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The Presence of Confucianism in Korea and its General Influence on Law and Politics

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ABSTRACT: This essay surveys the history of Confucianism in modern Korea as well as its presence in its contemporary society. It then investigates the Confucian influence on Korean legislation by analyzing some articles of both the civil code and the criminal code. It also inspects the invisible but unshakable relation between Confucianism and Korean politics by examining the impeachment of Park Geun-hye. The essay argues that Confucianism has remained central to public discourses about Korean national identity in modern times.

KEY words: Confucianism, the Joseon dynasty, civil code, criminal code, Park Geun-hye

I. INTRODUCTION

Compared with the case of Japan, the modern transformation of Korea has been more problematic and less successful due to a series of socio-political and cultural factors, such as the dominance of the Qing empire, the intrusions and eventual annexation by Japan in 1910, the three-decade colonial

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rule, and the Korea War, etc. This traumatic nature of modern Korean history has given rise to “a master narrative” in which the very existence of Korea is rendered as a story of foreign aggression and nationalist resistance, or, the “history of suffering.”²

Throughout the 20th century, Confucianism has always been a controversial topic in Korean society, where the rapid growth of Christianity during the past decades has seemingly changed the spiritual landscape of the ancient land. In general, there are two diametrically opposing perceptions about Confucianism in today’s Korea. The conservatives stress the crucial role of Confucianism in building a high level of civilization in premodern times, are proud of the achievements of Neo-Confucian philosophers in the Joseon dynasty (1392-1897), and hold the belief that Confucianism constitutes the essence of Korean cultural and national identity. By contrast, the liberal or anti-traditionalist camp claims that the essence of Korean national identity is to be found not in Confucianism but in the indigenous folk customs and beliefs of the common people, and blames Confucianism for every problem of Korean society and sees it as the very hindrance to social progress.³

II. THE PRESENCE OF CONFUCIANISM IN CONTEMPORARY KOREAN SOCIETY

The Joseon dynasty is usually seen as the golden era of Neo-Confucianism or Cheng-Zhu Learning throughout the history of Korea. Historians tend to agree that Neo-Confucianism was systematically introduced to Korea from Yuan China (1279-1368) in the late thirteenth century and adopted as official state learning by the founders of the dynasty in 1392 and widely accepted throughout the whole country afterwards. By the sixteenth century Neo-Confucianism became virtually the only acceptable learning and remained so, despite a brief challenge from the so-called Practical-Learning scholars in the eighteenth century, until after Korea was opened up to the West in the late nineteenth century.

The orthodoxy of Cheng-Zhu Learning in the Joseon dynasty, even more narrow and dogmatic than in China,⁴ was conventionally referred to as *yangban* culture—the two orders of officials, the civilian (*munban*) and military (*muban*).⁵ The influences of Confucianism had permeated society so pro-

² John B. Duncan, “Uses of Confucianism in Modern Korea,” in Benjamin A. Elman, John B. Duncan, and Herman Ooms, eds., *Rethinking Confucianism: Past and Present in China, Japan, Korea, and Vietnam* (Los Angeles: University of California, 2002), 433.

³ Duncan, “Uses of Confucianism in Modern Korea,” 432.

⁴ John B. Duncan, “Examinations and Orthodoxy in Choson Dynasty Korea,” in Benjamin A. Elman, John B. Duncan, and Herman Ooms, eds., *Rethinking Confucianism: Past and Present in China, Japan, Korean, and Vietnam* (Los Angeles: University of California, 2002), 65.

⁵ Yi Tae-jin, *The Dynamics of Confucianism and Modernization in Korean History* (Ithaca: Cornell Univer-

foundly that Joseon Korea was at some point claimed as “the last bastion of civilization” (so *chunghwa*, literally, little China) when the Ming Empire (1368-1644) of China was conquered by the “barbarian” Manchus and when Japan opted a path of all-out westernization since the Meiji Reformation.⁶ During the second half of the 19th century and the first half of the 20th century, Korea encountered a drastic period of external intrusions and internal conflicts and constantly suffered humiliations, defeats, destructions, and a near extinction. It was not until 1953, the end of the Korea War, did Korea (now South Korea) begin to embark on a relatively peaceful journey till today.

The Meiji Reformation of Japan is generally seen as the only successful case of modernization or westernization in East Asia, as in comparison with the failed reforms and changes of regime in China and Korea. It is interesting to point out that, however, the goals of the Meiji Reformation were deeply rooted in the Confucian tradition which was the common ideology of East Asia during the time. Likewise, Korean Confucianism was not immune to the ups and downs of society but rather had profoundly participated in its transformations at every historical moment. Around the time the Treaty of Amity Between Joseon and Japan and the Treaty of Amity and Commerce between the United States of America and Korea were signed, in 1876 and 1882 respectively, Korean *yangban*, or the Confucian officials, were seriously concerned about the challenges imposed from without and responded in a generally open-minded fashion, if only hesitantly.

During the ending years of the 19th century, there emerged three types of responses to the challenges imposed by the introduction of Western civilization. First, there was the orthodox camp which was categorically opposed to the introduction of any part of Western culture; then there was the moderate response, supported by the reform-minded *yangban*, that sought to achieve national self-strengthening by importing Western science and technology while maintaining the Confucian tradition; the third response, utterly radical in its attitude, regarded Confucianism as the very obstacle for any social progress and thus championed for a whole-sale westernization.⁷ With the tragic ending of the Joseon dynasty, anti-Confucian sentiment emerged dominant throughout the colonial period (1910-1945) and the early years of the post-colonial period of Korea.⁸

The case of Pak Unsik (1859-1925) is especially illustrative in understanding the Korean Confucian response to the challenges of westernization at the turn of the 20th century. Serving as the editor-in-chief of a reform-mind-

sity, 2007), 296.

6 Duncan, “Uses of Confucianism in Modern Korea,” 442.

7 Yi, *The Dynamics of Confucianism*, 316-17.

8 Duncan, “Uses of Confucianism in Modern Korea,” 443.

ed newspaper in the 1890s, Pak became one of the most important intellectuals of this period and played a leading role in enlightening the masses. In 1904, he published a manuscript called *Hakgyu sillon* (New Theory of Academic Rules), in which he claimed that Confucianism should move from the domain of politics to that of religion and that politics should be centered on the new learning.⁹ According to Pak, the spread of new learning was in the charge of the imperial house and the intellectuals, while the success of the state religion, i.e., Confucianism, depended on the masses. He thus urged the translation of Confucian classics (then in classical Chinese) into Korean and teaching them to farmers, artisans, merchants, and women who were previously excluded from education. He firmly believed that the future of the nation resided in the dissemination of the new learning while the preservation of the national vitality relied upon the maintenance of religion.¹⁰

If we compare the struggles of Korean intellectuals in coping with westernization to the Chinese case, we may easily find similarities. In this regard, Pak was not unlike the Chinese Confucian reformist Kang Youwei (1858-1927), who championed a similar strategy to the problems that deeply traumatized the Qing empire. In the aftermath of the Sino-Japanese war in 1895 and the failure of the Hundred Days' Reform, the disillusioned Kang and his followers turned their attention to the reinterpretation of Confucianism as a philosophy of reform and its establishment as a state religion.¹¹ Not coincidentally, both Kang's shrilling cry "to preserve the country, the race, the teaching" and Pak's insistence on *tongdo sogi* (Eastern ways, Western technology) led to their call for the establishment of state religion as the ultimate solution. Though their specific steps were not in total agreement, the endeavors of the two historical figures can be seen as a search for a concrete way of fostering the urgently-needed national spirit for the construction of a modern nation-state among the population.

Pak Unsik's call for establishing Confucianism as state religion was not echoed until almost a century later. In the 1990s, some Korean Confucians were irritated by the rapid spread of Christianity and the low percentage of the populace who openly identified themselves as Confucians and sought to establish Confucianism as an officially recognized religion. This venture was led by academics in the Sungkyunkwan College of Confucianism, part of the Sungkyunkwan University, and is premised on the belief that Confucianism must become a "religion" in order to survive and that Confucian teachings must be modernized, Confucian organizations must become mass-based en-

⁹ Yi, *The Dynamics of Confucianism*, 314.

¹⁰ *Ibid.*

¹¹ Yong Chen, *Confucianism as Religion: Controversies and Consequences* (Leiden and Boston: Brill, 2013), 45-47.

tities, and Confucian ideals must be realized in action.¹² Again, coincidentally, there was a similar campaign among Chinese scholars during the first years of the 21st century, but the call to establish Confucianism as a “religion” in China has remained more theoretical than the Korean case.¹³

For many, the Sungkyunkwan College of Confucianism is the torch-holder of the tradition in the rapidly modernizing Korean society. Far more than just a research institute harboring Confucian scholars, it has retained religious significance by regularly dedicating rituals to the veneration of Confucius and inculcating Confucian values to the young generation. In a certain sense, the compound of the Sungkyunkwan College functions as a sacred space similar to the Confucius Temple in Qufu, the birthplace of the sage. In the main worship hall of Sungkyunkwan, the statutes of Confucius, his most important disciples, and some other sages and worthies that were sanctified by the Confucian lineage are orderly installed for the worship of Confucian practitioners. More importantly, two main rituals dedicated to Confucius have been held continuously during the spring and autumn, respectively, since the Joseon dynasty. With Sungkyunkwan as an umbrella institution, there are hundreds of *hyanggyo* (village school) spread out across the whole country, which are committed to not only implementing official curriculum designated by the government, but also to fostering traditional Confucian education through studying Confucian classics and practicing Confucian values.¹⁴

Interestingly, the presence of Confucianism in the daily life of Korean society has been vividly captured in a 1991 tourist pamphlet published by the Tourist Agency of Korea. The pamphlet, called Tour Guide of the Republic of Korea, states in its introduction:

Generally, Korean people don't admit that they believe in Confucianism. However, in the daily expression of Korean society, the presence of Confucian influences is still apparently identifiable. In social life, Confucianism is presented in the relationship among family members, between young and old, between man and woman, and between friends. Specifically, we can observe the wide veneration of the elders, the strong commitment to education, the rituals and rites dedicated to the dead, and the continuing influence of family...filial piety is still inculcated as a basic principle in the moral education of children.¹⁵

12 Duncan, “Uses of Confucianism in Modern Korea,” 456; Lou Yulie, “Ruxe zai xiandai hanguo,” *Chuantong wenhua yu xiandaihua*, no.1 (1998).

13 Yong Chen, *Es el confucianismo una religion? La controversia sobre la religiosidad confuciana, su significado y trascendencia* (El Colegio de Mexico, 2012), 99-116.

14 Lou Yulie, “Ruxe zai xiandai hanguo.”

15 Lou Yulie, “Ruxue yu xiandai hanguo.”

Certainly, Confucian influences are still discernable in human relations in Korean society, where kinship is carefully maintained despite the highly urbanized population. Clan associations, alumni associations, and guild-like associations are widespread in cities, all of which have something to do with the sense of bond that originally derives from kinship. In Korean families, especially those of *yangban* lineage or of high social status, Confucian influences are even more apparent. Most Korean families nowadays are still male-centric or patriarchic, where the elder male member assumes the ultimate authority and bears most responsibility, and the marriage of their children is usually decided by parents. Many families even observe three years mourning period when elders die, and the eldest son needs to perform funeral rituals on regular bases during the period. Filial piety is particularly emphasized on the part of daughter-in-law, who is usually a housewife and expected to respectfully attend her parents-in-law, assist her husband, raise the children, and in many cases, abide the womanly virtue of chastity.¹⁶

Furthermore, traditional Confucian values are widely present in the social ecology of big corporations, or *chaebol*. The employment at the conglomerates is normally subject to the rules of social reference and deference. Low-level employees of large companies are not expected to have any real influence on the policy of the enterprise, while absolute acceptance of all decisions of the paternalistic figure of the director is enforced. In fact, the patriarchal hierarchy is steadfastly guarded in many conglomerates, where the president or director assumes the role of “father”; the high-ranking executives, “elder brothers”; and the rest of the firm, “females” and “younger siblings.” This patriarchal hierarchy, along with lifelong commitment of the employees to their job, is perfectly parallel to traditional Korean family structure. The mentality of corporate employees is the same as that of family members: the strong desire for group harmony.¹⁷

III. CONFUCIAN INFLUENCES ON MODERN KOREAN LEGAL SYSTEM

In modern times, the conflict between the legal system imported from the West and traditional Confucian ethics has been a recurrent issue in China, Japan, and Korea. Since the Meiji Reformation in 1868, Japan had adopted a westernization strategy, as best summarized in the slogan “Leaving Asia and Embracing Europe” which was masterminded by Fukuzawa Yukichi (1835-1901).¹⁸ By this pragmatic turn, Japan successfully detached itself from a long-held tradition encoded in the Confucian system of *li-fa* (rite-

¹⁶ *Ibid.*

¹⁷ Tomasz Slezia, “The Role of Confucianism in Contemporary South Korean Society,” *Rocznik Orientalistyczny/Yearbook of Oriental Studies*, T.66, Z. 1 (2013), 27–46.

¹⁸ Fukuzawa Yukichi, *Wenming lun gailue* (Beijing: Shangwu yinshuguan, 1959).

law) duality and converted into a modern nation-state on the European model. This drastic transformation in the socio-political order, together with changes in other dimensions of traditional society across East Asia, suggests the beginning of the dismantlement of the sino-centric civilization.

Nowadays people tend to believe that jurisprudence in East Asian countries is merely a duplication of the Western model and that it is in sharp contrast to the rite-law duality in traditional society where law was secondary and complementary to rites. In the chapter *Wei Zheng* of the *Analects*, Confucius said: “If the people be led by governing (*zheng*), and uniformity sought to be given them by punishments (*xing*), they will try to avoid the punishment, but have no sense of shame. If they be led by virtue (*de*), and uniformity sought to be given them by the rules of propriety (*li*), they will have the sense of shame, and moreover will become good.”¹⁹ It can be seen that Confucian philosophy gives primacy to propriety or rite (*li*) and allots a secondary position to punishment (*xing*, extended to law in general), although it does not seem to have ruled out the indispensability of law altogether.

The composition of modern Korean jurisprudence can be traced to two major sources, namely, the native tradition consisting of Confucianism, Legalism, Daoism, and folklores, and the imported legal system from the West through Japan. The year 1894 was the watershed for the legal history of Korea, when traditional jurisdiction was abandoned and Western jurisdiction systematically introduced. The rite-law duality as part of the common politico-judicial structure in the sino-centric sphere finally became history. “Except for some aspects in civil law, traditional jurisdiction was excluded from almost the whole legal system.”²⁰

Today, Confucianism is not seen as an integral part of the legal heritage in South Korea, but its influences are still tangible in many aspects of society, which in turn impact upon, directly or indirectly, the legislation of modern Korean laws. For example, filial piety, one of the core values of Confucianism, is still highly emphasized in Korean civil code and policies. In order to encourage filial behavior, the Korean government has been giving tax deductions to those who live with their aged parents under the same roof.

Confucian influences are fairly apparent in modern Korean civil code, which was formally established after the liberation from Japanese colonial regime in 1945. Article 777 of the Korean Civil Act (1960) defines “relatives” as “spouse, paternal relatives, and maternal relatives.” The category “paternal relatives” includes eight generations of the paternal lineage and their spouses, while the category “maternal relatives” only recognizes four gener-

¹⁹ The chapter *Wei Zheng* of the *Analects*.

²⁰ Chongko Choi, *Law and Justice in Korea* (Soeul National University Press, 2005).

ations of the maternal lineage and their spouses.²¹ This definition considerably differs from Western civil code and pivots on traditional kinship which was of a patriarchal nature and emphasized some core notions such as male superiority, respect for generational seniority, and mutual responsibility. However, the 1990 version of Korean civil code has paid attention to previously existent gender inequality and given more leverage to women's rights in family affairs.

Another good example of Confucian influence on Korean civil code is the prohibition of marriage between the same family names. Article 809 (1) of the Civil Act states: "Only those who have different surnames and are from different families can get married."²² The origin of this taboo can be traced as early as to the *Zuo Zhuan* (*Zuo Commentary on the Spring and Autumn Annals*), which, compiled about 2500 years ago, specifically states: "When a man and a woman (in marriage) share the same surname, their offspring will not flourish."²³ Although rudimental ideas of genetics were implied in the notion, the admonition itself was intended to safeguard the patriarchal order, because a man and a woman of the same clan name might be from the same ancestor and their marriage would substantially erode the social order based on seniority and patriarchal hierarchy.

Confucian influences are also visible in the jurisprudence of Korean criminal law, though to a lesser degree. Article 151 (2) of Korean Criminal Act, "Harboring Criminal and Special Exceptions to Relatives," states: "If the crime...is committed by a relative or a family member living together with the said person for the benefit of the criminal, it shall not be punishable."²⁴ Article 155, "Destruction of Evidence etc. and Special Exception to Relatives," is of a similar statement: "If a crime under this Article is committed by a relative or a family member living together with the said person for the benefit of the criminal, it shall not be punishable."²⁵

This exemption from punishment for relatives or family members of the criminal is clearly in conformity with the Confucian moral principle elaborated by Confucius himself.

The Duke of She informed Confucius, saying: "Among us here there are those who may be styled upright in their conduct. If their father has stolen a sheep,

21 Du Wenzhong, "Huitong zhilu—lun rujiao dui hanguo xiandai falv de yingxiang," *Zhongguo renmin daxue xuebao*, no.4 (2008).

22 *Ibid.* Article 809 (1) of Korean Civil Act was amended in 2005, which articulates the prohibition of marriage between blood relatives instead of same family names.

23 *Zuo Zhuan*, Xi Gong 23, Zhao Gong 1.

24 Korean Criminal Act, Article 151 (2). <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46816472.pdf>. Accessed June 30th, 2020.

25 Korean Criminal Act, Article 155. <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46816472.pdf>. Accessed June 30th, 2020.

they will bear witness to the fact.” Confucius said: “Among us, in our part of the country, those who are upright are different from this. The father conceals the misconduct of the son, and the son conceals the misconduct of the father. Uprightness is to be found in this.”²⁶

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Article 241 of Korean Criminal Act, “Adultery,” states: “A married person who commits adultery shall be punished by imprisonment for not more than two years. The same shall apply to the other participant.”²⁷ In Western countries, adultery is usually not criminalized but rather regarded as a moral offense and, curiously, there is no such an article in the criminal code of China and Japan. Of all other regions of East Asia that are historically influenced by Confucianism, Taiwan is the only exception where a similar article can be found in its criminal code. Criminalization of adultery is apparently due to Confucian influences of Korean society where marriage is especially protected by law. Ironically, although some legal experts have expressed criticism of this article, it enjoys strong support from feminist groups which are otherwise seen as anti-Confucian.

IV. CONFUCIAN INFLUENCES ON CONTEMPORARY KOREAN POLITICS

The relation between Confucianism and Korean politics, complicated and deep-trenched in its nature, has experienced oscillations throughout modern times. From the second half of the 19th century to the end of the colonial period, the validity of Confucianism had been repetitively tested and increasingly suspected as Korea encountered socio-political and cultural crises one after another. The same situation continued until several decades into the post-colonial period and anti-Confucian rhetoric dominated public discourses. Since the beginning of the 1970s, however, defenders of the tradition started to emerge and the general opinion about it witnessed a gradual change along with the rapid economic growth and socio-political transformations in the once war-torn country.

The case of Park Chung-hee (1917-1979), originally a military general who gained power through the May 16 military coup d'état in 1961 and then turned president in 1963, is a good example to reflect on the trajectory of Confucianism during the second half of the 20th century. In 1962, while ruling South Korea as chairman of the Supreme Council for National Reconstruction, Park published his book, *Our nation's Path: Ideology of Social Reconstruction*, in which he depicted Confucianism as an obstacle for any

²⁶ The chapter *Zi Lu* of the *Analects*.

²⁷ Korean Criminal Act, Article 241. <https://www.oecd.org/site/adbocedanti-corruptioninitiative/46816472.pdf>. Accessed June 30th, 2020.

social and political progress of Korea, an argument in perfect conformity with the general opinion of Korean society up to the 1960s. But his negative attitude made a U-turn in the 1970s when he tapped into the deeply held sentiments about Confucian values as an integral part of Korean identity. Furthermore, he realized that Confucianism would lend theoretical support to his authoritarian politics and thus began to openly and vehemently promote Confucian values so much so that he designated his own daughter, Park Geun-hye, as head of his New Spirit (*Saemaum*) movement.²⁸ Consequently, Confucianism re-emerged as a public discourse in the debates about Korean cultural identity and the nature of Korean modernity from the 1970s onward.

In the 1990s, Kim Dae-jung (1924-2009), president from 1998 to 2003, was widely regarded to have a stronger commitment to liberal democracy than any of his predecessors while at the same time maintaining a sympathetic view to Confucianism. In 1994, Kim published an article in *Foreign Affairs*, with the title “Is Culture Destiny?,” in which he claimed that Meng-tzu (372-289 B.C.), the second most important philosopher in the Confucian tradition, had democratic ideas similar to those of John Locke (1632-1704).

It is widely accepted that English political philosopher John Locke laid the foundation for modern democracy. According to Locke, sovereign rights reside with the people and based on a contract with the people, leaders are given a mandate to govern, which the people can withdraw. But almost two millennia before Locke, Chinese philosopher Meng-tzu preached similar ideas. According to his “Politics of Royal Ways,” the king is the “Son of Heaven,” and heaven bestowed on its son a mandate to provide good government, that is, to provide good for the people. If he did not govern righteously, the people had the right to rise up and overthrow his government in the name of heaven. Meng-tzu even justified regicide, saying that once a king loses the mandate of heaven, he is no longer worthy of his subjects’ loyalty. The people came first, Meng-tzu said, the country second, and the king third.²⁹

In 1999, one year after he became president, Kim Dae-jung submitted an article to the influential journal *Sin donga*, with the title “Loyalty and Filial Piety Thought and Twenty-first Century Korea,” in which he argued that while loyalty and filial piety are important values, in a modern democratic country such as South Korea the object of loyalty and filial piety can no longer be the authoritarian rulers, officials, and patriarchs of the past but must now be the citizens, one’s spouse, and one’s neighbors. He thus encouraged

²⁸The New Spirit movement was a political initiative launched on April 22, 1970 by South Korean president Park Chung-hee to modernize the rural areas by appealing to traditional values. Duncan, “Uses of Confucianism in Modern Korea,” 451.

²⁹Kim Dae-jung, “Is Culture Destiny? The Myth of Asia’s Anti-Democratic Values,” *Foreign Affairs*, Vol. 73, No. 6 (1994), 189-194.

his fellow countrymen to reinterpret Confucianism in terms of democracy and liberalism and to engage as equals in a dialogue with the “universal thought of the West.” He asserted that Korea’s Confucian tradition can be properly transformed to meet the challenges of modernity, such as the democratization of Korea in the 21st century.³⁰

Nevertheless, the democratization process of a traditionally Confucian state such as South Korea has proven to be anything but easy. The inextricable relation between Confucianism and Korean politics has reached far beyond the theoretical or rhetorical level, for good or for bad. A vivid testimony to this half-blessing and half-curse heritage lies in nowhere else than the very fact that almost all ex-presidents had invested their personal well-being in it and had exemplified its dynamic in one way or another, but mostly tragically.

The president-turned-dictator Park Chung-hee was assassinated in 1979 after nearly 20 years of rule; the general-turned-president Chun Doo-hwan (r.1980-1988) was sentenced to life in prison for his role in the Gwangju Massacre (though the sentence was later commuted); another general-turned-president, Roh Tae-woo (r. 1988-1993), was jailed on the same counts as Chun (also pardoned); both Kim Young-sam (r.1993-1998) and Kim Dae-jung entered office pledging to eradicate corruption, but both saw their sons convicted of influence-peddling during their time in office; Roh Moo-hyun (r.2003-2008), impeached by the Constitutional Court for illegal electioneering in 2004 (though overturned afterwards) and later accused of receiving bribes, committed suicide one year after leaving office; Lee Myung-bak (r.2008-2013) was sentenced to 15 years in prison for embezzling 24.6 billion won (roughly \$22 million) in 2018; Park Geun-hye (r.2013-2017), daughter of the former president Park Chung-hee who was never married but claimed to be “married to her country,” was impeached and removed from office in 2017, and sentenced to 25 years in prison the following year on bribery, extortion, abuse of power and other criminal charges.³¹

The case of Park Geun-hye, controversial in nature, is especially poignant to reflect on the invisible but unshakable Confucian sway on contemporary Korean politics. To simply put, the sovereign of a traditionally Confucian state is not just seen as an executive of government but rather inundated with expectations far beyond the political sphere. Confucian principles and ideas emphasize the ruler’s duty to set a moral example and govern in the interests of the populace and defend the right of the people to rebel against an unjust ruler and continually recognize the imperative of high moral standards in government. Its chief concern is with the following of the way (*dao*) and the pursuit of benevolence or humaneness (*jen*).

³⁰Kim Dae-jung, “Ch’unghyo sasang kwa 21 segi han’guk,” *Sin donga* 99.05 (May 1999).

³¹ “Cases against two ex-presidents of South Korea fit an alarming pattern,” *The Economist* (April 8, 2018).

In the chapter *Yan Yuan* of the *Analects*, the Duke Jing of Qi asked Confucius about good government. Confucius replied: “There is (good) government when the ruler is ruler, the minister is minister, the father is father, and the son is son.”³² When Ji Kang Zi asked him the same question, he said: “To govern is to be correct. If you [the ruler] set an example by being correct, who dares to be incorrect?” “If you strive to be good, the people will be good too.”³³

To some political observers, the removal of Park Geun-hye from office is the victory of the national alliance of citizens over a regime that was found to be corrupt, unjust, and undemocratic, something that can be characterized as “accumulated evils,” which had prevented Korea from becoming a truly democratic and just society. For many Koreans, Park’s abuse of power in forcing big corporations (*chaebol*) to contribute to fund foundations created by Choi Soon-sil, her private confidante, Choi’s improper and illegal meddling in governmental affairs, and Choi’s daughter’s shady admission into a prestigious university in Korea all signaled the culmination of the accumulated evils.³⁴

By the definition of the Korean Constitutional Court (KCC), the president of the country is “the symbolic existence personifying the rule of law and the observance of law toward the entire public.”³⁵ Interestingly, scholars like Kim Sungmoon find it difficult to believe that violation of constitutional rights was the major driving force of the nation-wide mass protest that eventually ousted Park Geun-hye because even more serious violations had been committed on several occasions by the same regime. According to Kim, the key to understanding Park’s ousting lies in the KCC’s later indictment in which she was accused of “betrayal of the trust of the people.” This statement unmistakably suggests the deep-seated Confucian sentiments that constitute the “shared normative ideals” in the popular conception of a good government which in turn dictates political discourses of the country. Kim asserts:

The public uproar that followed was not simply due to the fact that the president had violated the law, which should be the sole concern of the constitutional court in deliberating her impeachment in light of liberal constitutionalism, but, more importantly, her utter failure to live up to the normative ideal of the nation’s highest political leader widely held among the Korean people.³⁶

32 The chapter *Yan Yuan* of the *Analects*.

33 *Ibid.*

34 Kim Sungmoon, “Candlelight for Our Country’s Right Name: A Confucian Interpretation of South Korea’s Candlelight Revolution,” *Religions* (2018), 9, 330.

35 *Ibid.*

36 *Ibid.*

For the majority of the population, the most exemplifying case of the “utter failure to live up to the normative ideal” unequivocally points to “the Sewol incident” that had occurred two years earlier, an incident that costed the lives of more than three hundred school children. Throughout the incident, President Park Geun-hye proved to be negligent and irresponsible, a far cry from the expectations of the Korean people harboring “normative ideals.”³⁷ In other words, she was widely seen as critically devoid of sincerity, responsibility, and an empathetic heart, which resulted to “her fatal failure to exercise a benevolent government.” At the time of the Sewol incident, the Korean public did not know how to process their frustration with the president in a constitutionally acceptable manner but merely remonstrated with her in the open space of civil society. It took another incident—her “violation of constitutional rights” two years later, with her private confidante Choi Soon-sil involved—to finally pull the trigger. Kim Sungmoon rightly observes:

What is clear though is that in the eyes of the Koreans the president did not possess the right moral character expected of the nation’s highest political leader. When it was repeatedly proven that she not only lacked core virtues for good leadership such as benevolence, sincerity, trustworthiness, responsibility, and compassion, but rather had gone actively against the ideal of good government by being callous to the suffering of the people and entrusting the government to a friend who was totally unqualified and had no interest in the public good, many ordinary Koreans finally came to the conclusion that she was unsuited for this post and should be removed immediately.³⁸

Kim concludes that the Confucian moral discourse as constantly demonstrated in the impeachment of Park Geun-hye has sufficed to qualify South Korea as a “Confucian democratic civil society,” at the core of which is a strong ethico-political nature supplemented by its great respect for constitutional politics. Kim further claims that this type of civil society “is particularly suited for a traditionally Confucian society that has undergone democratic transformation—or simply, suited for a Confucian democracy, a democracy whose underlying principles, public institutions, and social practices...are in constant negotiation with the existing Confucian societal culture that still informs the habits of the heart of the local people.”³⁹ Whether this statement is valid remains to be seen, but it will certainly inspire those who are hopeful of the compatibility between Confucianism and liberal democracy.

37 *Ibid.*

38 *Ibid.*

39 *Ibid.*

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