The modern transformation of Korean political thinking : revisiting the political ideas of the Late-Nineteenth-Century Reformists

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Chapter Six

The Reconstruction of Political Thinking 2:

New Legitimacy of Rule in the Late 1890s

In the same manner as the previous chapter, in this chapter we will continue to examine the reformists' reconstruction of political thinking, especially with regard to their new ideas of legitimacy of rule. As the Confucian ethical ideal lost its influence and was discredited as the source of legitimacy of the political system, the reformists began to reconstruct new ideas of political legitimacy from the 1880s. The reconstruction of new political legitimacy was in tandem with their re-formation of new public values and new conception of government. Yet in the 1880s, the new ideas of legitimate rule were nascent and too premature to surface as a political issue. It was in the late 1890s that the new ideas of legitimacy were circulating among the reformists and emerged in the form of a political agenda. In this chapter, we will focus on *Tongnip sinmun* and the Independence Club, because the paper's ideas and the Club's political actions (specifically the 1898 mass rallies) represent a novel view of legitimate rule. The ideas of political legitimacy expressed in the paper and by the Club movement are intellectually meaningful, as they represent domestic change, i.e., common people's rise as political citizens and the growing strata of reformists, and their call for rightful governance. Lasting for more than two years, the paper and the Club inculcated new ideas of the legitimacy of rule into Korean people and exerted themselves to realise these

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ideas.

The ideas expressed in *Tongnip sinmun* and political actions of the Independence Club have received the attention of many researchers, because they have been seen as a distinctive harbinger of post-Confucian political ideas and actions in Korean history. Early studies on *Tongnip sinmun* and the Club have mainly highlighted the Club's political actions in 1898, or the People's Mass Meeting (*manmin kongdonghoe*), and the social and political ideas that led to that political movement, while creating an academic debate over the appropriate path to achieve national independence and modernisation in Korea at the time. In his monograph on *Tongnip sinmun* and the Independence Club, Shin Yong-ha has comprehensively and meticulously examined the Club's ideas and actions, while interpreting the movement positively as a right path for national independence, people's rights, and national reform for a modern state.[368] On the other hand, researchers like Ch'oe Tŏksu, Chu Chin-Oh, and Yi T'aejin have raised a critical view, finding an appropriate path to those tasks in King Kojong's conservative reforms from above.[369] Chu Chin-Oh, in particular, has provided new insights on the Club movement by dividing the leadership of the Club into two, the moderate and the radical group. He has also suggested that the ultimate failure of the Club's street demonstrations was caused by the radicals' ambition to take power from the king. Yet Chu's study is based on unequal treatment of contrasting facts on the Club movement. Chu's, as

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368 Shin Yong-ha, *Tongnip hyŏphoe yŏn'gu*.

369 Ch'oe Tŏksu, "Tongnip hyŏp'hoe ŭi chŏngch'e ron mit oekyo ron yŏn'gu: Tongnip sinmun ŭl chungsim ŭro" [The Ideas of the Political System and Diplomacy of the Independence Club], *Minjok munhwa yŏn'gu* 13 (1978), pp. 197–233; Chu Chin-Oh, "19 segi huban kaehwa kaehyŏk ron ŭi kujo wa chŏn'gae: Tongnip hyŏphoe rŭl chungsim ŭro" [Modern Reformism and Political Activities in Late Nineteenth-Century Korea], PhD dissertation, Yonsei University (1995); Yi T'aejin, "Sŏjang: Kojong sidaesa hŭlŭm ŭi chaecho'myŏng: kaehang esŏ kwangmu kaehyŏk kkaji" [Introduction: the History of King Kojong's Reign Revisited: from the Opening Up of the Ports to the *Kwangmu* Reforms] in *Kojong sidae ŭi chaechomyŏng* (Seoul: T'aehaksa, 2000), pp. 39–74.

well as Ch'oe's and Yi's studies, lack in the balance between what the Club aimed for and accomplished, and how the radicals misbehaved.

The clarification of the 'political' ideas of the paper and the Club has been made relatively recently. Yi Nami has interpreted *Tongnip sinmun* as the first instance of the introduction of liberalism into Korea, while Choi Hyung-ik has found the origin of the Korean democratic movement in the late 1980s in the People's Mass Meeting in 1898. Lee Dong-soo has seen the Mass Meeting in terms of the creation of a modern public sphere in Korea. On the other hand, Kim Hong-woo saw the entire process of the Mass Meeting after September 1898 as a grand process that formed a social contract between King Kojong and the common people and its final breakdown.[370] While interesting in subject and diverse in perspective, these studies have largely failed to situate their ideas within historical context. Keeping the historical context in mind, I focus on their novel ideas of political legitimacy, an aspect that is crucial in understanding their reconstruction of political thinking.

This chapter highlights two themes: a systematic understanding of the new ideas of legitimacy on the one hand, and, on the other, the relationship of the Club's ideas of legitimacy with Confucian political ideas. Regarding the first theme, I conceptualise the new legitimacy as a combination of both *democratic* and *procedural* legitimacy. Previous studies addressing the democratic ideas embedded in *Tongnip sinmun* and the People's Mass Meeting

[370] See Yi Nami, "Tongnip sinmun e nat'anan chayujuŭi sasang e kwanhan yŏn'gu" [A Study of Liberal Ideas in *Tongnip sinmun*], PhD Dissertation, Koryŏ University (2000); Choi Hyung-ik (Ch'oe Hyŏng'ik), "Han'guk esŏ kŭndae minjujuŭi ŭi kiwŏn: kuhanmal tongnip sinmun, tongnip hyŏphoe, manmin kongdonghoe hwaldong" [The Origin of Modern Democracy in Korea: The Activities of *Tongnip sinmun*, the Independence Club and the People's Mass Meeting], *Chŏngsin munhwa yŏn'gu* 27 (3) (2004), pp. 183–209; Lee Dong-soo (Yi Tongsu), "*Tongnip sinmun* kwa kongnonjang" [*Tongnip sinmun* and Public Sphere], *Chŏngsin munhwa yŏn'gu* 29 (1) (Spring 2006), pp. 3–28; Kim Hong-woo (Kim Hong'u), "Tongnip sinmun kwa sahoe kyeyak" [*Tongnip sinmun* and Social Contract] in *Han'guk chŏngch'i ŭi hyŏnsanghak chŏk i'hae* (Seoul: Inkan salang, 2007), pp. 713–51.

paid scant attention to the conceptual bases,[371] and none of the previous studies illuminated procedural legitimacy as a core theme of the Club's political ideas. Concerning the second theme, I argue that the democratic legitimacy of rule upheld by the paper and the Club was closely linked with the necessity-based understanding of politics within Confucian political ideas. Before we discuss these two kinds of legitimacy, let us first see the historical conditions of contemporary Korea with regard to political legitimacy.

1. The Crisis of Legitimacy of the Old Regime

Political legitimacy, which signifies the rightfulness of a power-holder or system of rule, is an important analytical tool in explaining the maintenance and fall of a government. A governmental crisis indicates that the grounds of legitimacy have eroded for some set of reasons. According to David Beetham, a government that wants to obtain political legitimacy must hold "legal validity," in which its power must be acquired and exercised according to established rules. Furthermore, in order to have legitimacy the government must have a "moral justification," which refers to both *a rightful source of political authority* and the *rightful ends or purposes as a government*.[372] When we apply these two criteria of moral justification to the government of Chosŏn in the 1890s, we can see that the legitimacy of the Confucian monarchy was critically impaired.

Let us begin with the sources of the legitimate authority of Chosŏn's system of rule.

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[371] Shin Yong-ha simply named several elements of modern "social" ideas in *Tongnip sinmun* democratic ideas without discussing the democratic ideas themselves. Similarly, Choi Hyong-ik interpreted the People's Mass Meeting as a democratic movement without elucidating the conceptual bases of the democratic movement. See Shin Yong-ha, *Tongnip hyŏphoe yŏn'gu*, 612–36; Choi Hyung-ik, "Han'guk esŏ kŭndae minjujuŭi ŭi kiwŏn."

[372] David Beetham, *Legitimation of Power* (Basingstoke: Macmillan, 1991).

The Chosŏn kingdom's rule is aptly termed "traditional domination" in Weber's classification of rule, which is grounded on "an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them."[373] The kingship of Chosŏn supported by *yangban* aristocratic bureaucrats drew its legitimacy basically from the cumulative authority of the tradition of monarchic rule. With the hierarchical social structure comprised of the king, aristocracy, and commoners, which was maintained for about two millennia, the ruling class of Chosŏn held the legitimacy of rule and enjoyed social stability. Another source of legitimacy for Chosŏn's ruling system came from the orthodox state ideology, Confucianism. That the government was successful in building a society organised by Confucian values and institutions from its previous orthodox religion, Buddhism, and that its rule was principally based on Confucian teachings, provided the ruling elites with ideological legitimacy. Moreover, Confucianism established on the basis of monarchic rule and stratified social divisions legitimised the social status system of Chosŏn.

The traditional kingdom also enjoyed stability resulting from a further condition of legitimacy, that is, the rightful purposes or performances of the government. Generally speaking, it is reasonable to argue that the Chosŏn government provided an appropriate level of security and economic sustenance to its people throughout most of its reign. The regional hegemony of Ming and Qing China guaranteed Chosŏn's national security and long peace until the 1860s, in return for regular tributes, except for two invasions by Toyotomi Hideyoshi's Japan in 1592–98 and Manchu's Qing in 1627 and 1636. Moreover, Chosŏn's

[373] Max Weber, *Economy and Society 1*, trans. by Ephraim Fischoff, Hans Gerth, A. M. Henderson et al. (University of California Press, 1978), p. 215. Weber's ideal type of traditional domination, in contrast to charismatic or rational domination, does not wholly fit the Chosŏn government's rule. In Chosŏn the king and *yangban* bureaucrats were, to some extent, in a relationship of checks and balances. The bureaucracy developed a range of rational rules and institutions independently of the king's power, and held a measure of moral authority over the king, checking his arbitrary exercise of power, although the final authority in decision-making still belonged to the king.

agrarian economy was relatively stable and the government could manage the domestic disputes arising from socio-economic problems, such as peasant rebellions that took place from time to time.[374] The Confucian teaching of *minbon* (rule for the sake of the common people) and government policies based upon it also helped lessen social conflicts between rulers and the ruled and haves and have-nots. Indeed, the *yangban* bureaucrats' prioritisation of institution-building to the benefit of their own class was often offset by government policies for the commoners, especially when they suffered from natural disasters. In addition, on the level of political process within the government, there were 'checks and balances' between the king and the bureaucracy and these prevented the rise of a despotic ruler throughout its five-hundred-year history.[375] Given these facts, it is reasonable to say that the Chosŏn government's purpose or performance within its system achieved legitimacy.

The legitimacy of the government, however, was seriously undermined after the 1860s, when the country was challenged from the outside world and forced to integrate into the nineteenth-century imperialist world order. Above all, as the Chinese regional hegemony

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[374] The inequality of land ownership between ruling-class landlords and commoner-class peasants remained a key element of Chosŏn's socio-economic structure. Yet, as Kim Yongsŏp has shown, the division between *yangban* landlords and commoner-class peasants was being eroded in the wake of social changes in late Chosŏn. Peasant rebellions were mainly caused by the inflexible tax system set by the central government and local officials' institutionalised corruption, as in the case of Chinju in Kyŏngsang province in 1862. For the socio-economic changes in seventeenth- and eighteenth-century Chosŏn, see Kim Yongsŏp, *Chosŏn huki nong'ŏpsa yŏn'gu* [Studies of the History of Agriculture in Late Chosŏn] 1, 2 (Seoul: Iljogak, 1992, 1990). For the peasant rebellion in Chinju in 1862, see Kim Yongsŏp, "Chŏljongjo millan palsaeng kwa kŭ chi'hyang: Chinju millan anhaek munkŏn ŭi punsŏk" [The Rebellions in the Reign of King Chŏljong and Their Inclination], *Tongbang hakji* 94 (1996), pp. 49–109.

[375] The negative side of the checks and balances relationship should also be pointed out. In spite of the benefits mentioned, checks on the king and an excessive stress on ethical motivation in politics had long-term costs, resulting in meek and indecisive kingship and a society far too focused on ethical issues, instead of a militarily strong and wealthy nation. When the internal system lost its insularity in the late nineteenth century, all the demerits of the Chosŏn kingdom rose up. For the checks and balances between the king and the bureaucracy, see James B. Palais, *Politics and Policy in Traditional Korea*, 4–16.

virtually collapsed, reformist intellectuals cast fundamental doubts on the traditional dependency of Chosŏn on China, calling Chosŏn an independent sovereign state in reference to modern international laws. The destabilisation of China as the centre of civilisation also led to widespread critical reflections on the Confucian model of civilisation and on traditional culture and customs. In the midst of comprehensive deconstruction occurring in the late nineteenth century, the traditional bases of political legitimacy that had so long upheld the Chosŏn kingdom and its sanctity were seriously devalued. In contrast to the weakening legitimacy of traditional kingship, new political ideas from the outside world disseminated a new source of authority conferred by the common people, as is exemplified by the *Hansŏng sunbo* (1883–4) and other sources that informed readers of the democratic regimes of foreign countries.

The undermining of Chosŏn's ruling system was also accelerated by its poor handling of national problems and its failure to build any new legitimacy for its rule. Generally speaking, the government's response to the transformation of the international political environment was not prompt or strategic, and its effects to adapt to the changing world were neither voluntary nor proactive. Thus, once Chosŏn was opened up, it became a battleground for neighbouring imperialist countries seeking political and economic gains, which was encouraged by the government's mishandling of chronic domestic problems. An ongoing financial crisis from the mid-1870s and local officials' widespread corruption and lack of discipline degraded the government's efficacy. King Kojong and most of his subjects adopted a conservative stance, caused by prolonged isolation from the outside world, instead of progressive national reforms. The king wanted to take a moderate or conservative path in reforming the state, leaving several and urgent matters of the country untreated. He hated to impair his traditional authority as king by accepting reformists' initiatives on government

reorganisation; instead he endeavoured to sustain his throne by obtaining foreign powers' support and by employing the balance of power between competing imperialist forces on the peninsula. These circumstances gave birth to reformists' radical impetus for state reform as well as grassroots uprisings. *Tongnip sinmun* and the Independence Club movement representing the reformists' vision rose up in this context.

The reformists' endeavours to define a new basis for political legitimacy developed from the 1880s, as they unfolded new political thinking. This was particularly apparent in their expressions of people's rights and a constitutional system as a desirable form of government. First formulated in the 1880s, these new ideas of political legitimacy were not fully developed until full-fledged new ideas were expressed in the editorials of the *Tongnip sinmun* and promoted by the Independence Club.

2. New Base of Legitimacy 1: Democratic Legitimacy

2.1. A New Source of Legitimacy in *Tongnip sinmun*: The Common People

The most distinctive of the political ideas of *Tongnip sinmun* was its new conception of the legitimacy of rule and specifically a shift in the source of legitimate political authority from the traditional kingship to the common people. The state of Chosŏn was composed of the king and subjects, with the latter including both *yangban* aristocrats and commoners. The bureaucracy, recruited mainly from the *yangban* class, mediated between the king and the commoners. The king was commonly identified as the state (expressed as *nara*) and had the right to make the final decisions on national affairs. Yet, in Chosŏn there was a tension over the fundamental source of power between the king as the real power-holder and the Confucian idea that the (common) people were the *raison d'être* of government. However,

since the kingship was thought to embody Confucian teachings, this tension remained weak and implicit and rarely surfaced in real political scenes. Thus, although it was widely accepted that the state existed for the sake of the people, in reality the king, as the parent of the subjects and the ethical master leading them to righteousness, was at the centre of political legitimacy in Confucian Chosŏn. The political process in Chosŏn was, therefore, generally top-down, with a centralised bureaucratic system supporting this order.

In the late 1890s, however, as the king's authority disintegrated, this innate tension emerged. Editorials in *Tongnip sinmun* and the People's Mass Meeting reveal this tension vividly, manifesting a new legitimacy of rule centred on the people. What is salient in the paper's editorials is indeed its objection to the old top-down political process and its consequent emphasis on the common people (called *paeksŏng* or *inmin*) as a core subject in creating political opinions and transformation. While the paper occasionally treated the king as identical with the state in accordance with tradition, many editorials clearly distinguished between these two. The most frequently cited concept corresponding to the people was *chŏngbu* (government), *nara*, or *kukka* (the state), not the king; in the paper kingship lost its central position in state management. Now, governance was no longer seen as the king's beneficence toward his subjects, as tradition regarded it, but rather was recognised as the representation of the voluntary activity of the people for the purpose of guaranteeing their own interests. The king's state therefore turned into the people's state. The following editorial in *Tongnip sinmun* discussing the origin and functions of the state demonstrates this point:

> In the beginning, the original intent in the emergence of *nara* was to have several people engage in discussions and then deal with all manner of affairs on behalf of *inmin* (the people) in the entire country. *Kwanwŏn* (government officialdom) was also formed for the people's sake, and people pay taxes for their own sake. Therefore, whether a country rises or falls, its

> laws are fair or not, its government officials are good or not, its soldiers are brave or not, its police is doing right or not, the government has a good relationship with foreign countries or not, and the people's knowledge of agriculture, manufacturing, and commerce grows or not, are all the concerns of the people and related to the interests of the people.[376]

Articles stressing the people's role and interests in managing the state are not rare in *Tongnip sinmun*. Mr. Kim Hŭng'gyŏng's contribution to the paper on 20 May 1897, discussing the duties of both government officials and the people, insisted that "*chŏngbu* was established for the sake of the people. So, if it is not helpful for the people, what else is it useful for?" This re-conceptualisation of the common people as the core subject of rightful governance and the new understanding of the government as an institution representing the people's interests were frequently expressed in terms of a social contract. Interestingly, the editors of the paper used a contractual model the former Confucian scholar Chŏng Yak'yong (1762–1836) had formed. For example, in an editorial discussing the role of law in the 30 November 1898 issue, the editor described the origin of the state in the same manner as Chŏng's political essay *T'angnon*. The editor argued that a state originated in an association of houses, villages, and then tribes as it gradually broadened. Furthermore, the editor adopted Chŏng's style in articulating the new contractual view of governance, insisting that government officials were originally elected by the people and for the people's sake, so, according to them, "*paeksŏng* is the foundation of *nara* and government officials are just like *koyong* (employees)."[377] This had as implication that it was only natural that a poor-performing government was ousted for a new performant, as Chŏng clearly stated in his essay. This contractual or reconstructive view of the origin of the state is prevalent in *Tongnip*

[376] *TS* 17 April 1897.

[377] *TS* 6 May 1899.

sinmun.

The radical reversal of the traditional conception of rule is also well represented in a letter Sŏ Chaep'il sent to the paper. Sŏ was one of the key members of the 1884 *coup d'état* and was the founder and a main editor of the paper from April 1896 to May 1898, following his return from his exile in the U.S. Yet in May 1898 he had to go back to the U.S., where he had received the degree in medicine and had citizenship, owing to his tense relations with the current government and with foreign diplomats in Seoul who saw Sŏ as a main impediment to their national interests in Korea. In his letter from the U.S., Sŏ described in strong terms the conditions of Korea in which the common people, who are the owners of the state, lost their ownership to government officials who should rightfully be their employees, and were relegated to the status of slaves. He thus urged Korean people to realise their current state and retrieve their original rights:

> For hundreds of years, Korean people have regarded the government officials as sages and gentlemen, and asked the officials to protect their lives and property in return for paying taxes every year. Although they are the *chuin* (owner) of the state, they did not claim their ownership; instead, they asked the officials to look after their own jobs. But, more and more, these employed *sahwan* (servants) became the owners and the real owners became *noye* (slaves) and lost their lives and property to the employees. The reason for that was nothing less than that *chuin* did not play well their role as *chuin*… In recent years, the conditions in Korea and China have been similar in that the two countries are being humiliated in the world. The blame for it, above all, should be ascribed to the people who are the *chuin* of these countries. Even today, if *chuin* control *sahwan* and force them to conduct tasks beneficial for *inmin* and useful for the state's glory, there is no doubt that the bad *sahwan* will become faithful ones.[378]

Once the common people as the objects of rule came to be seen as the source of

[378] *TS* 16 November 1898.

legitimate political authority, it followed that the responsibility for national affairs was ascribed to them rather than to the traditional ruling elites. As the editorial of the 11 January 1898 issue discussing the duty of the people put it, "the rise and fall of a country depends on whether the people of the country carry out their duty or not." Furthermore, it continued, "from the people's point of view, if a government does not conduct tasks for the sake of the people, then to force the government to perform tasks for the sake of the people is also the duty of the people."[379] These passages show that by the late 1890s the traditional way of governing via an appeal to the ruling elites' ethical integrity had ended, and the responsibility for redressing government officials' wrongdoings had become seen as the duty of the people. In this regard, the editorial of the 3 November 1898 issue entitled "Duties of the government officials and the people" asserted that whether laws are properly enforced or not depends on the people themselves, and it also urged citizens to express their opinions in order for government officials to administer laws justly: "the reason why laws are not enforced [in Korea] is that the people do not express their own opinions."

This radical change in political legitimation emphasising the common people can be related to the Confucian ideas of *minbon* (or *wimin*), but the representation of the people in *Tongnip sinmun* exceeds the boundaries of the traditional concepts. The view of the common people in the paper is closer to the concept of people in democratic polities in that the people are placed at the actual centre of the political process rather than only rhetorically. Indeed, following the opening up of Korea, Western democratic ideas were introduced to Korean intellectuals through many channels. As we have discussed in the previous chapter, the newspaper *Hansŏng sunbo* and Yu Kilchun's *Sŏyu kyŏnmun* introduced democracy to Korean

[379] *TS* 11 January 1898.

people. Many students who had an opportunity to study in Japan and the U.S. from the early 1880s also saw that in democratic countries a ruler is elected by the ruled. The democratic understanding of legitimacy in *Tongnip sinmun* followed this trend at this time. Moreover, the two main editors of the paper, Sŏ Chaep'il and Yun Ch'iho (1865–1945), studied at American universities, so their radical conception of the people must have been closely linked to their study and experience in the U.S.[380]

Their democratic ideas, however, could not be expressed in their own way without compromise. *Tongnip sinmun* as a historical account representing the political opinions of the reformists must be read in this context. The radical political thinking in the paper does not mean that the Club had good reasons to act as they thought, by demanding the establishment of a complete popular assembly through a popular vote and by seeking a democratic republican regime. Even though they maintained the democratic legitimacy of rule, the editors had to be cautious in handling specific issues, especially those relating to changes in the monarchical system. They had to take into account the king's authority as the incumbent ruler and the people's old habit of regarding monarchy as the only and proper political regime for Korea. Thus the paper's political articles express a mixture of radical, moderate, and occasionally quite conservative viewpoints, and some scholars have failed to recognise the

[380] For the biography and political activities of Sŏ Chaep'il, see Kim Tot'ae, *Sŏ Chaep'il paksa chasŏjŏn* [Autobiography of Dr. Sŏ Chaep'il] (Seoul: Ŭlyu munhwasa, 1974); Kim Yongdŏk, Paek haksun, Yi T'aekhui et al. (eds.), *Sŏ Chaep'il kwa kŭ sidae* [Sŏ Chaep'il and his time] (Seoul: Sŏ Chaep'il ki'nyŏmhoe, 2003). For Yun Ch'iho's life and activities see, Yu Yŏngnyŏl, *Kaehwagi Yun Ch'iho yŏn'gu* [Studies of Yun Ch'iho in the Opening up Era] (Seoul: Han'gilsa, 1985), pp. 15–170 and for his life course as a collaborator with the Japanese colonial authorities in the colonial period (1910–45), see Pak Chihyang, *Yun Ch'iho ŭi hyŏpnyŏk ilgi* [Yun Ch'iho's Diary of Collaboration] (Seoul: Yisup, 2010). For a study that highlighted the effects of Christianity on the two persons' view of common people, particularly on women's rights, see Hyeweol Choi, *Gender and Mission Encounters in Korea: New Women, Old Ways* (University of California Press, 2009), pp. 30–8, 41–2.

radicalism in the editorials and misinterpreted the political ideas in the paper.[381]

2.2. Democratic Legitimacy in the 1898 Street Demonstrations

Through the People's Mass Meeting in 1898 the democratic idea of legitimacy surfaced on the political stage and came into conflict with the king's traditionally maintained, exclusive rights to national affairs. This confrontation was formed when the Independence Club staged street demonstrations against the government's submission to Russian demands: in particular, the government's granting of the lease of a south eastern island in February 1898.[382] This

[381] Some researchers, including Kim Tongt'aek, have failed to grasp this difference between ideas and reality. Kim argues that *Tongnip sinmun* does not have any radical political ideas, pointing out the paper's silence on people being sovereign themselves and their rights to political participation. Not only does he fail to recognise the radical ideas in the editorials, but he also becomes bemused by the editors' compromise with political reality. Furthermore, he insists that the paper envisioned a strong kingship, not a constitutional monarchy or a republican system, as a proper political system for Korea at the time. But this view had already been criticised by Sŏ Yŏnghi. According to Sŏ, the often-used term *aegun* (愛君, love the king) was used not to enhance Kojong but to enhance the nation, in a rhetorical sense. She persuasively argues that the paper and the Club made continuous efforts to limit King Kojong's power. See Kim Tongt'aek, "Tongnip sinmun ŭi kŭndae kukka kŏnsol ron" [The Ideas of the Modern State-Building of *Tongnip sinmun*] in *Kŭndae kyemonggi chisik ŭi palgyŏn kwa sayu chi'p'yŏng ŭi hwakdae* (Seoul: So'myŏng, 2006), pp. 189–225; Sŏ Yŏnghi, "Kaehwap'a ŭi kŭndae kukka kusang kwa kŭ silch'ŏn" [The Ideas and Practices of Modern State-Building of the Reformist Political Faction] in *Kŭndae kugmin kukka wa minjok munje*, edited by Han'guksa yŏn'guhoe (Seoul: Chisik san'ŏpsa, 1995), pp. 261–302.

[382] Russian interventions in the Chosŏn government were initiated by King Kojong's request of Russian protection for his kingdom after he fled to the Russian legation in Seoul in February 1896. The Russian government responded positively, but cautiously, given the balance of power with Japan. Russia's engagement was invigorated after Alexis de Speyer replaced the former minister Karl Waeber in September 1897. De Speyer aimed to control the tax and finances of Chosŏn by appointing a Russian financial advisor and establishing a Russo-Korean Bank in charge of the public finances of Chosŏn. His last bid against the Chosŏn government was the lease of Chŏryŏng Island situated in front of Pusan Harbour, for a coaling station. The Club stepped into this issue and staged the first street assemblies in March 1898 in order to reproach the Foreign Ministry for their submission to the Russian Demands. Chu Chin-Oh has suggested a view that the Japanese were deeply involved in the Independence Club's anti-Russian movement in February 1898, and Yi T'aejin has accepted his view. But this is far-fetched. Rather, it would be reasonable to argue that the Club's anti-Russian movement corresponded to Japan's national interests, as it was in competition with Russia. Apart from Russia's aggressive Korean policy, the Club's idea of *chaju dongnip* (national autonomy and independence), one of the two key ideas of the Club, alongside *munmyŏng kaehwa* (civilisation and enlightenment), is thought to be the reason for its turning to a political action against the Russians and the submissive government. For a concrete explanation of the Russian demands and the Club's intervention, see

confrontation re-appeared in a vehement way when the government mistreated the Kim Hongnyuk case after his attempt at the regicide of King Kojong in September. As the Mass Meeting and the Club's demands on the government persisted, the editorials of *Tongnip sinmun* also became direct political statements on the people's rights to political opinions and participation. Such ideas are found in many of *Tongnip sinmun* editorials and in the memorials to the king presented during the People's Mass Meeting in late 1898. The editorial in the 7 November 1898 issue entitled "Effects of opposition" is representative:

> Since no person is a sage, whoever does not have some faults? Likewise, how can we hope that government officials will be extremely good? Thus, whichever country's history we look at, the wealth and power of a country does not rely on its government. Rather, they depend on the people who express complaints about the government and force the government to remain alert and to carry out national affairs in the right way. In this regard, the more a nation is enlightened, the more there are opinions opposing the government, and the more there are complaints, the more the enlightenment of the country is achieved… Some say that the people's opposition to the government is strange. But if there is no opposition, they will not make any progress. For example, birds can fly high because, when their wings flap the air, the air opposes the wings; and ships can go ahead because water opposes the oars. Likewise, in politics, when opposition parties check national affairs and complain about them, politics will become right. The effect of opposition is like this. Therefore, we hope that Korean people will understand this principle and will not hesitate to oppose whenever the government does misdeeds, and, by doing so, we hope the people will make the government alert.

Articles putting an emphasis on the people's legitimate right to political opinions and opposition are found commonly during the Mass Meeting. A memorial to the king demanding

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Vipan Chandra, *Imperialism, Resistance and Reform in Late Nineteenth-Century Korea: Enlightenment and the Independence Club*, ch. 7. For Chu's view on the street assembly and Yi's adoption of it, see Chu Chin-Oh, "Kaehwa kaehyŏk ron ŭi kujo wa chŏn'gae," 103–11; Yi T'aejin, "Kojong sidaesa hŭrŭm ŭi chaejomyŏng," 60–62.

the impeachment of conservative, high-ranking officials, presented on 8 October 1898, asserted the view that if the people's public opinion is suppressed, then the country cannot be maintained.[383] Another memorial submitted on 25 October 1898 further insisted, "censuring government ministers and discussing government commands are the people's legitimate rights."[384]

The Club's and the paper's insistence on the people's rights to political opinions and opposition soon led to a collision with the conventional view of the king's exclusive rights to national affairs. The direct impetus for the collision was the Club's impeachment of conservative ministers in September and October 1898 for their attempts to re-adopt old, inhumane punishments in the course of their treatment of the Kim Hongnyuk incident, and their efforts to prevent the Club and the people from conducting protest campaigns in central areas of Seoul.[385] In opposition to the Club and its Mass Meeting, the conservative officials contended that the Club impaired the king's peculiar rights to managing the state. The Club counter-argued that their discussions of the government affairs and their censure and impeachment of the corrupt and incompetent ministers were their legitimate rights, and that the people's rights were not incompatible with the king's rights. The Club's stance is clearly stated in the following memorial presented to King Kojong on 23 October 1898:

> As far as rights are concerned, there are rights proper for each person, from an emperor to an ordinary man. Being equal to all countries of the world and standing parallel to those

[383] *TS* 12 October 1898.

[384] Memorials presented on 27 October and 20 November 1898 also had the same message.

[385] The inhume punishments indicate both *noryuk* and *yŏnjwa*. *Noryuk* refers to executing a rebel's wife or son along with the rebel, and *yŏnjwa* to punishing a person for his father's, son's, brother's, uncle's, or nephew's serious offence. The Club's memorial raised to King Kojong on 8 October 1898 and ensuing ones present its stance on the issue. See *TS* 10, 11 October 1898; Chŏng Kyo, *Taehan kyenyŏnsa* 3, 175–81.

> countries are Your Majesty's rights. As Your Majesty's people, censuring and impeaching the government officials who harm our nation by not protecting the national land, by impairing the right ways of politics, and by putting laws into disorder, are the rights of us, the people. Some say that if the people's rights become strong, then the king's rights will be diminished. How extremely ignorant is their argument? Without people's opinions, politics and law will be harmed, and then will collapse, and the seeds of disaster will spring up at a part of the state. Why does Your Majesty alone not recognise this?[386]

The one-month-long confrontation over the people's right to political opinions between the Club and the king finally ended with the Club's victory, as the king dismissed seven conservatives from the government and implicitly permitted the Club's opinions on national affairs in late October. Soon after their victory, the Club proceeded to carry out national reform in collaboration with newly adopted cabinet members. They held a special joint Mass Meeting (*Kwanmin kongdonghoe*) with the new, progressive ministers and unanimously adopted the six proposals for national reform (獻議六條). Most were intended to limit the king's arbitrary exercise of power, including the fourth article on checking the king's exclusive right to appoint government ministers and the fifth on restraining the royal family's arbitrary collection on taxes and random access to government finances.[387] When

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[386] *TS* 25 October 1898.

[387] The six proposals were as follows: "1. That both officials and people shall determine not to rely on any foreign aid but to do their best to strengthen and uphold the Imperial prerogatives. 2. That all documents pertaining to foreign loans, the hiring of foreign soldiers, the grant of concessions, etc. – in short every document drawn up between the Korean government and a foreigner – shall be signed and stamped by all the Ministers of State and the President of the Privy Council. 3. That no important offender shall be punished until he has been given a public trial and an ample opportunity to defend himself either by himself or by a counsel. 4. That to His Majesty shall belong the power of appointing his Ministers, but that in the case that the Majority of the Cabinet disapproves a man, he shall not be appointed. 5. That all sources of revenue and methods of raising taxes shall be placed under the control of the Finance Department, no other Department or office, or a private corporation being allowed to interfere therewith and that the annual estimates and balance shall be made public. 6. That the existing laws and regulations shall be faithfully enforced." *The Independent* (the English edition of *TS*), 1 November 1898.

the new cabinet accepted these six proposals, King Kojong added five more articles (詔勅五條) to them, which represented the King's personal interest in state affairs.[388] The first and second articles were important, concerning respectively the establishment of a semi-popular national assembly and the creation of laws regulating popular associations and newspapers intended to keep the Club and *Tongnip sinmun* in check. The first article, which is historically significant, also coincided with the Club's strategy to participate in the policy-making process through the organisation. It ordered the reorganisation of the government body *Chungch'uwŏn* so as to recreate it as a body for national assembly, where its members had the right to legislate, revise laws, discuss national affairs, and recommend policies to the cabinet.[389]

With these measures, the people's demands for political opinions and participation appeared to make real progress, but the king still had doubts about the Club's intentions and was soon coaxed by conservatives. The conservative royalists plotted an anonymous poster incident in early November, by which they insisted that the Club aimed to build a republican

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[388] To summarise the five articles by King Kojong, the 1st is the reform of the law on *Chungch'uwŏn* and their implementation; the 2nd is the creation of the laws and rules on people's associations and newspapers; the 3rd is the punishment of corrupt local governors; the 4th is the allowance of the people's accusation of the illegal acts of specially dispatched officials (어사) and (Buddhist) temples (사찰); and the 5th is the founding of commercial and technical schools for the occupation of the people. *TS*, 1 November 1898.

[389] For the initially revised ordinance of *Chungch'uwŏn*, see *TS*, 5 November 1898. This ordinance however was revised again on 12 November and *Chungch'uwŏn*'s roles became slightly restricted. Specifically, the number of the Club members being the representative of the new organ was limited to seventeen out of fifty from its original twenty five. This reflected the king's and conservatives' concerns about the Club's predominance. On the other hand, the idea of establishing a government body for discussions of national affairs, or *ŭihoe* or *ŭisabu*, *vis-à-vis* an administrative body, or *haengjŏngbu*, was first proposed in the midst of the *Kabo* reforms in 1894. *Kungukgimuch'ŏ* (Office for Affairs of the Military and State), created for the *Kabo* reforms, was also called *ŭihoe* and planned to be reformed as a national assembly by its members, with the existing government body *ŭijŏngbu* (Council of the State) to be reformed as an administrative body. But this plan was soon abandoned due to the king's objection. See *KJSL* 31/06/10, 31/08/02, 31/09/11, 31/09/21.

regime. Employing this deceptive plot, the king attempted to crush the Mass Meeting by arresting seventeen leaders of the Club, but this incident caused another round of great mass demonstrations that lasted almost two months. In their scheme to confront the demonstrating people, the conservatives in collusion with the king also mobilised a peddlers' organisation (*pobusang*) and violent clashes took place in central Seoul in late November.[390] In fear of the destructive confrontations, the king promised to accept the Club and the people's demands, to implement the six proposals, and then to approve the Club as a legitimate popular association, though he still hesitated to carry out the six proposals.[391]

In the course of this confrontation, a critical shift in the flow of events occurred unexpectedly, as several young radical members of the Club provided a motivation for the king to take a suppressive measure against the people in the streets, by electing Pak Yŏnghyo, a radical senior politician who was in exile in Japan, as a candidate for a cabinet level minister at the first meeting of the newly formed national assembly in mid-December. The king and conservatives employed this as an opportunity to suppress the Club and the people,

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[390] *Pobusang* refers to the peddlers' guild. They formed a national organisation to protect themselves from the extortions of lower officials in local areas. The government mobilised this well-disciplined peddlers' group when it carried out extensive construction works and the state was in crisis, as in the invasion of the French navy in 1866 and the soldiers' mutiny in 1882. Then, in 1883 the government protected the organisation by creating an organ controlling them (*hyesang kongguk*) and providing them with some privileges. The organisation, therefore, became a commercial-political group and was summoned whenever the ruling group of the government required. This was the context in which the *pobusang* was called to confront the Independence Club in 1898. For the concrete explanation of *Pobusang*, see Cho Chaegon, *Pobusang: kŭndae kyŏkbyŏngi ŭi sang'in* [Pobusang: Merchants in the Tumultuous Times in Modern Korea] (Seoul: Sŏul taehak'gyo ch'ulp'anbu, 2003).

[391] Previous studies have failed to clarify why the king hesitated to implement the six articles. A letter to government ministers sent by the Club on 2 November 1898 shows that the key issue was the fifth article, that is, the unification of government finance: "If the budget of *kungnaebu* (Office of Household) becomes insufficient because the sources of revenue ascribed to the royal family are to suddenly transferred to the Department of Finance, it can be resolved by allotting its budget twice. Only when the organisation for collecting revenues is not divided and the one for distributing finance is unitary, collecting taxes privately on the pretext of the merit for the royal family will be extinguished from below, and, from above, problems with the budget of the royal family to be in want or in urgent need will disappear. Why do you sirs mind carrying it out?" *TS* 04 November 1898.

and the Independence Club movement eventually ended on 25 December 1898. The failure was directly caused by the young radical's imprudent behaviour. Indeed, they seriously harmed the subtle balance maintained throughout the year between the king's incumbent post as a sovereign and the people's appeal to political rightfulness that provided the street demonstrations with legitimacy. However, a more significant reason was the lack of strong leadership and thus its inability to break through a very critical point in time, for example, in the violent standoff with the peddlers. Yun Ch'iho, the president of the Club, could not control the Mass Meeting, nor did he have a progressive vision to make use of the people's power and a strategy to deal with the king and conservatives.[392]

3. New Base of Legitimacy 2: Procedural Legitimacy

The Independence Club's confrontation with the government was based on another source of legitimacy, which is rational procedurality in handling state affairs. The late 1890s, following the *Kabo* reforms in 1894–5, were a period when old laws and customs crumbled and new laws and rules were not yet properly enforced. The operation of the government and the treatment of state affairs were supposed to be made upon the basis of new laws and rules, but still stuck to old customs. The Club confronted this condition and aimed to establish a government based on the principle of procedurality.[393]

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[392] Shin Yong-ha has aptly pointed out that one of the core reasons that led to the abortion of the Club-led national reforms was the absence of an able and strategic leadership on the part of the Club in the critical juncture of November and December 1898. Shin Yong-ha, *Tongniphyŏphoe yŏn'gu*, 521.

[393] It was due to the *Kabo* reforms that the question of procedural legitimacy was discussed. In the wake of the grand reforms of institutions and laws covering almost all segments of society, Chosŏn Korea laid the foundation for a modern sate. Characteristically, it aimed to revoke bad cultural practices, such as the hierarchical social status system, slavery and prohibition of young widows' remarriage, and also aimed to transform the Confucian monarchy into a constitutional monarchy by

The Club's conception of procedural legitimacy is well demonstrated in its activities soon after it succeeded in repelling Russian demands, especially the lease of Chŏryŏng Island in March 1898. After that, it actively intervened in the government's illegal acts. For example, in March it took issue with the Ministry of Justice for its arrest of four Club members and urged the ministry to treat the members according to due legal procedures.[394] In May it intervened in a legal trial through which Justice Minister Yi Yuin schemed to take the property of a commoner,[395] and subsequently in June the Club appealed against the police for its lack of transparency in dealing with a commoner's possessions after his arrest on a false accusation.[396] In September it stepped into the government's illicit treatment of Kim Hongnyuk's accomplices and then the conservatives' attempt to re-introduce the old, barbaric punishments, which in the end re-kindled the People's Mass Meeting. The Club's intervention in these cases was mainly caused by the authorities' contravention of laws in processing these cases. The legal authorities did not follow new legal procedures prescribed in the modern legal system established through the *Kabo* reforms.

The modern legal system required the protection of the people's life, liberty, and property as basic rights and fair treatment of all people before the law. This differed from the

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re-arranging existing government institutions and creating new ones, including a national assembly and modern legal courts. This grand reform project was modelled after the Japanese precedent under the guidance of Japanese advisors, which indicates Japan's deep involvement. Indeed, the reforms were initially motivated by Japan's cunning scheme, as a pretext, to station its army in Seoul and to have a showdown with China in1894. As abruptly as it began, it suddenly ended: when Japan's influence retreated in Korea and domestic political conditions changed from mid-1895, the pro-Japanese reformists' cabinet could not last. Thereafter, domestic controversies between the old laws and customs and the new ones emerged and the Independence Club advocated the latter. For the *Kabo* reforms, see Yu Yŏng'ik, *Kabo kyŏngjang yŏn'gu*; Wang Hyŏnjong, *Han'guk kŭndae kukka ŭi hyŏngsŏng kwa kabo kaehyŏk*.

[394] Miscellaneous news (*chapbo*) of *TS* 29 March 1898; Chŏng Kyo, *Taehan kyenyŏnsa 3*, 46–50.

[395] *TS* 2/7 June 1898; Chŏng Kyo, *Taehan kyenyŏnsa 3*, 65–74.

[396] Miscellaneous news of *TS* 23/25 June 1898; Chŏng Kyo, *Taehan kyenyŏnsa 3*, 76–78.

old legal system in which the authority of the government was valued over the people's rights and the laws functioned rather as an apparatus to preserve the conventional social system. Since existing laws already provided for due process of law, the Club's appeals to the authorities mainly focused on the matter of procedure in the application of laws rather than on advocating the values of the modern legal system. In reality, however, the principle of due process of law was not observed rigidly. For example, in the case of the four Club members, King Kojong himself ordered the Ministry of Justice to punish them with exile on 20 March 1898 without any trial. The Club saw the order as groundless incrimination and appealed against it in its formal letter to the Minister of Justice:

> As far as new laws are concerned, all offenders, major or minor, are supposed not to be punished without being sentenced by a judge through a trial. This was introduced not only to clarify their offences against the law, but also to ensure the most appropriate punishment for offences they committed. According to the decree issued recently, the reasons for the accusation of the four persons are written as 'their thinking is sly' and 'they agitate public sentiment and mislead people.' We think that a ten-year exile for them is relatively minor, and shows His Majesty's desire to spare people's lives. But it does not show which clause of law relates to their offences and which clause of punishment is applied to them. Moreover, since this case was not brought to trial, people have some doubt. If people do not trust in law, problems will arise in bringing cases to justice.[397]

The Club's confrontation with the government was thus caused primarily by the current legal practice in Chosŏn. On the other hand, the Club used its demands for due legal procedure as a rationale for its pressure on the king and government when confronting them with issues on which they conflicted. Against King Kojong's arbitrary issuance of commands on legal cases, the Club counter-argued with reference to the necessity of a trial, demanding

[397] Chŏng Kyo, *Taehan kyenyŏnsa 3*, 49.

clarification of the accused's contravention of law and proper punishment for them. For example, when the Club had an intense confrontation with the king in November and December over the implementation of its six proposals and the punishment of five royalist conservatives colluding with Kojong, it accused him of making arbitrary judgements regarding the royalists without trials in court:

> Your Majesty had to open a legal court to punish the five persons with appropriate laws, but two of them were sentenced to exile without a trial. Although this stems from Your Majesty's intention to save people's lives, we subjects have some doubts. Moreover, we would like to know why Your Majesty does not hold a court for the remaining three. We wish Your Majesty to command the Minister of Justice to arrest them quickly and to get them tried, and by doing so to enforce law fairly.[398]

The Club's appeal to due legal procedure was therefore used for a political purpose, as well as given for the necessity to establish rational legal procedure. It employed the logic of due process of law to urge the king and his government to accept its political demands. Yet there was another dimension of procedure the Club used, which was more political than legal. As mentioned, in the Korea of the late 1890s, modern legal values and procedures were in competition with traditional legal ideas and customs. In this situation of strife, the Club supported the former, while the conservatives preferred retrieving the old ways. Here the point is the strategy the Club employed to respond to foil the conservatives' endeavours to restore traditional legal conceptions and customary applications of law. In addition to the procedural claims discussed above, they made 'argumentative confrontations' with the king and conservatives, in which those of stronger logic were to win. This rare confrontation was

[398] This passage is part of the memorial presented to King Kojong on 11 December 1898. See *TS* 13 December 1898.

possible in the context in which the king's and the government's traditional authority was debilitated, and the national crises they faced legitimately compelled the people to raise their voice on national affairs.

A representative case of this confrontation was the controversy over the conservatives' effort to re-adopt the old, inhumane punishments soon after the Kim Hongnyuk incident. When the conservatives justified their re-adoption of the punishments by reasoning that rebel incidents actually took place after *noryuk* and *yŏnjwa* were repealed in 1894,[399] the Club posed their reasons as follows: 1) if Korean laws are not consonant with the laws universally adopted by many countries in the world, Korea will not be treated equally with those countries;[400] 2) King Kojong had already ordered the repeal of *yŏnjwa* in June 1894 and declared that he would protect people's rights in legal processes in his official oath at the late kings' shrine in December 1894;[401] 3) the ancient sage king of China, King Wen (文王), did not apply *noryuk* to his people, so the conservatives who recommended those punishments to the king were not much different from rebels.[402] This superior logical argument facilitated the Club's victory on this issue.

In this regard, the politics of the People's Mass Meeting are particularly significant for the history of Korean politics, in that the Club used a different way of speaking. As against the conservatives' traditionally maintained, ethical, context-bound manner, the Club members' expressions were founded upon an argumentative, logical, legal, and universalist moral base. In this context, modern politics in Korea was accompanied by a new way of speaking and a

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399 See the memorial raised by the conservatives in miscellaneous news of *TS*, 5 October 1898.

400 Chŏng Kyo, *Taehan kyenyŏnsa 3*, 158.

401 Chŏng Kyo, *Taehan kyenyŏnsa 3*, 159.

402 Chŏng Kyo, *Taehan kyenyŏnsa 3*, 179–80.

new morality, which were commonly invoked in the editorials of *Tongnip sinmun* and memorials to the king presented by the Club. For example, in an editorial in the 12 August 1897 issue of *Tongnip sinmun*, the editor advised the people to argue with local magistrates legally and logically about the magistrates' wrongdoings: "When a local magistrate commits wrongdoings, all people of the county should meet him and discuss his right and wrong with reasons, morals and laws, while respecting him as a magistrate, instead of revolting. Then, the magistrate will be more afraid of debating with people than a revolt and will not commit wrongdoings any longer."[403]

In the 1898 confrontation the Club prevailed over the king and conservatives with better argumentation. Given that argumentative confrontation is chiefly a matter of using stronger logic and reasoning in speech acts, this argumentative process itself was 'procedural.' Due legal procedure advocated by the Club against the government was also a means employed within this milieu of an argumentative process. The abrupt termination of this logical confrontation by the government's violent crackdown on the Club and its People's Mass Meeting on 23 December 1898 was, therefore, the loss of a rare and unique opportunity to transform the country on the basis of better argumentation.

4. Confucianism on Democratic Legitimacy

[403] The argumentative way of speaking used in the editorials of *Tongnip sinmun* and memorials to the king presented by the Club appears to be related to the main editors of the paper, Sŏ Chaep'il and Yun Ch'iho, who were educated in the United States. After coming back to Korea, Sŏ organised a debating society called *Hyŏpsŏnghoe* for the students of the *Paichai* (*paejae*) School in November 1896 and then Yun established a series of regular debates called *T'oronhoe* at the Independence House (*Tongnipkwan*) in August 1898. The argumentative way of speaking of the Club would have been brought up in these two debating societies. For *Hyŏpsŏnghoe* and *T'oronhoe*, see Shin Yong-ha, *Tongnip hyŏphoe yŏn'gu*, 112–17, 261–73.

Until now, we have discussed new ideas of legitimacy in *Tongnip sinmun* and the Independence Club movement that are discontinuous with Confucian political ideas. Yet certain aspects of Confucian ideas apparently stimulated the reformists' adoption of democratic legitimacy instead of thwarting it. Here we will focus on the continuous relationship between Confucian political ideas and democratic ideas and will clarify the source of Confucian support for the adoption of democratic governance.

Shin Yong-ha has pointed out that both political ideas of *Sirhak* and modern Western ideas of the Enlightenment and democracy were embraced within the democratic ideas of the Independence Club.[404] He especially stressed *Sirhak*'s influence as a motive inherited from the intellectual tradition of Korea itself and cited Chŏng Yak'yong as a precursor of the Club's political ideas. Yet he did not seriously consider the link between Chŏng's thought and Confucian political ideas themselves. Indeed, Chŏng's democratic ideas derived from his re-interpretation of classical Confucian texts, which indicates the close relationship of his political thought with classical Confucian political ideas. What then are the shared political ideas common to classical Confucianism, Chŏng Yak'yong, and the Independence Club?

When the confrontation between the Club and King Kojong intensified after October 1898, the Club frequently cited passages from classical Confucian texts in their memorials to the king. The most frequently cited passages are as follows:

> [1] Setting up logs which allow people to rebuke government affairs was a great deed practised in the peaceful era of the ancient time. And asking those who cut grass in fields about government affairs, and even listening to an insane man and adopting something

[404] Shin Yong-ha, "Ip'hŏn konghwaguk surip undong," 55.

meaningful, were the deeds the bright kings practised.[405]

[2] People are the foundation of a country, so that when the foundation is solid, the country becomes stable.[406]

[3] An old saying states that if a king likes what people like and dislikes what people dislike, his rule will accord with the ancient sage kings' rule.[407]

[4] Mencius said that a king should select a person when all people of a country regard him as lenient and dismiss one when the people speak against him. This is the norm kings should reflect on when they appoint government ministers.[408]

These quotations from well-known classical Confucian teachings can be seen as an attempt to persuade the king by citing familiar passages, since traditionally memorial presenters were likely to reinforce the seriousness of their opinions by citing Confucian texts and famous historical anecdotes. Indeed, in their contexts these passages were deployed to invigorate the Club's voices by means of the authority of Confucianism. The first passage describing great political deeds by the ancient Chinese sage kings Yao and Shun was commonly referred to throughout the history of Chosŏn, when Confucians presented memorials to the king disclosing the real condition of national affairs and compelling him to take their opinions seriously. The other passages, well known *minbon* ideas, were also used widely in presenting memorials. These passages usually drawn from *Shujing* and *Mencius*

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[405] This passage comes from several sources including *Shiji* (史記, Historical Records) and is part of a memorial to King Kojong raised on 25 October 1898, after the king announced an edict concerning the regulation of popular associations. See *TS* 27 October 1898. For a similar citation of both *Yao* and *Shun*'s anecdotes in a memorial, see *TS* 21 November 1898.

[406] This passage is originally from a classical Confucian text, *Shujing*, cited in a memorial presented on 8 October 1898 demanding the impeachment of seven high-rank conservative ministers for their mistreatment of the Kim Hongnyuk incident. See *TS* 12 October 1898. For a similar citation in a memorial, see *TS* 21 November 1898.

[407] This passage is originally from *Mencius,* quoted in a memorial to Kojong presented on 25 October 1898. See *TS* 27 October 1898.

[408] This is a quotation in a memorial presented on 16 November 1898 that requested the impeachment of five royalist conservatives. See *TS* 19 November 1898. For the same citation in a memorial, see *TS* 27 October 1898.

played a key role in maintaining the publicness of Chosŏn politics and were employed by government officials or local Confucians to check the king's power.

However, these citations give us another means of interpretation in regard to the context of the memorials. As far as the Club's memorials after October 1898 are concerned, it is important to consider their non-traditional nature. Above all, citations of Confucian texts and famous historical anecdotes were used very limitedly, except for the kinds noted above. What the Club employed instead for persuasion was 'logical validity' as well as 'political rightfulness'. In other words, the Club members had confidence in the rightfulness of their cause and specific political claims. Upon this basis, they also used logical arguments in both form and substance, as a method of disproving the king and conservatives' logic. Thus, the citation of Confucian texts was not a normal situation in the Club's memorials.

Regarding the first passage, the Club used it in the context of arguing for the people's rights to political opinions and of opposing Kojong's intention to curb the Club's activities by formulating a law against popular associations. Utilising King Yao's and Shun's anecdotes, it aimed to obtain the people's freedom of speech. Indeed, throughout the history of Chosŏn, the sage kings exerted great influence in checking the king's power by allowing the subjects to discuss the good and bad aspects of national affairs in the name of public opinion. This tradition was carried on and revived by the Club when confronting the king on the people's rights to political opinions. The Club's demands for founding a sort of national assembly and King Kojong's acceptance also came out of this tradition of respecting public opinion, a tradition originating from classical Confucian political ideas. The Club also retrieved the idea of *minbon* in the process of its confrontation with the government for the sake of the people's rights to political opinions and participation. The above passages concerning *minbon* were used when the Club impeached corrupt and incompetent conservative ministers and argued

against the king's traditional, exclusive rights on state management. By citing relevant passages in *Shujing* and *Mencius*, the Club aimed to corroborate its logic of the freedom of speech and the rights to oppose government affairs. Specially, the Club stressed that its defence of the people's rights was not brand-new, but rather in accordance with the teachings of the ancient sage kings.[409] This means that it was aware that in the Confucian tradition there were intellectual sources supporting its cause and it deliberately referred to those passages. Likewise, it is meaningful to consider why the Club leaders never cited the Confucian emphasis on the king's *susin* or ethical self-cultivation, which was more widely referred to in Neo-Confucian Chosŏn. Some scholars insist that the Confucian idea of *minbon* is different from the idea of democracy or *minju* (民主, people being the owner of the state) based on the ideal of people's self-rule; yet seen in terms of 'legitimacy of rule,' the Confucian legitimacy of rule is not incompatible with the democratic legitimacy of rule.[410]

This view is also identified in the case of the Taishō era of Japan. In the 1910s and '20s many liberal Japanese intellectuals adopted the Confucian-flavoured word *minpon* instead of *minshu* to signify 'democracy.' This was deliberately intended to evade misunderstanding, for *minshu*'s connotation of popular sovereignty was in collision with *tenno* sovereignty commonly accepted by Japanese people at the time. At any rate, here the two terms were used for a similar meaning. This indicates that East Asian societies based on Confucian traditions have theoretical resources compatible with democratism in Western

[409] See *TS* 27 October 1898.

[410] For a study representing the incompatibility thesis, see Kim Tongt'aek, "Tongnip sinmun ŭi kŭndae kukka kŏnsŏl ron," 217.

political ideas and thus could adopt democratic ideas relatively easily.[411]

Next, let us see which tradition of Confucian political ideas has survived and been adapted to democratic ideas. Many scholars have criticised Samuel Huntington's thesis that Confucianism is incompatible with democracy.[412] Among them, scholars like Francis Fukuyama and Ying-shih Yü proposed appropriate counter-arguments.[413] In particular, Ying-shih Yü traced the Chinese intellectual history of the late nineteenth century and illuminated Chinese reformist and revolutionist intellectuals who, in opposition to traditional tyrannical rule, adapted to democracy by drawing their theoretical resources from the ancient sage kings' rule in Chinese history. For example, in his denunciation of traditional despotism, which he regarded as the representation of the ruler's egotism, Liang Qichao (梁啓超, 1873–1929) made use of the Mencian doctrine of benevolent government and prioritised the common

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[411] The development of *minbon*/*minpon* into democratic institutions, however, was not easy. Just as the millennia-old monarchical tradition in Chosŏn thwarted democratic change in the late nineteenth century, the *tenno*-centred feudal heritages in Japan, as well as the militarist national aim associated with the imperialist international political environment at the time, prevented the development of *minponshugi* (民本主義) into liberal and democratic social forms in Japan. On the other hand, according to John Dunn, the idea of democratic legitimacy of rule itself is none too clear. For social changes in the period of Taishō Democracy, see Narita Ryuichi, *Taishō demokurashi* [*Taisho Democracy*] (Tokyo: Iwanami Shoten, 2007). For Yoshino Sakuzō, a representative liberal intellectual who propagated the concept *minponshugi*, see Tetsuo Najita, "Some Reflections on Idealism in the Political Thought of Yoshino Sakuzō" in *Japan in Crisis: Essays on Taishō Democracy*, Bernard S. Silberman and H.D. Harootunian (eds.) (University of Michigan Press, 1974); Germaine A. Hoston, "The State, Modernity, and the Fate of Liberalism in Pre-war Japan," *The Journal of Asian Studies*, Vol. 51 (2), 1992, pp. 287–316; Jung-sun Han, "Envisioning a Liberal Empire in East Asia: Yoshino Sakuzō in Taisho Japan," *Journal of Japanese Studies*, Vol. 33 (2), 2007, pp. 357–82. And for a sceptical view of legitimacy in modern democracies, see John Dunn, "Legitimacy and Democracy in the World Today" in *Legitimacy and Criminal Justice: An International Explanation*, Justice Tankebe and Alison Liebling (eds.) (Oxford: Oxford University Press, 2013), pp. 7–18.

[412] Samuel Huntington, *The third wave: Democratization in the late twentieth century* (Norman, Oklahoma: University of Oklahoma Press, 1991), pp. 300–7.

[413] See Francis Fukuyama, "Confucianism and Democracy," *Journal of Democracy* 6 (2) (1995), pp. 20–33; Ying-shih Yü, "Democracy, Human Rights and Confucian Culture" presented in The Fifth Huang Hsing Foundation Hsueh Chun-tu Distinguished Lecture in Asian Studies, Asian Studies Centre, University of Oxford (10 November 1998).

people as the fundamental source of legitimation for the authority of the monarchy in late nineteenth-century China. He went even further to legitimise the idea of "government by the people" from the traditional "government for the people" through the medium of the Mencian understanding of political legitimacy.[414]

Ying-shih Yü, however, failed to identify which aspect of classical Confucian political ideas was compatible with democratic ideas. In the case of Korea, Confucianism lost its viability as a working political framework in the wake of the turbulence of the late nineteenth century, but the ideas regarding 'political necessity' survived and acquired new meaning. Within Confucian political ideas, an *ethical ideal-based understanding of politics* that emphasised an ethically well-ordered society, ascribed political matters to the ruling class's cultivation of ethical virtue, and then held hegemony throughout most of the era of Chosŏn under the influence of the Zhu Xi philosophy, was dismissed from the public domain. On the other hand, the *necessity-based understanding of politics* that focused on essential elements sustaining a political community, such as national security, economic sustenance, and the resolution of domestic conflicts, and by doing so guaranteed the publicness of politics, survived and was adapted more or less to democratic ideas.[415] Indeed, the passages discussed above were related to the necessity-based understanding of politics within Confucian political

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[414] Hao Chang, *Liang Ch'i-ch'ao and Intellectual Transition in China, 1890-1907* (Harvard University Press, 1971), pp. 101–6.

[415] Some can claim that the Confucian idea of *minbon* is closely related to Confucian ethical ideas, but the original ideas of *minbon* appearing in *Shujing* shows the opposite. In *Shujing*, *minbon* was emphasised in the context of the sheer need of survival of the state, and as shown in the *Sillok* (實錄) of the Chosŏn dynasty, the *minbon* ideas were recalled whenever a national crisis affected the country. This means that the idea of *minbon* is closely linked with the necessity-based understanding of politics. Indeed, the idea of *publicness* in politics emerges from desperate experiences of a political community over the matters of political necessity. A clear example is the *Tonghak* peasant rebellion in 1894. As the peasants uprising became uncontrollable, the dialogue in the royal court turned to those related to political necessity or *minbon*. See *KJSL*, 31/02/22, 31/05/25/, 31/12/13.

ideas. Ying-shih Yü thus failed to grasp the tension between these two different views of politics within Confucian political ideas, and also failed to understand that the Confucian teaching that Chinese reformist intellectuals emphasised was the political necessity ideas.

Scholars like Hahm Chaibong and Sor-Hoon Tan have also failed to grasp this contrast within Confucian political tradition owing to their normative approach to "Confucian democracy." They focus on Confucian ethics and its communitarian values as a theoretical source replacing the problematic liberal democracy model; yet they do not appear to have examined the historical development of Confucian political ideas in both Korea and China in the nineteenth century. Their arguments are plausible, but their excessive focus on normativity lacks historical awareness.[416]

The new legitimacy of rule in *Tongnip sinmun* and the Independence Club movement, conceptualised into both democratic and procedural legitimacy, signify that in the wake of the 1880s and '90s there was a grand transformation in Korean political thinking. The new ideas of legitimacy had rather familiarity with the constitutional and republican systems by endowing the common people with the fundamental source of political authority. The new public values and norms, the new notion of government, and the new conceptions of political

[416] Hahm Chaibong (Hahm Chaebong), "Asia chŏk kach'i wa minjujuŭi: yugyo minjujuŭi nŭn ka'nŭng han'ga?" [Asian Values and Democracy: Is Confucian Democracy possible?]," *Chŏlhak yŏn'gu* 44 (1999), pp. 17–33; Sor-Hoon Tan, *Confucian Democracy: A Deweyan Reconstruction* (Albany, N.Y.: State University of New York Press, 2003). On the other hand, Wang Juntao has examined "Confucian democrats" in the history of nineteenth- and twentieth-century China and argued that Confucianism is compatible with democracy. While he has adopted a historical approach, he did not clarify the characteristics of the political ideas of the Confucian democrats, which would be strikingly distinctive from those of old Confucians in the era of imperial Song (宋) and Ming (明). As a result, he missed the fact that the Confucian democrats' political ideas were based more on a necessity-based understanding of politics than on an ethics-based understanding of it. See Wang Juntao, "Confucian Democrats in Chinese History" in *Confucianism for the Modern World*, eds. Daniel A. Bell and Hahm Chaibong (Cambridge University Press, 2003), pp. 69–89.

legitimacy, proposed by the reformist intellectuals, therefore, anticipated a new era of Korean history. Confucian political ideas that had served the maintenance of the monarchy in Chosŏn were giving way to new political ideas legitimising constitutional and republican systems.

Notwithstanding the grand transformation of Korean political thinking at the time, an aspect of Confucian political thinking survived and facilitated the reformists to receive the new political ideas relatively easily. *Tongnip sinmun* and the Independence Club were generally critical of Confucian traditions, yet part of their political ideas was still grounded in them. What the Club reclaimed in their confrontation with the conservative government was the Confucian ideas of '*minbon*' and 'respect for public opinion'. Scholars have failed to understand the tension within Confucian political thinking and thus missed that the idea of *minbon* was closely associated with the 'necessity-based understanding of politics' within Confucian political thinking. Scholars like Samuel Huntington have failed to understand the plurality of political ideas within Confucianism.

The impact of the Independence Club's political thinking on the development of Korean politics is worth mentioning. It was through the Club's political activities that the common people came to be aware of and understand their country's gloomy condition and their status as political subjects, not the objects of rule. The unprecedented People's Mass Meeting in 1898 was the result of the common people's growing identification of themselves as the fundamental source of political legitimacy. Academic controversies over the evaluation of the Independence Club were partly caused by some scholars' failure to capture its political ideas clearly and then their failure to distinguish their positive effects from their negative effects. The Club's ideas on politics should be separated from their ideas on culture, which we will examine in the next chapter.