelation of the existence of wartime “comfort women” for the Japanese Imperial Army during WWII catapulted into international limelight in 1991, nearly half a century after the end of the war, when Kim Hak Sun, a former “comfort woman” from Korea, testified in public for the first time that she was forcibly taken by the Japanese military to serve as a sex slave throughout the duration of the war.<sup>37</sup> Kim was one of hundreds of thousands of women—the vast majority of whom were Koreans but also

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<sup>37</sup> Margaret D. Stetz, “Wartime Sexual Violence against Women: A Feminist Response” in *Legacies of the Comfort Women of World War II* Edited by Margaret Stetz and Bonnie B. C. Oh (Armonk, New York: M.E. Sharpe, 2001), 16.

Chinese, Malaysians, Indonesians and some Europeans—who had been put into “comfort houses” against their will and subjected to repeated rapes, hard labor, physical and verbal abuse and sometimes even murder by the Japanese army. In response to the intransigence of the Japanese government, Kim and two other Korean “comfort women” filed a lawsuit at the Tokyo District Court, demanding reparations and an official apology from the Japanese government for its wartime atrocities. Their actions marked the beginning of a long journey in pursuit of justice and restoration of honor and dignity that they had lost.

But the journey that began in 1991 is only the very last segment of a much longer journey that they have been on since the beginning of their lives. A writer and documentary filmmaker, Dae Sil Kim-Gibson who has interviewed and worked closely with dozens of these women, wrote:

Most oral accounts in print of the former military comfort women are primarily summaries of interviews conducted by scholars or journalists with a focus on their years as comfort women. If those women told stories beyond “that period,” that information was not included in the majority of the oral histories. It is as if their existence is justified solely by the horrendous years they suffered; nothing before or after that seems to matter. Saddest of all, the women themselves are convinced of that. Further, in the name of objectivity and scholarship, much of their stories are refined, hence taking away the raw pain and feelings from their stories. They have largely become issues, numbers, things, and objects of studies, not full

blooded human beings. It was important for me to present their lives—before, during and after—as much or as little as they told me.<sup>38</sup>

To be sure, being forced to serve in comfort stations is one of the worst forms of human rights violations that one can ever experience. But the sad reality is that there is much more to the stories of these women than the mental and bodily harms that they had endured during their wartime captivity. It was not mere chance that they became sex slaves but the specific cultural and societal context in which they lived that provided the preconditions for their enslavement whether it was voluntary or coerced.<sup>39</sup> Otherwise, the fact that most of these women were from poor families, little educated, and above all, single and young—mostly under the age of twenty which suggested that they were virgins—becomes difficult to explain. In other words, the lives that they led before the war were representative of the repressive lives of women in a Confucian society where women existed primarily for men and chastity was regarded as one of the highest virtues of Korean women—a point that the Japanese knew well of and did not hesitate to expropriate. Hence, their background made them particularly more vulnerable. Consider the following abstract from the testimony of Kang Soon Ae *halmeoni*:

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<sup>38</sup> Kim-Gibson, *Silence Broken*, 9.

<sup>39</sup> Scholars have noted that there was a diverse representation of comfort women and that the methods of recruitment were much more complex than frequently assumed. See Sarah Soh, *The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan*. Worlds of Desire (Chicago: University of Chicago Press, 2008).

When I was fourteen, news abounded that the Japanese were drafting virgins. In desperation, I wore a married woman's hairdo, you know, hair all gathered at the back, and held together by a pin called *pinyo*. I also stayed home. In those days, food was rationed once a month at a designated place. When my grandmother went to get the rationed supplies, she was sent back empty handed. In order to receive the goods, we were forced to sing the Japanese anthem, *Kimi ga yo*. My grandmother didn't know the words.

I decided to go and sing *Kimi ga yo*. I was given more rice than the usual amount. They also gave me two pairs of rubber shoes. One I gave to my grandmother and the other to my younger sister. Shortly after that, I was taken to comfort the Imperial soldiers.<sup>40</sup>

In other words, these women were already at the periphery of the society even before they were taken by the Japanese.

The plight of the comfort women, however, did not improve much after the end of the Japanese occupation. In most cases, the survivors were subject to shame, prejudice, ostracization and gender-based double standards upon return. While "former soldiers and

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<sup>40</sup> Kim-Gibson, *Silence Broken*, 43.

officers who had sex with comfort women” were able to reintegrate and resume “family and marital life,” comfort women suffered from the “humiliation of social stigma and isolation in their postwar lives.”<sup>41</sup> According to Sarah Soh, “masculinist sexual culture exerted differently on gendered lives of men and women” both during and after the war.<sup>42</sup> She observed that the suffering of these women “arose within not only the comfort women system and broader parameters of Japanese colonialism” but also within “patriarchy and its political economy” that facilitated masculinist public-sex culture and abuse of poor women in particular.<sup>43</sup>

Furthermore, in 1965, Japan and South Korea entered into the Basic Treaty which normalized Japan-Korea relations and provided Korea \$200 million in damages for modernization and industrial development.<sup>44</sup> Although the treaty also included the settlements of war crimes committed by the Japanese against Koreans during World War II, the issue of comfort women never came up. In her testimony, Hwang Keum Ju *halmeoni* recalled her encounter with First Lady Yuk Young-Soo, the wife of the then President Park Chung-Hee, on a visit to her hometown:

I told her briefly about myself and the women who served Japanese soldiers and

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<sup>41</sup> Soh, *The Comfort Women*, 176-177.

<sup>42</sup> *Ibid.* 176.

<sup>43</sup> *Ibid.* 177.

<sup>44</sup> Bonnie B.C. Oh, “The Japanese Imperial System and the Korean “Comfort Women” of World War II” in *Legacies of the Comfort Women of World War II* Edited by Margaret Stetz and Bonnie B. C. Oh (Armonk, New York: M.E. Sharpe, 2001), 14.

asked why the Korean government did not do something for us. Her face became ashen and she grabbed my hands and said quietly, but with the ring of urgency. “Please don’t ever repeat this story. You must not talk about this with anybody else. Korea and Japan have already signed a treaty to take care of the matters concerning the two countries during the colonial period. When times are better, when we have true peace, perhaps, something like this could be discussed and resolved. But now is not the best time. Korea needs to move forward. This is a matter of the past that should not be brought up again now.” She looked into my eyes and stressed again, “Do you understand? You never told me this story and you will never mention it to anybody else. This is a dangerous story.” So I put my story under my feet, turned around and went home crying my hearts out.<sup>45</sup>

The truth of Hwang’s testimony, of course, cannot be verified since Yuk died in 1974. Nonetheless, her story does offer a glimpse into how the emphasis on nation-building and economic development made everything else including the rights of former sex slaves secondary. What was worse, there was virtually no freedom of speech during Park’s presidency as “open, grass-root deliberation of any subject, let alone a taboo subject” was effectively banned.<sup>46</sup>

South Korea’s transition from a dictatorship to a democracy in 1987 was therefore

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<sup>45</sup> Kim-Gibson, *Silence Broken*, 21.

<sup>46</sup> Oh, “The Japanese Imperial System and the Korean “Comfort Women” of World War II”, 14.

an important turning point that enabled these women to finally break the silence. With help of the Korean Council for the Women Drafted for Military Sexual Slavery by Japan, a non-profit organization founded in 1990 by a group of progressive Christian women who were one of the first to inquire about the comfort system, surviving women began to come forward and testify on both national and international platforms. They continue to maintain their voice and visibility in the Korean society by participating in the weekly protests, also known as “Wednesday demonstrations,” that began on January 8, 1992, in front of the Japanese Embassy, and demanding justice from the Japanese government.

In this regard, the 2015 agreement, which came as a complete surprise, was a major source of outrage for all those concerned.<sup>47</sup> The Korean Council immediately rejected it as being utterly unacceptable given the absence of an “irreversible”<sup>48</sup> apology from the Japanese government and the acknowledgement of its “legal” responsibility. The United Nations Committee on the Elimination of all Forms of Discrimination against Women drew attention to the fact that the deal “did not meet standards of State accountability for gross

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<sup>47</sup> According to one public survey conducted on the Korean citizenry, 50.7% of the respondents did not support the deal. For more details see: Trevor Kennedy, “Public divided over ‘comfort women’ agreement,” *East Asia Forum*, January 22, 2016. For full text see: <http://www.eastasiaforum.org/2016/01/22/public-divided-over-comfort-women-agreement/>.

<sup>48</sup> Given the Japanese government’s history of giving then reversing an apology repeatedly, victims have been demanding an apology that is “irreversible.” During the negotiation process, the Korean government requested that the apology be in the form of a Japanese Cabinet resolution that is irreversible and of higher formality. For the full text of the Report on the Review of the Korea-Japan Agreement of December 28, 105 on the Issue of “Comfort Women” Victims see: [http://www.mofa.go.kr/eng/brd/m\\_5674/view.do?seq=319637&srchFr=&srchTo=&srchWord=victim&srchTp=0&multi\\_itm\\_seq=0&itm\\_seq\\_1=0&itm\\_seq\\_2=0&company\\_cd=&company\\_nm=&page=1&titleNm=](http://www.mofa.go.kr/eng/brd/m_5674/view.do?seq=319637&srchFr=&srchTo=&srchWord=victim&srchTp=0&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=&page=1&titleNm=).

human rights violations and was reached without a proper consultation process.”<sup>49</sup> On December 27, 2017, the Task Force on the Review of the Korea-Japan Agreement on the Issue of “Comfort Women” Victims<sup>50</sup> issued an Assessment Report on the negotiation process and the substance of the agreement. It cited as the agreement’s key flaw a failure to sufficiently reflect a victim-oriented approach—which necessarily begins with talking to the victims and hearing their stories, and asking what they want. Indeed it is the failure to understand the *han* of these women that led to the agreement’s near collapse.

### **Operation of Historically-Generated and Affective Moral Paradigm in South Korea and its Implications**

The predominance of *han* in Korean society offers important insights into how emotions shape the nature and characteristics of public deliberation, morality, and justice in the Korean context. First, the definitive mode of communication is not reason but emotive expressions; that is, when push comes to shove, emotions can easily overwhelm reasoned and logical arguments—however robust they may be. When the South Korean Vice Foreign Minister Lim Sung-nam visited the House of Sharing—a nursing home for surviving comfort women in Seoul—Lee Yong-su, one of the women living there,

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<sup>49</sup> For full text of the Reaction of the Committee on the Elimination of All Forms of Discrimination Against Women see: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17209>.

<sup>50</sup> In response to vehement public criticism, the Task Force was created on July 31, 2017 by the Ministry of Foreign Affairs of Korea in order to review and assess the process and substance of the Agreement. To access the full report in English see: [http://www.mofa.go.kr/eng/brd/m\\_5674/view.do?seq=319637&srchFr=&srchTo=&srchWord=victim&srchTp=0&multi itm seq=0&itm seq 1=0&itm seq 2=0&company cd=&company nm=&page=1&titleNm=](http://www.mofa.go.kr/eng/brd/m_5674/view.do?seq=319637&srchFr=&srchTo=&srchWord=victim&srchTp=0&multi itm seq=0&itm seq 1=0&itm seq 2=0&company cd=&company nm=&page=1&titleNm=).

immediately started shouting to his face, “Which country do you belong to? You could have at least let us know what kind of deal you were striking with Japan. Why are you trying to kill us twice?”<sup>51</sup> The video clip shows Lim trying to calm Lee down and explain to her the rationale behind the agreement but Lee simply refuses to listen and is visibly shaking. She continues to yell at him without giving him a chance to talk and claims it is because she is old and ignorant that the Ministry of Foreign Affairs thinks it can decide her fate.

It goes without saying that the 2015 agreement was not ideal and came short of meeting the victim’s expectations. Yet, from the perspective of the South Korean government, it was still a much needed deal in light of the increasingly hostile security environment in East Asia and, especially, the advanced age of the surviving victims. The rationale behind it was that with an apology from Abe and a guarantee of financial compensation, these women would be able to put their painful memories behind them and live the remainder of their lives in peace. The deal was also “a step forward”—albeit small—from the previous attempts at negotiation. For instance, concerning the issue of government responsibility in the operation of comfort houses, the Kono Statement of August 1993 simply had no mention of it while the Prime Minister’s letter of 1995 included a qualifier—specifically, “moral” responsibility.<sup>52</sup> The 2015 statement, on the other hand,

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<sup>51</sup> Tessa Berenson, “Watch a Korean ‘Comfort’ Woman explode with anger at a foreign minister,” *Time*, December 31, 2015. <http://time.com/4164990/korean-comfort-woman-video/>.

<sup>52</sup> See page 10 of the Task Force Report.

succeeded in removing the qualifier “moral” though failed to substitute “legal” as demanded by the victims. In addition, the expressions of apology and remorse took the most official and sincere tone to date. The agreement in fact attracted acclaim from the United States, the United Kingdom, and Germany at the time of its announcement for killing two birds with one stone.<sup>53</sup>

What the episode suggests is that intense emotions such as *han* leave little room for a reasoned debate that is viewed as key to ensuring the legitimacy of the deliberative process as well as the consensus reached. In the context of Western liberal democracy, the norm is that individuals present their case and justify their position using reason and logic. Implicit in the process is that decisions are made solely on the merits of arguments. Indeed the dominant perception of public deliberation is that it is, first and foremost, a rational activity and that any display of intense emotions can undermine the impartiality of the decision-making process. In the case of Korea, however, the opposite is true. There are attempts to persuade, negotiate, or compromise to form a consensus among the parties involved, to be sure. But outbursts of emotions can eclipse them all and quickly turn the issue at hand into a matter that is all-or-nothing. Huer commented:

It is this *han*, also, that makes political, economic and cultural compromises difficult to achieve here. Each group, especially the underclass, such as labor

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<sup>53</sup> Yukari Easton, “Japan must not renegotiate the Comfort Women Agreement,” *The Diplomat*, December 30, 2017.

unions, swears that they oppose this or that with their “death,” whether it is a routine labor strike, opposing a government plan to build a crematorium in their neighborhood, or deciding on a waste disposal site. It is almost always: “We oppose this or whatever with our death!” How Korea may achieve the rank of a first-rate nation, where compromise and rationality are the hallmark of international behavior, may be most sorely tested by their nemesis—the *han*.<sup>54</sup>

Huer is right in that *han* is an impediment to compromise and rationality that he calls “the hallmark of international behavior.” But what Huer is not getting is the fact that, despite the frustrations caused by *han*, few Koreans would criticize the *halmeonis* for failing to adhere to such international norms. In fact, most Koreans would likely side with the victims, express sympathy, and criticize the South Korean government for failing to do its part—that is, for *killing these women twice* instead of bringing justice that they deserve. This brings us to the second important insight into the relations among public deliberation, morality and justice that operate in South Korean society: that victimhood is what legitimates the affective modes of communication and defines the nature and character of justice. Simply stated, the low social standing of these women and their past experience of abuse and unfair treatment allow them to behave in the way they do—however “offensive” and “uncivil” they may appear from the outside perspective—and to insist on having things

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<sup>54</sup> Huer, “Psychology of Korean Han,” *The Korean Times*. March 22, 2009.

their way without suffering consequences.

In revising the criteria for judging democratic deliberation, Jane Mansbridge wrote:

Both in public forum and in everyday talk, there are justifiable places for offensiveness, noncooperation, and the threat of retaliation—even for raucous, angry, self-centered, bitter talk, aiming at nothing but hurt. These forms of talk are sometimes necessary not only to “promote mutual respect in the long term” (90),<sup>55</sup> but also to achieve authenticity, to reveal (as in “testimony”) the pain and anger, hate, or delight in another’s pain, that someone actually feels, when expression or knowledge of those feelings furthers the understanding that is the goal of deliberation. These uncivil forms of talk are also often necessary means to the end of approaching both liberty and equality in deliberation. Sometimes only intensity in opposition can break down the barriers of the status quo. No one always listens attentively to everyone else, and members of dominant groups are particularly likely to find they do not need to listen to members of subordinate groups. So subordinates sometimes need the battering ram of rage.<sup>56</sup>

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<sup>55</sup> Here, Jane Mansbridge is quoting from Gutmann, Amy, and Dennis F Thompson. *Democracy and Disagreement* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1996), 90.

<sup>56</sup> Jane Mansbridge, “Everyday Talk in the Deliberative System,” in Stephen Macedo and Amy Gutmann. *Deliberative Politics: Essays on Democracy and Disagreement*. Practical and Professional Ethics Series. (New York: Oxford University Press, 1999), 99.

The standard of reciprocity—one of the three criterion<sup>57</sup> for judging deliberation that Amy Gutmann and Dennis Thompson proposed—Mansbridge argues, is not that “every interaction in the system exhibit mutual respect, consistency, acknowledgement, openmindedness, and moral economy, but that the larger system reflect those goals.”<sup>58</sup> Given the uneven distribution of power and resources among the participants, there must be a space for “unmediated authenticity” and “relatively unfettered” flow of both verbal and nonverbal communication in both public assemblies and in everyday talk.<sup>59</sup> Non-reciprocity, in other words, is sometimes required to achieve reciprocity.

“Reason and logic work fine when factual matters and tangible interests are in contention,” remarked Derek W. M. Barker of the Kettering Foundation, a non-partisan research institution that supports ongoing work on public deliberation, “but not when values derived from identity and religious convictions are involved.”<sup>60</sup> The emotionally-charged exchanges between the former comfort women and the Vice Foreign Minister Lim Sung-nam at the House of Sharing, for example, levelled the status of two parties. By publicly humiliating the Vice Foreign Minister and accusing the Ministry of Foreign Affairs of siding with the Japanese, the women were able to recover the freedom and

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<sup>57</sup> The other two criterion for judging deliberation are publicity and accountability.

<sup>58</sup> Mansbridge, “Everyday Talk in the Deliberative System,” 99

<sup>59</sup> *Ibid.*

<sup>60</sup> Derek W. M. Barker, Noëlle McAfee, and David W. McIvor. *Democratizing Deliberation: A Political Theory Anthology* (Dayton OH: Kettering Foundation Press, 2012), ix. In a similar fashion, Charles Griswold also argued that, while limited, there are situations when intense emotions, such as vengeful anger, are justified. See Charles L Griswold, “The Nature and Ethics of Vengeful Anger,” in James E. Fleimng, *Passions and Emotions* (New York: NYU Press, 2012).

equality that they had been deprived of all their lives and effectively push the South Korean government to keep the issue in its future agenda instead of shelving it. Joshua Cohen argued that, in an ideal deliberation, participants are free and equal.<sup>61</sup> In this specific instance, the victimhood of these women and the specific mode of deliberation that they resorted to had a democratizing effect.

In his new book, *Identity: The Demand for Dignity and the Politics of Resentment*, Francis Fukuyama discusses how modern liberal democracy is unable to solve the problems associated with culture and society, a point that he made in his previous works but was, he claims, misunderstood or overlooked by his critics:

[M]y critics missed another point. They did not note that the original essay<sup>62</sup> had a question mark at the end of the title, and they did not read the later chapters of *The End of History and the Last Man* that focused on the problem of Nietzsche's Last Man.

In both places, I noted that neither nationalism nor religion were about to disappear as forces in world politics. They were not about to disappear because, I argue back then, contemporary liberal democracies had not fully solved the problem of *thymos*.

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<sup>61</sup> Joshua Cohen, "Deliberation and Democratic Legitimacy," in Alan P. Hamlin and Philip Pettit, *The Good Polity: Normative Analysis of the State* (Oxford: Blackwell, 1991).

<sup>62</sup> Fukuyama is referring to the essay "The End of History?" published in 1989.

Thymos is the part of the soul that craves recognition of dignity; *isothymia* is the demand to be respected on an equal basis with other people.... Modern liberal democracies promise and largely deliver a minimal degree of equal respect, embodied in individual rights, the rule of law, and the franchise. What this does not guarantee is that people in a democracy will be equally respected in practice, particularly members of groups with a history of marginalization. Entire countries can feel disrespected, which has powered aggressive nationalism, as can religious believers who feel their faith is denigrated. Isothymia will therefore continue to drive demands for equal recognition, which are unlikely to ever be completely fulfilled.<sup>63</sup>

The limits of liberal democratic doctrine—equal respect, individual rights, and the rule of law—that Fukuyama is referring to are conspicuous in the case of the Korean comfort women. Justice in Korea is far removed from being guided entirely by principles and the rule of law in any traditional sense—so much so that there is a common saying in South Korea that goes “Above the Constitution sits the Law of Emotions.”<sup>64</sup> It is deeply partial to the historically powerless and almost always understood in terms of past events.

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<sup>63</sup> Francis Fukuyama, *Identity: The Demand for Dignity and the Politics of Resentment* (New York: Farrar, Straus and Giroux, 2018), xiii.

<sup>64</sup> Kim Jung-ho, “Let’s do it by Law,” *Chosun Media*, March 26, 2014. <http://m.pub.chosun.com/mobile/news/view.asp?cate=C03&mcate=m1003&nNewsNumb=201403144388&nidx=14486>.

It is indeed first and foremost about recognizing and amending the past inequalities and alleviating the *han* of the victims. The viewpoint of the victims is therefore key to determining what is just and unjust, right and wrong, no matter how “skewed” or “uncivil” it may appear to the outside world. It is in this context that President Moon upon taking office rejected the agreement on the basis of *emotions and reality of the people*. The 2015 agreement was a source of public outrage, to the extent that the Ministry of Foreign Affairs launched an internal Task Force to investigate the negotiation process and review the agreement, because it failed to address the collective feeling of *han* among all Koreans against their former colonizer. Unless the Japanese Prime Minister or the Japanese monarch performed a gesture of humility and penance towards the Korean people similar to the one performed by the German Chancellor Willy Brandt towards the victims of the Warsaw Ghetto Uprising in 1970, the *han* of the Korean people is most likely to endure for some time and continue to manifest in varying degrees and forms of anti-Japanese sentiment.

## **Conclusion**

*Han* is a concept that is unique to Korea and difficult to understand for those unfamiliar with Korean history and culture. It plays a central role in Korean life as it operates at all levels of society—“from the highest historical-national level to the innermost-psychic feelings of the person.”<sup>65</sup> It is, in other words, a “co-emotion” and a

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<sup>65</sup> Huer, “Psychology of Korean Han,” *The Korean Times*. March 22, 2009.

key character trait that is representative of all Korean experiences and defines Korean-ness. Read through this lens of *han*, it is understandable why the case of Korean Comfort Women continues to be such a thorny issue with no foreseeable end in sight despite repeated efforts on the part of the government of South Korea and Japan. Indeed the *han* of the victims does not allow them to accept anything that falls short of their demands; the 2015 agreement, in this regard, is simply not enough, and the controversy remains unresolved.

What emerges from all of this is a moral paradigm that puts emotive expressions at the center of public deliberation and a conception of justice that requires a profound understanding of both history and culture of Korea. Morality and impartiality are derived, not from principles or reasoned judgment, but from the viewpoint of the victims. Indeed the standard of justice operating in Korea may be difficult to understand for those looking in from the outside. But from the perspective of Koreans, it makes a whole lot of sense and is, in its own way, free and equal.

## **Limits of Protests: The 2016-2017 Candlelight Protests and Effecting Political Change in South Korea**

### **Introduction**

On March 10, 2017, the former South Korean President Park Geun-hye became the first sitting president in the history of South Korea to be removed from office by the judiciary.<sup>1</sup> In an 8-0 unanimous ruling that was nationally broadcast, the Constitutional Court upheld the National Assembly's December 9, 2016 vote to impeach Park, drawing to a close an immense corruption and influence-peddling scandal that rocked South Korea for months and prompted hundreds of thousands of people to take to the streets of Seoul and cities across the country calling for Park's ouster for seventeen consecutive weeks in the bitter cold of winter. The 89-page decision found that Park violated the Constitution and other laws in the performance of her duties by abusing her position and authority to benefit Choi Soon Sil, her longtime confidante and a central figure in the scandal, and divulging to Choi confidential information pertaining to state affairs, speeches, schedule, and policies.<sup>2</sup> Such conduct, the judges stated, "undermines the principle of representative

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<sup>1</sup> Park Geun-hye was the first South Korean president to be impeached by both the judiciary and the legislature. On March 12, 2004, the National Assembly, led by the opposition parties, voted to impeach the then President Roh Moo-hyun (2003-2008) on the grounds of illegal electioneering. On May 14, 2004, the Constitutional Court struck down the impeachment decision and restored Roh as president.

<sup>2</sup> Constitutional Court of Korea, "Case on the Impeachment of the President (Park Geun-hye), March 10, 2017. An English translation of the Court's decision is accessible to public at: <http://english.court.go.kr/cckhome/eng/decisions/majordecisions/majorDetail.do?searchClassCode=ENEXECLSS&searchClassSeq=560>

democracy and the spirit of the rule of law,” and constitutes “a betrayal of the people’s confidence.”<sup>3</sup> Since “the benefits of protecting the Constitution by removing the respondent from office overwhelmingly outweigh the national loss that would be incurred by the removal of the President,” Park, they concluded, must be dismissed.<sup>4</sup>

The Court’s decision was widely celebrated as a triumph of the rule of law and democracy and a turning point in the political history of South Korea. Upon impeachment, Park was immediately stripped of presidential immunity and, on March 31, 2017, was indicted and arrested on the charges of abuse of power, coercion, bribery, and leaking classified government information. On April 6, 2018, the Central District Court in Seoul sentenced Park to twenty-four years of jail time as well as 18 billion Korean won (approximately 16.8 million USD) in fines following the verdict that she was guilty of sixteen out of eighteen charges brought before her. Meanwhile, her successor, President Moon Jae-in who took office in May 2017 continues to be wildly popular, garnering the highest-ever first-year job approval rating for a South Korean president—83% according to both Korean Broadcasting System and Gallup Korea.<sup>5</sup> The sweeping victory by Moon’s party, the ruling Democratic Party, in the June 13, 2018 local and parliamentary by-elections was, in the view of many, a ringing endorsement for Moon’s liberal leadership

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<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Thomas Maresca, “South Korea’s Moon Jae-in is more popular than ever,” *USA Today*, May 10, 2018. <https://www.usatoday.com/story/news/world/2018/05/10/south-korea-moon-jae-approval-rating-popularity-north-korea/597557002/>.

and initiatives.<sup>6</sup> In this regard, the events of 2016-2017 marked a long-awaited departure from the legacies of Park Chung-hee, Park's father and arguably the most prominent figure in the history of South Korea who ruled the country with an iron-fist from 1961 until his assassination in 1979, giving rise to the Left as the leading force in South Korean politics.

Yet not everything has changed for the better, if at all. For one thing, profound distrust of government institutions and the laws persists. To many South Koreans, of equal historical significance to Park's fall was the indictment and the trial of Lee Jae-yong, known as Jay Y. Lee in the West, the *de facto* leader of the Samsung Group and the grandson of the company's founder the late Lee Byung-chul. After spending barely a year in jail on corruption charges, Lee walked free on February 5, 2018 following the appeals court decision to reduce his prison term to two and a half years and then suspend it.<sup>7</sup> The move immediately attracted vehement criticism against the judiciary for repeating the

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<sup>6</sup> In the June 13, 2018 local election, the Democratic Party claimed landslide victory, grabbing fourteen out of seventeen major mayoral and gubernatorial seats including those in Seoul and the surrounding areas, thereby establishing for the first time a solid liberal leadership in the country's core constituencies, as well as Busan, Ulsan, and South Gyeongsang Province, the traditional conservative stronghold and a support base for Park. See Lee Sang-hoon and Minu Kim, "Ruling party wins by a landslide in Korea's local elections following US-NK Summit," *Pulse News*, June 14, 2018. In the parliamentary by-election that occurred simultaneously, the Democratic Party won eleven of the twelve vacant seats, increasing its number to 130 in the 300-member unicameral National Assembly to widen its advantage over the main opposition Liberal Korea Party which held 113 seats. See Shinye Kang and Heejin Kim "Moon's Ruling Party Sweeps Local Elections Across South Korea," *Bloomberg*, June 13, 2018.

<sup>7</sup> Choe Sang-Hun and Raymond Zhong, "Samsung Heir Freed, to Dismay of South Korea's Anti-Corruption Campaigners," *The New York Times*, February 5, 2018. <https://www.nytimes.com/2018/02/05/business/samsung-lee-jae-yong-appeal.html>. The initial court decision of August 25, 2017 had sentenced Lee to five years in prison and was hailed as a key milestone in the country's long-running campaign against corruption. See Choe Sang-Hu, Jeyup S. Kwaak and Paul Mozur, "Samsung Verdict Sends a Tough New Message to South Korea Inc.," *The New York Times*, August 25, 2017. <https://www.nytimes.com/2017/08/25/business/samsung-bribery-embezzlement-conviction-jay-lee-south-korea.html>.

practice of treating business tycoons with a mere slap on the wrist and, once again, sending the message that *chaebol*,<sup>8</sup> large family-run conglomerates that dominate South Korean economic life, sit above the law and that Samsung, the largest and the most influential of them all, is virtually untouchable. The *chaebol* structure originating in the elder Park's economic development plan of the 1960s, and the deep social inequalities and popular resentment that it perpetuates, in short, are still very much intact in the South Korean society.

In this essay, I analyze the causes of the candlelight protests of 2016-2017 with a view to investigating the distinctive characteristics of political protests in South Korea. I argue that while the common understanding of political protest is that it is a sign of a successful democracy and a symptom of healthy civil society, the South Korean situation suggests an alternative perspective; that it is instead an indication of a serious political dysfunction and an absence of an unconditional support for democracy. While the protests of 2016-2017 may have succeeded in ousting Park from office, they nonetheless did not lead to meaningful changes that the people have called for—a case in point is the recent release of Samsung's Lee from prison. Given such circumstances, the events of 2016-2017 raise questions whether there are cultural and historical barriers that make the Western notions of constitutionalism, rights and liberty particularly difficult to take root. In the context of often reactive and immediate, rather than enduring and long-term solutions to

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<sup>8</sup> *Chaebol*, (“재벌”) literally means rich clan in Korea. It typically refers to dozens of family-controlled companies such as LG, Hyundai and Lotte.

political and social problems, the result is a deepened culture of distrust and a greater disregard for laws and institutions.

I begin the essay with a discussion on the existing theoretical reflections on political protest in contemporary democracies. Then, I analyze the causes of the 2016-2017 candlelight protests that led to the impeachment of Park. I explain that the massive public demonstrations were motivated by two factors: first, the personal oddities of Park and her bizarre relationship with Choi; second, the continuation of government practices that bear the mark of Park Chung-hee, Park's dictator father. The deep political and socioeconomic divisions and inequalities the government induced and intensified through discriminatory and unfair practices, I argue, are what fueled popular anger and resentment, prompting South Koreans to launch a nationwide campaign calling for Park's ouster. In the third section, I discuss the characteristics of political protests in South Korea which make the candlelight protests of 2016-2017 more a cause for concern rather than celebration.

### **Political Protests in Contemporary Democracies**

In her 1970 essay *Civil Disobedience*, Hannah Arendt celebrated the phenomenon of the same name. Writing in the era of civil rights and student movements, she discerned an enormous potential in it, viewing it as an innovative and a highly effective means to revitalize the "revolutionary spirit" of the American Republic at its birth that had long disappeared from political life. In her view, civil disobedience was not simply compatible

with constitutional government or, in her own words, the “*spirit* of American laws”;<sup>9</sup> its participants deserved a place—and a central one at that—in the decision-making to “influence and ‘assist’ Congress by means of persuasion, qualified opinion, and the numbers of their constituents” by being “always present and to be reckoned with in the daily business of government.”<sup>10</sup> Her admiration and enthusiasm for this particular mode of protest was indeed indisputable. “It would be an event of great significance,” she wrote, “to find a constitutional niche for civil disobedience—of no less significance, perhaps, than the event of the founding of the *constitution libertatis*, nearly two hundred years ago.”<sup>11</sup>

As history tells us, the proposal for an institutionalization of civil disobedience did not amount to anything more than Arendt’s personal recommendation for a legal and institutional reform. Still, Arendt’s assessment of civil disobedience as a phenomenon that merits a serious theoretical as well as practical consideration was, as history again tells us, could not have been more astute. Today, civil disobedience and other forms of political protest—whether in the form of signing a petition, boycotting, marching peacefully, demonstrating legally or occupying facilities illegally—are a recurrent theme in contemporary democracies. In what follows, I describe some of the key observations and assertions that have been made in reference to the emergence, objectives, and the outcomes

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<sup>9</sup> See “Civil Disobedience,” in Hannah Arendt, *Crises of the Republic: Lying in Politics; Civil Disobedience; On Violence; Thought on Politics and Revolution*. 1<sup>st</sup> Ed New York: Harcourt Brace and Company, 1972, 99.

<sup>10</sup> *Ibid.*, 101. Arendt argues that institutionalizing civil disobedience may be the “best possible remedy for this ultimate failure of judicial review.”

<sup>11</sup> See Arendt, “Civil Disobedience,” 83-84.

of political protest in contemporary democracies.

First, political protest strengthens representative governance by encouraging active citizen participation in political life and building a symbiotic relationship between the state and civil society. As Dieter Rucht has pointed out, in the past, contentious politics was often viewed as a threat to democracy—an irrational, dangerous force that disrupts the political system and undermines the integrity of the existing laws and institutions.<sup>12</sup> Today, it is widely agreed that protest activities and social movements are compatible with institutionalized political system, if not complementary, because they can help shape and influence party politics and the electoral process. “Social movements,” J. Craig Jenkins and Bert Klandermans commented, “constitute a potential rival to the political representation system and can play a major role in restructuring the relationship between the state and civil society.”<sup>13</sup> The agenda of non-institutionalized activities, in other words, is not at odds with those of institutionalized politics, but rather, overlap. Social movements therefore must be studied and understood in the context of, what Jack Goldstone called, a “dynamic *relational field*” in which the interests and goals of all actors—including the state, allied and counter-movement groups as well as the general public—exert influence on the activity and outcomes of the movements themselves.<sup>14</sup>

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<sup>12</sup> Dieter Rucht, “The Spread of Protest Politics,” in Russell J. Dalton and Hans-Dieter Klingemann, *The Oxford Handbook of Political Behavior* (Oxford: Oxford University Press, 2007), 708-723.

<sup>13</sup> J. Craig Jenkins and Bert Klandermans. *The Politics of Social Protest: Comparative Perspectives on States and Social Movements*. Social Movements, Protest, and Contention; v. 3. (Minneapolis: University of Minnesota Press, 1995), 5.

<sup>14</sup> Jack Goldstone, “More Social Movements or Fewer? Beyond Political Opportunity Structures to Relational Fields.” *Theory and Society* 33, no. 3 (2004): 333-65.

Second, political protest helps cultivate responsible and engaged citizens who are able to make informed decisions and are committed to achieving political goals. As Carol Pateman has emphasized, it has an educative dimension; promoting individual moral and political development and fostering feelings of belonging and self-worth—since it suggests that individual participation matters and can help increase the quality of democracy.<sup>15</sup> The assumption is that a greater democratic legitimacy comes from a greater public participation which also helps augment government accountability and establish a transparent decision-making process.<sup>16</sup> By way of collective action, individuals take responsibility for their own action, learn to see beyond their personal and immediate needs and acquire a broader perspective from which they can identify issues of common concern and search for a solution that is in the best interest of all.

Third, political protest is a vehicle for societal change that sits outside formal and established political channels. In this sense, it is, by nature, extra-legal and extra-institutional. The eminent political theorist Robert Dahl once remarked:

[I]n so far as there is any general protection in human society against the deprivation by one group of the freedom desired by another, it is probably not to be found in constitutional form. It is to be discovered, if at all, in extra-

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<sup>15</sup> Carole Pateman, *Participation and Democratic Theory* (Cambridge: University Press, 1970).

<sup>16</sup> Laura Morales, *Joining Political Organisations: Institutions, Mobilisations and Participations in Western Democracies* (Colchester: ECPR Press, 2005).

constitutional factors.<sup>17</sup>

From this perspective, the strength of political protest is its ability to challenge the status-quo and bring about positive changes to the existing situation without regard to the electoral cycles or any other institutional constraints. It serves as a key channel of communications between citizens and the elected officials as well as other political actors and furthermore as an outlet for any expressions of dissatisfaction that citizens may be experiencing and requires immediate redress.

Indeed the common theme among all of these observations and assertions is that political protest is a positive development in the history of contemporary democracies—that it is a friend of democracy rather than an enemy. However, the case of South Korea, as I illustrate in this essay, problematizes political protest, providing an alternative portrait that is much less flattering. To be fair, the previous discussions do shed some light on the experience of the recent candlelight protests. After all, the events made it loud and clear the centrality of the civil society in South Korean politics and showed the world what the people of South Korea are capable of—such as bringing down a political leader—when they amass in hundreds of thousands, turning themselves into a formidable social force. The problem, nonetheless, is that the existing perspectives are still unable to account for *why* the candlelight protests of 2016-2017 erupted in the first place because the South

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<sup>17</sup> Robert Alan Dahl, *A Preface to Democratic Theory* Charles R. Walgreen Foundation Lectures (Chicago: University of Chicago Press, 1956), 134.

Korean situation involved much more than a mere popular *dissatisfaction* with the current state of government. In the following section, I analyze the causes of the candlelight protests.

### **The Causes of the Candlelight Protests of 2016-2017**

The causes of the candlelight protests can be analyzed on two levels: individual and systemic. The individual level of analysis centers on the personal oddities of Park and her relationship with Choi which effectively made the October 2016 political scandal the most puzzling, if not downright bizarre, case of corruption and influence-peddling in the history of South Korea. The systemic level of analysis concerns the continuation of the government practices dating back to the Park Chung-hee era: specifically, the blacklisting and suppressing of dissidents and forging cozy relationships with *chaebol* and fostering an environment conducive to corruption as a result.

#### *The Problem of Park Geun-hye Herself*

In *Politics as Vocation*, Max Weber addressed the problem of political leadership in a modern state. “If the state is to survive,” he wrote, “those who are ruled over must always *acquiesce* in the authority that is claimed by the rulers of the day.”<sup>18</sup> He identified three kinds of legitimacy based on which the public recognizes the authority of the ruling

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<sup>18</sup> Max Weber, David S. Owen, Tracy B. Strong, and Rodney Livingstone. *The Vocation Lectures* (Indianapolis: Hackett Pub, 2004), 34.

government: first, traditional, which relies on the authority of custom and habit as exercised by patrimonial rulers; second, charisma, meaning personal attributes that make one fit to lead; and third, legal, which derives from rational rules embodied in statutes and institutions.<sup>19</sup> Only the second kind, the “charismatic” leaders, is relevant to the idea of politics as a “vocation.”<sup>20</sup> They are politicians by virtue of their being; people submit to them not because they are forced to do so by laws or customs but because they believe in them.<sup>21</sup> “[T]he devotion of his followers, that is, his disciples and liegemen, or his entirely personal band of supporters,” Weber argued, “is directed toward his person and his qualities.”<sup>22</sup>

Prior to becoming president, Park was a highly able and influential politician. After spending years in seclusion, Park catapulted into the political spotlight in 1998 when she won a parliamentary seat as a member of the Grand National Party (GNP) in a by-election in her native city of Daegu against the backdrop of the 1997 Asian economic crisis. She was reelected in the same electoral district three times, retaining her seat until 2008. In 2004, Park became chairman for the GNP and under her leadership, the party won all forty reelections and by-elections, a tremendous feat that earned her a nickname “Queen of Elections.”<sup>23</sup> In the assembly, her colleagues called her “Ice Princess” for her reserved, at

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<sup>19</sup> *Ibid.*, 34-35.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, 35

<sup>23</sup> Kongdan Oh, “Outlook for Nation’s First Female Leader,” *Brookings Institution*, December 25, 2012. <https://www.brookings.edu/opinions/outlook-for-nations-first-female-leader/>.

times eerily cold and unapproachable, demeanor and steely character.<sup>24</sup> A well-known anecdote demonstrating her quiet charisma is the 2006 election campaign. During a political rally, Park was slashed in the face with a utility knife by a man with criminal record. Park's first words upon waking from surgery<sup>25</sup> were reportedly, "How is Daejeon?"—referring to the campaign situation in an electoral district in which her party was trailing behind its opponent by twenty points.<sup>26</sup> In a remarkable reversal of fortune, GNP won the election in Daejeon, affirming the impact of the knife attack and Park's dominance in South Korean politics.

At the same time, Park was more than a politician. For many, but the older generation in particular, she was also a beloved former first daughter who had, despite having lost both of her parents at an early age, put the nation before everything else. When her mother died, she willingly stepped in as first lady until her father too died in 1979.<sup>27</sup> She also never married, having stayed single all her life—the nation, she said, was like her "family."<sup>28</sup> Her loyalty towards the country was undeniable. In an anecdote similar to the

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<sup>24</sup> At one point, Park was compared to Elsa, the heroine of Disney animated film "Frozen," for her aloofness and self-imposed isolation. Han-na Park, "Queen of isolation: Park Geun-hye's 'Frozen' image," *The Korea Herald*, February 18, 2014. <http://www.koreaherald.com/view.php?ud=20140218001331>.

<sup>25</sup> The incident left Park with an 11 centimeter wound across her cheek.

<sup>26</sup> Sheena McKenzie and Paula Hancocks, "South Korea's first female president intimidated? Yeah, right," *CNN*, March 4, 2014. <http://www.cnn.com/2014/03/04/world/asia/south-koreas-first-female-president/index.html>.

<sup>27</sup> Park's mother, Yuk Young-soo, was killed in 1974 by a bullet of a North Korean-backed assassin that was meant for her father.

<sup>28</sup> Aidan Foster-Carter, "South Korea's Park Geun-hye finds a middle way," *The Telegraph*, November 4, 2013. <http://www.telegraph.co.uk/news/worldnews/asia/southkorea/10425787/South-Korea-Park-Geun-hye-finds-a-middle-way.html>.

one in 2006, Park's reaction to the news of her father's death reportedly was not one of shock or sorrow but of patriotism: a check on the security status at the country's border with North Korea. All things considered—her character, upbringing, and the personal sacrifices that she had made—there was little doubt that she had what it takes to be president. Park indeed made history in 2013 as South Korea's first woman president as well as the first female ruler in over 1,000 years.<sup>29</sup>

The *Sewol* incident, in this aspect, dealt a severe blow to Park's selfless image and integrity.<sup>30</sup> To everyone's dismay, Park appeared at the Central Disaster and Safety Countermeasures Headquarters nearly seven hours after the initial reports of the accident had been publicly broadcasted.<sup>31</sup> Her famous, or rather infamous question, "If the students are wearing life-vests, why aren't they found yet?" that she posed upon her arrival at the scene, in the view of many, served as a clear indication of her aloofness and ignorance; she had not only failed to grasp the gravity of the situation but also seemed utterly clueless that she had not done her most important job as president—that is, protect the lives of South

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<sup>29</sup> Last female ruler was Queen Jinseong in the 9<sup>th</sup> century.

<sup>30</sup> On April 16, 2014, a *Sewol* passenger ferry travelling from Incheon to Jeju Island carrying 476 people capsized and sank off the southwestern coast of the Korean peninsula. The event killed 304 people on board—most of them students from a single high school, Danwon High School in Ansan City, who were on a junior-year school excursion to Jeju Island, a popular vacation destination for South Koreans. Investigations revealed that the cause of the ferry's sinking was far from sheer bad luck; rather, it was an accident doomed to happen due to a collusion between the neoliberal administration and the ferry's management company, *Chonghaejin Marine*, which took shape against the backdrop of a vigorous policy of deregulation initiated by the Lee Myung-bak administration to help the Korean shipping industry generate higher profit.

<sup>31</sup> Claire Lee, "Was Park Geun-hye asleep while Sewol ferry was sinking?" *The Korea Herald*, March 29, 2018. <http://www.koreaherald.com/view.php?ud=20180329000933>.

Korean citizens. Indeed suspicions over her whereabouts and actions, or lack thereof, during the crucial hours of the ferry's sinking continuously dogged her for the remainder of her time in office.<sup>32</sup> The incident marked the darkest chapter in her presidency, not simply due to its heartbreaking loss of so many lives but also the way Park handled, or better yet not handled, the rescue efforts.

Interestingly, however, Park, on her part, did little to revamp her image or turn things around in her favor. She spoke few words of comfort to the bereaved families and went about doing business as usual in the days that followed. She furthermore gave hardly any support for investigating the cause of the incident and identifying those responsible for the accident. At the same time, there was growing frustration with Park's inability to connect with not only the public-at-large but also with the members of her own party. Park apparently communicated only in writing even with her own cabinet staff, rarely meeting them face-to-face. She held only five official press conferences in the four years she was in office, falling far behind the number of press conferences her predecessors held during their tenure.<sup>33</sup> Her actions and inactions during this time called for a profound reappraisal of her character. Her elusiveness, which for a long time had given her an aura of otherworldliness and placed her on a pedestal, was no longer her strength; rather it began

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<sup>32</sup> There were rumors that she had undergone an anti-wrinkle treatment the day before the incident and had been reluctant to show up in public.

<sup>33</sup> The former President Lee Myung-bak, for instance, held at least 20 press conferences during his five-year tenure and both Roh Moo-hyun and Kim Dae-jung, held at least 150, respectively.

to be perceived as a major personal shortcoming that made her a president who was out of touch with reality, wholly unresponsive, and utterly incompetent.

The outbreak of the scandal in October 2016—specifically, the discovery of a tablet PC belonging to Choi Soon-sil,<sup>34</sup> Park’s confidante of forty years, that contained over 200 advanced copies of the president’s policy speeches—validated the widespread suspicions over Park’s true character and abilities, prompting the first anti-Park protest on October 29<sup>th</sup>. Choi was an unremarkable woman in her sixties with no official title or position. Nonetheless, she meddled in state affairs—having her hand in just about everything from accessing confidential government documents, appointing and dismissing high-level officials, to selecting Park’s attire for state functions and managing the budget for Park’s wardrobe—and built tremendous personal wealth by receiving bribes and extorting vast sums of money and resources from *chaebol*.<sup>35</sup> While influence-peddling and abuse of power has been a recurrent theme in South Korean politics, Choi was still an exceptional case because no private citizen in South Korea’s recent political history had ever acted with the same degree of audacity and freedom in the Blue House as she had. Choi was, in fact, nicknamed South Korea’s *Rasputin* who controlled Park and, along with

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<sup>34</sup> Choi Soon-sil is a daughter of Choi Tae-min, now deceased, who was a leader of a shamanistic cult in South Korea. Choi married six times and Choi Soon-sil is his daughter of his fifth wife. Park became friends with Choi when Park’s mother was assassinated by a North Korean in 1974. They became particularly close, almost like sisters, following the assassination of her father President Park Chung-hee in 1979. It was rumored that the elder Choi had an inappropriate relationship with the younger Park. The US Embassy reported in 2007 that he had “complete control over Park’s body and soul during her formative years.”

<sup>35</sup> Samsung allegedly assisted in the equestrian career of Chung Yoora, Choi’s only daughter, by providing gift horses and millions of dollars.

cronies, operated a “shadow cabinet” that made all the key state decisions and essentially ran the country behind the scenes.<sup>36</sup> Indeed, as it turned out, Park was neither a queen nor a princess; she was essentially a puppet who was very much incapable of doing anything on her own, let alone running a country.

*The Enduring Legacies of Park Chung-hee and Their Political and Socioeconomic Implications*

In their systematic and comparative study of transitions from authoritarian rule to democracy in southern Europe and Latin America, Guillermo O’Donnell and Philippe C. Schmitter wrote:

[T]he transition is over when “abnormality” is no longer the central feature of political life, that is, when actors have settled on and obey a set of more or less explicit rules defining the channels they may use to gain access to governing roles, the means they can legitimately employ in their conflicts with each other, the procedures they should apply in taking decisions, and the criteria they may use to exclude others from the game. Normality, in other words, becomes a major characteristic of political life when those active in politics come to expect each

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<sup>36</sup> Grigori Rasputin (1869-1916) was a mystical advisor to Tsar Nicholas II of Russia who exerted enormous influence over the Romanov family and was a powerful figure in Imperial Russia.

other to play according to the rules—and the ensemble of these rules is what mean by a regime.<sup>37</sup>

Each case of transition varies in length and outcome, they go on to explain, because the factors that played a key role in bringing down a dictatorship may not be as relevant when new actors emerge and the rules of the game begin to change.<sup>38</sup> For that reason, the events surrounding the fall of authoritarianism and installation of a new political order may be interrelated and occur simultaneously but are, nonetheless, two separate historical processes that merit analysis and evaluation on their own terms.<sup>39</sup> A swift collapse of the old regime therefore does not suggest an equally efficient and speedy consolidation of the new regime; whereas some new regimes may reach a state of “normality” within a short span of time, others may take much longer.

O’Donnell and Schmitter’s assertion that the fall of authoritarianism and the consolidation of a new political order are two separate processes is particularly apt in the South Korean situation. To many, the October 2016 scandal came as a shock not only because of Park’s personal idiosyncrasies and deficiencies but also because it put on full display the aspects of Park’s presidency that bore vivid marks of her father’s legacies. Until that point, most South Koreans had thought that the country’s authoritarian past was a thing

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<sup>37</sup> Guillermo A. O’Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule. Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986), 65.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

of the by-gone era that had little relevance to the present context. Today, the prevailing belief is that rights and liberties are part of everyday discourse and that leaders are elected to serve the public. But the scandal challenged this assurance, provoking a reassessment of the country's relationship with its past and a national introspection on the status of South Korea's young democracy.

First, investigations revealed that there existed a blacklist containing the names of over one thousand cultural figures including writers, poets, artists, singers, actors, and filmmakers who were openly critical of Park's mishandling of the *Sewol* accident and deemed "unfriendly" to the Park administration.<sup>40</sup> The widespread reaction of the South Korean public was one of disbelief and outrage that Park had retained the worst aspects of her father's rule. To make matters worse, the list betrayed Park's key public policy strategy that prioritized the development and promotion of South Korean cultural products. As it turned out, Park had been expressing support publicly but, behind closed doors, her aides had been busy devising ways to punish anyone who depicted Park in an unfavorable light. Forms of retaliation included legal proceedings on the charge of defamation, exclusion from cultural festivals, withdrawal of support from government-controlled programs, and outright bullying and intimidation.

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<sup>40</sup> Choe Sang-hun, "South Korea's Blacklist of Artists Adds to Outrage Over Presidential Scandal," *The New York Times*, January 12, 2017. <http://www.nytimes.com/2017/01/12/world/asia/south-korea-president-park-blacklist-artists.html?mcubz=1&r=0>. The discovery of the blacklist sent several of Park's top aides to prison—including her chief of staff and former culture ministers—on the charges of perjury, conspiracy, and violation of the freedom of speech and expression.

On the one hand, however, the appearance of a blacklist was not entirely surprising. In August 2013, the National Intelligence Service (NIS), the Korean counterpart to the US Central Intelligence Agency, accused a far-left lawmaker Lee Seok-ki of the United Progressive Party of plotting an overthrow of the South Korean government in the case of war with North Korea. It claimed that Lee had organized a secret group of 130 members who allegedly had ties with North Korea and directed them to attack major South Korean infrastructure if the escalation of tension between the two Koreas led to an armed conflict. Lee denied all charges against him and his party members claimed that the case was a witch-hunt in an effort to cover up the ongoing investigation on the involvement of the NIS in manipulating the 2012 presidential election. Nevertheless, he was indicted on the charges of plotting a pro-North insurrection and violating the National Security Act. He was sentenced to twelve years in prison and became the first incumbent lawmaker to be convicted of treason in over three decades.

In an interview with *Hankyoreh*, a popular left-leaning newspaper, on Lee's sedition case, Michel Chossudovsky, professor of economics at Ottawa University and founder of the Center for Research on Globalisation, commented:

The arrest of Lee Seok-ki on sedition charges has all the appearances of a personal vendetta by President Park against a political opponent within the parliament. It is taking [his] words and building a national security pretext for his arrest. And in that regard it is not the expression of a democratic government but indeed what I

would describe as a democratic dictatorship—a totalitarian rule under the disguise of democracy.<sup>41</sup>

The act of going after political opponents because they do not agree with the government, in other words, is not characteristic of a democracy but of a military rule, like the one imposed by Park's father.<sup>42</sup> While it is still unclear whether Park was directly involved in the creation of the blacklist or whether she ordered the NIS to frame Lee as a traitor, one thing is certain: the right to dissent, the hallmark of democracy, was covertly but actively suppressed under Park's watch.

Second, the scandal proved that no South Korean administration is free of corruption. On April 8, 2018, Park was convicted of receiving \$22 million in bribes from Samsung, Lotte and SK, three of South Korea's top *chaebol*, and of abusing her power to help Choi win lucrative business contracts from large businesses.<sup>43</sup> To be sure, there are aspects of Korean culture—specifically, the custom of gift giving—that foster an environment conducive to bribery. People offer and receive gifts—whether in the form of money, flowers, or a small remembrance—constantly as a sign of friendship, appreciation,

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<sup>41</sup> Michel Chossudovsky, "Towards a Totalitarian State in South Korea? The 'Left Sedition Scandal' and President Park's 'National Security Law'" interview by *Hankyoreh*, October 18, 2013. <http://www.globalresearch.ca/towards-a-totalitarian-state-in-south-korea-the-left-sedition-scandal-and-president-parks-national-security-law/5354713>.

<sup>42</sup> *Ibid.* For more information on the martial orientation of Park's rule, see Eckert, Carter J. *Park Chung Hee and Modern Korea: The Roots of Militarism, 1866–1945*. Cambridge, MA: Harvard University Press, 2016.

<sup>43</sup> Choe Sang-Hun, "Park Geun-hye, South Korea's Ousted President, Gets 24 Years in Prison," April 6, 2018. <http://www.nytimes.com/2018/04/06/world/asia/park-geun-hye-south-korea.amp.html>.

and respect. Birthdays, weddings, and other important Korean holidays such as the Lunar New Year and *Chusok*, Korean thanksgiving, are all opportunities for expressing gratitude or reciprocating a favor.

Yet the entrenchment of such practices at the nation's highest level of politics and business—involving large sums of money and powerful individuals—is largely attributable to Park Chung-hee himself. When Park took power in the 1960s, South Korea was one of the poorest countries in the world with a GDP-per-capita of less than \$100.<sup>44</sup> To promote economic growth, he adopted an export-oriented economic model, providing businesses with low-interest loans and trade protection from foreign competition and encouraging them to sprawl into uncharted territories without the fear of failing. The strategy worked, successfully transforming the country from an agrarian economy to one of the world's technological powerhouses. In less than a generation, companies like Samsung, LG, and Hyundai grew into a global empire and by the 1990s, South Korea was one of the three Asian tigers, rubbing shoulders with Taiwan and Singapore.

Yet with success also came nefarious implications for governance, most notably the persistent practice of *jeonggyeong yuchak* (정경유착), a collusion between politicians and large conglomerates.<sup>45</sup> Since 1987, every South Korean president elected through a popular vote has been linked to or investigated personally for illegal financial activities.

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<sup>44</sup> Carter J. Eckert, "South Korea's Break with the Past," *Foreign Affairs*, May 11, 2017. <https://www.foreignaffairs.com/articles/south-korea/2017-05-11/south-koreas-break-past>.

<sup>45</sup> *Jeong* stands for politics. *Gyeong* stands for business. *Yuchak* literally means adhesion.

The Sixth Republic's first democratically elected president Roh Tae-woo (1987-1992) was tried and found guilty of corruption and was sentenced to twenty-two and half years in prison. His successors Kim Young-sam (1993-1997), Kim Dae-joong (1998-2002), Roh Moo-hyun (2003-2007), and Lee Myung-bak (2008-2012) were all implicated in having received money from businesses either indirectly or through family members.<sup>46</sup>

In the corporate world, Samsung's Lee Jae-yong was hardly the first top business executive to be tried and receive a prison sentence for corruption. Lee's father, Lee Kun-hee was also convicted, twice in fact, of corruption and tax evasion. Other heads of *chaebol* who were found guilty of embezzlement include Hanhwa Group Chairman Kim Seung-youn as well as SK Group Chairman, Chey Taewon.<sup>47</sup> Yet none served full terms—they were all either pardoned or released early on a suspended sentence owing to the traditional leniency of the South Korean judiciary toward high-profile politicians and business tycoons accused of white-collar crimes.

Both things considered—the existence of a blacklist and the endemic problem of corruption—the source of popular resentment and anger that led to a nationwide campaign

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<sup>46</sup> Roh Tae-woo was prosecuted and convicted alongside former military dictator Chun Doo-hwan on the charges of bribery, treason, and mutiny (pertaining to their role in the 1979 military coup and the 1980 Kwangju massacre) in what was known as the “Trial of the Century” in 1996. Kim Young-sam's son, Kim Hyun-chul, was convicted of receiving \$7 million from businessmen in return for political favors and evading taxes. He was sentenced to three years in prison. In 2009, Kim Dae-jung's two sons, Kim Hong-up and Kim Hong-gur were both convicted of taking in bribes and improper political donations from *chaebol* and were sentenced to prison. Lee Myung-bak's elder brother was convicted of accepting \$500,000 in bribes and was sentenced to two years in prison. Roh Moo-hyun allegedly accepted \$6 million in bribes but committed suicide before the investigation was fully launched.

<sup>47</sup> Other *chaebol* who were convicted of crimes include Hyundai Kia Motors and Korean Air.

against Park boils down to this: deep political and socioeconomic divisions and inequalities that are induced and intensified by the government itself through acts of preferential treatment, discrimination, harassment, and oppression based on one's political views, social status, and wealth—all of which have deep ties to South Korea's authoritarian past, represented most intensely by the regime of Park Chung-hee.

David Steinberg, a specialist on Korean politics, argued that one of the key challenges South Korea faces as a democracy is the prevailing perception of power in society as being “personal” and “finite” in nature.<sup>48</sup> Because power continues to be viewed as “a limited property,” “sharing, delegation, compromise, or decentralization of power” inevitably becomes “a zero-sum game, always with a loser of such power and the prestige associated with it.”<sup>49</sup> From this winner-takes-all perspective, being born into the “winning side” gives one an unsurmountable advantage in every aspect of life over those on the “losing side.” Hence, the common Korean saying, “*eogulhamyeon chulsehara*” (억울하면 출세하라)—which roughly translates along the lines of “if you think you have been treated unfairly or unjustly, you'd better succeed”—is less an aphorism about work ethics or individual achievement than it is a profound life lesson that teaches people that the only way to overcome discrimination and unequal treatment in the South Korean society is to situate oneself *above* the law through professional success and elevated social standing.

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<sup>48</sup> David Steinberg, “Continuing Democratic Reform: The Unfinished Symphony,” in Larry Jay Diamond, and Byung-kook Kim. *Consolidating Democracy in South Korea*. (Boulder, CO: L. Rienner, 2000), 212-214.

<sup>49</sup> *Ibid.*

Indeed a tipping point for many, but in particular the younger generation<sup>50</sup> who are typically apathetic towards politics, was the revelation that Chung Yoo-ra, Choi's only daughter and an equestrian, had gained admission to Ewha Womans University, a top-ranked women's university in Korea, with the help of her mother who used her connection to Park to sway the admissions process.<sup>51</sup> The school allegedly added a special achievement criterion so that Chung could earn points for her performance at the 2014 Asian Games.<sup>52</sup> Chung had also been given special treatment by professors who gave her good grades despite rarely showing up in class and failing to turn in assignments. The incident infuriated the students and professors of Ewha who, in response, launched a campus-wide demonstration, calling for a full investigation into alleged admissions fraud and demanding resignation of the school president for her intervention in Chung's admission.

To be clear, there have been many past cases of preferential treatment—whether for a job or for school admission—involving the children of high-ranked officials or well-known public figures that have been subject to public criticism.<sup>53</sup> But Chung's case

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<sup>50</sup> Known as the “spec (specifications) generation,” today's South Korean students center their lives on accumulating qualifications in order to increase their marketability in the highly competitive neoliberal labor market.

<sup>51</sup> Investigations revealed that Chung was in school for only seventeen days during her senior year of high school, raising questions as to how she was able to earn a high school diploma. Later, her high school diploma was revoked, retroactively nullifying her admission to college.

<sup>52</sup> Chung's gold medal actually came four days after the application period had ended.

<sup>53</sup> But none had received as much attention as Chung's case which came on the heels of strings of allegations against her mother whose numerous wrongdoings had already won the wrath of the South Korean public.

elevated the problem to a new level due to her lack of humility and in-your-face attitude. Chung apparently saw little fault in using her family background or privileged status to get what she wanted and even bragged about it. “Blame your own parents if they don’t have the ability. Don’t point fingers at us if your parents don’t have what it takes. Money is also a form of ability,” one of her now infamous Facebook postings read.<sup>54</sup> Her remarks sparked a public outcry not only because it proved that being born *into* power was still a better guarantor of success in South Korea than talent or hard work but also because it so vividly captured the sheer arrogance of the haves and their condescension toward the have-nots.

In her study of 2006 Latino immigrant marches that took place across numerous major U.S. cities, Cristina Beltrán wrote:

While the marches were undoubtedly a compelling combination of courage, theatricality, and public joy, the dynamic of action and affect was far more complex than the media’s oversimplified depiction of the marches. In numerous press accounts of the marches, the audacity of immigrant action was softened by assurances regarding the orderly, happy, and peaceful character of the demonstrations. By invoking the marchers’ familial and festive mood, allies and

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<sup>54</sup> See Lee Seok Hwai, “The Spoiled Brat,” *Strait Times* March 12, 2017. <https://graphics.straitstimes.com/STI/STIMEDIA/Interactives/2017/03/south-korea-scandal/chung-yoo-ra.html>

advocates continually sought to characterize the demonstrations in ways that purged them of any negative emotion.<sup>55</sup>

Immigrant actions, she argues, cannot be fully understood without considering the intense, and often conflicting, emotions the participants bring with them. She characterizes this incongruous form of expression as “festive anger”—a “complex (and interconnected) set of civic emotions, including indignation, determination, irony, outrage, and joy,” which emerges out of “conditions of exploitation, hostility, and state-sanctioned violence against immigrants.”<sup>56</sup>

During one of the candlelight rallies, Jang Ae-jin, speaking as a representative of the survivors of the *Sewol* disaster, remarked angrily:

If the president had been receiving briefings and giving instructions during the seven hours when she did not appear on the day of the accident, and if we had been told to get off the ferry immediately instead of staying in our seats, there would not have been as many victims as there are today. This obviously needs to be investigated.<sup>57</sup>

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<sup>55</sup> Cristina Beltrán, "Going Public: Hannah Arendt, Immigrant Action, and the Space of Appearance." *Political Theory* 37, no. 5 (2009): 607.

<sup>56</sup> *Ibid.*

<sup>57</sup> Su-ji Park and Han-sol Ko, “Sewol survivors say their mistake was making it off the ferry alive,” [http://english.hani.co.kr/arti/english\\_edition/e\\_national/777993.html](http://english.hani.co.kr/arti/english_edition/e_national/777993.html). *Hankyoreh*, January 9, 2017.

Others cried out loud, “ige naranya?”—which means, “How can you call this a country?” or “what kind of country is this?”—expressing frustration and despair over the state of their country.<sup>58</sup> Both reflect an intense culture-bound emotion known as *hwa*—repressed or suppressed anger, indignation, hopelessness, despair or frustration of long duration that forged in the context of South Korea’s long history of oppression and corruption.<sup>59</sup> There is clearly much in common between Beltran’s notion of festive anger and *hwa*: both constitute an integral part of protest and serve as a powerful force for effecting political change.

### **Political Protest in South Korea**

In studying the twentieth-century social movements in South Korea, George Katsiaficas, a peace activist and an expert on Korean politics wrote, “The source of these earth-shaking events is a remarkable capacity for popular action—a gift of Korea’s deeply rooted civil society.”<sup>60</sup> By filling up the streets of central Seoul and marching from the historic Gwanghwamun Square to Chungwhadae (“청와대”), the presidential Blue House, the South Korean people, each holding a candle or a smartphone-app equivalent and chanting

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<sup>58</sup> Nan Kim, *Candlelight and the Yellow Ribbon*, 10.

<sup>59</sup> See K. M. Lin, “Hwa-Byung: A Korean Culture-bound Syndrome?” *The American Journal of Psychiatry* 140, no. 1 (1983): 105-7.

<sup>60</sup> George Katsiaficas, *South Korean Social Movements in the 20th Century*. *Asia's Unknown Uprisings*; v. 1. (Oakland, Calif.: PM Press, 2012), 5.

in unison slogans such as, “Impeach Park” and “Come Down and Let’s go to Jail,” made a clear statement through their actions: that they will not sit idly by in the face of intolerable acts that violate the constitution and undermine the ideals of democracy and that, in the name of freedom, equality, and justice, they will act and speak to resist any forces that attempt to do so. When Park was impeached, South Korea was hailed as a true democracy, some even calling it an example that any democracy should follow and a welcome reminder that power of the people is still alive and well.<sup>61</sup>

Yet whether the source of such “earth-shaking events” is, as Katsiaficas claims, the South Korean people’s “remarkable capacity for popular action,” and the candlelight protests of 2016-2017, a symptom of healthy civil society, is questionable. There are two key reasons why there are doubts. First is that South Korea boasts a long-track record of political protests that dates back to the turn of the century. From the historical perspective, the nationwide anti-government demonstrations that made international headlines in the winter months of 2016-2017 in South Korea are neither unusual nor surprising. The first case of a popular uprising the country witnessed was the Peasant Revolt of 1894 that took place during the final years of the Chosun Dynasty (1392-1897). Inspired by Donghak,<sup>1</sup> a religious movement built on the principles of equality, humanity, and mutual respect for all people, impoverished peasants launched an armed rebellion against the corrupt and

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<sup>61</sup> Ishaan Tharoor, “South Korea just showed the world how to do democracy,” *The Washington Post*, May 10, 2017. <http://www.washingtonpost.com/news/worldviews/wp/2017/05/10/south-korea-just-showed-the-world-how-to-do-democracy/>.

incompetent government that benefitted the aristocratic yangban class at the expense of the poor common people, demanding political and institutional reform towards establishing a more egalitarian society. During the period of Japanese occupation from 1910 to 1945, Koreans made their first public display of resistance towards the Japanese rule by proclaiming their independence on March 1, 1919. Following liberation from Japan in 1945, the citizens of Jeju, an island off the Southern coast of the Korean peninsula, launched an armed rebellion on April 3, 1948 to denounce the United Nations-sponsored and American-led general election that would establish a separate government in South Korea and partition the peninsula for good. In 1960, a student-led uprising, known as the April Revolution, precipitated the overthrow of South Korea's first president and dictator, Syngman Rhee. Twenty years later, students rose up again against the repressive government of Chun Doo-hwan who seized power in a coup d'état following the assassination of Park Chung-hee in October 1979. The event came to be known as the May 18 Gwangju Democratic Uprising. In 1987, a nationwide democratization campaign forced Chun to step down, allowing South Korea to transition from a dictatorship to a democracy at last. The impeachment movement against Park, in this aspect, was yet another form of large-scale popular protest against perceived injustice and corrupt government in South Korean politics.

Second, accompanying this history of struggles is a long-standing distrust of government institutions and a deep-rooted mentality that the only way to challenge the status quo and bring about political change is not to participate through formal political

and legal channels but to take to the streets. According to Katherine Moon, Professor of Political Science at Wellesley College who has written a book about South Korean mobilization against U.S. military bases in the 1990s and 2000s,<sup>62</sup> South Korea's frequent protests is more a cause for concern than celebration. She contends that South Koreans routinely rise up against the government because doing so accomplishes things that other democratic forms of actions cannot:

I find worrisome this glorification of South Korea's protests.... If governance structures were working properly then citizens normally would be channeling their concerns through institutional processes—reaching out to their elected leaders, going to the courts. Spilling out into the street is a sign of political dysfunction.<sup>63</sup>

Moon is right to attribute the frequency and intensity of political protests to South Korea's ineffective political system. Because in addition to the precarious state of the rule of law and persisting authoritarian traditions, another enduring problem in South Korean politics is the weak and unstable party system. In the United States, two major parties—the Republicans and the Democrats—have served as the principal organizational and

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<sup>62</sup> Katherine Moon, *Protesting America: Democracy and the U.S.-Korea Alliance* (Berkeley: University of California Press, 2012).

<sup>63</sup> Tripti Lahiri, "South Korea's protest culture gets results, but its roots are nothing to envy," *Quartz*, March 13, 2017. <http://qz.com/931014/south-koreas-protest-culture-gets-results-but-a-political-scientist-says-its-a-sign-of-political-dysfunction/>.

ideological force in American democracy for centuries. While membership can influence the party's perspective and actions, there is a clear ideological tradition that makes each party clearly distinguishable from the other. This is not the case in South Korea. Frequent name changes are common even if not much has changed in terms of the party's character. As are mergers during elections and break-ups afterwards which often send the message to the voters that party coalitions serve little purpose other than to win elections. Consider the following remark by Byung-Kook Kim on the status of the South Korean political party system:

...just when political society was becoming more active and diverse, with the entry of new organizational actors into politics, its central aggregative institution, political parties, found themselves in utter disarray. Charismatic leaders broke up political parties and entered new marriages of convenience, only to go through another round of divorces and remarriages a few years later, having failed again to draw a mutually satisfactory formula for power sharing within South Korea's presidential system... Indeed, during this period of consolidation of the cycle of party mergers and breakups intensified. South Korea was following a lopsided and deviant path of political development: political society as a whole expanded and diversified, but the party system became even more incoherent and unstable and

political society more fragmented and disorderly.<sup>64</sup>

Indeed one of the key issues that emerged from the events of 2016-2017 was the urgent need to reform South Korea's 'winners-take-all' majoritarian party system that allows the party in power to monopolize both the executive and the legislature and prevent the opposition parties from working effectively. The political protest in South Korea, in other words, is best characterized not as a sign of a healthy democracy but as that of an ailing one.

There, however, is an even deeper story that, in my view, makes for a fundamental problem: specifically, the South Korean tendency to understand democracy not through a political lens but an economic one. In his study of popular conceptions of democracy, Doh Chull Shin noted how South Korean prioritize economic prosperity and economic equality over political freedom.<sup>65</sup> Emphasizing the low level of support for *unconditional* democracy, Shin described the South Korean democracy as being incomplete in nature.<sup>66</sup> What such perception of democracy implies is a paradox: making demands for more equal and free society without sacrificing economic security that depends so heavily on *chaebol*.

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<sup>64</sup> Byung-Kook Kim, "Party Politics in South Korea's Democracy: The Crisis of Success," in Larry Jay Diamond and Byung-kook Kim. *Consolidating Democracy in South Korea*. (Boulder, CO: L. Rienner, 2000), 56.

<sup>64</sup> *Ibid.*

<sup>65</sup> Doh Chull Shin, "Mass Politics, Public Opinion, and Democracy in Korea," in Samuel Kim, *Korea's Democratization* (Cambridge: Cambridge University Press, 2003), 50.

<sup>66</sup> *Ibid.*

Indeed while there is a clear anger and resentment towards *chaebol*, the recent release of Samsung's Lee by the judiciary goes to show just how important large business entities are to South Korea's economic life—Samsung alone accounted for 21% of South Korea's GDP In 2017.<sup>67</sup> In this light, while political protests in South Korea may help effect change in the short-term—such as the removal of a political leader—they may be simply not enough to bring about a long-term transformation that requires a deeper reflection on the part of the South Korean people and the government on what democracy is.

## **Conclusion**

In the end, the candlelight protests of 2016-2017 were about the status of South Korean democracy that had been greatly reduced by the personal idiosyncrasies of Park Geun-hye herself and the enduring legacies of her father—the blacklist and the deeply-entrenched symbiotic relationship between government and business in particular. By taking to the streets, South Koreans sought to put their democracy back on track and, by all accounts, they succeeded. Park Geun-hye was impeached and, with her downfall, also came “the End of the Era of Park Chung-hee.” Yet building a cleaner, fairer and more transparent society has not been easy not only due to the weak laws and institutions but also South Korea's instrumentalization of democracy as a vehicle for economic success

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<sup>67</sup> In 2017, Samsung accounted for 21% of South Korea's GDP. Donald Kirk, “Asia's Richest Families 2017: How the Lees Made South Korea The ‘Republic of Samsung,’” *Forbe* , November 14, 2017. <http://www.forbes.com/sites/donaldkirk/2017/11/14/asias-richest-families-2017-how-the-lees-made-south-korea-the-republic-of-samsung/>.

rather than as an end in itself. It may indeed be that this economy-oriented perception of democracy has diminished greatly since the events of 2016-2017 and that people take rights and liberties more seriously than they used to. Only time will tell if that is indeed the case. For now, however, there is little indication that much has changed.

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