

Civil Disobedience and Democratic Citizenship in Korea

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Abstract

Based on the assumption that civic organizations may work as the most effective institution for non-schooling citizenship education for adults, this paper examines whether and how much Korean civic groups have played a constructive role in building citizen capacity to participate responsibly and effectively in democratic politics. Its conclusion is that Korean civic groups' decision to disobey the election law decreased rather than increased a capacity for responsible citizenship.

Key words: non-governmental organization, civil disobedience, citizenship education, factual uncertainty, normative uncertainty

I . Introduction

As Korea entered the postauthoritarian period, the concept of citizenship and citizenship education gained a dynamic momentum. Citizenship is a complex concept. It refers not only to the legal, more or less permanent membership in a political community, but also to the possession of a capacity for political participation. This paper will focus on the exercise of citizenship rather than its ascription, that is, the civic capacity to take part in deliberations and decisions about matters of public concern rather than some static set of rights and obligations.

There are many possibilities for developing and promoting citizen capacity. One can rightly claim that the state is the primary organization responsible for the promotion of citizen capacity. Nevertheless, it would be a mistake to assume that developing citizen capacity is the exclusive role of the state. The nature of citizen capacity indicates that much of the development must take place in families, neighborhood, churches, the workplace, and voluntary associations of various sorts- in what has come to be called "civil society." For that reason, we want a thriving civil society. Among voluntary associations, the group of non-governmental organizations deserves special attention. The NGOs show keen interest in politically, socially and environmentally meaningful

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issues either by aiding needy groups of people or by publicizing problems or both. Korean examples of such organizations are the People's Solidarity For Participatory Democracy and the Citizens' Coalition For Economic Justice. Precisely because they are not governmental, these organizations can constitute an intermediate realm between domestic life and the state. Furthermore, civic organizations may be regarded as a heuristic model for the promotion of citizen capacity through non-schooling and lifelong education. Involvement in organizations of this sort can improve communication between individuals inside and outside of government while fostering a better understanding of public affairs and a sense of civic responsibility.

However, how much nongovernment organizations can contribute to the promotion of citizen capacity is an interesting and important question that this paper intends to pose. Given the fact that not every voluntary association is an effective or appropriate opportunity for encouraging and enhancing citizen capacity, one can rightly ask a question of whether nongovernment organizations are well constituted to play a constructive role in building citizen capacity. This paper attempts to evaluate the implications of Korean non-governmental organizations for the cultivation of responsible and informed citizenship by analyzing their involvement in the 16th parliamentary election.

II. Voluntary Organizations and Citizenship Education

Admittedly, nothing is more important to citizenship education than proper schooling, but schooling is no longer enough. Developing and maintaining citizen capacity is certainly a lifelong task. It is why we need institutional arrangements that provide extra schooling for citizenship education, and encourage his or her fellow citizens to take advantage of them. If one agrees that acquiring and maintaining citizen capacity is a lifelong task, it is then necessary to consider a number of institutional ways to promote citizens' doing so. There are, of course, traditional institutions such as state-supported television, radio, and public libraries. But there are also voluntary associations such as neighborhood and civic organizations which provide meaningful opportunities to adults other than through schooling. In participating in organizations of civil society such as cooperatives, professional organizations, environmental groups, neighborhood and charitable organizations, and support groups, people can learn and exercise the civility, self-restraint, and sense of mutual obligation that are crucial to genuine political participation. It is thus often, even usually, the case that a "citizen governs himself most actively in groups other than the state, groups that sometimes play an informal, sometimes an official, role in determining state policy (W. Kymlika and W. Norman 1994, 364)." Involvement in organizations of this sort can promote citizen capacity. If this participation often occurs close to home in neighborhood associations and civic

organizations, it will prove especially effective at promoting citizen capacity. These voluntary organizations are valuable and deserve continued support.

It is true that not every voluntary organization is an effective or appropriate institution for promoting citizen capacity, but some of them are well constituted to play such a role. In this context, some specific organizations that can play a vital role in promoting a citizen's capacity to participate responsibly and effectively in democratic politics deserve attention. This is the group of nongovernmental organizations that can provide opportunities for fostering a better understanding of public affairs and a sense of civic responsibilities by offering civic services that citizens can make use of. Usually, they are engaged in political and social activities that deal with some of today's most serious and urgent issues. Because they are not governmental, these organizations can provide a healthy critique of governmental policies and practices, and, at the same time, give politically important and technically relevant information which would enable citizens to participate effectively in political discussion in a non-partisan way. Furthermore, they are effective for promoting adequate citizen capacity in today's complex world by providing relevant easy-to-understand information about issues of public concern requiring specialists' expertise.

Taking into consideration the potential effects of civic groups on the development of citizen capacity, the next discussion will examine whether and how much Korean nongovernment organizations have offered meaningful opportunities for citizens to enhance their capacity.

III. General Characteristics of the Korean Non-governmental Organizations

Traditionally, Korea has been known as having a weak civil society and an overbearing state, but the 1990s saw a thriving civil society. It is quite remarkable that more than 2000 civic organizations-national and local-emerged and grew rapidly across the country. They have been powerful enough to monitor National Assembly activities, exert influence on policy issues by suggesting alternatives for government policies, and play a great role in forming public opinion. The mass media began paying keen attention to what civic organizations are doing or saying. The NGO leaders have been asked for their comments and opinions whenever controversial political and social issues emerged. Some major newspapers even assigned a space to cover the activities of NGOs on a regular basis. A lot of volunteers including college students and professionals have expended time and effort by participating actively in activities of civic organizations. Among a variety of civic organizations, the People's Solidarity for Participatory Democracy, the Citizens' Coalition for Economic Justice, the Korean Federation for Environmental Movement and the Green Korea United are prominent in

terms of activities, popularity and influence¹⁾.

Of course, there has been some criticism about Korean civic groups. Some people have taken issue with the insufficient participation on the part of ordinary citizens, pointing out that civic groups in Korea have degenerated into groups without citizens. Others have expressed concern with their undemocratic *modus operandi*, an elitist top-down movement rather than a mass-oriented bottom-up one. A "catch all-movement" typical of the Korean civic movement has been another source of criticism.

Whatever the case may be, it is true that Korean civic groups are characterized by a catch all-movement a la department store rather than a single issue-oriented organization. In this respect, one can say that Korean civic groups are similar to a political party organization, which is an exception to the general trends of single issue-oriented nongovernmental organizations in the world. Perhaps this Korean exceptionalism is a reflection of the Korean political situation in the sense that Korean civic groups have had to provide protection against the possibility of the overbearing state by monitoring and checking the overwhelming power of the state. Another way of explaining Korean exceptionalism is that civic groups have worked by appealing to public opinion that is constantly subject to change, rather than by depending on the common vision of principled citizens.

Certainly, Korean NGOs suffer from insufficient voluntarism, a lack of financial autonomy and a hierarchical structure, which are contrary to the way democratic civic organizations are supposed to work. Nevertheless, no one can doubt that Korean NGOs have contributed meaningfully to the preservation and enhancement of Korean society's quality of democratic political life by providing citizens with opportunities to participate in the political community. Moreover, there are remarkable achievements in terms of the introduction of political, social and economic reforms that Korea needs. The establishment of the real name system for all financial transactions and for the registration of property, the cancellation of the government's plan to build a dam at the Tong river, and enhancement of the rights of a minority of stockholders are their most notable achievements. In particular, economic reforms have been on the agenda for civic groups. They have pressured the crony-driven conglomerates, called *Chaebol* to reform their autocratic management and enhance transparency and accountability. As a result, it is not surprising that civic groups became the most powerful organizations feared by the *Chaebol*.

1) The most salient indicator of the power and influence of Korean civic groups was the result of a survey conducted by the Participatory Society and Hankil Research. They asked 240 respondents consisting of politicians, government officials, mass media people and professionals about the most powerful organization in Korea. No less than 9.4% of the respondents chose the NGOs as the most influential group, which means the 5th powerful organization in Korea. Its power ranked behind the media (30.4%), the administrative branch (22.5%), the legislative branch (19.6%) and business people (11.7%). Surprisingly, the respondents believed that the NGOs were more powerful than the judiciary branch (5.0%) (Hankyoreh 2000, May 14, 2000).

IA. General Election and Civic Groups' Decision to Disobey

One of the most controversial issues that confronted the Korean civic groups in 2000 was the direct intervention in the process of the 16th parliamentary election. Election law, though revised several times in the past, had prohibited social groups except for trade unions from getting involved in election campaigning. But as the 16th parliamentary election drew near, civic groups decided to disobey the election law and take action to launch their own election campaign for political reforms. On Jan. 10, 2000, the Citizens' Coalition for Economic Justice laid bare relevant information about 164 members of parliament which would hurt their candidacy because of their bad legislative activities. On Jan. 24, the People's Solidarity for Participatory Democracy on behalf of 412 civic, environmental and feminist groups drew up a blacklist of 68 candidates they claimed should not be elected in the parliamentary election because of corruption, incompetence and past connections to dictatorship. After the announcement of the blacklist, they marched to *Myondong* cathedral, the hotbed of prodemocracy demonstrations in the 1980s.

But the reactions from law enforcement authorities were direct and swift. The Commission for Election Management, the government organization responsible for the parliamentary election, warned that the announcement of the blacklist was itself a violation of articles 58, 59, and 87 of the election law. The prosecutors joined in the warning, saying that actions by civic organizations were not compatible with a law-abiding attitude and that their attempt to disregard the existing law through disobedient actions would be a dangerous thing because it would hurt democracy severely.

But the civic groups did not yield, and counterargued that the existing election law was a unjust law putting severe illegitimate restraints on people's political freedom and a citizen's right to know about candidates, and that it tended to misdirect the political choice of the people. More concrete reasons and methods for disobeying the election law were articulated.

First, the parliamentary election, which would take place without the amendment of the existing law, would aggravate deep-rooted regionalism and justify a closed, undemocratic nominating procedure by political parties, restricting severely the options of the citizens and reproducing existing political structures. Second, their several legislative petitions for revision of the existing election law and requests for a new law, which would contribute to the political development and consolidation of democracy, were ignored by the National Assembly in the past. As a result, they came to the conclusion that it would be impossible to carry out reforms and to change the *status quo* through legitimate means and procedures in correspondence with the law. Third, given the fact that disobedience to the existing election law would not be for the pursuit of private interests of individuals or collective interests of social groups, but for the

promotion of the common good for the country and people, civil disobedience would be carried out in an open and public manner. Last, paying due attention to the fact that the basic norms of civil disobedience opposed any violent acts, they would do their best to convey their message to citizens in a peaceful and non-violent way.

But the seriousness of the matter turned out to be more than the conflict between civic groups and law enforcement authorities. As the blacklist went public, public opinion was divided into pros and cons. In fact, civil society divided itself with regard to the appropriateness of the civic groups' decision to disobey the election law. Critics pointed out that civic groups' negative campaigning was nothing but a violation of the existing law, which would deserve legal punishment. Other people called into question the criterion by which civic groups had chosen blacklisted candidates. In their view, the politicians whose values civic groups had not sympathized with were simply stigmatized as anti-reformists or *persona non grata*. But considering the diversity of democratic society, this would be an undemocratic way of passing judgement, because it would imply an intolerance for those whose beliefs and convictions differed from their own. Moreover, even if civic groups' intentions to disobey the election law were motivated by a genuine zeal for common good, their unintended result would contradict their *bona fide* will, leading citizens to disregard and disrespect rather than obey law and authority in general.

But supporters were more vocal than critics. Supporters contended that the violation of the election law could be justified by a strong will for about political reforms which would sweep away corruption, incompetence and regionalism. The fact that other advanced democratic countries do not prohibit social groups from launching election campaigns on their own was cited as another reason for justifying civic groups' disobedience. They also claimed that the election law, which allowed only trade unions' election campaigning, was *ipso facto* a unjust law discriminating against other social groups.

Meanwhile, President Kim Daejung joined the fray, sympathizing with the position of civic groups. He argued that it would be unwise to blame or regulate the actions of civic groups. Analogous to the April 19 and June 10 democratic movement, which had been blamed as a violation of the existing law at first, but later could be acknowledged to be a legitimate movement of protest, civic groups' choice was justified as a legitimate protest against the arbitrary exercise of governmental power to make just laws. The intervention by the president made the issue more complex. As a result of the president's intervention, however, it became evident that civic groups did not need to worry about the imprisonment or legal punishment which would be likely to result from regular civil disobedient actions. Perhaps Kim had his own political reasons for taking sides with civic groups. He hoped fresh faces would help beat the opposition party, the current majority holder. However, his endorsement of civic groups' actions drew sharp and vehement criticism from major newspapers and even law enforcement authorities, which complained that the primary role of the president was to protect law

and order.

As far as ordinary citizens were concerned, they were more than enthusiastic about the civic movement to drive out old, corrupt politicians. 79.5% of citizens answered that political parties should take into consideration the blacklist wholly or partially in their process of nominating candidates (Hankyoreh, Feb 12, 2000). "Change," a pop hit, reflected the sentiments of a majority of citizens eager to change politics and society. In a sense, the 16th parliamentary election may be characterized as the election of young candidates called the "Generation of 386". They were in their '30s, were radical in the '80s and were born in the '60s. Nearly 150 of the candidates running for the National Assembly were 386ers, and generational change is on the agenda. Young candidates rode high on the popular civic movement to call for change. The civic movement's message of change inspired ordinary citizens, students, college professors and professionals alike. More than 5,000 citizens contributed financially to the fund of the civic movement. 143 university professors across the country joined the civic movement as an advisory group. 250 citizens volunteered to work for the office of the People's Solidarity for General Election. Every day netizens from 3000 to 10,000 visited the Website of the civic groups, which totalled 800,000 visits during the 3 month period after the announcement of the blacklist.

The outcome of the parliamentary election dramatically demonstrated the power and popularity of the civic movement calling for change. The civic groups announced that 70% of the blacklisted candidates were not successful in taking seats in the National Assembly. Given this achievement, Park Wonsun, who masterminded and initiated the campaign for the blacklist, was named man of the year by the press.

But it is important to note that several sorts of self-flagellation began emerging within the civic movement. In November 2000, Seo Kyungsuk²⁾, one of the founding fathers of the Korean NGO movement, confessed that there was neither citizen participation nor communication in the Korean civic movement (Chosun Ilbo, Nov 28, 2000). Although acknowledging the remarkable achievements by the NGOs, he never hesitated to lay bare its major vulnerabilities. In his view, neglect of the role of checking government power, a undemocratic way of running the NGOs, financial dependence on the government, a nonprofessional approach to social, economic and political issues, hypersensitivity to the mass media campaign, and the morally deficient qualities of some NGO leaders were the main factors threatening to damage the Korean civic movement.

His main self-criticism centered on the People's Solidarity for General Election's campaign to drive out old and corrupt politicians. His first concern was that civic groups disassociated themselves from the civic movement's traditional tendency to search for reasonable alternatives within the framework of law and order and became immersed in the populist movement in which popular sentiments worked as a final and absolute criterion. The second problem with its negative campaigning was that it acted

2) In 1989 he organized Citizens' Coalition For Economic Justice, the first NGO in Korea

as though monopolizing the standard of justice and righteousness. The result was that the civic movement stood above law. The third complaint was that even if the civic movement to disobey the election law was supported by a majority of citizens, it contributed to the decrease and marginalization of law-abiding attitudes among citizens. In sum, his conclusion was that the process of drawing up the blacklist had the negative effect of neglecting the fundamental agendas of political reforms such as the minimization of deep-rooted regionalism and policy competition, and making personal problems of individual politicians such as corruption and incompetence into prominent political issues.

Of course, not all of the civic group leaders have agreed with his self-criticism and self-flagellation. There are still a considerable number of civic leaders who believe that their decision to disobey the election law was a right choice. Yet there is no doubt that his self-criticism is valuable for those concerned with citizenship education in Korea.

A. Evaluation of the Civic Movement: Implications for Citizenship Education for Adults.

How can we evaluate Korean civic groups' decision to disobey the election law? Did it contribute to the increase of citizen capacity to participate responsibly and effectively in democratic politics? I assume that mere obedience to law is not always enough to make one an active, informed, responsible citizen, but obedience is, other things being equal (*ceteris paribus*), a requirement of citizenship. Of course, it is citizens' responsibility to decide whether other things are truly equal or whether there are special circumstances that free them-or perhaps even require them- to disobey. This being so, it is by no means impossible for civic groups to decide to disobey. But I believe that Korean civic groups' direct intervention in the parliamentary election at the expense of the election law had the consequence of inhibiting rather than encouraging a citizen's capacity to pass judgement prudently and knowledgeably about complex political matters. There are two factors for the Korean civic groups' underachievement. That they refused to tolerate those whose beliefs and convictions differed from their own by failing to understand the nature of uncertainty surrounding political life was one factor. The second problem was that they behaved like "Platonic guardians" rather than like helpers and advisors to ordinary citizens.

In political life we are constantly confronted with uncertainty about facts, causal relations, and the likely consequences of government policies. Uncertainty is often exaggerated and exploited as an excuse for inaction, yielding to political, social and cultural establishments, or support for the *status quo*, but responsible citizens must also confront genuine doubts about politics and society. Conscientious citizens need policies to deal with factual uncertainty. That problem is complex enough, for there is no self-evident principle of how we should decide under uncertainty even when our goals

are clear and well-ordered. But even that is not as difficult as normative uncertainty, that is, doubts about the requirements of political morality.

Few can be entirely sure that Korea's National Security Law is an anti-human rights law, or that some reform programs that civic groups are eager to introduce to challenge the Confucian, seniority-bound political, business and cultural establishments in Korean society are desirable or even reasonable. And even a true believer in any of these issues must concede that there are responsible and informed citizens who consciously and sincerely hold opinions to the contrary. This is not, and need not be, an expression of moral scepticism and emotivism; about some matters there may be no doubt. It is a reflection of intelligent humility and the willingness to regard other citizens as our equals. But Korean civic groups believed that they could gain nothing from the opportunity to hear or see diverse points of view expressed

The problem of disobedience is sometimes thought to be most serious when a law is clearly unjust. That is not quite right. Only when a law is thought to be unjust does the problem arise, but the extremely difficult cases are those in which moral and factual uncertainty make it controversial whether or not the law is just. Moreover, there is an important reason that responsible and informed citizens can obey unjust laws. In Rawls's language (1971), constitutional democracy in any of its familiar forms is an imperfect procedure with respect to justice. Given the imperfect procedural justice inherent in constitutional democracy, there is a degree of injustice which is in principle tolerable. Certainly, there is enough reason to assume that Korea is a constitutional country, in particular after its transition to democracy in 1987. Then we have to leave open the possibility that Korea has unjust laws and authority which are tolerable. But Korean civic groups acted as though they could not tolerate any degree of injustice whatsoever.

To be sure, the function of civic groups is to equip citizens to take part sensibly and knowledgeably in political deliberations and decisions. It is not to give them answers or to persuade them to accept some particular, previously determined course of action. It is rather to help them reach sensible decisions of their own. The *raison d'être* of civic groups is to provide opportunities to increase civic competence and efficacy for citizens. They have to acknowledge that there are alternative actions available to citizens to secure civic ends, and that these have to be evaluated and matched with purposes and expected outcomes. It is by no means implausible to assert that there are alternative and perhaps better ways to implement reform than those that civic groups propose. Civic organizations are thus not latter-day "Platonic guardians". They should not claim to know precisely what to do. They can only claim to know what falls outside the range of reasonable doings. And they must admit that their knowledge and judgement are fallible. Their proper role in a democratic community is to provide defenses both against demagogues who would deceive citizens with pipe dreams and against citizens' own wishes for the unattainable.

But Korean civic organizations acted like "Platonic guardians". Though they had a

narrow purpose and hence could address only a few political issues, they addressed them as though they were incontestably the most urgent and important ones. Moreover, they believed that any political issue was wholly isolable from all other ones, failing to understand that their decision to disobey law and authority would have some serious negative implications for responsible and informed citizenship.

Instead of marking off the boundaries within which reform proposals must remain if they were to be responsible, if they were not to be fatuous or worse, Korean civic groups made specific political decisions. Given the peculiarity of the Korean political situation, of course, they were in a strategic position to advocate a specific course of action. But what they failed to understand was that what they advocated should be regarded as no more than one opinion among many considered by responsible and informed citizens in their political deliberations and decisions. Political debate among all competent citizens could have determined which of the available responsible actions to take in the 16th parliamentary election. It was by no means unreasonable for political debate to contest the political agenda that civic groups proposed. But by endorsing a specific course of action (that of disobedience) instead of confining themselves to demarcating the domain of defensible proposals, civic groups refused to remain advisers. They became civic rulers dictating ordinary citizens what to do .

AI. Conclusion

I believe that if they had acted like advisers rather than "Platonic guardians," and offered their reform program as no more than one proposal among many considered by ordinary citizens in their political deliberations, civic groups' campaigning could have made cases that could actually serve to increase citizens' capacity rather than bring damage and instability to the society. It is ironic that the civic groups' reformist ardor to challenge the corrupt and incompetent political establishments in Korea turned out to be an inhibiting rather than encouraging factor for citizens' capacity to participate responsibly and effectively in politics. Civic groups' intervention had the consequence of stripping citizens of opportunities to exercise political and cultural initiative to bring about something new and different. If civic groups offered their specific course of action as the most urgent and important one, how could citizens decide on which form of civic action was the most appropriate? In short, the civic groups' choice for disobedience came at the expense of the democratic ideals of citizenship and citizen capacity.

Like everything political, no organization is ever perfect. These imperfections exist in Korean civic organizations as well. To overcome organizational imperfections, Korean civic groups should be open to and, in some respects, in search of reform. But responsible reform cannot move in the direction of replacing the active role of responsible and informed citizenship. The concept of responsible and informed

citizenship that I have proposed in this paper requires a modesty and diligence in Korean civic groups' reformist ardor that will accustom them to working with diverse people with diverse interests and diverse beliefs for fostering the cause of democratic politics. It calls for them to eschew a disregard of and a despair about the existing conditions of political life in Korea and to reject a pipe dream of political messianism. It calls, instead, for them to embrace a life of political participation marked by courage, prudence, patience and tolerance.

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