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Machiavelli in Korea: *Republicanism and Korean Political Thought*

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Abstract

This paper employs Niccolo Machiavelli's classical republican theory to interpret modern Korean politics, and it does so by pursuing all three aims outlined by Kang Jung In for a post-Eurocentric Korean political theory: theorizing contemporary Korean politics, Koreanizing Western political thought, and modernizing traditional East Asian political thought. After conceptualizing classical republicanism, the paper satisfies Kang's first aim by showing how republicanism can theorize Korean political history and the rise of republican institutions from the late Joseon era through the Sixth Republic. It interprets the moves leading to the formation of the Korean Constitution along republican lines and assigns a paradoxical role to the authoritarian leaders Rhee, Park, and Chun, who, in keeping with Machiavelli's theory, unintentionally prepared the citizenry for democratic self-rule. The paper satisfies Kang's second aim by proposing ways to Koreanize the republican doctrines of rule of law, citizenship, and patriotism. To do so, it draws on the Korean thinkers Dasan, Toegye, and Yulgok to reconcile republican rule of law with Confucian rule of virtue and to sketch a sentimentalist and critically regulative form of citizen patriotic attachment that is neither individualistic nor nationalistic. Finally, the paper satisfies Kang's third aim by proposing a second chamber for Korea's unicameral legislature. The bicameral alternative combines democratic representation of ordinary citizens with a merit-based upper chamber inspired by both Confucian political meritocracy and republican mixed-government theory. Such reforms address institutional instability, class domination, and partisan polarization in Korean politics.

Keywords: Machiavelli, republicanism, Korean affairs, Korean political thought, rule of law, citizenship, patriotism, bi-cameral legislature

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I. Introduction

On May 18, 1980, two volcanoes erupted. One of them exploded in the United States, occurring in that republic during a fraught presidential election year. The presidential race pitted an unpopular, idealistic incumbent against a charismatic conservative pragmatist. The political skies in America had already darkened before Mount St. Helens exploded, sending volcanic dust into the heavens above the Pacific Northwest and dropping it on 22,000 square miles of the land. Fifty-three American hostages were being held at that time in Iran. The US economy was in shambles. It had dropped into a recession that served up both high unemployment and high inflation, the combination known as stagflation. These hard times in America made citizens and outside observers alike take more seriously the idea that the American republic had fallen into a steady decline. When the volcano erupted, downhearted Americans followed the news closely with an almost obsessively morbid curiosity.

Americans, who are cavalier to world events in the best of circumstances, could not in their fixated state of mind attend to the other volcano that erupted that same day in the Republic of Korea. On May 18, 1980, the Gwangju uprising, sometimes called the May 18 Democratization Movement, began, and several days later, it ended in massacre. Ominous tremors that had been occurring for the previous several months foreshadowed the eruption. In the previous October, the long-ruling President Park Chung-Hee (박정희, 朴正熙, 1917–1979) had been assassinated. That action had led to the instability of constitutional rule in the republic and to martial law. On May 17, the de facto head of state, Chun Doo-Hwan (전두환, 全斗煥, 1931–2021), expanded and extended the state of martial law to previously unaffected areas. He also ordered the closure of universities, colleges, and news organizations. The next day, May 18, the same day Mount St. Helens exploded, demonstrators in Gwangju took control of their city and armed themselves. Chun sent the military to suppress the uprising, which it did in the most violent and brutal fashion.

Both of these volcanic events permanently altered the landscape of the republics in which they occurred. In the waning American

republic, resilient nature reemerged rapidly after the eruption, and a few months after the explosion, some people thought the republic, too, had moved toward renewal. Ronald Reagan defeated Jimmy Carter in the presidential election, and Iran released the American hostages. Reagan said that it was morning in America again, but months and years of stagflation lingered on. In the Republic of Korea, just seven years after the bloody massacre in Gwangju, the culminating Sixth Republic replaced Chun's constitutional arrangement and established a stable republican democracy. An election occurred, and the first peaceful transfer of democratic leadership took place.

What causes a vibrant and powerful republic like the United States to decline, if indeed it is declining? And how did republican roots take hold so strongly in South Korea when the recent history of democratic establishment in the world has been so dismal?

In this paper, I examine both the rise of the Korean Republic and recent events in Korean politics through the classical republican political theory of Niccolo Machiavelli. The paper has three main concerns: republican origins in Korea, republican political characteristics in Korea, and republican institutions in Korea. I present these three concerns in the spirit of contemporary political thought outlined by Kang Jung In (강정인, 姜正仁), with each of the concerns relating to one of Kang's aims. Kang stresses that Korean political theory "should be carried out with a post-Eurocentric approach" (Kang 2014, 1), and he outlines that approach as having three aims: theorizing contemporary Korean politics, Koreanizing Western political thought, and modernizing traditional East Asian political thought. I try to fit all three of those endeavors into this paper. I appeal to Machiavelli's classical republican theory to theorize South Korean republican origins and institutions. I use contemporary Korean scholars such as Hahm Pyong Chong (함병춘, 咸秉春, 1932–1983), Kim Dong-Choon (김동춘, 金東椿), and Lee Dongsoo (이돈수) to show Korean adaptations of classical republican theory to fit the contemporary Korean political situation. I use Kang Jung In himself and Kim Sungmoon (김성문, 金聖文) to point the way to how Western republican theory regarding republican political characteristics might be more fully Koreanized by looking to the native Korean philosophers Dasan (다산, 茶山) Jeong Yak-yong, (정약용, 丁若鏞, 1762–1836), Toegye

(퇴계, 退溪) Yi Hwang (이황, 李滉, 1501–1570), and Yulgok (율곡, 栗谷) Yi I (이이, 李理, 1536–1584). Finally, I show how modernization of traditional East Asian political thought by the new Confucians Daniel Bell, Tongdong Bai, and Joseph Chan comes together and aligns with traditional republican institutional concerns that can be extended to contemporary Korean institutions. As is often the case in Korean political theory, this examination will take us on something of a tour of political history and the history of political thought. I will draw some connection between the Korean republic and the American republic. I use Machiavelli's theory to show the role that the authoritarian leaders, Syngman Rhee, Park Chung-hee, and Chun Doo-hwan, had in bringing the Sixth Republic to fruition. I also point to the most serious failing all these authoritarians had from Machiavelli's point of view. After that, I suggest ways that the republican ideas of rule of law, citizenship, and patriotism might be more fully theorized from a Korean perspective. I next examine Machiavelli's republican ideas concerning checks and balances and extend those ideas to the contemporary structure of the South Korean National Assembly and to the latest constitutional crisis in the Republic of Korea (ROK). I argue that the ROK's legislative structure strays from the traditional republican functions, and this accounts for some institutional instability. I follow the new republicans in emphasizing freedom as non-domination, but I also want to emphasize a traditional republican feature throughout that I believe has fallen out of favor with the new republicans. I will emphasize the strong social class element of traditional republicanism.

Professor Kang sets out a tall order for vitalizing a body of uniquely Korean political theory. This paper ambitiously seeks to show how a particular political theory, in this case classical republicanism, can be brought under all three of Professor Kang's domains. I believe that this paper makes a decisive case in two of these domains: theorizing contemporary Korean politics and modernizing traditional East Asian political thought. The remaining area, Koreanizing Western political thought, may not be fully decided, but the paper points the way in which republican rule of law and citizenship theory might be advanced by synthesizing it with the work of Yi Toegye, Yi Yulgok, and Jeong Dasan.

II. Republicanism Conceived

We can begin to realize Kang's vision by first interpreting Korean political history in terms of classical republican theory, and before that can be done, the basic features of republican theory must be set out. While republican thinkers, including Machiavelli, have shaped the political institutions we think of as modern, we have been blinded to their efforts on two counts. First, we have not understood well what republicanism is. We have been led to believe republicanism is just like liberalism, only more vague. We hear that republicanism values freedom, and we know that it has some predilection for virtue. Republicanism, as we normally hear of it, only gets presented in the vaguest generalities. Secondly, ideas that republican thinkers originally put forward, like checks and balances, liberty, and the rule of law, have been co-opted into liberal modes of political thought. It is important to set out the key features of republican political thought and distinguish that form of thinking from liberalism. It is therefore necessary to articulate the key features of republican political thought and distinguish it from liberalism.

The most basic meaning of "republic" is a form of government that is not a monarchy. Machiavelli follows along with this fundamental notion when he sets out his taxonomy of regimes: "All the states, all the dominions that have held and now hold sway over men, have been either republics or principalities" (Machiavelli 2019, 5). By principality, he means no more than one of the three forms of government specified by Aristotle: "the government, which is the supreme authority in states, must be in the hands of one, or of a few, or of the many" (Aristotle 1943, 1279a 28–30, 139). Machiavelli means that a principality is rule by a singular leader. For the purposes here, that description would include the rules of Syngman Rhee, Park Chung-hee, and Chun Doo-hwan in Korea. All other forms of rule are republics.

Machiavelli envisions a republican theory that comes out of considerations of the Roman Republic. The Romans took as their end to come out from under the domination of the Tarquin kings in Rome. Republicanism, then, like liberalism, takes freedom as its highest political value, but it differs from liberalism in stipulating freedom as

non-domination rather than as the negative freedom conceived by Isaiah Berlin (Berlin 2010). Quentin Skinner teaches us that Berlin's notion of negative freedom is no older than Hobbes', which version, he claims, won the day against older notions of freedom. Skinner seeks to resuscitate for us the older, republican notion of freedom as non-domination. This view of freedom takes it that we are not free any time we come under the dominion, under the arbitrary control, of another, whether that other is immediately interfering with our action or not. This applies to individuals, classes, and nations (Skinner 2010). The Romans thought that their Republican structure was their best assurance of not being dominated, and they thought that the laws and institutions of their Republic activated this assurance. Thus, Republicanism as a theory looks to those Roman institutions as modes of securing non-domination. Those institutions protected their city-state from domination at the hands of other foreign powers through their martial institutions, and they protected citizens within the state from non-domination by representing them with power against other powers within the state. So, Republicanism emphasizes institutions that instill martial character traits in the people for protection against outside powers, participatory traits that facilitate self-rule, and institutions that give representational balance of power to social classes. We should realize, then, and this is a matter of some consequence, that the notion of checks and balances is originally a republican idea that has been co-opted by liberalism.

Machiavelli saw that the Romans held their republic together through checks and balances that institutionalized strife between the organs of state representing contending social classes. In contrast to liberal theory, this realistic outlook does not emphasize individual political equality. On the contrary, republican theory here considers class division to be an ongoing and likely permanent social artifact. Under that assumption, republican checks and balances mutually protect class interests on one side against domination from the class on the other side. To be sure, the republican notion included checks and balances between the functional aspects of government—executive, legislative, and, to some extent, judicial functions—but the central aspect of balance was between socio-economic classes.

Machiavelli deeply influenced the American republican Framers of the Constitution of the United States. While the Senate mirrored the patrician Roman body, the House of Representatives reflected the Roman Plebeian Council. Until the enactment of the Seventeenth Amendment to the US Constitution, American senators were not directly voted into office by the people. The people originally only voted directly for members of the People's House, that is, members of the House of Representatives. All other government officials came into office by different means. The Seventeenth Amendment, which imposed the new democratic election of members of the Senate by the direct vote of the people all but eliminated the institutionalized checks and balances on social class.

The remnants of the old republican constraints, however, still remain in the specified constitutional powers of each house. This political history of the American Republic is important to review because subsequent constitutional regimes, including the Republic of Korea, have followed the American movement away from the institutional roots in republican constitutionalism.

III. Pre-Republican Korea

We can now begin to interpret Korean political history through this republican theory and do so in a manner that relates that history to Kang's first aim: theorizing contemporary politics. Hahm Pyong-Choon provides an account of the rule of law in traditional Korea and an evaluation of its possibility, and he openly wonders if it is even desirable in the Korean setting (Hahm 1971). In doing so, he portrays a Korea suffering from class domination. Under the traditional system, Koreans generally held a negative view of the institution of law and understood the law to be an instrument of domination. From above, the traditional *yangban* (兩班, 양반) class considered the law to be an inadequate institution for promoting and preserving political order. The *yangban* constituted the entire ruling class and understood themselves to be guided in their actions by Confucian virtue rather than compulsory and punitive law. They followed a rather literal

interpretation of *Analects* 2.3:

> The Master said, "If you try to guide the common people with coercive regulations and keep them in line with punishments, the common people will become evasive and will have no sense of shame. If, however, you guide them with virtue, and keep them in line by means of ritual, the people will have a sense of shame and will rectify themselves."[1]

According to Confucius, "the common people can be made to follow [the Way], but they cannot be made to understand it" (*Analects* 8.9).[2] This cognitive incapacity with regard to the Way, however, does not keep the common people from cleverly devising ways of evading the law. Those above were to remedy the devious natures of the common people by first cultivating virtue within themselves and then guiding the common people along the path that they could not themselves understand. Generations of *kunja* (君子, 군자) or *junzi*, those who, from the Confucian perspective, possess moral nobility, understood the law to be a defective institution for ruling in accord with the Way. The leaders of the Korean Joseon dynasty (1392–1897) conscientiously built the regime on Neo-Confucian principles, and thus they downplayed the role of law in what by the nineteenth century had become traditional society in Korea.

The Joseon dynasty, however, never did fully abandon punitive law. While the ruling class would not consider themselves subject to the law, they did think that the law applied to the common people. "Indeed," says Hahm Pyong-Chong, "the concept that law applies only to the barbarians or to the ignorant masses and never to the proper

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[1] *Analects* 2.3. 子曰:「道之以政, 齊之以刑, 民免而無恥; 道之以德, 齊之以禮, 有恥且格.」The ruling *yangban* class could rely on a further passage of the *Analects* to support their domination of the common people. *Analects* 12.19 states: "The Virtue of a gentleman is like the wind, and the Virtue of a petty person is like the grass—when the wind moves over the grass, the grass is sure to bend." 君子之德風, 小人之德草. 草上之風, 必偃. While Confucius in this passage emphasizes the *gunja* influencing the common people through their virtue, Halm delivers a picture of the *yangban* that emphasizes the idea that the common people must bend.

[2] *Analects* 8.9. 子曰:「民可使由之, 不可使知之.」

Chinese or to the rulers is strongly rooted in Korean thought" (Hahm 1971, 19). Only common people were subject to legal punishments. The ruling class, Hahm continues, was "not only above the law in fact, but they also believed they ought to be above the law" (Hahm 1971, 20). The Neo-Confucians truncated the practical conception of law and really only gave place to the criminal law—no family law, or torts, or contract law (Hahm 1971, 38). Since only the common people faced legal punishment, nothing approached the ideal of equality under the law. Quite the contrary, the law served as a device for dominating the common people, and as a result, those below—the common people—also held the institution of law in disdain.

The turn-of-the-century progressive reformers in Korea fell largely under the spell of Japanese and American liberalism. Lee Dongsoo, however, teaches us that even from the time of one of the earliest Joseon modernist reform movements, the *Gaehwapa* (개화파, 開化派) or Enlightenment Group, led by Kim Ok-gyun (김옥균, 金玉均, 1851–1894), already had "republican characteristics in mind while planning to reform the Joseon dynasty into a new, modern nation state" (Lee D. 2014, 108). The members of the Enlightenment Group focused on the domination of the Joseon's regime under the hands of the Qing dynasty in China, and they called for the independence or freedom of the country in the republican sense. Because at the time, Japan had its own ostensible interests in an independent Korea, the Enlightenment group easily fell prey to fatal Japanese sponsorship, and this relationship guided the group into complicity in the Gapsin coup. After the Gapsin Coup, many of the participants in this group had to flee to Japan or America.

One Enlightenment group member, Seo Jae-pil (서재필, 徐載弼, 1864–1951), later known as Philip Jaisohn, fled to the United States rather than to Japan, and in America, his republican leanings became more deeply engrained. When he returned to Korea, he organized the Dongnip Hyeophwe, or the Independence Club (독립협회, 獨立協會) and its associated newspaper *Dongnip Sinmun*, and it is within this Independence Club in particular that Lee Dongsoo finds the paradigmatic expressions of early Korean republicanism. The *Dongnip Sinmun* took the dual republican approach to independence and freedom. On the

one hand, the paper's editors understood Korea after 1894 as beginning "to walk on the path of becoming a truly independent country" (Lee D. 2014, 113). In 1894, Joseon emerged from Chinese suzerainty but fell under Japanese control. On the other hand, the paper called for measures to make each individual person independent as well, and to eliminate class-based domination. In fact, the paper saw the non-domination of individuals as a condition for the independence of the country.

The Independence Club had a short run of only two years, but its impact was far-reaching. It directly affected the creation and direction of the Provisional Government of the Republic of Korea (KPG). The founding members included Dosan Ahn Chong-ho and Syngman Rhee. Dosan was instrumental in returning the KPG to a presidential system when it had adopted a parliamentary system, and Rhee, who became the first president of the Republic of Korea after the Japanese surrender, were both early members of the Independence Club. At the formation of the KPG, the founders enacted a provisional constitution explicitly establishing Korea as a democratic republic, and the 1948 constitution establishing the de jure Republic of Korea acknowledges its debt to and continuation with that earlier provisional 1919 constitution. A chain of influence harks back from the contemporary constitution to republican roots in the Independence Club and the writings of the *Dongnip Sinmun*.

Lee Dongsoo has plausibly led us to the roots of republican thinking in the *Dongnip Sinmun*, but those writings coming at the end of the Joseon dynasty and the end of the nineteenth century leave us with a gap in the developmental story between the republican roots in the brief run of the *Dongnip Sinmun* from 1896 to 1899 and the firm establishment of the Sixth Republic in 1987. Lee points out to us that the *Dongnip Sinmun* writings themselves recognized that the Korean people at the cusp of the twentieth century were not ready for citizen self-rule. According to the *Dongnip Sinmun*, the Korean people lacked a sense of buy-in to citizenship and to the recognition of a shared stake in the republic. The members of the Independence Club could themselves more easily tend toward the role of citizens from subjects because they had been drawn largely from the *yangban* class. That

move was more difficult for the common people. Maurizio Veroli tells us what had to be learned:

> But it is not hard to see why citizens who are summoned to take part in public life should develop a mentality different from those who, generation after generation, live as subjects of a monarch, prince, or pope. And the difference lies in the fact that the former learned the art of living as citizens whereas the latter learned the art of living as subjects. (Veroli 2002, 26)

The people of Korea had yet to develop the skills associated with living as citizens. They needed to inculcate the idea of the rule of law and develop an attitude of solidarity with all the people they shared the republic with—those coming from all classes. They needed to develop patriotism, not in the narrow sense of nationalism, but in the sense of loving, as Veroli puts it, the Republic and its citizens. They needed as Lee Dongsoo says, to develop a unified and shared political identity.

The classical theorist of modern republicanism, Machiavelli, insists that there can be no bootstrapping in this endeavor—subjects on their own cannot transform themselves into citizens. He puts his teaching into the heading of *Discourses*, Book 1, Chapter 9: "That It Is Necessary to Be Alone If One Wishes to Order a Republic Anew or to Reform It Altogether outside Its Ancient Orders" (Machiavelli 1996, 28). For Machiavelli, such a leader must be granted special dispensations of authority. The leader who trains the people in the skills of citizenship and self-rule must be an authoritarian.

IV. Enter the Authoritarians

Machiavelli perceived a crucial role for authoritarian rulers on the pathway to establishing republics. The rulers he identifies as ideal princes all rule via their own arms and *virtu*—meaning the set of skills necessary for wise and competent rule—to bring about certain fruits. What fruits, though, should the virtuoso leaders be seeking to bring forward? They must, says Machiavelli, seek to remove the state

from the dependency on other states, moving to secure for the state republican freedom in the sense of non-domination. The successful republic cannot be dependent on any other state for its protection and well-being. The virtuoso leaders who "had one authority attributed to them" must "form laws for the purpose of the common good" (Machiavelli 1996, 30). In part, these laws must help citizens come to appreciate their shared republic so much that they are willing to put their lives on the line to preserve it.

Martial virtues, however, are not enough. Veroli reminds us that "the first republics without slaves were recreated in Italy at the end of the Middle Ages" (Veroli 2002, 3). He later says that the spirit of republicanism "flourished in the next centuries in the Netherlands, England, France, and the United States" (Veroli 2002, 21). In each case, republics developed within commercial cultures. Republicans perceive the market as a school ground in citizenship training. The market trains people in the skills of budgets and economics, in successfully managing social relations under conditions of competition, and in plebeian leadership.

Successful virtuoso leaders, then, form laws covering two broad aspects of human social life: guns and butter. For guns, the laws stipulate a motivated citizenry. For butter, the laws stipulate thriving commercial activity. Both avenues lead to citizens who hold a firm understanding of the requirements of self-rule.

How did leaders in twentieth-century Korea stack up against Machiavelli's ideal virtuoso princes who usher in a successful Republic? Kim Dong Choon makes a strong case that Rhee failed the republican or even the liberal conception of freedom. Kim shows us that for Rhee freedom meant nothing other than anti-communism, and with that, he accepted the implication that freedom meant military dependency on the United States. He also failed to achieve much in improving commercial life in Korea and was essentially thrown out of office, not for his brutality, but rather for his economic incompetence. Though he still had some successes—such as helping establish the presidential system and shepherding the country through the Korean War—he was brutal, and his desires to preserve himself in office achieved no republican end.

Park and Chun combined to lead South Korea for twenty-seven years. Their motives were not only suspect but demonstrably swerved toward self-interest, and they, too, were brutal. That being said, each of these leaders moved the country in the direction of establishing independence of arms and non-domination of the state, and they dramatically advanced, for good and bad, the commercial society through the "miracle on the Han River." Both were military men and distrusted the expanding new cultural elite. At the end of the twenty-seven-year era, when Chun left office, one thing was certain: a self-confident and skilled citizenry had emerged that was not present at the time of the *Dongnip Sinmun* or in 1945.

Kim Dong-Choon correctly says that "Rhee's concept of freedom or liberty was carried over to the Park Chung Hee government" (Kim D. 2014, 51). By that, Kim means that Park retained the idea of freedom as involving anti-communism. Park, however, made one significant change to Rhee's outlook: he perceived that the anti-communist outlook had to be unyoked from dependency upon the United States. He retained the vitriolic attitude toward communist North Korea, but he moved toward Koreanizing that threat and diminishing the country's dependence on the US in arms. He sought to strengthen the alliance, *as alliance*, with the United States by sending Korean troops to support the American war in Vietnam, but he also set out to reduce South Korean dependence on the US by reforming and modernizing the country's own military.

Park skillfully transformed economic affairs in South Korea. He took notice of Japanese economic success after World War II, and in a series of planned moves, he sought to emulate the Japanese model by directing focus toward an export-driven economy. He also understood the value of skills that could be developed through commercial activity. Ultimately, it would seem that he failed in the skill of maintaining unity in his own government and was assassinated by members of his own team.

Chun Doo-Hwan came into office and immediately set out to correct the excesses of the Park regime, including his manipulation of the Constitution to have indefinite term limits. From an outside perspective, the Chun administration looked something like a reform-

oriented regime. Chun continued strengthening the domestic military and promoting the country's remarkable commercial success. Park had begun the process of bringing the Olympic Games to Seoul, but Chun's efforts proved to be crucial for securing the bid and preparing Korea for the games. The games proved to be a pretty spectacular success, and they were thought to highlight, in particular, the economic modernization of South Korea. From a republican perspective, however, they highlighted something more substantial: buy-in by ordinary people of the shared Korean project. Shortly before the games, the culminating Sixth Republic of Korea came into being, and the games seemed an appropriate celebration of the birth of what has proven to be an enduring democratic republic.

Machiavelli gives authoritarian leaders a cautionary counsel. He teaches that authoritarians can be loved or feared, but they cannot be hated. Regardless of how they brought the country closer to a stable republic, each one of these Korean authoritarians failed fantastically in this regard. That the Olympic Games came to Korea is made all the more surprising by the fact that the bid was secured just months after the Gwangju uprising. Perhaps the volcanic dust of Mount St. Helens blinded the bid committee as it had the Americans. Chun came into office with that massacre hanging over his head, and he was widely hated from the beginning, even though he probably secured the last leg of preparations for the Republic. All three of the Korean authoritarians were crueler than they needed to be. These hated dictators, however, undoubtedly advanced the people to a state of readiness for republican self-rule.

V. Koreanizing Republican Theory

Having now used classical republican theory to interpret Korean political history in line with Kang's first aim, we can next turn to see, in line with Kang's second aim, how political theory arising in Korea can supplement classical republican theory. While many opportunities abound for adding a purely Korean perspective to republican thinking, I will consider only three, albeit three quite important areas from the

republican perspective: rule of law, citizenship, and patriotism. With respect to the rule of law, South Koreans are strangely modest, feeling that the rule of law is underdeveloped in their country (Mo 2009). They consider this to be a central weakness for fully consolidating South Korean democracy. As of 2024, however, the Washington DC-based World Justice Project ranks South Korea at 19th on the Rule of Law Index. South Korea ranks ahead of the United States (26th) (World Justice Project n.d.). While the lower-ranking Americans have always had a legalistic mentality as part of their national culture, Koreans have always been philosophically suspicious of law as an organizing and guiding social institution. This marks a continuation of the role of Neo-Confucianism in Korean society.

Kang Jung In shares the perception that South Korea possesses an anemic sense of rule of law and that this shortfall undercuts South Korean democracy (Kang 2003, 234). He implies that the poor state of South Korean rule of law results from its imposition by Western powers without regard to Korean attitudes about political order. His approach to this problem is to give equal standing to both the rule of law and the rule of virtue. Giving emphasis to the rule of virtue, of course, violates the liberal stipulation against official forms of the good life.

Machiavelli's republicanism, in contrast to the liberal position, makes room for official recognition of widely held notions of good within a society (Machiavelli 1996, 11–14). With this in mind, Korean republicanism could certainly make official room for something like filial piety (*hyo*, 효, 孝) and other Confucian virtues. For Machiavelli, the Romans clearly demonstrated that virtue and law can both be successfully embraced: "Those who read what the beginning was of the city of Rome and by what legislators and how it was ordered will not marvel that so much virtue was maintained for so many centuries in that city" (Machiavelli 1996, 7). I hope to show that some regard for virtue can be accommodated through the republican institution of an upper chamber.

It must be admitted, however, that the rule of law, as such, is central to republican thought. My own idea is that the rule of law can quite readily be accommodated to Koreanization. The key here is to follow the lead of Dasan (Jeong Yak-yong). Dasan approached Neo-

Confucianism as sometimes drifting away from classical Confucianism. Mostly, he thought that the Neo-Confucian revival had allowed Buddhist and Daoist assumptions to seep into their interpretations of classical Confucianism. With respect to law, however, Dasan sided solidly with the Neo-Confucian revivalist Zhu Xi. Both held that the revival had somewhat exaggerated the Confucian repudiation of law (Ho 2010, 167–214; Chŏng Yakyong [Dasan] 2010). Zhu Xi, for example, "did not reject penal law in favor of the power of moral example, but . . . regarded the two as complementary aspects of an integrated whole; neither aspect could be unilaterally discarded" (Chun, Shaw, and Choi, 1980, 19). Dasan perhaps went even further. He followed his intellectual exemplar in the *silhak* (실학, 實學) movement, Seongho (성호, 星湖) Yi Ik (이익, 李瀷, 1681–1763), who "explicitly declared his affinity with the legal thought of Han Fei tzu, though he did not go so far as the famous legalist thinker in downgrading the role that moral example and instruction might play in government" (Ibid., 20). Dasan also invokes legalism (Chŏng Yakyong [Dasan] 2010, 724), but both of these *silhak* figures embrace the law as a means for reform that aligns with the synthesis worked out in the Han dynasty that Dingxin Zhao refers to as "the Confucian-Legalist state" (Zhao 2015). Dasan certainly saw the institution of law as a corrective to be used within the Joseon dynasty for the *yangban* abuse and domination of the common people that Hahm Pyong-Choon mentions above.

Dasan recommended, against the prevailing attitude of the times, that Korean magistrates and administrators always have at hand native Korean and Ming general legal codes, that they base their decisions on them, and that they apply the codes equally to all social classes. Hence, Dasan provides a model for Koreanizing the rule of law, by challenging the Neo-Confucian revivalist legal suppositions and by appealing to native legal artifacts and general intuitions about them. Dasan believed that the attitude of the Confucian elite would change toward the law if they saw that without the Neo-Confucian imposition, Confucius himself could be seen to hold a more nuanced view of the law and that the common people would change their attitude toward the law if they could realize its protective power.

Although the idea of patriotism is of central importance to republican thinking, scholars, especially liberal scholars, have regarded its presence in South Korea with deep suspicion. They connect South Korean patriotism to the hardline ideological indoctrination and weaponization used during the authoritarian era. These judgments align with contemporary liberal disparagement of patriotism. Both Kim Sungmoon and Kim Nam-Kook examine liberal critical evaluations of patriotism and citizenship in comparison with republican conceptions, and both scholars look for a synthesis of sorts between the two camps as the unifying conceptions that best fits the South Korean culture and circumstances.

Kim Sungmoon seeks to solve the problem of patriotism by synthesizing the liberal ideas exemplified in George Kateb with the republican ideas exemplified in Maurizio Veroli. He does so by shifting the passional object of patriotism from the state to the civil society. In Korea, members of civil society see each other, according to Kim, as members of an extended family, as members of a shared *gukga*. The word *gukga* (국가, 國家) means country, but it is constituted of a character 國, meaning kingdom, and a character 家 meaning family. From this etymology, Kim tells us that the word really means something like, "family state." Koreans, he says, "still make sense of their fellow citizens strongly in familial terms, as if all belong to one big, nationally extended family" (Kim S. 2014, 162).

Kim is certainly right in his evaluations of both Kateb and Veroli. On the one hand, reducing identities to rugged individual units is unrealistic and undesirable. Some room must be made for shared group and collective identities, which humans tend to formulate readily. Kateb envisions a stark individualism that, even if it were possible, would be out of place in Korea, East Asia, and elsewhere in the world. On the other hand, passionate collective connections must be trained away from their dangerous tendencies. But Kim does not quite manage to get his system to achieve this latter end. The passionate allegiance to the extended national plan does successfully allow critical judgment of the government, but when it comes to the familial civil society, the scheme will face the same weakness as Veroli's republican patriotism. The members of that civil society will be unable to render critical

judgment of the *gukga*. It is hard to distinguish how Kim's conception of the affection for the familial civil society differs from what we ordinarily term 'nationalism,' which is often characterized these days in terms of uncritical passion for the ethno-state. As such, affection for the *gukga* is subject to the same criticisms liberals give of nationalism. Externally, the sentiment dangerously promotes an ethnic chauvinism that is hostile to other nations. Internally, it dangerously justifies exclusionary conduct between the *gukga* family and newcomers.

Kim Nam-Kook tunes in squarely to this last point. He focuses on citizenship in a multi-cultural state. Republicans consider citizens to be those who are allowed to participate in the government of the country. Kim Sungmoon moves away from the notion of citizenship with its connection to the state, opting instead to concentrate on *membership* in the *gukga*. Kim attempts to synthesize liberal notions of citizenship with republican ones to specifically accommodate the growing trend of multicultural entry into Korean society.

Kim Nam-Kook asks what it means to become "a citizen in a multicultural society that is being increasingly segmented by race, culture, and religion" (Kim N. 2014, 123). He notes that South Korea today sits at about the same place with respect to immigration that Europe did in the 1960s "when the number of ethnic minorities began to become a social problem" (Kim, N 2014, 143). Native citizens, he says, "expect immigrants to respect and adopt the rules, customs, and way of life of the receiving society the newcomers have chosen" (Kim N. 2014, 124). These new and emerging conditions are likely to create social tensions under Kim Sungmoon's conception of civil patriotism, built around the idea of *gukga*. We might expect that this idea of allegiance to the family-like civil society would lead to native expectations of conformity to family rules in the civil society, without genuine recognition that the newcomers are, in fact, family members. Neither the immigrants nor the natives would feel like the newcomers are members of the family. Kim Sungmoon lauds this scheme of allegiance as one that is actually working, but even if that were the case, it cannot continue to do so given the very difficult demographic challenges that South Korea faces. It would be better to salvage a system of allegiance to the state rather than a homogeneous ethnic civil society (see Kim S. 2014, 151). Kim

Nam-Kook optimistically thinks that a *gukga*-like Sentiment might coexist with a motivation toward benevolent care of immigrants, but he admits that this is a challenge (Kim N. 2014, 124). One way of dealing with this challenge is to allow the associations of civil society, including native kukka-like connections, to exist alongside civil associations among newcomers, with overlap between the two. Overarching these civil associations, however, allegiance to the state that protects both kinds of associate members might be instilled in a non-ethnocentric citizenship.

This is just where an opportunity for Koreanizing Western republican thought might come in. Kim Sungmoon correctly recognizes the danger of uncritical allegiance to the state. Such allegiance motivates citizens to violently repress opponents to government action, as happened in Gwangju. He appropriately thinks that this strong passion must somehow be managed to create a window for critical evaluation of the state. He also properly recognizes that Western liberalism fails to see the legitimate role that collective passions play in forming identity. Both Kim Sungmoon and Kim Nam-Kook thought that a synthesis of some kind might be worked out between liberal and republican thought.

I'm not so sure that adapting Western theory to the Korean situation is the right approach to Koreanizing Western theory. Why not rely on native Korean theory to adapt Western theory to the Korean situation? The two most important Western thought traditions failed to temper the sentiment of allegiance: either they seek to eliminate the passion completely, or encourage it. Korean philosophy offers an alternative. One side of the most famous episode in Korean philosophy, the Four-Seven Debate, singles out the regulative authority of some sentiments over others.

The Four-Seven Debate really aims to give a metaphysical grounding to ethical principles in Neo-Confucianism, but the debate contains a normative edge. Both the four and the seven are essentially sentiments. The classical Chinese philosopher, Mengzi (K. Maengja, 맹자, 孟子, c. 372–289 BCE) stipulates the four. They are sentimental sprouts that lie at the heart of his claim that human nature is good. The seven, as listed in the *Liji* (禮記, K. 예기, *Yegi*), or the *Book of Rites*, refer to the seven

ordinary emotions. These seven emotions—pleasure, anger, sorrow, fear, love, hatred, and desire—certainly have dangerous possibilities to them. Unlike Western Enlightenment philosophy, however, classical Chinese and Korean philosophy saw them as appropriate. One of the main voices in the Four Seven Debate, Toegye (Yi Hwang), understood the four sprouts—compassion, disdain, deference, and approval and disapproval—to be purely good (Mengzi 2008, 2A.6).[3] Toegye also thought that in the case of the seven emotions, "it is possible for them to be good," that "good and evil are not yet fixed" in them (Kalton 1994, 11). The Four-Seven debate is extremely complex and filled with endless fine-grained distinctions. Without distorting Toegye too much, we can see that a sentiment like patriotism is a composite of units of the seven emotions, and as such, if they are just let go without regulation, one will be "led to harm the nature," so that one "falls into profits and desires and becomes a beast" (Kim Y. 2017, 29). Toegye held that the good-making feature of the four sprouts must "take charge" and "ride upon" the corruptive feature of the seven emotions (Kim Y. 2017, 29). Korean theorists might analyze the sentiment of patriotism in terms of the seven emotions and offer strategies that use the regulating four sprouts to temporize the elements of patriotism grounded in the seven emotions. Kim Sungmoon and Kim Nam-Kook both see Western theories of patriotism failing in one of two ways: either they involve an unwelcome individualism that eschews any kind of non-consensual relation, or they allow for relations but fail to provide a way for critical evaluation. The four and the seven provide a way outlined in the classical Chinese philosophy of the *Mengzi* and the *Liji*, and in the classical Korean philosophy of Toegye, of attaining *critical relation* that can be extended to patriotism. This approach differs from almost anything Western philosophy can provide because

[3] *Mengzi* 2A6. 孟子曰:「人皆有不忍人之心. 先王有不忍人之心, 斯有不忍人之政矣. 以不忍人之心, 行不忍人之政, 治天下可運之掌上. 所以謂人皆有不忍人之心者, 今人乍見孺子將入於井, 皆有怵惕惻隱之心. 非所以內交於孺子之父母也, 非所以要譽於鄉黨朋友也, 非惡其聲而然也. 由是觀之, 無惻隱之心, 非人也; 無羞惡之心, 非人也; 無辭讓之心, 非人也; 無是非之心, 非人也. 惻隱之心, 仁之端也; 羞惡之心, 義之端也; 辭讓之心, 禮之端也; 是非之心, 智之端也. 人之有是四端也, 猶其有四體也. 有是四端而自謂不能者, 自賊者也; 謂其君不能者, 賊其君者也. 凡有四端於我者, 知皆擴而充之矣, 若火之始然, 泉之始達. 苟能充之, 足以保四海; 苟不充之, 不足以事父母.」

the West, after the EnlightenmSent, has been so fixated on reason as providing the only avenue of critical evaluation.[4] The Four-Seven approach is utterly passional or sentimental. The passions of the four and the seven, specifically in love (愛) and compassion (惻隱), can bind us together to give us shared allegiance, but the four also provide sentimental, critical checks, specifically in the disdain (羞惡) at the root of righteousness (義), the deference (辭讓) at the root of propriety (禮), and the approval and disapproval (是非) at the root of wisdom (智). The four and the seven, then, offer a mode of critical connection necessary for a viable patriotism that Western philosophy has not had the wherewithal to summon.

Toegye's great opponent in the Four-Seven debate, Yulgok (Yi I), also provides native Korean elements that might be mined for contributions to the principle of citizenship and to republicanism more generally. Writing as a scholar and a government official, Yulgok offered sagely advice to the newly installed seventeen-year-old king Seonjo (宣祖, 선조, 1567–1608). Among other topics in "Questions and Answers at Eastern Lake" (*Dongho mundap*, 東湖問答, 동호문답), Yulgok takes up the subject of "the way of the ruler," which he contrasts with "the way of the subject" (Ro 2017, 74). Writing during the height of the Chosun dynasty monarchy, Yulgok does not address himself specifically to citizenship. Nevertheless, as Veroli strongly contrasts the character traits of the subject with those of the citizen, Yulgok's work has a place here. Republicans aspire to have subjects take on "the way of the ruler," which Yulgok specifically addresses. For Yulgok, the way of the ruler required the inculcation of virtue (Ibid.). Since the republican citizen is nothing less than a ruler, Yulgok's advice to the king might very well be extended here to the citizen. Such a move would align with Kang Jung In's call for the rule of virtue to run alongside the rule of law.

The liberal followers of John Rawls would likely object initially to this approach of using Yulgok to Koreanize citizenship theory on the grounds that doing so unjustly inserts a comprehensive doctrine into

[4] The Western moral sentimentalists, Shaftesbury, Hutcheson, Hume, and Smith provide an exception here. See David Hume, for instance, on allegiance, *A Treatise of Human Nature* 3.2.8-10.

public affairs (Rawls 2001, 14). Rawls endorsed the brand of classical republicanism that advocates cultivating only those civic virtues that are instrumentally necessary for the preservation and propagation of the state, and he disparaged the Aristotelian and perfectionist variety of civic humanism that seeks to inculcate a broader range of virtues associated with the good life (Rawls 2001, 142–143). In Korea, however, it is safe to say that Neo-Confucian virtues constitute a Rawlsian overlapping consensus and to such an extent that they are widely conceived within that consensus as instrumentally necessary for a functioning state. It is not merely good, for instance, to inculcate filial piety; it is also necessary for giving the elderly their just due (Rawls 2001, 32). Likewise, benevolence serves as a necessary regulatory element of public social relations. No likely consensus within the arena of public reason in Korea can be achieved that holds that a functioning political society is possible even for a nation of devils.

I admit to leaving these elements of Koreanizing Western political thought from Dasan, Toegye, and Yulgok a little undercooked. I have wanted only to sketch ways in Korean philosophy that might be used to adapt Western political theory.

VI. Institutional Instability

We turn now to the third of Kang's ideals for Korean political theory: modernizing East Asian political thought. I will approach this by thinking about a second Korean legislative chamber. The Korean people won for themselves a Democratic Republic in the same way the Romans had: in strife against the ruling class. The last years of the Chun regime saw student protests delivering increasing pressure to democratize the regime. Under that pressure, Chun agreed to leave office, and his chosen predecessor, Roh Tae-woo, agreed to the constitutional reforms that led to the Sixth Republic and the first peaceful transfer of power in the history of South Korea. The Korean republican institutions, however, did not fully look like Roman institutions. They looked more like the liberal American institutions after Marbury v. Madison and the Seventeenth Amendment, even though they also differed somewhat

from the American institutions.

Former Prime Minister Lee Hoi-Chang (이회창, 李會昌) insists that the Korean Constitution ought not to be touched (Lee H. 2010). His advice is undeniably sound. Any people who decide to reformulate their constitution face real hazards. These are divisive times, and even under the best of circumstances, a political body achieves consensus only with great difficulty. When it comes to constitutional change, there is something to be said in favor of the conservative outlook, which, suspicious that change might render arrangements worse, tends to favor leaving things as they are unless there is clear and widespread recognition that a correction is in order.

Still, one might wonder if the Korean Founders fell with the Americans into a republican constitutional error that has perpetuated institutional instability. Lee Dongsoo rightly claims a republican foundation in Korea coming from the thinkers of the *Dongnip Sinmun*, and we may surmise that this republican outlook deeply affected the Korean Founders as they formulated the governmental structure for the Republic of Korea. These Founders, however, were affected by the way the people of the United States came to reconceptualize republican structure. We noted before that populist measures led to significant alterations of the US Constitution and its understanding of the balance of powers. After the Seventeenth Amendment and Marbury v. Madison, a new scheme somewhat occluded the old republican ideas of how to check and balance governmental power. Whereas the traditional republican idea of mixed government sought to balance power between contending social classes, the alterations to the American Constitution emphasized balancing functional divisions of government. The Korean Founders saw this change, and they took it to its logical conclusion. If balance is to be achieved between executive, legislative, and judicial functions, we deprive ourselves of a reason for essentially having two legislative chambers. Why not unify the legislature to put it in full strength against the executive and judicial branches? That is just what the Korean Founders did: they opted for a unicameral legislature.

What might a genuine traditional republican government look like in Korea, and how might it add stability? The first thing we would have to say is that a truly republican regime would have to have a

bicameral legislature. One house should be the most democratic of all the governing institutions. This lower house represents the popular element of mixed government, and like any democratic institution, it is popular and majoritarian. The citizens of the country at large have their interests represented in this house, but affairs are regulated and measures passed by a majority. Aristotle taught, however, that a majority will tend to rule corruptly in its own interests at the expense of the minority. Liberal theorists have long suggested that the notion of rights can offer a solution to this democratic difficulty. Before advancing to an essentially republican institutional structure, the Korean constitution addresses the liberal ideal of rights. This is the reverse order found in the US Constitution. The Korean Constitution, in what has become the well-regarded cornerstone of liberal democracy, follows the liberal strategy for protecting the minority position by prioritizing individual rights, but that strategy protects individuals, minorities of one, rather than the class of ordinary people who, by their social, economic, occupational, and educational status, do not belong to the elite ruling class. The US Constitution conveys its republican roots by prioritizing the institutional structure itself for protection from domination. Since domination of the underclass continues even under a strong rights-emphasizing regime, the constitutional arrangement must have some other remedy for managing this class domination besides appeal to individual rights. For common people to alleviate dependence on and therefore domination by the elites, the republican view insists that non-elites must be able to represent their own class in this chamber. That class requirement is not being well satisfied by democratic and ostensibly republican regimes anywhere in the world, and Kim Dong-Choon shows us that it is true in the Korean National Assembly as well. Clever republican thinkers need to step back from the overlay of liberal democratic ideas to devise institutional class protections against domination at the hands of the elite.

Although a class of social and political elites controls democratic rule everywhere it is found, the equality-oriented dialogue of liberal democracy makes it impossible to institutionalize aristocratic representation in an upper house dedicated to upper-class interests. All bicameral structures have moved away from aristocratic representation

toward popular democratic representation in the upper house. Since elites govern in both houses, however, this is a canard. What should be done, then, about an upper house? Korea's solution has been to forgo any upper chamber and simply have a popular unicameral assembly. Not only does this arrangement suffer from not truly representing non-elites, it is also subject to the whimsical changes of popular sentiment. This makes the arrangement powerful and unstable. The republican strategy has been to use an upper house to manage and temper the capricious changeability of popular sentiment represented in the lower house, which tends to undercut overall government stability. But if aristocrats are in universal disfavor, how can this be done? It is on this point that Kang Jung In's third directive of a post-Eurocentric Korean philosophy can be realized. Kang calls for the modernization of East Asian political thought, and on the point of an upper house, classical republicanism can be brought together with classical Confucian concerns to meet modern challenges. Daniel Bell, Joseph Chan, and Tongdong Bai, all new Confucian thinkers, have called for an upper chamber to satisfy the aims of Confucian political theory. I hope to show that this move aligns with a new upstart movement of Western criticisms of democracy. I also hope to show that making a move toward the old republican view of an upper chamber also facilitates Kang Jung In's call for allowing the rule of law to coexist with the rule of virtue.

The classical Chinese world, even before Confucius, typically adopted a version of rule by virtue. The word *junzi* (君子, *gunja*, 군자) originally referred to the hereditary landed nobility. Confucius radically reoriented the meaning of the term. He recognized that the hereditary landed nobles were often moral failures, while common people often exemplified moral excellence. For Confucius, *junzi* came to mean a person of moral excellence regardless of social class; the *junzi* was a *moral* noble, whether in fact a hereditary *landed* noble or not. Confucius advocated rule by virtue, and we can think of this as 'rule by the best' in his sense of *junzi*. It is this idea that the new Confucians have associated with the idea of an upper chamber. It should be remembered, however, that while the two political theories, republicanism and Confucianism, converge on a virtue-oriented chamber, they diverge on the institutional idea of unity. Confucians

have always sought the ideal of overall harmony in government and political perfectionism. Republicans have realistically understood that the common good can be achieved by institutionalizing the strife that arises from diverging and conflicting class interests.

The question now becomes, how do we get a lower house to successfully represent common people at the same time that we get an upper house to successfully represent merit and virtue? New republican theorist Philip Pettit thinks it cannot be done without a democratic election (Pettit 2013). Classical republican theorists, however, do not take democracy, per se, as their ideal; they took *mixed government* with a democratic aspect as their ideal. Veroli teaches that all the classical republican theorists "defended mixed government on the grounds that it provided different social groups an adequate place in the republic's institutional life and ensured the right balance among different aspects of sovereign power (legislative, deliberative, and executive)" (Veroli 2002, 5). He further insists that Machiavelli's classical republicanism "is not a theory of participatory democracy" (2002, 4). Democracy is indeed valuable, but it should not have preeminence in the whole of government. The lower house preserves the greatest aspect of democracy in accord with the overall structure of mixed government. The upper house, quite frankly, is a check on the democratic element of mixed government. And checked it should be. Aristotle considered democracy to be the term used for the corrupt version of popular rule. Republicans, therefore, differ from liberals in respect to the appropriate range of popular rule. Republicans have followed Socrates, Plato, and Aristotle in thinking that democracy has real flaws. Democracy tends toward whim and caprice. The will of the people floats on an undulating surface of interests and appetites. It also suffers from real consequences of ignorance. The general run of people do not well understand the operations of government. Jason Brennan shows that people do not know political history. They do not understand the functions of government. They misunderstand economics. They have facile knowledge of international relations. Staying abreast of the complex spectrum of political issues requires an opportunity cost commitment for which there is no genuine payoff, according to Brennan, because any voter has so little influence in a democratic

election. As a result, citizens vote from a position of ignorance, and to the extent that they do gain a grasp on political issues, that grasp gets distorted by an array of cognitive biases. The empirical evidence strongly indicates that ordinary citizens do not make good, strong, informed, unbiased, and rational political actors. Brennan argues quite persuasively that citizens fall into corruption by actually participating in politics. That is to say, participation in democratic politics tends to make ordinary citizens worse (Brennan 2016, 23–53).

We might wonder, then, as Brennan does, why have democracy at all? Brennan entertains a number of possibilities, including non-domination, and he dismisses all of them. After making mincemeat of traditional, democratic claims, however, he admits that he is still a fan of democracy because it correlates strongly with the best protections of human rights. To keep democracy's causally protective advantages, Brennan advocates adapting it into what he calls an "epistocracy"; that is, rule by the knowers (Brennan 2016, vii-ix, 204–30). Such a regime, of course, is a variety of aristocracy. Republican theorists, however, have concentrated on the long historical pageant of political arrangements that elevate one class of citizens above another, and they have realized that such an elevation always leads to domination of the lower class by the upper class.

Given the flaws of both democracy and aristocracy, then, what is to be done? The traditional republican answer has long been that democracy and aristocracy should be checks on each other in a structure of mixed government. Brennan says that democracy cannot ensure non-domination. His argument purports to show that individual citizens do not evade domination under democracy even though the class they belong to is elevated (Brennan 2016, 74–111). Republicans, however, can counter this claim in two ways. First, classical republicans have conceived non-domination as a class issue, not an issue of individuals. From the republican point of view, Brennan has the wrong unit of analysis. Given the democratic elevation of a dominated class, it is also impossible to infer that individuals as such are not also benefiting. If common people are oppressed by the *yangban* class, and democratic potency checks the *yangban* so that they can no longer engage in, say, extra-judicial private beatings of the common

people, democracy has benefited each individual common person who now avoids those beatings. Secondly, classes gain protection from domination not by democracy in simpliciter as Brennan portrays it, but by republican democracy in which the democratic element checks the power of the aristocratic element. While it is true that ordinary people might from time to time get a hankering for seizing the benefits of the upper class, Machiavelli teaches that commoners mostly just want the upper classes to leave them alone. Democracy, then, really is the element in mixed government that is most crucial for achieving non-domination. Brennan doesn't seem to realize, or pays little attention to, the republican idea that a ruling class of knowers is likely to dominate ordinary citizens. This is precisely the claim that Kim Dong-Choon makes about Korea, and it is true in the United States, as indicated by Brennan's own findings. Not only does republican theory have the means to counter Brennan's claim that democracy does not promote non-domination, republican theory suggests that Brennan's epistocracy is actually one more in a long line of schemes that promote domination of ordinary people by an elite ruling class.

How might a two-house structure be arranged that consistently and realistically reflects the republican ideal of mixed government so as to provide representation and protection for each class of citizens? Each chamber under such an arrangement would need to accurately reflect the segment of society that it represents. The lower house would need to represent the interests of ordinary people, the upper house would need to represent what we might think of as the knowledge class, and both houses would have to hold respective powers to check the powers of the other chamber. The American constitutional Framers provided a good, if incomplete, starting point for making the two chambers of a bicameral legislature represent their respective social segments. They enumerated distinct powers for each chamber that reflected the distinct interests of their respective constituencies. However, they only gave a truncated list and did not offer a comprehensive arrangement of checking powers.

The American Framers assigned, as the powers most reflective of the interests of common people, the powers of authorizing war and taxes. This list of powers could be expanded to cover the gamut of

ordinary life concerns: jobs and wages, collective bargaining, welfare and healthcare concerns, the education of children, home financing, debt relief, upward social mobility, support for family life, etc. Likewise, the American Framers allotted to the Senate the advice-and-consent powers. That list could be expanded to reflect more fully the interests of the knowledge class: macroeconomic concerns, finance concerns, legal and judicial concerns, professional accreditation, ethical professional conduct, best social practices arising from scientific findings, educational administration and accreditation, curriculum, etc. Each house would have the power to check the other from steamrolling their representational interests. The impeachment powers of executive officials would be shared. Presumably, upper house deliberations would slow and moderate the democratic tempestuousness of the lower house in such impeachment deliberations.

The lower House represents common people just to the extent that the representatives themselves are drawn from the common people. For this to be realistic, the power of money would need to be controlled for the lower house. Lower house elections might be completely financed by the public, and spending on them might be severely circumscribed. An upper income and wealth limit might be imposed on lower House members. Constitutional reformers might thus satisfy the democratic requirement for the lower house by taking money concerns out of consideration, and by circumscribing to issues of common life the issues upon which first legislative action might occur in the lower chamber. To ensure discrete class representation, a person obtaining a seat in one house might henceforward be ineligible for service in the other house. Similar cross-branch restrictions might be obtained for judicial and executive appointments.

Professionally accredited status might be required not only for membership in the upper house but also for service on upper house committees. Joseph Chan suggests that members of the upper chamber might not be democratically selected. Selection on the basis of demonstrated knowledge ensures that the members will possess the requisite level of competence, merit, and virtue. He offers a scheme for selecting members of the upper house on the basis of what he calls "selection by colleagues" (Chan 2014, 108). He thinks

this method to be superior to Bell's method of selection by Confucian-style competitive exam because the colleague model gives better first-hand information about competence and ethics. Brennan also uses an exam system to seat members of his proposed "epistocratic council," although he does not propose a complete epistocratic upper house. Other programs might be offered for achieving the aristocratic upper house of mixed government on modern considerations (Brennan 2016, 215–18). However, the selection need not be completely removed from democratic evaluation. Before being seated in the chamber, selected candidates for the upper house might be vetted in some manner by the lower house. Such a move preserves the republican commitment to non-domination of ordinary people by elites, while simultaneously ensuring the shared Confucian and republican ideal of rule by merit and virtue.

Of course, the Korean Constitutional Framers might have been motivated toward a unicameral legislature by other values. In fact, experiments with the second chamber continued through 1963, at which time the unicameral arrangement prevailed and became the accepted legislative design. Two non-republican values seem to have guided this acceptance: efficiency and cost. A second chamber certainly entails legislative gridlock and significant additional operational expenses. The republicans answer that greater efficiency is compatible with domination. In fact, even a unicameral legislature has efficiency costs above those of autocratic rule. Republicans see legislative gridlock as a result of the struggle between class interests. As usual, efficiency values run up against humanity values, and the republicans side with social protections and think of efficiency as a secondary value. They also believe that these social protections are worth the additional expenditures.

Those favoring the unicameral system might still respond that the Constitution might achieve by other means the checks and balances lost to the unicameral legislature. Again, this is not a republican move, but is rather a liberal one. Such advocates seek for greater functional balance, and this usually means giving greater power to the judiciary. Making this move, however, puts greater power in the hands of an elite social group at the expense of popular governance. It undergirds

the elite dominance in both the judicial branch and the legislative branch. Abstract institutional balance comes at the expense of mutually checking the interests of real people belonging to contending social classes. Those advocating this structure bypass checking the dominating power of elites over ordinary people.

Korean politics has suffered from the instability brought on by extreme party polarization since at least the Joseon dynasty. This polarization has played out in cyclical domination and oppression. As is the case elsewhere, party enthusiasts tend to drive this division, and James Madison in *The Federalist Papers* indicates that republicanism does not have a final solution to this problem. Quentin Skinner shows us that this same cause resulted in almost all the northern Italian states losing their republics ahead of the beginning of the Renaissance (Skinner 1978, 23–28). Creating political structures that diminish the possibility of strong party domination can go some way in alleviating the danger. Republicanism provides some stabilizing mechanisms. Greater representation of common citizens returns political discussion to ordinary interests rather than to the champagne tastes of elite partisans. Limiting powers to respective houses diffuses interest arenas. Equalizing campaign finance in a lower house and insulating elite interests within an upper house diminishes the role of money in dividing citizens. Cultivating the citizenry that loves their fellow citizens and that loves country more than party promotes a unity that withstands division over policies and issues. Citizens of a viable republic do not see their fellow citizens across the aisle on some issue as enemies.

VII. Conclusion

The Gwangju eruption, although brutally repressed, signaled that the people of South Korea would not be satisfied until a republican-style democracy was fully established within their country. The authoritarians by that time had become antiquated, and the political history of Korea, as viewed through the Western political theory of republicanism, shows the progress toward that superannuation. However, despite the

powerful sentiments of the Korean people against the dictators, the theory suggests that their prolonged rule probably saved South Korea from burning up on entry into the world of democratic politics. That theory also offers opportunities for supplementation and improvement by native Korean thought. The republican ideals of the rule of law and of citizenship and patriotism can be reenvisioned through the eyes of native Korean thinkers. There is work to be done here. The ideal of republican democracy enshrined in the Korean Constitutions of 1919 and 1948 successfully emerged in 1987. Republican theory, however, was not yet done with Korea. It suggests that the Constitution might yet be improved by offering better representation through an upper house. In this proposal, republican theory overlaps somewhat with the East Asian thinking of the New Confucians.

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