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Regime Values to Overcome Ethical CRISIS in KOREAN Bureaucracy: The Case of Reunification

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Abstract

The purpose of the article is to examine whether and how the regime value approach proposed by John Rohr can be applied to the learning of administrative ethics in South Korea. It focuses on the issue of unification as a critical regime value among others in Korea.

Unification is a good example as a regime value in Korea because its Constitution emphasizes the mission of peaceful unification based on the principles of freedom and democracy. Furthermore, a predominant number of the people agree with the fact that unification is an unchangeable supreme task for Koreans. To begin with the history of Korea's division unintended by the people, the article describes and analyzes why Korea was divided and should be reunified. The success of unification as a regime value heavily depends on how to resolve its tension with the need for national security. Korean administrators need to pay special attention to such a subtle dilemma whenever they use unification as a criterion for decision-making and administrative discretion.

Rohr argues that the opinions of the Supreme Court are the most suitable teaching device in the US. In Korea, the decisions made by the Constitutional Court, not the Supreme Court, are "dialectic," including concurring and dissenting opinions, so they will be excellent teaching devices to help learners experience diverse political opinions and Korean values. In administrative fields, they will also be great guidelines for right and wise decision-makings in the Korean context. In addition to those decisions, Korean values can be found in a wide variety of sources, which include the writings and speeches of prominent political leaders, campaign platforms, scholarly interpretations of Korean history, and literary works of all kinds.

These various teaching devices as well as the living and concrete guideline like regime values will enable present and future administrators, who have often lost right ways, to make ethical decision-makings in the Korean context and to overcome ethical crisis that still remains in Korean bureaucracy. However, there may be a cultural obstacle such as Confucianism for regime values to be successfully embedded in real bureaucracy. Confucianism greatly influences a way of thinking of Koreans and the substantial operation of the Korean administrative system. Its major values such as "Harmony," "loyalty" and "consensus" sometimes outweigh individual consciousness or ethical decisions to be secured by the status of public servants.

[Keywords] *Ethical Crisis, Korea Peninsula Unification, Regime Value, Administrative Ethics, Korean Bureaucracy*

1. Introduction

John Rohr proposes "regime values" as normative foundations of American administrators, and he states that "regime values refer to the values of a political entity that was

brought into being by the ratification of the Constitution that created the present American republic" [1]. It is meaningful to examine what implication his "regime value" approach provides to administrative ethics in countries

other than the United States. This is because other approaches to administrative ethics have some defects as the foundation of the learning of administrative ethics[2].

This article examines whether and how the regime value approach can be applied to the teaching and learning of administrative ethics in Korea by focusing on the unification of South and North Korea as a regime value. There are numerous and important regime values including liberty, equality, justice, and so on in Korea. However, obviously, unification is a critical regime value that should be essentially examined in that it is the common aspiration of the Korean people and the supreme goal of both the South and the North Korean governments.

2. Why Korea was Divided and Should be Reunified

From 1910 to 1945, Korea was governed by Japan's colonial government. In the 1943 Cairo Conference and the 1945 Potsdam Declaration, the world powers promised independence to Korea after the surrender of Japan, but the fate of Korea was reversed by the 1945 Yalta Conference. In that conference, the leaders of the United States, Great Britain and the Soviet Union reached a secret agreement that included the division of the Korean peninsula at the 38th parallel in order to facilitate the disarming of Japanese military forces. The United States and the Soviet Union occupied the south and the north area of the 38th parallel, respectively. In 1947, the United Nations adopted a US resolution which called for a general election under the supervision of a UN commission, and the government of the Republic of Korea was inaugurated in the south. On the other hand, a Communist regime, headed by Kim Il-sung, was set up in the north.

In 1950, shortly after North Korea had made a "peaceful unification" proposal, it launched a full-scale invasion of South Korea and started a war that was to continue for three years. To repel the unprovoked aggression, the United Nations, led by the United States, organized a collective police force and

come to the aid of the South. The war was finally brought to a cease-fire in July 1953. This failed to bring about a unified Korea, leaving the country divided.

As shown in this brief history, the division of the Korean peninsula was originally intended as expediency for the two occupation forces, the United States and the Soviet Union, to facilitate the disarming of the Japanese military. However, the division has persisted, causing needless suffering for the Korean people. The division was made by hegemonies and reinforced by the Cold War, regardless of the willingness of the Korean people to unite. Although there are numerous reasons for unification, the South Koreans think that Korea should be reunified for the following major reasons.

First, all Korean people have the historic mission of unification. Before the division of the Korean peninsula in 1945, Korea had been a unified nation for 1,300 years. However, the homogeneity between South and North Korea increasingly faded away after the division. For instance, some of the words in the language now have different meanings in the south and the north. The two sides teach their younger generation dramatically different versions of modern Korean history. Therefore, all Koreans should commit themselves to the historic mission of returning to an original, unified nation and of restoring homogeneity as soon as possible.

The second reason is more concrete than the first reason noted above. The division of the Korean peninsula causes needless suffering for the Korean people. Separated from their families and relatives by the north-south border, about ten million Koreans anxiously await the day when they can be reunited. As these Koreans grow old they become more impatient for unification. Desire for unification is felt not only by war-torn families but also by a majority of Koreans, who want to be freed from the enormous present military burden and from the fear of war.

Third, unification is a good way, not the best one, for efficient economic development that will contribute to the abundance and welfare of the Korea peninsular. North Korea

has huge deposits of minerals that have never been even explored as well as the world's cheapest personnel expenses. On the other hand, South Korea has ample capital and advanced technology. With bigger population and internal market, a unified Korea is expected to enjoy economic dynamics and independence fully. Of course, German's unification experience may cause some worry about unification expenses that have divided lands equal in infrastructure and development capacity. However, a forecast argues that a unified Korea will be the world's twelfth abundant country in labor force and wealthiest country in an economy size[3].

Table 1. Main Reasons of Unification in Korea.

Aspects	Main arguments
Ethnic	The North and the South used be one nation historically and have a mission of returning to one nation.
Family	Family has been suffering from unintended separation.
Economic	Minerals and personnel expenses in the North will be well combined with capital and technology in the South

In sum, as shown in <Table 1>, for three main reasons, the Constitution and the Charter of Civil Servant Ethics clearly declare that the President as chief executive of the government and administrators should promote peaceful unification based on the principles of freedom and democracy. In this sense, administrators should view unification not only as a regime value but also as their norm in exercising discretion. Furthermore, they need to be facilitators in the move toward unification.

3. Unification VS. National Security

The wall between the South and the North has begun to collapse, but the need for national security inevitably raises conflicts with the need for unification in South Korea. This is the most serious obstacle to administrative discretionary actions toward unification. The South Korean government does not allow the

move toward a unified Korea to reach the degree of undermining national security. Many in South Korea believe that North Korea remains a serious threat to the national security of South Korea because South Korea has been a victim of the terrorism and provocation of North Korea[4].

Because of the tension between the need for unification and the need for national security, the South Korean government still tends to view North Korea as an enemy. An example of this tendency is a debate over the territory of South Korea. The Constitution clearly states that "the territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands"(article 3). The South Korean government argues that, on the ground of this provision, South Korea is the only legitimate government in the Korea peninsula, and that its government can, in principle, exercise its authority not only in the South but also in the North. According to this opinion, the Constitution and law of South Korea can put into effect even in the northern area of the Korean peninsula, and the North Korean government illegally occupies the north of the Korean peninsula. Hence, the South Korean government argues that those who admire or support North Korea are in violation of the National Security Act.

Some people criticize this territorial provision and its interpretation made by the government as being out of date and an obstacle to unification. The 1972 amendment added provisions for unification, and South and North Korea joined the United Nations simultaneously in 1991. Furthermore, they signed, in 1990, the "Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation." Criticism of government unification policy points out that South Korea has actually recognized North Korea as a nation by a series of these historic events.

However, the Constitution Court and the Supreme Court have never showed any clear change in dealing with North Korea and its communists[5]. For instance, in 2014, the Constitutional Court decided to dissolve a political party that is believed to follow Kim Il-sung's thought and North Korea's communists. It is decided that North Korea and its

ideology still are threats to the fundamental constitutional order in South Korea. The legal reasoning of those courts has not been yet influenced by the fact that South and North Korea have joined the United Nations simultaneously and signed the “Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation.”

The success of unification heavily depends on how tensions are balanced between the needs for unification and national security. Korean administrators will face these subtle tensions whenever they use unification as a criterion for decision-makings and administrative discretion. Therefore, they need to pay special attention to the solution of this tension.

4. Teaching Devices for Unification as a Regime Value

Rohr states that the Supreme Court’s opinions are suitable teaching devices, by which American administrators understand regime values in the United States[6]. Likewise, the Constitutional Court’s opinions are appropriate teaching devices for Korean administrators. In their decisions, Korean judges attempt to contain any political values fit into Korean history and culture as well as interpret, in the context of cases, legal conceptions and reasoning that have been illustrated in codes. The Court’s decisions in Korea as well as in the US are “dialectic,” including concurring and dissenting opinions. Those opinions are rich in contents and concrete in a literary style enough to provide some framework for thinking and decision-making as well as knowledge and wisdom to students or administrators[7].

However, critical values shared by Koreans and noted by the Constitution can be found in a wide variety of sources, which include the writings and speeches of prominent political leaders, campaign platforms, scholarly interpretations of Korean history, and literary works of all kinds. These teaching devices are likely to be helpful in teaching regime values to Korean public administration students and administrators. For instance, Cho Bongam, the presidential candidate of the Progressive

Party in 1956, campaigned on a platform advocating peaceful unification[8]; and the April 19 student activists in 1960 called for a North-South meeting between students. In the past, these peaceful unification movements were heavily regulated by the government but not now. In these days, the people and even the government in South Korea do not think that these movements are “progressive.” Therefore, historical documents born of these events can be utilized as teaching devices.

Another valuable idea can be found in debates over Kim Ku’s idea of unification. Kim Ku was one of prominent national leaders who were most respected by the Korean people when Korea was a Japanese colony and the Korean peninsula was divided. He wrote and spoke for peaceful unification until he was assassinated. However, his ideological base was neither that of the South Korean government nor that of the North one, and instead was pure nationalism. Some scholars criticize his idea of unification for not necessarily being directed toward the principles of freedom and democracy. That is, they argue that his idea is not necessarily congruent with the principle of unification which the South Korean regimes have supported historically[9]. Despite such a disagreement, debates over this issue can motivate Korean administrators and students to think and discuss unification as a regime value in great depth.

In addition to the sources discussed above, numerous sources can serve as teaching devices for administrative ethics in Korea. It is now time to look for and look into these devices in Korea. These devices need to be “dialectic” and “concrete” like the Courts’ opinions in Korea and the US[10]. Therefore, from the perspective of public administration, not a legal reasoning, a series of concurring and dissenting opinions about one specific idea and event need to be explored and analyzed in depth.

5. Conclusion

In South Korea, unification is an essential regime value and thus a norm of Korean ad-

administrators. The Korean Constitution emphasizes the mission of peaceful unification based on the principles of freedom and democracy, and this mission mostly accords with the consensus of the people. There are tensions between the need for unification and the need for national security, but a wide variety of sources is likely to provide Korean administrators with insight into unification as a regime value. <Table 2> shows how to teach Korean public civil servants about unification as a regime value.

Table 2. Ways of Teaching on Unification as a Regime Value for Korean Public Civil Servants

Aspects in teaching	Main content
Theme	Tension between unification and national Security
Teaching devices	Constitutional Court's decisions and various literary works of historic heroes
Obstacles	Group loyalties outweigh individual ethical decisions in Confucius culture.

It is expected that the regime value approach will be effectively applied to teaching and learning administrative ethics in Korean classes and administrative fields. Furthermore, this approach is likely to provide a new direction to the academic field that has mostly focused on political philosophy, which hardly touches on particular troubles under the Korean context as well as leads often students to considerable confusion and difficulties in learning. The living and concrete guideline like regime values will encourage present and future administrators to make an clear ethical decision-making under the Korean context and to overcome ethical crisis that still remains in Korean government.

However, there may be a cultural obstacle when regime values can be successfully embedded in the real bureaucracy. The political culture of South Korea is a blend of Confucius and Western elements. Its political institutions are similar to Western ones, and its polity aims at Western democracy. On the other hand, Confucianism greatly influences a way

of thinking of Koreans and the substantial operation of the Korean administrative and political system. "Harmony," "loyalty" and "consensus" are the major values of Confucianism, and they are dominant part of Korean administrative and political culture.

Confucius values are embedded in public organizations, and group loyalties and duties often outweigh individual consciousness or ethical decisions toward the people to be secured by the status of public servants. Korean scholars characterizes the feature of value system of Korean administrators as "authoritarianism" and "emotional humanism"[11][12]. That is, they tend to pay too much attention to hierarchical order and the maintenance of proper personal relations with their superiors and colleagues. This political and administrative culture is likely to frustrate administrators' attempt to carry out regime values based on individual consciousness and reflections.

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