

UNIVERSITY COLLEGE LONDON

Political Legitimacy, Representation and Confucian Virtue

Kwanhu Lee

Political Science Ph.D.

Abstract

This thesis first examines the compatibility of political development and Confucian traditional thought in East Asia, and South Korea in particular, and then suggests an alternative methodology for the study of political theory in regards to culture. In order to accomplish these goals, this research focuses on three concepts: legitimacy, representation, and Confucian virtue.

This research proposes political legitimacy as the most fundamental basis in the study of the relationship between political development and culture. Legitimacy is essential in every government and cannot be borrowed externally. Rather, it must be established through the practices and customs of the people and thus, involves culture. From this view, Confucian traditional thought should be considered the foundation of political development in Confucian East Asia.

In most cases in modern politics, representation is the only legitimate form of democratic governments. While in principle, representation seems to conflict with democracy, in the sense that not all people participate in the decision-making procedure and representatives are required to have some level of competence, in modern representative democracy, it has been accepted as reasonable by the people. This is possible through an epistemic understanding of democracy whereby democracy is regarded as a system in which people pursue better decisions. Although the concepts of representation and democracy conflict, and the linking of the two in representative democracy shows the double-sided characteristics of representation, this double-sidedness emerges from the conceptual nature of representation in politics—the representation of the people’s interest and will. While representation of will seems to be the intrinsic element in the democratic principle of equality, the epistemic understanding of modern representative democracy implies that the representation of the people’s interest is also important. Based on this view of representative democracy, this thesis argues that Confucian representative theory, that only good people make good representatives, is not in conflict with modern representative democracy.

It is often alleged that Confucian virtues do not coincide with the virtues required for modern democracy, even though representative democracy also demands competence in its representatives. However, Confucian virtue is based on the theory of conditional government founded on the Mandate of Heaven. This idea of limited government requires rulers to hear and to respect the people because Heaven only speaks and hears through the people. Therefore, the concepts that are regarded as essential in representative democracy - responsibility, responsiveness, and cooperation - are also important elements in Confucian representative theory, both in principle and practice.

The coherence of virtue, one of the characteristics of Confucianism, is not unique to Confucian East Asia. The concept that integrated virtue is necessary in a good representative can also be found in western tradition. Some western theorists have been interested in this topic in regards to whether

the good representative in reference to virtue is relevant in modern democracy. For this reason, there seems to be no reason to deny the Confucian view of the virtue of a representative in regards to the coherence of virtue.

Although this thesis mainly discusses democratic legitimacy and Confucian virtue, one of the most important implications of this research is the existing methodology used in the comparative research of political theory. This thesis suggests the concept of legitimacy as the foundation of comparative political theory study. Second, this research argues that in comparative political theory research, it is necessary to focus on practice as the accumulation of the people's behaviours in belief-systems, rather than formal institutions. Third, this thesis proposes that there is a need to find and use more neutral concepts for comparative study, such as representation, which is common in both modern western democracy and Confucian traditional thought. In such neutral categories, an interactive understanding is conceivable in any political system.

First, this thesis argues that comparative research of political theory, particularly of different cultures, should start from an understanding of the nature of political legitimacy. This suggests that there should be relative conceptions in political theory and that they should be distinguished from others. For example, while the framework of legitimacy as a belief-system may be common to every government, the contents of the belief-systems are varied, insofar as the way of life is different in different societies. In the same way, though democracy is the only legitimate system of politics, there are varied forms of electoral systems, party systems, and government systems.

Second, this thesis suggests that if politics are to be understood in the relationship between legitimacy and culture at a radical level, the practice and custom of the people in each belief-system must also be examined, since legitimacy cannot directly or automatically be established through institutions, nor can it be borrowed from institutions. Although institutions can be established by cultural aliens, a procedure of legitimation created through the practices of the people themselves is necessary. Without practice, the institution cannot be a foundation of political legitimacy. If we focus on institutional aspects, especially those based on the standards of modern values, the comparison may become an unfair one since modern values must be conceptualized in the West first. For this reason, it is necessary to examine the contextual understanding of practice and custom within the belief-system.

Third, existing research on different systems of political thought frequently seem to compare different theories on the basis of certain values and ideologies, such as democracy, liberal democracy, or human rights. Based on these standards, theories were compared by statistical indexes in empirical studies, or by institutional or conceptual differences in normative research. Some theorists have tried to clarify whether there is a common idea of equality, liberty, or rights. Some have been interested in institutional similarity and differences. However, since much of the concepts are conceptualized in the context of the modern West, such research easily succumbs to

misunderstanding or misjudging non-western theories. Even though we must also be conscious of the prejudice of non-western concepts or ideas, the continued use of western originated standards can lead to unfair comparisons. For this reason, neutral concepts are useful for fair comparison. Along this vein, this thesis offers the concept of representation, a necessary element for legitimate government in both the West and Confucian East. In this case, the main task is to examine the ways in which each tradition is compatible with modern standards of political legitimacy, such as democracy.

Contents

Ch1. Introduction	1
1. Problem.....	1
A. Background.....	1
B. Is it possible to borrow political legitimacy?	2
C. The teleological conception of democratization.....	4
2. Aim of Research	8
3. Methodology and Approach.....	10
A. Three steps of conceptual analysis	10
B. Conceptual analysis: Skinner, his critics, and Confucian themes.....	14
C. Doing political theory in the Non West.....	19
4. Main Sequences of Thesis	22
Ch2. Political Legitimacy	23
1. Political Legitimacy.....	23
A. What is missed in between culture and democracy?	23
B. Legitimacy is a concept which is necessary for every government to wield political power in a justifiable relationship with the people who have obligation to obey.....	24
2. Legitimacy and Culture.....	26
A. Legitimacy depends exclusively on shared beliefs of the people	26
B. Legitimacy is a concept that demands not just descriptive features but also normative standards for judgment. This character of legitimacy thus raises a controversial issue about cultural diversity because judgment on basis of normative criteria should allow only certain moral values in each society	28

C. Practice and custom as foundations of political legitimacy need to accommodate indigenous values and ideas as a form of life of the people who are concerned with the legitimacy.....	34
3. Legitimacy and Democracy	40
A. If democratic, is it legitimate?	40
B. Legitimacy of North Korea’s government.....	44
4. Conclusion	47
Ch3. Asian Value debate.....	49
1. Asian value debate	49
A. Is western culture necessary for democracy? Huntington: yes, Lew Kwan Yew: not at all, and Bell: maybe not	49
B. Kim Daejung suggests an alternative way that we can find some ideas from Locke and Mencius. And Korean political theorists began to ask what Korean politics is	53
2. Modernization theory and Its Critics	57
A. Combination of Orientalism, modernization theory, and comparative political science	57
B. Economic and political critiques based on practical studies of colonization, dependent development, and democratic betrayal	59
3. Conclusion	61
Ch4. Representation, Authority, and Equality	63
1. Introduction	63
2. Representation, Democracy and Legitimacy	64
A. Representative democracy	65
B. Representation has a key role as a standard of judgment of democratic	

legitimacy	67
3. The Concept of Representation	70
A. The concept of representation in the West: it means ‘to act on behalf of some other(s)’ and has developed from the symbolic to the substantive and from standing for to acting for	70
B. The concept of mandate: certain human activities by which some people are granted power to govern others by reference to a belief-system	75
4. Political Authority, Equality, and Competence in Democracy	80
A. Two conceptions of political equality.....	81
B. Principle of competence as relevant reason of qualification in representative democracy	84
5. Representation and Confucian political thought.....	87
A. Representation is necessary in legitimate authoritative democracy in the present world and this character enables Confucian political theory to be compatible with democracy	87
B. ‘Why representative democracy?’ in the study of democracy and legitimacy in the Non West	90
C. Summary.....	92
6. Confucianism and Democracy.....	92
A. Two approaches to the relationship between Confucianism and Democracy: ‘Confucian democracy model’ and ‘Confucian citizenship model’.....	92
B. The third way: the Confucian reinterpretation of democracy.....	94
7. Democracy, mandate and Confucian mandate	96
A. Confucian mandate theory: ‘Mandate of Heaven’	96
B. Democratic mandate and Confucian mandate	98
8. Democracy and Virtue	101
A. Two conceptions of democracy	101
B. Relevant element of competence in Confucianism: ‘Virtue’	103

9. Conclusion	105
Ch5. Political Legitimacy of Mandate of Heaven	108
1. Introduction	108
2. Re-interpretation of Confucianism	109
3. Mandate of Heaven	111
A. Mencius' development of Confucius' idea	112
B. What is the nature of the Confucian Heaven and how does it work with the people?	117
C. Applications in <i>Mencius</i> : 'Revolution'	120
<i>Operational Procedure</i>	120
<i>Procedural and Substantive Condition: Welfare of the People</i>	126
4. Korean Development of 'Mandate of Heaven'	130
A. Jeong Yakyong's re-conceptualization	130
<i>Questions: Combination of Morality and Proceduralism</i>	130
<i>Jeong Yakyong's Interpretation in Tang-ron, Won-mok, and Won-jeong</i>	131
B. Examples in Joseon dynasty	134
<i>Listening to the Young Confucians</i>	134
<i>Listening by Survey</i>	136
5. Conclusion	137
Ch6. The Virtue of a Representative.....	139
1. Introduction.....	139

2. The Confucian Virtue of a Representative.....	139
A. The Confucian virtue of a representative	139
B. Critics of Confucian virtue	143
3. Role and Virtue of a Representative	145
A. Diversity of the virtue of a representative	145
B. The concept of the virtuous representative has a long history in both the West and the Confucian East and is still valid in modern democracy insofar as it is associated with representation	148
4. Three Views of a Representative's Principle	149
A. Principle of accountability	149
B. Principle of resemblance	152
C. The concept of good types of representative	153
5. Why Virtue Matters?	155
A. The fundamental issue of representation is what the representatives have to do rather than how they should be elected	155
B. People always have concerned the virtue of a representative.....	157
6. Coherence of Virtue	160
A. Virtue of a son and a politician	161
B. Coherence of virtue in the West	163
C. Coherence of Virtue in Confucianism.....	166
7. Conclusion	172
Ch7. Conclusion.....	175
1. Contribution	175
2. Main Arguments of the Thesis	176

3. Limitation and Future Research	178
4. Implications	180
Bibliography	182

Ch1. Introduction

1. Research Problem

A. Background

In a society with a Confucian cultural background like South Korea, what is the relationship between political legitimacy and democracy? This question is based on the assumption that the contemporary politics of South Korea has been faced with the challenge of political legitimacy and that the relationship of democracy to culture is at the core of this challenge. This is not a problem merely for South Korea, but for many East Asian countries, even North Korea. In these countries, democratic development has raised questions about its cultural influence. In regards to this issue, there seem to be three positions:

- 1) Political legitimacy within any society must make essential reference to the belief-systems immanent in those societies.
- 2) Only democratic procedures are fully capable of legitimating the exercise of political power.
- 3) Confucianism is incompatible with democratic authority.

Although any two of these claims may be true, all three cannot be. Seen from various positions, it is possible to deny each of these claims. There seems to be no general agreement regarding the relationship between them. Investigating this problem is the main challenge of this research.

In order to understand the gravity of the problem, let us first consider the various positions that have been adopted in relation to each of these claims. Most political modernization theorists reject the first position—that political legitimacy must reference a society's existing belief-systems. The representative scholars that refuted this position are: Lipset (1959), who advocated Anglo-American exceptionalism in democratic development; Almond and Verba (1989 [1963]),¹ who argued a western cultural basis for democracy; and Huntington (1991, 1993), who claimed that westernization is essential to the development of democracy. The first

¹ Since the time in which works were first published is important to the meaningful understanding of the context in which they were written, the year it was first published year will be shown in square brackets throughout this thesis.

position is a view that is not only actively rejected by such modern western theorists, but is also subconsciously rejected by most ordinary people in the contemporary world.

There are some who reject the second position that democratic procedures alone are able to gain legitimacy in the exercise of political power. In the Asian value debate in the 1990s, the Prime Minister of Singapore refuted this claim, instead defending an “Asian type of democracy”. Although he argued that it is a type of democracy distinct from western liberal democracy, many theorists understood it to just mean a weak authoritarian regime. Daniel A. Bell (1995, 2006) is one of the leading theorists who deny the second position. On the basis of Asian communitarianism, Bell claims that the meritocratic elements in Confucianism can be a source of political legitimacy, arguing that this view does not conflict with democracy. However, Bell’s stance is not clear, as will be seen, even in his own words. In contemporary politics, the Chinese government would also refute the second position.

There are relatively few people who deny the third position—that Confucianism is incompatible with democratic principles. In general, Confucianism is regarded as an ancient and medieval thought, and is often understood as being based on pre-modern anti-democratic principles. Theorists who criticize the authoritarian characteristics of Confucianism have established and expanded the argument that Confucianism is incompatible with democracy. Such claims were founded on Orientalism and the concept of Asian despotism follows the same logic, broadly speaking. Interestingly, even many modern Confucian theorists do not refute this claim entirely, with most admitting that there is almost no affinity between Confucianism and democracy. Instead, they try to find democratic elements within Confucianism, in fields unrelated to the political system or government, such as education or citizenship.

However, in this thesis, I reject such long-held beliefs and will argue that Confucian political thought is compatible with democratic authority. In my analysis, I accept both the first and second positions. Political legitimacy requires democracy and therefore, South Korea must become democratic. However, at the same time, Confucian culture must be the source of political legitimacy. Accordingly, all of the elements - legitimacy, democracy, and Confucian culture - are capable of congruency with one another. The task of this thesis is to establish the necessary conceptual analysis of legitimacy, democracy, and Confucian political thought to bolster such an argument.

B. Is it possible to borrow political legitimacy?

In most of the non-western countries that emerged after the Second World War, political legitimacy was borrowed from the West. During the period of the Second Wave of democratization, the process of borrowing political legitimacy that involved the transplantation

of Western political systems, ideas, and even culture under the name of modernization was standard. But is it really possible to borrow legitimacy, and if so, how? One reason for scepticism is that democratic practices emerged in historically and collectively specific conditions. Therefore, it would seem, generally speaking, that for countries to become democratic, they must change their cultures to create the conditions under which democracy can arise.

“Borrowed legitimacy” is a term that will be used throughout this research in order to indicate and explain certain beliefs about an imagined legitimacy in the non-western world, such as South Korea. This term was suggested by a Korean theorist, Kang Jeongin (2009), to refer to the distinctive character of democratic legitimacy in South Korean compared to the West.

Most present-day countries do not have their own historical or theoretical foundations for their democratic political systems. Most of their political institutions and systems have been established on the model of representative democracy found in the modern West. In other words, most of the countries where there are now democratic constitutions and institutions have not established those political systems by themselves. Rather, these political systems were given to them; according to an expression coined by Peter Winch, such political institutions have been given to them by “aliens” (Winch, 1990 [1960], p. 51).² Though there was a massive cultural gap during the process of the transplanting of the political systems, the West had almost no consideration or respect for cultural differences.³ From the West’s perspective of the West, the non-western culture might have been seen as something to be ignored or dismissed in order to make way for the new political systems. They were not interested in conserving any immanent elements that might have had an affinity with the new political systems. In most cases, the establishing of the systems was purposefully done without consideration of the culture and opinions of the receivers.⁴ Cultural aliens had brought new political institutions and the legitimacy of the imported political institutions must be granted by the cultural aliens that brought them.

Accordingly, the legitimacy of these political systems depends on the West. For this reason, there is a strong presumption that the governments and politics of non-western countries could only be deemed as legitimate if they followed the Western political systems and principles.

² Winch wrote, “The force of this condition becomes more apparent in relation to cases where ‘democratic institutions’ have been imposed by alien administrators on societies to which such ways of conducting political life are foreign” (Winch, 1990 [1960], p. 51).

³ In this thesis, this argument mainly refers to the relationship between the USA and South Korea. However, these phenomena can be seen in many colonised countries during the period of imperialism, particularly in Asia and Africa.

⁴ It remains true in the 21st century. See Fukuyama’s (2005) *Nations Building*.

The argument of this thesis, however, is that such a view contains a misunderstanding—legitimacy is something that must be established fundamentally, by those who live within the society, based on their own cultural beliefs and rules. In other words, legitimacy should be rooted in the immanent values of a society. Borrowed legitimacy is merely an illusion. In this research, I examine the different conceptions of legitimacy. The ultimate goal of this research is to offer a plausible argument concerning the relationship between legitimacy and cultural diversity.

C. The teleological concept of democratization⁵

“Borrowed legitimacy” was, is, and will be the political foundation of South Korea’s government and ruling administrations. Like many contemporary countries, South Korea did not have a chance for democratic development through its own initiatives. Its democratic constitution and political system were formed following the models of representative democracy in the West.

However, it has not only been institutions that have been borrowed from the West. When post-war political institutions were borrowed, the legitimacy of those systems was also imported with the established political theory. In effect, the legitimacy of the South Korean political system depended on the West as well. For this reason, there was a strong presumption that South Korea’s government would only be legitimate if South Korea followed the model of Western political systems, in the form of liberal representative democracy. This is the pursuit of the “teleological end to a certain type of democracy” (Kang 2002, 29-35), in a sense, a “manifest destiny”.⁶

From this point of view, the goal of achieving Western liberal democracy is clear, not only in South Korea, but also in most non-western countries. The desirability of Western liberal democracy was first advanced by Western theorists as a universal belief and truth.⁷ People in developing countries also accepted Western liberal democracy as natural—the only way to acquire political legitimacy and prosperity. These empirical developments took place in the context of the massive influence wielded by social evolution theory and modernization theory

⁵ The term, teleological concept, is borrowed from Aristotle’s theory that everything has a *telos*, which is already determined. In this section, this term refers to the democratization strategy of non-western countries toward the western model of democracy.

⁶ Here, I use the term in the same way it was used in the American propaganda that legitimized the conquering of American Indians and their lands in the name of God for the welfare of immigrant Americans’ exclusively.

⁷ For example, in “Some Social Requisites of Democracy”, Lipset (1959) emphasized the connection between economic growth based in modernization and democracy, and in *The Civic Culture*, Almond and Verba (1989 [1963]) added cultural elements from the view of Anglo-American exceptionalism.

throughout the 20th century.⁸ As western countries conquered and dominated non-western countries by military power, western thought overwhelmed non-western thought, regardless of whether it was reasonable or not. As a result, the West has monopolized the authority to grant political legitimacy, not only practically, but also theoretically and ideologically.

Ironically, however, against the solid expectations for political development, the challenges to the teleological goal of liberal democracy have caused negative consequences, specifically a “vicious circle of hope and discouragement” (Choi, 2002). Given institutions that seemed well constructed, at least by the standards of early western institutions, the South Korean people expected that their democracy would soon work well. Like many other countries, however, there was a long military dictatorship from 1961 to 1987. Since the memorable democratization of South Korea in 1987,⁹ clear development has been seen, with regular elections, peaceful regime changes, and remarkable political stability, even considering its tense relationship with North Korea. It was a time of genuine restoration and the first realization of politics since the formal democratic constitution founded in 1950s. At the time, the people once again anticipated a rapid recovery of democratic development that could offset the dark past. Yet, soon enough, the people came to recognize that their democracy, which had democratic institutions and multi-party systems, would not work well compared to the West. Again, they became pessimistic about their democratic future and lost confidence in political legitimacy (Choi, 2002).

The belief and doctrine of change to a predetermined end causes serious distortion in the thinking about democracy itself. Most of all, it removes the progressive and creative characteristics of liberal democracy in Korea (Kang, 2002). The end is not a feature of the future that can be explored by the people themselves in South Korea, rather, it is a present already established by the others in the West. While in the West, liberal democracy was an advanced and even revolutionary ideology that, at the time, no one knew what future forms it would take

⁸ Particularly, in East Asia, Fukuzawa Yukichi (1835-1901) was the dominant theorist and journalist who introduced Social Darwinism. The modernization of Japan progressed under his influence and he is still respected as the forefather of modern Japan. In the 1880s, a leading Korean official, Ryu Giljun who visited Japan was impressed by Japanese modernization and the idea of Social Darwinism. Ryu reported these changes and ideas to the government and the king of Korea. During the Japanese colonization period, the view that in the competition of civilizations, the West was the fittest and that Western modernization was the only way to attain that level of civilization had already deeply rooted itself in the minds of the Korean people. After the Second World War, this view still seems to be influential due to the restoration of Japan.

⁹ This year was the turning point in Korean modern politics. Except for the two years between 1960 and 1962, since its establishment in 1948, the South Korean government had clearly not been democratic, even by the lowest of standards. In 1987, a massive demonstration by millions of students, workers, and civilians took place and the government declared the reform of the constitution and direct elections of the president. For more information on the democratization movement and its implications, see James Cotton (1989)'s “From Authoritarianism to Democracy in South Korea”. Interestingly, while this article does a good job describing the events of South Korean politics around 1987, it also exhibits many of the typical ways of understanding the political transformation exclusively from a modernization theory perspective, like Samuel Huntington's argument. One of the main purposes of this research is to argue against such misunderstandings of Korean politics and, more fundamentally, political legitimacy.

on, in Korea, it has been a predetermined and visible goal. The people of South Korea have had a clear view of liberal democracy through the models that have been established in other countries of the contemporary world. For this reason, it is almost impossible to imagine that there could be other models of democracy that could be formulated by the people themselves. This tendency has been made all the worse by the fact that the term “Korean type of democracy” has been wrongly used by dictators to defend their non-democratic regimes. As a result, it has often been forgotten that democracy should be supported by human practices, not just by institutions.¹⁰ Therefore, liberal democracy has been deemed a conservative and negative political idea since the very beginning of South Korea’s independence.

This might have also occurred in many non-western countries in similar ways. However, it is not merely a matter of establishing democracy in developing countries, but of what that democracy is. In fact, only a few countries in the world have achieved their democracies by their own hands, and in most countries where the people want a democratic government, they still suffer from undemocratic regimes. If most countries where the people desire democracy have similar problems in respect to democratic development, it is not an issue of the exceptional deformity of democracy in specific countries, but rather, a general problem within democratic theory. In other words, even if perfect democratic institutions existed in some places, it would have little meaning for many other countries.¹¹

To be sure, there are gaps, contradictions and ironies in the development of democracy in non-western countries regarding the concept of legitimacy. While in the West, democratization has been a constant process toward an uncertain future, in non-western countries, it is a project aiming to catch-up with the western model. Democratization in the West is a creative and progressive process. However, it is also true that democratization is a ready-made and conservative one in the non-western world. For this reason, while democratization surely lends legitimacy to such governments, the evaluation of this process depends on how similar it is with western democracies. There seems to be no alternative. Yet, at the same time, the forms of

¹⁰ This research does not intend to raise a sophisticated debate about the definition of ‘institution’. Even in Institutionalism, there are different views, such as historical, social, and rational choice, of what constitutes an institution. For the purpose of this thesis, institution is used to indicate a more formal system than practice or human activities. Surely, institution is a result of the accumulation of certain human activities. However, while institution is a result of them, practice means the accumulation itself. Moreover, institution is more dependent from culture than practice insofar as it is a separated subject from human activities. In contrast, since these activities cannot be separated from culture, practice also cannot be separated from culture. In this context, practice is not a dependent subject from culture. Though some institutionalists argue that practice should also be included within a broad understanding of institution, they still accept that the two are not the same. Of practice, see chapter 2.

¹¹ South Korea is often regarded as one of the most successful democratic countries among the democratic countries born since the Second World War. If it can be said that South Korea still rests on a borrowed legitimacy in regards to its democratic development, it would not be an exaggeration to say that many other countries have an even greater crisis with legitimacy.

western democracies also have continuously changed. Thus, there is a problem that occurs that stems from the difference of time and place insofar as democratization is essentially a game of catch-up.

In terms of “borrowed legitimacy” and “vicious circle”, we may infer two fundamental difficulties. First, there is a logical dilemma with time and place.¹² In regards to democratic development, the “present” in the non-western countries is the “past” of the West. Similarly, the “future” of the non-western world is the “present” of the West. Pursuit of a predetermined end is the obstacle that prevents the non-western world from overtaking the West. In a quotation of Ernst Bloch, Korean theorist Kang Jeongin calls it “the contemporaneity of the uncontemporary” (Kang, 2002).

The second difficulty is due to the fact that the path towards and features of democratic development in non-western countries do not coincide exactly with the history of the West. Just as America, France, and England developed different types of democracy respectively, the features of democracy in non-western cultures are naturally distinctive from each other, as well as the western model. Thus, the problem is not found just in the application or diffusion of democracy, but also in the need for different types of democracy and the recognition of their legitimacy.

I would argue that the teleological conception of democratization is a misunderstanding that distorts both theory and practice. Most of all, there is a misunderstanding regarding the meaning of political legitimacy. Legitimacy is a broader concept than democracy. If the teleological conception of democratization is not legitimate, teleological democratization is also meaningless. For example, by nature of its characteristics, if democratic legitimacy cannot be borrowed, there is no need to follow the Western model and no grounds for disappointment when the Western model proves unachievable. If a regime cannot be sufficiently legitimate only in contrast with an alien political system or its ideas, there is a need for careful reflection regarding even the most general political concept of democracy. If legitimacy is something that ought to be fundamentally established by concerned parties in their own field, with their own beliefs, rules, and expressed actions, then borrowing legitimacy is merely an illusion. Democracy is not merely a set of institutions. Democracy needs practices as a set of meaningful human activities, which are an accumulation of the people’s participation in decision-making procedures about public affairs. In order for human activities to be meaningful, there must be a

¹² Here, we can see the paradox of the “Race of Achilles and the tortoise”. In Zeno’s paradox, Achilles can never draw ahead of the tortoise, because there are an infinite number of points Achilles must reach where the tortoise has already been; such a paradox has been witnessed in many non-western countries in regards to economic and political development strategies and practices. There must also be some opposite cases in history, in which such countries have overtaken those which developed earlier. However, in these opposite cases, logically speaking, this can only be achieved by Achilles’ recognition that he does not need to follow the tortoise’s path.

common foundation among members. In other words, insofar as the activities of political decision-making are collective and coherent actions, the subjects of the activities have to recognize their cooperative actions. According to Wittgenstein, such activities should be carried out in a system of a shared grammar. In a society, this grammar may include culture as the most important background of human political activities. Therefore, political practices necessitate a cultural basis. In order to achieve a legitimate democratic government, there should be an accumulation of internal practices based on indigenous tradition, not borrowed tradition. These are the assumptions and arguments that will be examined in this thesis.

2. Aim of Research

This research is inspired by debates and arguments about the relationship between democracy and cultural values. In terms of the relationship between democratic development and culture, there have been two different views: advocates of the modernization theory and critics of the modernization theory.

On the one side, there is the argument that representative democracy is intrinsically an invention of the modern West and a product of its cultural background, and as such, in order for non-western countries to pursue democratic development, they should accommodate western culture. From this perspective, western culture is not only favourable, it is considered necessary for modern democracy. According to this argument, democratization in non-western countries depends exclusively on the degree to which non-western cultures are able to accept and integrate western culture.

On the other side, however, some critical scholars argue that western modernization does not guarantee democracy outside of the West. They maintain that modernization theory is not so clear in modern historical practice as it is in theory. Some more radical theorists argue that the West has not paid attention to the democratic development of the non-West, and even frequently interrupted it to protect their own interests. In fact, there are several cases of western developed countries preventing the democratic development of their colonies for the prosperity of the mother countries (Alavi, 1972; Frank, 1995; O'Donnell, 1986; Chang, 2007). The influence of colonization has been lasting, even after the theoretical independence of post-colonialism (Spivak, 1988). Therefore, instead of the forced modernization seen during the Western colonialism period, independent development is the key to democracy in non-western countries (Kang, 2009).

During the 1990s, the Asian value debate raised questions about this issue and it is still worth revisiting, particularly in respect to democracy in East Asia. The debates regarding the relationship of economic and political development in East Asian and Asian culture involved not just academic

theorists but also dominant politicians. Some argued that the success of East Asian was based on its distinctive culture from the West. Others claimed that further development necessitated a cultural change following a western model, although they acknowledged that some elements of Asian culture had contributed to contemporary progress.

Yet, in this debate, there were two clear weak points. First, many assumed that the conditions of development only provided the sufficient conditions for the relationship between the political and economic development, not the necessary features of cause and effect between the two. As previously noted, since most arguments of the Asian value debate were merely *ex post facto* reports, they did not provide coherent causal explanations. Second, simultaneously, there was no room for a normative consideration of the appropriateness of cultural change. Surely before arguing the need for cultural change in order to create economic and democratic development, the first step is to question whether the change is desirable or even possible.

For these reasons, this research uses political legitimacy as a means to study the relationship between cultural values and democracy. In the sense that every government must secure legitimacy, political legitimacy is one of the most fundamental concepts of politics. It is a concept that goes beyond democracy and culture. The reason why democracy is the “only game in town” is because it is accepted as the most legitimate political system. Nonetheless, there is a need to understand what is involved in political legitimacy and why it is granted most highly to Western political models. Accordingly, legitimacy is an appropriate means for a conceptual analysis of the relationship between democracy and culture. Since the 1960s, many researchers have examined the relationship between democracy and culture. However, the radical controversy between the different views of relativism and western supremacy is ongoing. Therefore, this research is an attempt to mediate these two views through an examination of legitimacy.

The different views about the relationship between democracy and culture originate from the different views of the relationship between democracy and legitimacy. Although democracy is the most general and universal value in contemporary politics, it should be understood in relationship to the concept of political legitimacy. At this moment, the relationship between political legitimacy and culture should also be considered as well. If political legitimacy should be based on an immanent ground in each society, democracy must also be developed in accordance with indigenous tradition. If certain normative ways of thinking in Confucian culture are compatible with political legitimacy, Confucian culture can also be a plausible source for democratic development in East Asian communities. In this sense, democracy can attain the necessary and sufficient conditions of political legitimacy only when it is in accordance with Asian culture. Thus, the relationship between political legitimacy, democratization, and Confucian Asian values is the

first concern of this research.¹³

The aim of this research is to argue that the tradition of thought regarding political legitimacy and the virtues of Confucian Asia could provide positive ideas and conceptions, which could form the basis of a coherent normative theory of democracy. In order to support this claim, this research will examine whether the Confucian ideas of East Asia, particularly Korea, can accommodate democratic values. For two reasons, both the questions of whether it is possible and whether it is necessary must be examined. First, the essential characteristics of political legitimacy involve indigenous beliefs and morality. Second, there are plausible ideas for democracy in traditional East Asian thought, particularly in regards to contemporary representative democracy. In short, this research will examine the following three assumptions:

- 1) If political legitimacy needs to be concerned with indigenous culture, there must be various ways of acquiring legitimacy given the diversity of culture in each society
- 2) In the contemporary world, representation is necessary in legitimate authoritative democracy and thus, Confucian political theory is compatible with democracy
- 3) Historically and theoretically, the traditional political theory of virtuous representation in East Asia has given and still provides a suitable source of legitimate and democratic politics

This paper examines these assumptions through the conceptual analysis of legitimacy in a comparison of East Asian traditional thought and Western liberal representative democracy. Therefore, the main scope of this research is legitimacy, representation, and Confucian virtue, particularly the virtue of representatives.

3. Methodology and Approach

A. Three steps of conceptual analysis

In this research, conceptual analysis begins with the relationship of political concepts, including: legitimacy, democracy, representation, and political virtue. As political legitimacy and representation are considered key concepts, an understanding and analysis of these

¹³ In this sense, the concept of political legitimacy is certainly free from short-term economic changes. Even if it is long term to the point that it is a normative issue, it does not necessarily undermine the relationship between political legitimacy and culture.

concepts, as they relate to this research, is first necessary. In addition, since the specific purpose of this research is to examine the possibility and necessity of indigenous resources of legitimacy in East Asia, an interpretation and comparison of the different conceptions of the West and the East is necessary. Accordingly, the conceptual analysis consists of three different steps: identification, comparison, and reinterpretation. While these three steps are distinguished conceptually, they may appear simultaneously in different parts. This is due to the need for the identification of the concepts to be meaningful, as well as the need to understand how they compare to each other; this comparison also necessitates a reinterpretation of the concepts.

In the first stage, identification clarifies the concepts and explores their diverse conceptions. More importantly, it presents a proper understanding of the relationship between the different conceptions. In this context, the first stage is a conceptual analysis of legitimacy and representation. Legitimacy is treated as a problematic issue, particularly in relation to cultural diversity. While legitimacy is deemed as a universal criterion, cultural diversity implies its relative potentiality. Between the tensions of universality and particularity, I discuss the core of legitimacy first.¹⁴

Then, given cultural diversity, the question of how legitimacy is rendered credible will be discussed. Here, I suggest “practice and custom” as the essential grounds of legitimacy. Although there are different understandings of the concept of practice and custom, all of them recognize the indigenous factors in each political community as the fundamental basis of the people’s beliefs.¹⁵ In this sense, within every society, there exist certain ways of thinking, based on religious, legal, conventional and even mythological beliefs. Political legitimation depends on connecting to these indigenous ways of thinking. In other words, legitimation depends on

¹⁴ A full discussion about the grounds of political legitimacy will be presented in chapter 2. There are several possibilities, including: social contract, consent, justice, and deliberation. Since the 17th century, classical advocacy for the government’s legitimacy based on the social contract theory has existed. Hobbes, Locke, and Rousseau may be the forefathers of this theory, and despite the critique of Hume, his is still one of the most popular theories in regards to the foundation of government. Beetham (1991) argues that the demonstrable expression of consent by the subordinate to the particular power relationship contributes to legitimation. Rawls (1971) suggests justice as the goal and foundation of legitimate society and politics. Recently, more theorists have been interested in the deliberative justification of governance. Buchanan (2002) and Manin, Stein, and Mansbridge (1987) argue that deliberation is not only the means to make present democratic regimes more democratic, but also the intrinsic basis of all governments, since deliberation is the genuine feature of consent in the procedures of decision-making in both principle and practice. However, following Beetham (1991), Parekh (1972, 1981), Oakeshott (1975, 1976), Winch (1990), and Wittgenstein (1953), I do not agree that they are not the fundamental grounds of legitimacy.

¹⁵ The concepts of practice and custom are dealt with here as the foundations of political legitimacy. However, it will be helpful to briefly introduce the definitions of Oakeshott and MacIntyre. Oakeshott defined practice as a set of collective human interactions, which have been structured on a relatively permanent basis and that denote obligations and duties (Oakeshott, 1975, p. 55). Similarly, MacIntyre defined practice as coherent and complex forms of socially established cooperative human activity used to achieve good goals in realization of the members (MacIntyre, 2007, p. 187). On custom, Hume argued that regarding the accumulation of experiences, we are only able to exercise reasoning with the guide of custom (Hume, 2007 [1748], pp. 42-5). See more in chapter 2.

the shared beliefs of the people and these shared beliefs are rooted in a certain belief-system. In each political community, the foundation of the belief-system is practice and custom. In present politics, as long as the belief-system is in favour of democracy, which is considered “the only game in town” in terms of political legitimacy, a government's legitimacy depends on the practice and custom of the people who are directly affected by it.

The view of legitimacy based on practice and custom in relation to a belief-system provides an alternative methodological framework. In a sense, it proposes a distinct concept that denies the traditional views of the basis of political legitimacy, such as social contract, consent, justice, and deliberation, which have long been regarded as the universal bases of political legitimacy in modern politics. In contrast, this thesis suggests practice and custom as the more fundamental grounds for political legitimacy. In some sense, this constitutes a gap in methodology between modern politics and pre-modern politics. Jeremy Waldron (2002) methodologically distinguishes the question of ‘the foundation of Locke’s liberalism’ from the question of ‘the individual’s foundation of Locke’s liberalism’. Likewise, I distinguish the question of ‘the foundation of political legitimacy’ from the question of ‘the individual’s foundation of political legitimacy’. In these questions, the latter may exhibit the real features of the liberalism and political legitimacy by which the individual acts. In other words, this thesis argues that practice and custom are the individual’s foundations for political legitimacy.¹⁶

After examining legitimacy, representation must be questioned. In this section, conceptual, historical, and comparative research on political representation will show that various conceptions and understandings of these concepts exist. The conceptual analysis first focuses on the change of the meaning of representation in the West. Through this, the nature of the concept of representation and its real features can be seen. Here, I suggest the concept of “mandate” as the foundation of all political representation. Thus, because there is a constant tension among them, not just in principle but also in practice, it is necessary to understand representation as it relates to political authority, democracy, and equality. To this end, I argue that Confucian representative theory does not conflict with modern representative democracy.

Accordingly, a comparison of the conceptions of the roles and virtues of representatives in the West and East Asia is necessary. This stage of the argument will contribute to the understanding of the similarities and differences found in the diverse conceptions. At this stage, the conceptions must first be examined from the perspective of each tradition of political thought and each cultural tradition. Then, they can be compared with other ideas from different

¹⁶ While I agree with the argument of Waldron, that Locke’s teleological liberalism is compatible with the concept of human equality, rather than a modern secular basis, some may not. However, whether Waldron’s argument itself is right or wrong has no bearing on its methodological significance.

cultural backgrounds. Through such processes, as ancient and medieval wisdom regarding modern democracy and representation are can be found, I argue that meaningful indigenous normative resources be accepted and understood as necessary to the legitimacy of Asian representative democracy.

Since there is no conceptual equivalence between modern representative democracy and Confucian thought, reinterpretation must be undertaken at the same time. Thus, our comparison requires the interpretation of Confucian ideas in the context of representation. In some cases, this analysis may require a reinterpretation in the context of modern concepts of representation regarding the traditional reading of key Confucian tradition and texts. However, this reinterpretation should be distinctive, not just an overstatement, distortion, or underestimation, but a true reconstruction.¹⁷ This is a method of derivation in order to carry out a comparison of representative democracy and Confucian thought. To be brief, this requires a developed and theoretical version of Kim Daejung's interpretation of Mencius.

As main sources of Confucian thought, I will quote Confucius, Mencius, and Jeong Yakyong, works that examined the ideal representative concepts within Confucian thought. Though Confucius and Mencius are known well as dominant Confucian thinkers, an explanation of Jeong Yakyong and his significance seems necessary. Jeong Yakyong (1762–1836), a Confucian theorist in 18th and 19th century Korea, during the Joseon Dynasty, is typically referred to by his pen name, Dasan. He represented the new stream of Korean Confucianism, *Shilhak* (Practical Learning; 실학; 實學) and is known for his criticism of the metaphysical interpretation of Confucianism in Korea. Jeong argued that Confucianism should focus on developing the practical welfare of the people. In addition, in some of his essays, he suggested radical foundations of Confucian representation through conceptual analyses and examples. His reinterpretation of Confucius and Mencius changed the understanding of Confucianism in Korea and his *Sikhak* represents the distinctiveness of Korean Confucianism from main stream Chinese Confucianism. In fact, Jeong argued that his interpretation is one of most coherent, synthesizing the original ideas of Confucius and Mencius.¹⁸

¹⁷ This thesis distinguishes reinterpretation from reconstruction. Many modern Confucian theorists argue that the compromise of Confucianism and other western values necessitates reconstruction of the concepts. Certainly, this is an ambitious method and has produced many fruitful ideas, such as Confucian democracy, meritocracy, or Confucian citizenship. However, this thesis neither challenges general democratic theory nor argues for the reconstruction of Confucianism. It does not attempt to alter the foundation of Confucianism and other concepts. Instead, it focuses more closely on the features of Confucian thought and contemporary political concepts. Therefore, it does not attempt to reconstruct Confucianism, but rather, to reinterpret the present arguments for Confucianism. From these existing interpretations, this thesis aims to propose a reasonable meeting point of Confucianism and democracy. For details, see chapter 5.

¹⁸ Since 2004, UNESCO has designated anniversaries of global events or great figures that have been deemed as in line with the values and spirits of the organization. In October 2012, Jeong's birthday 250th anniversary was added to the list, the first time a Korean has been picked. <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/anniversaries-celebrated-by-member-states/2012/>

Throughout the comparison and interpretation, the key lies in what these thinkers considered a desirable virtue and the proper role of representative,¹⁹ and includes procedures for showing the potentiality publicly and recognition process as an authorization. Or to put it more explicitly, as Pitkin starts in her work from Hobbes,²⁰ I am attempting to clarify the understanding of representation in East Asia from a Confucian maxim and the “Mandate of Heaven”, according to Mencius’ interpretation, who claimed, “the mind of the people is the mind of Heaven”, To this day, this remains the most popular slogan in Korean elections and an important element in Chinese politics as well. In terms of the role and virtue of representatives, Confucian “Sagacity” is still a meaningful and influential concept.²¹ As I have stressed repeatedly, the aim of my research is to find the particular but potentially universal characteristics of Korean representation in terms of virtue, which is necessary for a person to be a good representative. In order to do so, traditional Confucian political virtue must first be identified, in particular, the virtue of Sage in East Asia, since Sage has been the model of both a good person and good ruler. Through this exploration, I will attempt to show how the cultural diversity of political legitimacy is related to the virtue of representatives in Confucian East Asia. Although Confucian thought did not develop modern democratic ideas, it still contains positive resources for better representation in regarding the role, virtue, and ethics of representatives. This argument constitutes the body of my research.

Finally, a review of political virtue will be presented. There is a need to examine whether comparison and alternative interpretation is helpful for better representative democracy in East Asia, specifically: whether the alternative interpretation of political virtue in Confucian and western tradition is applicable in present-day democracy; and whether this conception of political virtue is sufficiently familiar with enough of the concerned peoples.

B. Conceptual analysis: Skinner, his critics, and Confucian themes

¹⁹ Of the role and virtue of representative in the West, J.S. Mill (1861), Burke (1774), Pitkin (1967), Manin (1997), and other representative thinkers will be examined. Here I briefly draw out interesting and crucial conceptual distinctions, such as Mill’s “competence” and “participation” (Thompson, 1976), Pitkin’s “standing for” and “acting for”, and Manin’s “resemblance” and “distinctiveness”.

²⁰ In English etymology, the meaning of having citizens represented by chosen persons was first recorded in 1628; the opposition to a person appointed or elected to represent others was first recorded in 1635. The meaning of a legislative body, as found in representatives, was first recorded in 1694. This period corresponds to the time in which Hobbes was living (Dictionary of Etymology, 2003).

²¹ Sage (성인: 聖人: Shengren) or Junzi (군자: 君子) was a term that designated an ideal human in Confucianism. Junzi literally means “lord’s son”. However, thanks to the principles that “a Sage should be a ruler” (Confucius) and “a ruler should be a Sage” (Mencius), the term has been understood as an ideal human since the beginning of Confucian beliefs. In addition, according to the principles of Confucius and Mencius, anyone who is qualified, can be both a Sage and a ruler. At this stage, the literal meaning of “lord’s son” corresponds exactly with a genuine ruler, not with an inherited position. In this sense, this concept is similar to Plato’s “philosopher king”.

In political theory, conceptual analysis is concerned with interpretation and understanding of political thought or set of thoughts, but what are the standards for such academic activities? A specific obstacle emerges from the fact that the conceptual analysis of this research concerns not just the various political ideas of the history of the West, but also of the Confucian East. In addition, the process of interpretation and understanding is only a preparation for the next stages of comparison and evaluation, the core of this research. In this regard, it is necessary to examine this topic from four different angles: the past and present of the West and the past and present of the East. In other words, there is a dual complexity in the conceptual analysis of this research.

In terms of such difficulties in conceptual analysis, particularly in relation to history, the significance of the well-known method suggested by Quentin Skinner should be considered. In 1969, Skinner argued that scholars must be aware of the danger of prejudice in political theory, namely “the reification of doctrine” and “the mythology of coherence”.²² According to Skinner, it should not be carelessly assumed that a thinker had a doctrine in his works. This is more likely in cases when the ideas related to the doctrine appeared after their works. Secondly, there is no reason to assume that one coherent set of ideas lies within a thinker's body of work. Nor should it be assumed that the discovery of such is the sole mission of those who study and analyze their works. Instead, Skinner argues that the focus should be on what the thinker was doing in the context of the period in which they were writing, arguing that the correct understanding of such works is only possible without the prejudice or interference of *ex post facto* contexts. Although there is a counter argument that states that it is uncertain whether Skinner’s point is concerned with the intention of the writer or with the illocutionary force from a broader perspective, Skinner’s clear contribution is his argument that theorists should be aware of the limits of analyses that are based solely on locutionary interpretation.

There are critics of this position since the intention of the authors is uncertain. Accordingly, in most cases, interpretation is nothing more than guesswork. While it is necessary to understand texts in certain contexts, there is always the danger of placing an arbitrary emphasis on context, even when there is no clear standard of what context is appropriate. If we only focus on textual context, the economic and social environment in which the text has been produced may be easily missed (Black, 1980, pp. 453-5).²³ Femia, following Gramsci, argues

²² In what follows, I have relied almost entirely on Park Dongchon (2004)’s ‘Introduction’ of the Korean translation of Skinner’s *The Foundations of Modern Political Thoughts*.

²³ Some argue that Skinner could not realize his own methodology. In regards to *The Foundations of Modern Political Thoughts*, Oakeshott pointed out that while Skinner argued that a group of thinkers had set out the idea of “state” or “state reason”, in fact, because those ideas of modern state had not existed, this would not have been possible (Oakeshott, 1980, p. 452; Park, 2004, p. 29).

that theorists should pursue meaning from the present perspective, regardless of original meaning (Park, 2004, p. 31). In other words, if we do not question the contemporary importance of a text, it is impossible to explain how political ideas influence political behaviours (Black, 1980, p. 454). This debate is not particular to politics or history; rather, it is already general basis of literature criticism.²⁴

What are the implications of Skinner's view in relation to Confucian political thought? Even if a Skinnerian method is deemed valid in regards to western political thought, Confucian East Asia is another matter. As Jeremy Waldron (2002) points out, there is little continuity between the Lockean foundation of political equality and the modern liberal sense of equality. There is a gap between the ideas that everyone is equal by the "Providence of God" and that everyone is equal by procedural justice or consent. Additionally, it would be difficult to find anyone who understands modern government through the perspective of Hobbes. Even though there are some characteristics that can be regarded as features of continuity in the liberty, equality, and legitimacy of government in the West, the Skinnerian methodology may not be suitable in research that focuses on this continuity since Skinner's approach is generally understood as appropriate for the investigation of the original meanings of ideas in specific moments in the past, such as Locke's thought in the 17th century. For this reason, Skinnerian methodology is not applicable to research that deals with living tradition.

In South Korea, although political power is legitimated by the people's choice, the reason it has the authority to grant legitimacy is not in full accordance with modern liberalism or democracy. There must be a cultural foundation in which the will of people is understood as the legitimate authority. For example, as will be argued in chapter 5, in Confucian East Asia, the "Mandate of Heaven" is an indigenous concept that provides a fundamental source of legitimacy. The general concept of a virtuous person exhibits an affinity with the political concept of a good representative in East Asia. This is not a result of liberal democracy, rather, it is a result of traditional thought. In this situation, political leaders are often required to act by Confucian principles;²⁵ this is true in many countries of East Asia, such as both North and South Korea, China, Japan, Taiwan, and Vietnam.

In "A Reply to My Critics", Skinner suggests "rational acceptability" as a standard of methodology for political theory. However, MacIntyre argues that although "rationality is a concept with a history, since there are a diversity of traditions of enquiry, with histories, there are rationalities rather than rationality" (MacIntyre, 1996, p. 9).²⁶ In other words, there is a

²⁴ Black also pointed out a flaw in the Skinnerian method of textual interpretation—the difficulty in understanding patterns and the changes of ideas that arose from texts (1980, p. 455).

²⁵ In a recent example, previous South Korean President Roh Moo-hyun (2003–2008) and his close advisors were criticized for not using formal language in discussion.

²⁶ Rawlsian concept of "reasonable pluralism" (Rawls, 1993) is also consistent with this understanding.

problem of boundary around the concept of “rational acceptability”. The question, then, is how to confirm the boundary of rationality and the subject who is to accept it. To this question, Park (2004), based on the views of Wittgenstein (1953) and Winch (1958), argues that an interpretation of a thinker’s set of ideas or texts becomes a rational one when the interpretation is generally regarded as acceptable, or at least as debatable, in the community that studies the subject. There may be no other standard for rational acceptability. In this case, there are various reasons of acceptability that could be called rational. Just as Skinner argued through examples and his critics also refuted his theories using their own examples, the best way to examine this problem is also through the examples offered in this research.

In the light of such considerations, the extent to which research within the framework of Confucian thought is meaningful and justifiable varies, depending on its concrete subjects and questions. This practical approach is applicable not only to research within Confucian thought but also to research on Confucian thought. Broadly, Confucian-based research can be categorized in three dimensions according to its degree of relevance.

First, some research deals with radical questions, such as whether Confucianism is compatible with modern feminism. Since Confucianism is well known not only for its hierarchical ideology but also as a system of thought that embodies exclusive and pre-modern ideas about gender, within Confucian research, this subject seems to be one of the least likely to yield positive results. However, while it took considerable time to be recognized as a worthwhile topic of research, there are now many recognized views on both sides of the argument. Many articles continue to be published on this topic and some of them are certainly some of them are well-respected within the academic community.²⁷ Even though the intellectual adequacy of such arguments is debatable, the issue is still considered a serious academic subject among relevant scholars.²⁸ This modern reinterpretation of Confucianism represents a progressive research programme.

Second, some research examines more the relationship of Confucianism to more general themes, such as liberty, rights, and democracy. Theodore de Bary, the dominant American scholar of Confucianism, has published significant work on liberty and human rights, in particular, *The Liberal Tradition in China* (1983) and *Asian Values and Human Rights* (1998). Another eminent theorist, Tu Wei-ming, has also presented impressive work on Confucianism and human rights in “A Confucian Perspective on Human Rights” (1995). In terms of democracy, Daniel Bell suggests an alternative vision supporting Confucianism, rather than

²⁷ For example, in a well-structured conceptual analysis, Galia Patt-Shamir (2009)’s “Learning and Women: Confucianism Revisited” shows how it is possible to argue for Confucianism’s affinity with feminist views.

²⁸ For example, in 1999, there was a conference in Korea on “Confucianism and Feminism”, coordinated by Confucian theorists and feminist academics.

Western Democracy in *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (2006).

Against these studies favourable to Confucian approaches, Fukuyama and Huntington argue the negative relationship between Confucianism and democracy in their works “Confucianism and Democracy” (1995) and “The Clash of Civilizations” (1993). Such research, however, shows that the relationship between modern political thought and Asian traditional thought is a valid topic of debate. In addition, research on such topics is still flourishing in East Asia, particularly in Hong Kong and Singapore.²⁹

In China, in order to establish communist social structures, Mao tried to remove the Confucian legacy through the famous Cultural Revolution, by criticizing the hierarchical characteristics of Confucianism. During those periods, Confucianism was an enemy of the communist ideal, in which everyone is equal. However, Mao’s successors restored Confucian ideas as the essence of Chinese tradition. Although the Chinese form of socialism used Confucianism merely as a means to fight against western liberalism and its influence in China during the period of Reform and Opening Policy, the interpretation of Confucianism became more controversial in relation to values such as democracy, freedom, and human rights (de Bary, 1998, p.6).

South Korea is not an exception in this regard. Lee Seunghwan (1996, 1998), a leading theorist of Confucian philosophy in Korea, has long been interested in the relationship between Confucianism and concepts generally known of being of western origin, such as liberty, rights, law, and justice. Therefore, it is a plausible conclusion that general political ideas such as liberty, [human] rights, and democracy are reasonable themes to be considered within the interpretation of Confucian texts.

Finally, even though some still disagree with the relevance of studies that deal with Confucianism in relationship to the concepts of liberty, equality, and rights, the subjects of this thesis—legitimacy, representation, mandate, revolution, and political virtue—are less problematic. These ideas seem to enjoy a relative advantage in terms of conceptual complexity and uncertainty. Although it is not completely certain whether feminism or liberalism is compatible with Confucianism, it is clearer that there is a justifiable political system that supports representation in principle and practice in Confucian doctrine and society. Therefore, it is more fruitful to examine the concepts of the political mandate or limited government than

²⁹ Some recent works from East Asia clearly show how research has been developed in many academic perspectives. For example, see He, Baogang (2010)’s “Four Models of the Relationship between Confucianism and Democracy” in *Journal of Chinese Philosophy*, 37:1 (March 2010) 18–33; Sor-hoon, Tan (2012)’s “Democracy in Confucianism” in *Philosophy Compass*, 7/5 (2012): 293–303; Sungmoon, Kim (2013)’s “To Become a Confucian Democratic citizen: Against Meritocratic Elitism” in *British Journal of Political Science*, Vol. 43, No. 3, pp. 579-599.

to examine whether Confucianism has an affinity to human rights and feminism. In other words, the questions about these concepts are worthy of being explored since even more complex and ambiguous ideas are already accepted as reasonable research themes. Thus, the aforementioned concepts—legitimacy, representation, mandate, revolution, and political virtue—have been selected as the main subjects of examination in this research.

Identical concepts or terms in Confucian thought and modern representative theories do not exist. As Skinner states, the present understanding of consent and Locke's original argument in *the Second Treatise of Government* must be different. Yet, when a theorist argues that a present-day government is illegitimate because the government does not comply with the political principle of consent based on Lockean theory, it is problematic in the sense that there exists a group in academia that does not agree with Skinner's argument. There cannot be a more truthful or absolutely plausible argument. Of course, Skinner's contextualist view could be one candidate to use in the interpretation such argument. Nonetheless, this does not deny the role of other elucidations or understandings. All arguments that are put on the table for study and debate are candidates for plausible interpretation. Thus, if certain arguments are deemed more plausible than others, opposing viewpoints must also accept them as such. This research will take this understanding and methodology into account.

On this methodological basis, in this thesis, a conceptual analysis will be carried out. Political legitimacy, representation, and the virtue of representatives are the key concepts of this research, though many other ideas will also be discussed. Principles and examples in Confucian texts and practices will be compared with political ideas originated from the West.

C. Doing political theory in Non West

Prominent works, such as *Orientalism* by Edward Said, criticize cultural distortion from the West to the East. From a different perspective, Samuel Huntington's *Civilizations and the Remaking of World Order* predicted that there would be continuous conflicts between the West and the rest of the world. This research is concerned with such conflicts in the realm of political theory, or more precisely, democratization in the Non West.

First, the concept and conceptions of the term "Non West" must be made clear. The distinction of the West and the Non West is explicitly identified by both Stuart Hall (1992) and Parekh (1992). In his paper, "The West and the Rest: Discourse and Power", Hall defines "the West" as not only a geographical term but also as an idea, a concept that has four main functions. First, it characterizes and classifies societies into different categories, western and non-western. It is a tool of thinking that sets a certain structure of thought and knowledge in motion. Secondly, it is a set of images that function as a set of representations. For example, western = urban =

developed; non-western = non-individual = rural = under-developed. Thirdly, it provides a standard or model of comparison. Fourthly, it provides criteria for evaluation. For example, the West = developed = good = desirable; the Non West = under-developed = bad = undesirable (Hall, 1992, p. 277). Hall states that such ideas were first established in the fifteenth century and have since functioned as discourse and ideology.

Parekh's argument is also crucial because it shows how the idea and concept of the West and Non West have been internalized. He opens his paper, "The Poverty of Indian Political Theory" (1992), with the statement, "No contemporary non-western society, not even Japan, has produced much original political theory" (page number). According to Parekh, political theory has practical value and it should correspond to real society. For example, he argues that the alien and much-misunderstood secularist Western model that developed in India could not solve the problems of Independent India. In addition, he shows how many mainstream political theorists have ignored non-western culture, daily life, and values in their studies entirely. Finally, he points out the serious problems of teaching political theory in the Non West. Due to the dominant influence of the Western theories, the development of original political theory in the Non West has been greatly stymied, arguing that few attempts have been made.³⁰

In politics, there is a cohort of scholars who suggest alternative views about democracy and democratization, political development, and the broad historical progress of humankind. Bihikhu Parekh (India/UK), Partha Chatterjee (India), Samir Amin (Egypt), Kang Jungin (Korea) all claim that generally speaking, many theories of the democratization of the West contain a tacit presumption that western civilization and culture is superior to the non-western world. In other words, it has been assumed that western culture has an essential affinity with democracy, and liberal representative democracy in particular, and that different types of democracy, in which alternative virtues of representatives are required by the people, is not possible. Following the criticism of these scholars, in each chapter, the affinity of East Asian ideas with essential democratic virtues will be examined in empirical and normative aspects. When they exhibit differences, explanations as to how and why will be presented. The ultimate goal of this research is to examine whether the different East Asian conceptions of the virtue of representatives in each essential category of legitimacy can be considered an alternative in democracy, or if they are even worth being pursued despite their non-democratic character in some cases.

In this examination, this research focuses on the peculiarity of the Non West in reference to the cultural and historical situations that are distinct from the West during the period of

³⁰ When he taught modern political thought in Harvard University, Parekh included Ghandi alongside Machiavelli, Hobbes, Locke, and Rousseau.

modernisation. Drawing on the different essential features of nationalism between the western and eastern world, Chatterjee speaks to the dual characteristics of awareness. According to Chatterjee, when Britain and France were the cultural, economic, and political pacesetters, other Western countries like Germany and Italy had the awareness that they already had the necessary linguistic, educational, and professional skills deemed necessary for a consciously progressive civilization, “They had therefore little need to equip themselves culturally by appropriating what was alien to them” (Chatterjee, 1986, p.1). By contrast, the Eastern brand of nationalism has been accompanied by an effort to re-equip the nation culturally, to transform it. This could not be done simply by imitating the alien culture—then the nation would lose its distinctive identity. In fact, this becomes a deep dilemma since it involves two strong types of rejection: “rejection of the alien intruder and dominator who is nevertheless to be imitated and surpassed by his own standards, and rejection of ancestral ways which are seen as obstacles to progress and yet also cherished as marks of identity”(Chatterjee ,1986, p. 2).³¹

In effect, there is a dual tension. On the one hand, there is tension between external, authoritative sources, namely, borrowed political systems and internal existing values. This tension emerges from the difference of place. On the other hand, there is conflict between past as tradition and present as liberal democratic representation. This tension emerges with the gap of time. While other countries in the West suffered only from the difference of time, the Non West struggled with both issues of time and place. This difference of place also raises the problem of identity.

A contingent but valuable result can be seen when the external source of legitimacy coincides with internal values. Some basic ideas such as liberty, equality, and justice are often classified and understood as common to any society. If past tradition is not in conflict with modern representative democracy, a time lag would not prove to be so problematic.

This thesis is based on the assumption that if democracy has a general value as a political system, the core idea must be immanent in most human societies. If this proves true, the people could take their indigenous political thought into account as the source of contemporary democratic development. Accordingly, there is no reason to depend merely on the project of catch-up, or on teleological democratization. In fact, these approaches either are unable to bring about the purposed end or result in the creation of problems of identity. It is also very likely that they do both at the same time. Thus, this thesis argues that Confucian political thought is not in conflict with modern representative democracy, but rather, provides fruitful ideas for

³¹ During the period of Japanese colonization, there was a debate among Korean intellectuals regarding similar issues. Historian, anarchist, and independent activist, Shin Chaeho, argued that Korean people must seek an alternative way against all kinds of imperialism. In contrast, novelist and cooperator with the Japanese government, Lee Gwangsoo, claimed that the only, or at least the most effective, way for Korea to develop was to copy and learn from the successful Asian modernization model, Japan.

democratic development in regards to key concepts such as mandate, limited government, and virtuous representation.

4. Main Sequence of Thesis

This thesis starts begins with a question regarding the standards by which political legitimacy is judged. As long as political legitimacy cannot be borrowed, the relationship between culture and democracy is problematic. Thus, democratic legitimacy should be rooted in the practice and custom of the society. The Asian value debate shows that there is an issue between culture and democratic legitimacy. Democratic legitimacy is not merely a matter of institutions but of “form of life”.

In contemporary political society, democracy seems to be a prerequisite for political legitimacy. Yet, we should be aware that representation shapes the features of democracy. Without good representation, good democracy, good politics, and political legitimacy cannot be guaranteed. Representative government is the most general form of legitimate democracy.

There is a set of indigenous traditions of political thought in East Asia that are consistent with representative democracy, which can provide a distinctive theory of political legitimacy. In this research, two key concepts of Confucian thought, the “Mandate of Heaven” and “the virtue of representatives” are discussed in this context.

The Mandate of Heaven proposes a framework of political legitimacy in which Confucian representation requires representative and limited government. The virtue of representatives suggests a practical legitimacy that reflects the traditional view of human beings and political good. Both of these views are in accordance with the principles of modern representative democracy.

Therefore, it can be said that Confucian thought on representation provides a set of ideas that are consistent with the normative theory of democracy and that sufficiently constitute political legitimacy in contemporary East Asian politics.

Ch2. Political Legitimacy

1. Political Legitimacy

A. What is missed in between culture and democracy?

Every government needs to secure legitimacy. The relation between government and legitimacy is essential. Intrinsicly, government is an entity in a relationship between the governors and subordinates, and legitimacy is a necessary concept that links those two groups. Without legitimacy, governments cannot be sustainable. The necessity of legitimacy implies that there should be a certain type of relationship between the wielding of political power and obedience.³² In other words, in the concept of legitimacy, there are distinctive roles of political relationship in every community.

In this understanding of different roles, democracy seems to matter. Democracy is the only game in town. However, since legitimacy is necessary for all the governments of human history, legitimacy is a broader concept than democratic legitimacy. There can be undemocratic but legitimate governments. In fact, most of the legitimate pre-modern governments have been those of sacred kingship rather than democratic authority. Even today, democracy is the most anticipated political system for the people only because it is understood as the most legitimate system.

Though legitimacy is one of the most fundamental conditions for all government, the features of legitimation do not seem identical in each society. They are varied as democracies so in contemporary representative politics. Though democracy's variation appears due to different institutions first, fundamentally the diversity seems to emerge from cultures in which the people have a certain type of ways of thinking distinctive from others. Therefore, the indigenous culture could affect a set of political ideas and system.

In summary, this chapter will examine three assumptions. Firstly, that legitimacy is essential in every government. Secondly, that legitimate government should be rooted in a set of people's beliefs. Thirdly, that if the government is democratic, it is legitimate. In terms of the main issue of this thesis, the second and the third assumptions would be considered in respect of the matter of cultural diversity.

From the examination of these assumptions, this chapter argues that political legitimacy

³² There are of course different understanding of this relationship such as 'state and society' (Urbinati, 2006) and 'state and citizens' (Pettit, 2012). These understandings focus on the substantive subjects of the relationship.

can be meaningful only in certain people's beliefs. Insofar as political legitimacy is a prior concept even to democracy and is exclusively concerned with the belief-system in each political community, it must be rooted first in practice and custom. Even though there is a common idea of political legitimacy, its source, ways of operation and substantive elements vary depending on belief-systems. Therefore, it will be a desirable or at least a suitable way if we extract and reinforce some useful ideas from indigenous tradition insofar as they are sufficiently applicable for present political development.

B. Legitimacy is a concept which is necessary for every government to wield political power in a justifiable relationship with the people who have obligation to obey

It seems that there is a broad agreement that political legitimacy is necessary for political power to govern. It is a common idea that every government needs justification. Once there is political power and its government in a human community, then the necessity of its justification follows immediately. There is a necessary relationship of justification between the political power and the people who are concerned with the wielding of the power.

But why is justification necessary for government? The problem of government is always about the foundation of the obedience of the people to the government. According to recent development of political philosophy, the fundamental reason which provokes obedience is not like law, physical power or authority itself but a distinctive concept namely legitimacy (Barker, 1990, pp. 4-5).

The exercise of power by one person over others, or by one group over another, is a basic and recurrent feature of all societies. This power can be challenged or undermined by other power or by subordinates, and in this concept of legitimacy the power is problematic (Beetham, 1991). Where political power is, legitimacy is demanded. By the concept of legitimacy, political power becomes problematic.

What is an appropriate account of the legitimacy? Apparently, there are empirical accounts for power to be legitimate such as basic security of the subordinates according to the theory of Hobbes and Locke. However, legitimacy is a concept in which political power is limited by justifiability according to normative conditions as well. For example, though the sufficient condition of legitimacy of a government seems to be equivalent with problem-solving capacity, it is still dependent with the people's judgment whether the problem is solved or not. Even before, there should be a common recognition of what is problem. In this sense, Rehfeld claims that political obligation needs normative elements in a concept of legitimacy. According to him, "citizens must have good reasons to endorse the particular institutions that govern them, whether or not they actually do justify them" (Rehfeld, 2005, p. 16). In this sense, there is a

conceptual distinction of ‘having reasons’ and ‘having good reasons’ for legitimacy (Weale, 2013b). In a similar view, Raz argued that “an authority is legitimate only if there are sufficient reasons to accept it” (Raz, 1986, p. 40). In this definition, he distinguished the normal reasons from ‘better, sufficient, best, decisive, valid, and primary’ reasons (Raz, 1986, pp. 29-54). In addition, Hart, saying that “the role of practical authorities, including law, is to help people to conform to what they have reason to do” (Green, 2012, p. xliii), suggested a concept of ‘good reason’ that makes an authority to be legitimate (Hart, 2012 [1961], pp. 54-56).

Here, though Hart seems to exclude such elements of authority and law from the components of legitimacy, if we look at his arguments more deeply, he does not deny that the role of authority with legitimacy. He is saying that the role of authorities helps people to do something with reasons. Accordingly, we can classify the conditions of legitimacy into necessary and sufficient ones and also categorize the former as empirical and the latter as normative ones. In this classification, while authority consists of necessary and empirical ground of legitimacy with reasons of people’s obedience, good reasons provides sufficient ground of legitimacy. In effect, while the people can be satisfied with some reasons, the people can also require good reasons. When Beetham argues that insofar as legitimacy is not a matter of all or nothing but of a degree (Beetham, 1991), he obviously implies that empirical elements is not fully sufficient for a political authority to be legitimate and the normative dimension is an important aspect of legitimacy.

Yet, what bring out the empirical and normative conditions of legitimacy? According to Beetham, in terms of legitimacy, the situation of every government can be illustrated that “where the societies and the powerful seek to justifiable rules or secure consent, and power is acquired and exercised according to justifiable rules, and with evidence of consent, we call it rightful or legitimate” (Beetham, 1991, p. 3). Here, the existence of certain justifiable rules in a political community can be an empirical evidence of legitimacy. In this case, the government has some reasons to wield political power over the people. In contrast, there is a common idea that political power should be wield only with consent of the people, this idea provides normative ground of legitimacy. Although it is not sure whether it is rule or consent that confers legitimacy, it may be true that there should be a sort of recognition of the right to govern by some collective and visible human activities. Both empirical and normative conditions only can be satisfied with people’s activities. In this approach, by some reasons or good reasons there are some meaningful human actions then the actions bring out the recognition of the power as legitimate. As a result, this recognition evokes the duty of obligation. In this regard, the concept of legitimacy offers a solution to a fundamental political problem, which consists in justifying simultaneously political power and obedience (Coicaud, 2002, p. 10).

One distinctive point from the traditional conception about legitimacy of Hobbes and Kant

in modern philosophy is that the objects of obedience are distinguished from the State. Since Locke and Rousseau's advocacy of resistance against the government that violates social contract, the object has been understood as limited government not the absolute State. However, some argue more radically that the subject of the right to be obeyed is not the governments but one's fellow citizens. In this sense, legitimacy is a matter of not only "whether authorities with institutions they believe to be normatively deserving of obedience but also citizens have trust in the future compliance of other citizens" (Føllesdal, 2010, p. 28). Here, legitimacy is fundamentally a matter of clarifying the origin of political power and its justifiability by the citizens themselves. The point is that the relationship within the citizens has become more decisive rather than state and government. In modern representative democracy, Føllesdal's argument is that the government as an object of the obligation is legitimate only when it is a genuine representative of the citizens. It also shows that the meaning, condition, and implication of political legitimacy have continuously been changed according to peoples' minds.

Therefore, legitimacy can be defined as a concept which is necessary for every government to wield political power over the people in a justifiable relationship with the people who have obligation to obey. This legitimacy should consist of both empirical and normative elements. Those elements can be produced by some collective, visible and meaningful human activities. Finally, insofar as these certain human activities confer legitimacy, legitimacy is fundamentally related to the mind of the people who act in such a way as to confer legitimacy. Legitimacy is the only a concept that could explain political relationship between the people who have right to govern and the people who have obligation to obey.

2. Legitimacy and Culture

A. Legitimacy depends exclusively on shared beliefs of the people

The first section has discussed the question that whether political legitimacy is essential in government. The second section has examined whether democracy is a sufficient condition for political legitimacy. The question of this section is that in what necessary conditions democracy can work well in terms of political legitimacy.

In the justification of government, 'beliefs' among the people is the essence. Weber defines legitimacy as the belief about power among the people. Accordingly, the main task of social science becomes making a report about other people's beliefs too. Beetham also argues that legitimacy is justified in terms of shared beliefs, regulated to be understood conventions and

confirmed through the expression of consent (Beetham, 1991, p. 31).

A historical scrutiny promotes and helps this understanding of legitimacy. In his magnificent work, *The History of Government* Samuel Finer (1997, 1999) shows almost all the history of governments of human beings from the Sumerian city states to the modern European countries require legitimacy. In this work, Finer strongly argues for the relationship between a concept of 'belief-systems' and political legitimacy.

rulers cannot maintain their authority unless they are legitimated, and they are legitimated by belief-systems (Finer, 1999, pp. 28-9).

According to him, every government needs certain congruence between social stratification and the political institutions as a precondition for regime stability and survival of the political community itself, the binding force being belief-systems. This kind of belief-system starts with an unproven and provable axiom. For example, he introduced a maxim that 'all men are created equally' (Finer 1999. P. 29). Unfortunately, there is not clear definition of belief-system in his work. However, it seems possible to reconstruct his argument for the concept and identify its meaning and characteristics.

Belief-system is a set of beliefs which is distinctive from authority, government or power. All these political concepts and phenomena only can get their presence and practical utilities based on more radical ground of belief-systems in relation to the people. Authority, government, and political power cannot exist or meaningful without a concept of people's beliefs and its organised form on which a political relationship of right to rule and obligation to obey is possible. For instance, if there is a genuine government, it means that there is a set of people's beliefs in which the people believe that the ruler has a right to rule the people and they have an obligation to obey.

To say this in relation to legitimacy; first, political order depends on shared beliefs of the people; second, we can call a set of this beliefs 'belief-system'; third, this beliefs-systems consist of the contents of legitimacy in each political community theoretically though the systems' origins can be varied such as religion, thoughts, or myth.

Without people and their recognition of the political relationship based on belief-systems, any kind of politics is actually impossible. In this context, Weber, Beetham and other theorists who study legitimacy understand beliefs among the people as the ground of legitimacy. Yet, these beliefs need to be organized in a system in each political community. Without this systemization, simply beliefs among the people cannot be a foundation of political system. At the moment, it cannot be distinguished from other social factors such as religion, ideas, and emotions. There is no stability and continuity. In contrast, as a system, these beliefs should not

be dismissed in a short period, rather it must last for a long time mostly over generations. Although the belief-systems could originate from religious background, as a meaningful ground of legitimacy in political context, it should take secular hierarchy which is distinctive from religious one.

These belief-systems are stronger than the ruling authorities because it is belief-systems that the authorities count on. On these belief-systems, in pre-modern periods, inequality and social stratification had been accepted and legitimated gladly in the political communities. In the history in Africa, Middle East, and Europe, the belief-system had had a feature of religious foundations in a relationship between human beings and cosmos or sublunary world and cosmos. Rulers link these relations. Before Luther said that 'every man is his own priest', belief systems generally have depended on hierarchical religious faith. However, 'belief-systems' goes wider than religion in some cases such as Confucianism. As Finer says, Confucianism was not a religion but it was a belief-system as all-encompassing as that of medieval Roman Catholicism (Finer, 1999, pp. 28-30).

Therefore, we can understand legitimacy in terms of shared beliefs confirmed by recognition of certain human activities (Beetham, 1991), and in relations with belief-systems (Finer, 1999). This is the utility and importance of the concept of legitimacy to be distinctive from power, social stratification, and government itself. On account of the concept of legitimacy, it would be possible to set out three elements of the relationship between political power and obedience.

First, every political power aims to increase or at least to maintain wielding of authority. Second, the maintenance of political stability may be an evidence of acceptance of the power in a sense of fact. This fact consists of the empirical character of legitimacy. Third, there should be reason giving procedures on basis of acceptable religious, legal, traditional, and moral foundations.

In conclusion, although there are more elements to be clear such as validity, still it is sure that there is no other foundation of legitimacy except the people's beliefs. Even problem-solving capacity is dependent with the beliefs since both recognitions of what is problem and of whether it is solved also the people's mind. About this point, many political theorists, sociologists, and historians seems to have a common view. The theorists agree that there should be some kinds of beliefs of political power in a political community.

- B. Legitimacy is a concept that demands not just descriptive features but also normative standards for judgment. This characteristic of legitimacy thus raises a controversial issue about cultural diversity because judgment on basis of normative criteria should allow only certain moral values in each society

In relationship between political power and obedience, if legitimacy is a concept that is intrinsically dependent on the people's beliefs, there are two dimensions with the feature and characteristics in terms of legitimacy: the descriptive and the normative.³³ According to Peter, the first descriptive dimension is one in which legitimacy qualifies political authority as the right to rule. In this sense, legitimacy is interpreted to people's beliefs about how the right to rule is exercised. As a result, legitimacy prevails if only the people support the institutions and decisions. The second is normative dimension in which the legitimacy gives binding reason and force to the people to support certain institutions and decisions. In this light, legitimacy is constituted by a set of conditions that the decision-making process must satisfy (Peter, 2009, pp. 56-9).

According to Beetham and Peter, many modern theorists have confused descriptive and normative dimensions of legitimacy. In the descriptive dimension, legitimacy prevails if and only if the people support the institutions and decisions (Peter, 2009, p. 56). In this sense, legitimacy is a capacity to engender and maintain the presence of the beliefs (Beetham, 1991, p. 9). It is a view in which there is no room for a distinction of normative and empirical resources. This is the Weberian approach to legitimacy and it has been criticized by Beetham. According to Beetham's interpretation, Weber argues that social scientists should be sceptical about the possibility of any rational grounding for normative ideas or value systems. Beetham argues that Weberians tend not to ask that why and how the people have the belief. They merely focus on result and presence of the beliefs.

Following Weber, most social scientists have thought that judgment is impossible or does not need of explanation about the normative relationship between political power and legitimacy. Only what they want to report is the beliefs of the people to the power. In this view, we cannot and need not know whether the beliefs are just, and whether the procedure of establishing the beliefs is morally appropriate. Legitimacy is problem of substantive power yielded in real world and there is no room for consideration of morality. Only the capacity to engender and maintain the beliefs becomes more important.

In this case, there may be some reasons but there will not be sufficient (Raz, 1986) and good reasons (Hart, 2012 [1961]; Weale, 2013). Beetham more radically calls it divorcing people's beliefs about legitimacy from their reasons. Therefore, Weberian ideas can be interpreted as that a given power relationship is legitimate (Beetham, 1991, pp. 6-11).³⁴

³³ Fabienne Peter (2009) clearly classifies legitimacy's character into these two dimensions even in definition.

³⁴ Beetham (1991) and Pitkin (1972) criticize that Weber's legitimacy does not have any normative elements. Weber classifies legitimate dominion into three categories, charismatic, traditional, and bureaucratic. In this classification, he does not mind the characteristics of the contents which compose each category. For the reason, however, it seems to be more controversial. First, it is not clear whether Weber explicitly claims that there is no

Yet there is a question about the possibility of manipulation by power as Beetham (1991, p. 9) points out. In fact, this sort of question is not of concern to Weberian social scientists. There is a clear tension whether legitimacy should account for morality. Beetham explains the tension through the different approaches which he calls contrast views of social scientists and philosophers. Then, he claims that Weberian view is just a wrong interpretation or misunderstanding of legitimacy. He asserts that legitimacy involves a normative character (Beetham, 1991, pp. 6-10). In this sense, legitimacy is constituted by a set of conditions that the decision-making process must satisfy. This procedure implies that judgment is possible and necessary for acquiring legitimacy (Peter, 2009, pp. 56-7).

These theorists, against the Weberian view of modern social science, classify the aspects of legitimacy into the two dimensions of the descriptive and the normative, and underline the essential character of the normative resources with inevitable necessity of judgment. In other words, distinguishing the different characteristics has a methodological importance and at the same time it provides a plausible basis for the normative resources as an intrinsic problem in study of political legitimacy.

As Peter Winch says, the concern of social scientists should not be just on a set of causes and effects but whether those will be reasonable things to do (Winch, 1990, p. 81). Particularly, in terms of legitimacy, we need not just some reasons but good reasons. The belief-systems should fully work on basis of good reasons not merely accepted reasons. Though the question of what is reasonable may need to be examined further, at least it seems clear that the legitimacy stands on the ground of good reasons are stronger, more effective and sustainable than of merely some reasons.

This distinction immediately prompts a second problem. Legitimation of power could be possible in two ways, imposed agreement by coercion and voluntary agreement by consent. In

need of normative conception in legitimation at all. In fact, he does not classify the sources of legitimacy to those two dimensions. In Weber's classification of three sources of legitimation of power, we cannot find any intention and consciousness of classification of normative and empirical sources. Accordingly, Even though the lack of carefulness in treatment of the concept could be criticized, it may not correspond to advocacy of useless of normative resources within the division. Second, it is obscure whether the point criticized is emerged by Weber himself or Weberians. In history of political theory, there is a similar controversy around the ideas of Machiavelli. He is well known as a theorist in favour of the vice rather than the good as character of ruler. However, it may not be true that he absolutely denies a ruler who really holds some good virtues such as generosity and mercifulness. He says that it would be laudable if a ruler actually possess and act on all those qualities deemed to be good, and condemns Agathocles on account of his completely vicious character in spite of his extraordinary success. In this light, it might be proper to say that he does not deny a good ruler as a desirable goal, yet recognizes that it is hard to be (Skinner, 1978, pp. 128-38). In similar context, Weber seems to focus on the transformation of main role from the charismatic and traditional resources to rational-legal authority in his ages. Finally, it cannot be sure that there is not normative element at all within the sources of charismatic, traditional, and rational-legal authority. Rather, there should be some social values and morality among the people whatever it is. We cannot imagine a vacuum of morality in human character, traditions of communities, and rationality of legal system in societies.

this distinction, an imposed order seems to be illegitimate and involves a self-contradiction in both categories of descriptive and normative dimensions because the existence of coercion itself implies that the subordinates do not support the power. Yet it may be more complex in practice because there may be no government that only can rely on coercion exclusively. Rather it often accompanies least or sustainable compensations and substitutes.

Suppose a regime, whether it is medieval dynasty or modern dictatorship which is established by arbitrary force, sustains its governance, and provides some substantive interests to the people no less than other neighbouring regimes.³⁵ In these countries, interests such as economic development are met as a compensation for the relative lack of normative legitimacy. Yet it is not merely applicable to the developing countries. According to the Marxist view, all governments in capitalism often provide common interests both for the Bourgeois and the Labour interests for sustenance of the capitalist states and system. In a broader interpretation of the theory of State from the Left view, such redistribution by welfare system is accounted merely small and particular compensation for the massive and general exploitation.

Therefore, a power based on coercion could be meaningfully legitimate only in terms of material interests. At the same time there still remains a view that the power seriously lacks some essential aspect of legitimacy. We cannot say that a government where most people do not agree with the political system and do not support the political leaders is legitimate only because the government provide material needs. In addition, we cannot say that a government is legitimate only because there is not clear protest movement because of economic compensations. Legitimacy has normative grounds.

Thirdly, although there is a conceptual distinction between imposed agreement and voluntary agreement, there would be many cases in which it is hard to distinguish oppressive imposition from pure voluntary obedience. Unfortunately, the normative character of legitimacy has more complicated aspects. For example, in Finer's understanding of legitimacy in relation to belief-systems, there are various political formulas. Only of the religious types of beliefs-systems, he classifies them into five different features; primitive religion, archaic religion, historic religion, earlier modern type (European reformation), and modern type (separation from formal politics) (Finer, 1999, p. 23). In these cases, we are not sure that in what stages there is a reasonable and plausible agreement without coercive imposition acceptable to each period.

Also in the Asian medieval ages, Confucianism was a distinctive non-religious belief-system. Confucianism was a sort of intellectual belief-system dependent on the educational system. In addition, a concept of popular legitimation which is one of the means of legitimation

³⁵ For this example, I referred to Coicaud (2002, p. 22) and Beetham (1997, p. 27).

suggested by Finer (1999, p. 38), is just not applicable to modern governments. There is a paradigmatic instance of pre-modern periods' popular legitimation in Rome. We can easily remind ourselves that how the emperor Augustus had to pretend not to be an emperor but to be called himself as *Princeps* in a meaning of the 'first citizen'. Probably, most citizens and the members of the Roman Senate had known that it was merely a political rhetoric, but they were satisfied and accepted it. And, they might support it for many reasons. Although popular legitimation is frequently understood as legitimation by free popular election in modern democracy, we may recognize that there must be much of legacy of the pre-modern ideas of popular legitimation. In many cases of contemporary democratic politics, we are not so free in fact enough to agree with government voluntarily as Rousseau points out. In other words, we may not sure whether we are doing voluntary agreement in enough conditions even when we feel free politically.

Accordingly, even though we conceptually distinguish voluntary agreement from imposed agreement as a normative condition for political legitimacy, the practice is more obscure. Perhaps, one of the most complex features in the obscurity of modern political theory is that, namely what Antonio Gramsci calls 'hegemony' (Gramsci, 1971).³⁶ Indeed, there have been some ideas looks similar before Gramsci such as traditional myths, what Burke calls prejudices, and what Marx identifies as ideology which can grant legitimate resources for a power between coercion and voluntary. Yet hegemony may be more inclusive and systemic concept. It includes a complex set of institutional and cultural mobilization system, and also coercive power in cases in needs. Ironically to Gramsci, similar but more radical attempts have emerged in socialist countries for making socialist human beings.

Finally, not only empirical but also normative conceptions of legitimacy raise controversial issues in relation to cultural diversity because legitimacy includes only certain types of social values and morality. The empirical distinctiveness between culturally different societies has been easily captured. Yet, insofar as the distinctiveness surely relates to the different values and ways of thinking, it is not limited only empirical dimension. Here is an issue of diversity of legitimacy in normative sense. If political legitimation does not accommodate 'moral monism' (Parekh, 1996 and 2000) or 'moral objectivism' (Bunting, 1996), the values and morality stand on basis of diverse cultures, customs, and conventions in different societies. As Parekh (Parekh, 1996, p. 134) says, since culturally embedded human beings cannot escape their culture altogether, the belief-system for legitimation may not be free from the culture as well. In order to understand the role of culture in relation to legitimacy plainly, Beetham's categorization

³⁶ In ancient period, Aristotle's argument for slavery on account for 'nature' was an example of that kind of legitimation in broad application (Beetham, 1991. pp. 30-1).

would be helpful (Beetham, 1991, p. 72).

On the one hand, there is a framework of justifiable content of rule for legitimacy; yet on the other, there is a following of principles and common interests which are variously dependent on the characteristics of each society. For example, if political legitimacy accommodates a ruler's moral qualification as a necessary normative resource, it will be different between a Christian society and a Confucian society. Moreover in Korea the virtue of filial piety is the one of the most important standards of morality in evaluating a person's character and it can be extended to considering whether he or she is a proper representative. In effect, there is a belief that a good son is more likely to be a good representative. According to this belief, in an election a person who is a good son can have more chance to win the election. In addition, the political representative is regarded as a model of the represented in Confucian thought, a virtuous person must have better chance to be a representative in principle. In Christian society, the filial piety may be a considerable element but must be at a different level and position.

More widely, there would be more diverse contents of morality, for instance between individual and communitarian societies. Even if every society takes some values as necessary goals to be secured in common, the problem cannot be solved. In a society, individual freedom may be the best value to be secured than others; by contrast, in another society equality may be favoured than liberty; and in multicultural society, some other values such as diversity, tolerance, and reciprocity could be regarded as essential values. The ways to the goals may be various even more.³⁷

In conclusion, as we can see through all these ideas, the theorists classify the aspects of legitimacy across two dimensions of the empirical and the normative, and underline the essential character of the normative with inevitable necessity of judgment. In fact, there seems to be a continuous tension between presence of power and its validity, and this is the essence of legitimacy.

The distinction is important not only in the definition and understanding of legitimacy but also methodology of study of legitimacy. As I noted before already, without the normative concept of legitimacy, it is hard to explain the difference between forced agreement and voluntary consent. In this sense, two dimensions of legitimacy provide some answers to the questions that how the people believe and support a government without enough material interest or how the people withdraw their upholding with sufficient compensation. Finally, the distinction allows us to consider the diverse moral foundations which are the basis of legitimation among the people.

³⁷ It may be more controversial how to compromise different values in multicultural society. See the debate between Brian Barry (2001, 2002) and Bhikhu Parekh (2002).

- C. Practice and custom as foundations of political legitimacy need to accommodate indigenous values and ideas as a form of life of the people who are concerned with the legitimacy

Conceptually, legitimacy consists of a logical structure or framework on the one hand and content on the other.³⁸ While the framework is common, the content can vary across different communities. There should be a belief-system in most societies, but the belief that consists of the system may be distinctive from each other. In fact, there may not be the identical contents in different political communities.

This relationship of frame and content in conceptions of legitimacy can be understood in relation to democratic legitimacy in contemporary world. Insofar as democracy is the only game in town, democratic government should be established as a system. In this case, the system of democracy is a frame of the legitimacy. However, for the frame as democracy to be meaningful, it ought to be filled with proper content. The content must be in reference to some values that are consistent with democracy but not identical in each society. For example, though democracy must accommodate political equality as a necessary condition, there could be not only various ways to achieve the equality but also different views of political equality that is not in conflict with democracy. In addition, there are diverse forms of representation in modern democratic countries. There are many different democratically legitimate party systems, government systems, and constitutions. This is the natural plurality of the contents of legitimacy in a common framework.³⁹

Then, what is the substance of the contents of legitimacy? Many theorists agree that legitimacy should be assured by expressed collective actions. Whatever it is that provides grounds of legitimacy, it is clear that those are evoked and confirmed by certain collective human conducts within the society. That is one of the intrinsic characters of legitimacy in a concept of belief-system. All the principles of legitimacy in an association, it needs a certain type of systemic beliefs among the people. No matter how it is justifiable principle, it would be

³⁸ This conceptual structure is from the light of Beetham's classification of 'normative structure of legitimacy' (Beetham, 1991, p. 72). He used the terms of 'authoritative source' and 'justifiable content'. Yet, in this thesis, in order for distinction of conceptual common foundation and diverse cultural intervention, it is reconstructed by the concepts of 'framework' and 'contents'

³⁹ It is not only so in a highly abstract level of political idea. In policy, there can be similar examples. For instance, while national healthcare system was invented in Germany and may become a common idea, the operational systems are very different in many modern countries. Its variety ranges from tax based free system like the UK's NHS to compromising system of tax and self-funding like Korean NHI (national health insurance system). In this case, while they have a same frame as a concept of national health care, the contents are different depends on the people's mind about the systems.

useless if the people would not believe it as an appropriate resource for political legitimacy. This belief fundamentally emerges from collective ideas and actions not individual so that a certain formula of procedures of the emergences appears in community.

In this sense, legitimacy allocates between community and beliefs. A British philosopher points out this relationship as a necessary condition of human society. Oakeshott says that,

human beings are endless inventive of societies, communities, and associations, and each such invention is a relationship in terms of beliefs, that is, learned conditions of association. And, if one seeks a theoretical understanding of any such association, one must enquire into the postulates of the conditions (Oakeshott, 1976, p. 358).

According to him, every interpersonal action has several necessary features. When men live together and interact on a relatively permanent basis, their relations cannot be episodic or transactional and need to be structured in terms of what Oakeshott calls practices. In this sense, practice may be identified as a set of considerations, manners, uses, observances, customs, standards, canons, maxims, principles, rules, and offices specifying useful procedures or denoting obligations or duties which relate to human actions and utterances (Oakeshott, 1975, p. 55; Parekh, 1979, pp. 491-2).

But, why and how does the notion of practice relate to the possibility and necessity of indigenous legitimacy? In Oakeshott's view, practice can never entail a specific action, that is, require an agent to make a specific substantive choice; it only specifies the conditions or considerations which he must take into account in whatever he chooses to say or do (Parekh, 1979, p. 492). We can find similar definition and its roles in Alasdair MacIntyre's work.

Practice is any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human concepts of the ends and goods involved, are systemically extended (MacIntyre, 2007, p. 187; Mulhall & Swift, 1992, p. 82).

MacIntyre connects practice to cooperative human activity with conceptions of goodness that differ in each society for at least two reasons. First, the concept of the good is dependent on indigenous values. Second, the ways of expression and procedure of cooperation should acquire some meanings in the society. In this case, contents and operational procedure both involves traditional culture. Therefore, if certain kinds of actions confer legitimacy and the actions should be performed in collective feature in a certain given rule, there should be various

types of actions to confer legitimacy on government in different society. The actions must be different from each other, as long as the collective actions are a sort of communicative activities among the people.

Here, practice is like a language. Parekh argues that “even as a language does not tell us what to say but provides the resources in the light of which we can choose what to say and how, a practice can never tell an agent what to do” (Parekh, 1979, p. 492). In other words, in order to make a decision on the basis of law, consent, justice, and deliberation, we should use our own languages, and that is our indigenous condition.

When Parekh compares practice to language, he provides another key idea which links the practices of Oakeshott with the concept of custom in Wittgenstein’s thought. If all the activities in practice are inevitably a sort of language game of human being, the interpretation in communication can be problematic. And, as the parable of sign post shows, people’s action would be limited in boundary of custom.⁴⁰

There seems no reason why the actions confer legitimacy would be excluded from the action which Wittgenstein mentioned. In fact, Beetham also mentions that “subsequent positions of power come to be derived from the rule, in the same ways as those whose rules originate through custom or agreement (Beetham, 1991, p. 57). Indeed, in terms of the relationship between Beetham’s rule, Oakeshott’s practice, and his custom, Wittgenstein says more clearly that

hence also ‘obeying a rule’ is a practice. And to think one is obeying a rule is not to obey a rule. Hence it is not possible to obey a rule privately: otherwise thinking one was obeying a rule would be the same thing as obeying it (Wittgenstein, 1953, p. 202).

Therefore, he argues that “human agreement decides what is true and what is false. It is what human beings say that is true and false; and they agree in the language they use. That is not agreement in opinions but in forms of life” (Wittgenstein, 1953, p. 241).

In fact, long before Wittgenstein, Hume argued that custom is the only principle of human action. He explains the role of custom between human mind, actions, and beliefs. In relationship of cause and effect, he says that there may be no reason to infer the existence of one from the appearance of the other. Reason is incapable of any such variation. Experience as a result from one’s observation of similar events to be constantly conjoined together only infers the existence of one from the appearance of the other. He calls the principle of the consequence of this

⁴⁰ In that example, Wittgenstein says that, “Then can whatever I do be brought into accord with the rule? ... Perhaps, this one; I have been trained to react to this sign in a particular way, and now I do so react to it. ... a person goes by a sign-post only insofar as there exist a regular use of sign-post, a custom” (Wittgenstein, 1953, p. 198).

experience custom. In his definition,

... for wherever the repetition of any particular act or operation produces a propensity to renew the same act or operation, without being impelled by any reasoning or process of the understanding; we always say that this propensity is the effect of custom. Custom is the great guide of human life. Without the influence of custom, we should be entirely ignorant of every matter of fact (Hume, 2007 [1748], pp. 42-5).

Hume also suggests a significant view of the relationship not only between human actions and customs but also between customs and beliefs which are the very essential grounds for legitimacy claimed by Beetham and Finer as well. Hume argues that custom form the experience makes a person believes something. A mind carried by custom is to believe something does exist. This belief is the necessary result of placing the mind in certain circumstances.

For example, such feelings of coldness or the passion of anger are rooted in nothing but belief. Belief consists not in peculiar nature or the order of ideas, but in the manner of their conception, and in their feeling within the mind. He confessed that it is impossible perfectly to explain this feeling or manner of conception, but its true and proper name is belief, which is a term that everyone sufficiently understands in common life. Belief is something felt by the mind, which distinguishes the ideas of the judgment from the fictions of the imaginations (Hume, 2007 [1748], pp. 45-53). Surely, though he does not say about political legitimacy, referring to Hume, it can be arguably claimed that what we need to understand political legitimacy fundamentally as people's mind on a belief-system. At least, the argument for conceptual understanding of legitimacy in basis of belief-systems is consistent with Hume's view. By this alternative interpretation of Hume, we can see that why and how it is connected with collective human actions based on practice and custom not reasoning free from community.

Therefore, according to Beetham, Finer, Oakeshott, Wittgenstein, and Hume, legitimacy is a sort of agreement and it should be appeared by a feature of visual expressions. It ought to be performed in custom of the society to be understood among the members.⁴¹ The concept of practices and custom provide the foundation of understanding of collective human activities as the basis of belief-systems for political legitimacy. This is the universal argument for the importance of practice and custom in utterances concerning political legitimacy.

In summation, the actions of rulers by which they try to promote, preserve and reproduce legitimacy can be understood as the efforts to conform a rule in a given society. In this sense,

⁴¹ It is well drawn by Austin (1962) that why being understood correctly is important in community and how it happens.

we can say that certain kind of human conducts related to certain rules such as morality, justice, deliberation, human right, and consent have a function of reason-giving and the confirmation of legitimacy. In this case, those actions ought to be meaningful behaviours in practice and custom.

Yet, in what conditions are those actions to be meaningful? How do the human actions provide legitimacy to government in reference to the rules and values in a society? How do practice and custom work with legitimacy?

Peter Winch (1990) dealt with this problem unintentionally when he studied the nature of political philosophy in his book, *The Idea of A Social Science*, in 1958. From Chapter 1, Section 8 to Chapter 2, Section 3, following Wittgenstein, he explained that how it is possible that we can do language game only with rule and following it. He claimed that “the analysis of meaningful behaviour must allot a central role to the notion of a rule; that all behaviour which is meaningful (therefore all specifically human behaviour) is *ipso facto* rule-governed.” (Winch, 1990, pp. 51-2) In effect, concepts are prior to generalization and actions are prior to concepts as well. And we do and recognize actions meaningfully based on social context. Winch says that meaningful actions of individual are only possible in a certain social context because the actions ought to be recognisable as correct or wrong by others. He emphasizes that,

Establishing a standard is not an activity which it makes sense to ascribe to any individual in complete isolation from other individuals. For it is contact with other individuals which alone makes possible the external check on one’s actions which is inseparable from an established standard (Winch, 1990, p. 32).

In order to explain a question, ‘what is something to do to human beings’, Winch supposes an example of voting behaviour of an individual. In this example, Winch asserts that the thing which grants meaning to behaviour is neither the subjective intention as Weber says nor the psychopathological direction in Freud’s idea. Rather, it is possible only where the act in question has a relation to a social context. Let us see this example.

In his example, the possibility of the meaningful behaviour of the voter only rests on two presuppositions. In the first place, ‘Voter’ must live in a society which has certain specific political institutions - a parliament which is constituted in a certain way and a government which is related in a certain way to the parliament. If he lives in a society whose political structure is patriarchal, it will clearly make no sense to speak of him as ‘voting’ for a particular government, however much his action may resemble in appearance that of a voter in a country with an elected government. Secondly, ‘Voter’ must himself have a certain familiarity with those institutions. His act must be a participation in the political life of the country, which

presupposes that he must be aware of the symbolic relation between what he is doing now and the government which comes into power after the election. The force of this condition becomes more apparent in relation to cases *where 'democratic institutions' have been imposed by alien administrators on societies to which such ways of conducting political life are foreign* [my emphasis]. The inhabitants of such a country may perhaps be cajoled into going through the motions of marking slips of paper and dropping them into boxes, but, if words are to retain any meaning, they cannot be said to be 'voting' unless they have some conception of the significance of what they are doing. This remains true even if the government which comes into power does so in fact as a result of the 'votes' cast (Winch, 1990, p. 50).

Truly, in this concrete description, the hidden weak point of the vulnerable legitimacy was revealed in a country in which the legitimacy has been borrowed with the political system. Without awareness of what really happens by the behaviour, no matter how is repeated similar conduct, there would be no substance of ground of legitimacy. In other words, without genuine practice and cultural substance, human behaviours just do not have any meanings within a certain institution established by alien. No political binding force emerges from that behaviour and institution.

In a recent work, John Horton (2012) sharply points this out through a study from Hume to Winch in relationship between political legitimacy, justice and consent. He argues that 'the affirmation of legitimacy can and does vary, and how it varies depends in part upon the kinds of consideration that underpin legitimacy in the state of which a person is a member.' Therefore, "political legitimacy may be based on different criteria in different times and places" (Horton, 2012, pp. 142-3). If we translate his views according to this thesis's concepts, it will be that there are inevitably many different ways to establish and sustain legitimacy in different political communities insofar as legitimacy is a concept that rests on human activities of the people who are concerned in a certain belief-system.

It is clearer where he refers to Hume and Winch. Regarding the political legitimacy of an English King, Hume argues that 'they [English people] consent because they apprehend him to be by birth their lawful sovereign.' Then, Winch makes it clear that 'this is not the role described by social contract theorists. ... this is of course rooted in the hereditary institutions which belong to their *form of life* [my emphasis]' (Hume, 1987, Winch, 1991, p. 227; Horton, 2012, p. 142). It is needless to say that this concept, form of life is the correct term that designates the nature of practice and custom. There is a clear procedure of recognition that provides good reasons for legitimacy. Also this may be the 'somewhere' that Wittgenstein says that 'explanations come to an end.' That is, merely forms of life and nothing more.

3. Legitimacy and Democracy

A. If democratic, is it legitimate?

Every government needs legitimacy not just for survival but also for its genuine and effective government. In this light, legitimation is not only a lofty moral goal but also a practical condition for government. Legitimation only depends on empirical resources of incentive and sanction is not sufficient for genuine and effective government but also even survival of governance itself. Obviously, sometimes, the people seem to be satisfied with just empirical elements of legitimacy. Conceptually it is true that there are some reasons to support the government. However, it is also clear that that kind of government which only depends on the function of empirical incentive and sanction is standing on a vulnerable foundation. In effect, the government that is based on some reasons is not as legitimate as the government is rooted in good reasons. There should be normative grounds in which the people sufficiently accept the government in their belief-systems.

Human beings in general are not fully satisfied with merely empirical element for legitimacy. In nature, human beings are distinguished from other animals in a sense that they are inspired and act by moral sentiment. In history, there are numerous events which are not understandable without normative reasoning. It is also true that without normative reasons the empirical reasons have not been provided for a long period. Accordingly, in both of principle and practice, there is a need of normative basis for government. In terms of the normative basis, although there could be various grounds and reasons of legitimacy, not all the values may be accepted. For instance, human sacrifice will not be allowed for any contribution and any reasons in modern society.

In modern society, there are some values which are deemed as basic, universal and intrinsic for every human being such as liberty, equality, and human right in any society. Although these values are not necessary condition or contents of legitimacy directly, in political aspect, there is a system regarded as a suitable framework to secure those social values, namely democracy. In the competition with monarchy, aristocracy, and any kinds of government ruled by minority, democracy surely seem to win the position as the most justifiable political system. Democracy becomes the only game in politics in the present world.⁴²

However, it can be doubted that why many regimes of this world would not be democratic

⁴² At this stage, I will not challenge any theories of democracy. Here, this chapter's interest lies on the relationship of legitimacy with democracy in general so that it seems not necessary to define democracy in a radical level. Yet, it will be essential for examination of the relationship representation and democracy in later chapters.

for political democracy. And, how they could survive? The relationship between democracy and legitimacy seems to be not so simple to close the study at this moment. Insofar as democracy is only a part of legitimacy not the replacement wholly even in the modern politics, there is a need of clarification of the relations between the two concepts particularly with another relationship with culture in this research.

First, it can be assumed that there is a non-democratic but legitimate government. One possibility for non-democratic government to be legitimate is that the government sets up non-democratic normative foundations of legitimacy in the mind of the people. While most of this kind of government had been in the past, in some period of North Korea must belong to this case. The second is to provide enough empirical resources to set off the relative lack of the normative dimension of legitimacy. In fact, many non-democratic governments have exercised both strategies at the same time for survival.

On the one hand, they have sought to argue that the non-democratic regime is inevitable in some political circumstances such as during the earlier days of state building or independence from colonization. Some leaders also have claimed that authoritarian politics is necessary for more efficient economic development in under-developed countries. On the other hand, in fewer cases, some governments actually have tried to provide empirical resources such as economic compensation or social welfare. And it has been done sometimes.

For example, we can consider North Korea's situation from the late 1950s to early 1970s and South Korea from the early 1970s until 1987. Both the communist government in the North and the military authoritative government in the South seem to have achieved meaningful economic development. During the time, surely there had been a sort of recognition of legitimacy by voluntary acceptance of the non-democratic political system. Despite of the oppressive mechanisms in social and political realms, there had been some reasons for the people to ignore the normative problems whether the reasons depends on plausibility of the propaganda or material and welfare compensation. This may be the modern case of non-democratic but legitimate.

Of course, most attempts have failed eventually. There seem at least two reasons for this. Firstly, we are not sure of the effectiveness of the oppressive mechanism and ideological manipulation. If human beings are the entities that can be satisfied by material compensation, there would be much simpler way for the government to be legitimate in history. In addition, there is a practical difficulty of distinction between voluntary and imposed agreement. Though the people under dictatorship seem to endure well and even enjoy sometimes the government, we can see they immediately have become revolutionary actors when some conditions have been given. For this reason, it is almost impossible to secure the stability of the non-democratic government even in the case of North Korea. No one, even Kim Jungen himself may not be

able to assure of their hegemony project at this moment. The merit of hegemony project is that it conceals the government project, whereas, it also could deceive the ruling people.

Secondly, thanks to the nature of non-democratic regimes, the empirical resources can easily be declined as time goes on. When the decline happens once, the people sooner or later come to recognize the lack of normative reasons of legitimacy, and the mechanism of empirical resources tend to be inefficient immediately. To sum, in general non-democratic government became illegitimate finally though it seems to be legitimate for a while.⁴³ Yet, it is worth to note that it is not impossible for a regime to be legitimate without democracy in some circumstances.

Democratic but illegitimate government is deemed to be exceptional. However, it is not so bizarre. Rather it happens often in many underdeveloped countries which actually consist of most of the world. It can be explained by another period of South Korea. After the Korean War, in 1960, there was a great student protest against the dictatorship of the first president that lasted 12 years and was marked by illegitimate elections and corruption. As a result, before the military coup of two years later, from 1960 to 1962, the state had been governed by a democratic regime. Given its origin and feature, it was a democratic government that was established by the will of enough number of South Korean people who favour the democratic movement. Yet, the government did not have necessary problem-solving capacity at the moment. In the earlier 1960s, in South Korea, the government was in charge of some tasks such as economic development, stability of the society, and most importantly national security in relationship with North Korea. However, the government seemed to fail in most of the missions to the people and it immediately called out a military coup. The regime apparently satisfied normative standard of legitimacy as a democratic government but failed to provide basic needs of empirical source of legitimacy. The cost was expensive. Just after the two years democratic but incapable government, the followed military dictatorship had lasted for 25 years by two generals. During the period of dictatorship, many people had an idea in their minds that incapable democracy was worse than efficient non-democratic government.

In sum, the anticipation for democracy can be explained by a set of logical arguments as followed. If democracy is the political system that is preferred by the people to others in a political association, at least it satisfies a normative condition of legitimacy. Then, the legitimacy tends to promote efficient governance and the efficiency provides again more empirical legitimacy such as problem-solving capacity in general. Second, the reliability of democratic legitimacy is consistent with the empirical evidences in history. For example, if a regime of democratic and illegitimate is transformed to other cases, there may not be many

⁴³ Unfortunately, many authoritarian leaders would not accept the ultimate consequences or actually have no choice because of the desire to power.

possibilities to case non-democratic and legitimate. In fact, modern political history shows that it is hard to find out kind of transition. More frequently it tends to be the worst case of non-democratic and illegitimate. Even though some government could be successful to transfer to the case of non-democratic and legitimate for a while, they are easily prone to be the worst case of non-democratic and illegitimate. Accordingly, here we can say that in both normative and empirical senses, in the relationship of democracy and legitimacy there are affinities between democratic government and political legitimacy.

However, we are still not clearly sure of the necessary or sufficient relationship between democracy and legitimacy. It seems depend on the people's judgment and practical situations. To be honest, the relationship seems to be just contingent sometimes. Surely, there is a way to avoid this confusion and many researchers have taken these means; redefining democracy or using certain limited meanings of democracy in their studies. There are many different views of democracy in principle, and varied understandings of democracy in practices. For example, there may be a pure concept of democracy which needs equal participation of all the members of a political community in principle. In contrast, modern representative democracy not just anticipates rule by few but also demands some qualifications of the representatives. However, both may be justified in different situations. In other words, while democracy is only game in town, democratic legitimacy is problematic. The is the reason why we need to think of democracy in reference to legitimacy.

In conclusion, in order to be a legitimate government one needs to secure democracy as its political system or at least aim to be a democratic government. Non-democratic legitimate regime is not impossible in principle. Yet it is sure that it is only possible in some exceptional circumstances such as North Korea in the cold war period. In addition, in most cases, it would not be sustainable for the long term. Non-democratic government is illegitimate not only with normative sense but also easily tends to become empirically illegitimate.

Therefore, in Beetham's words, while there should be established rule and the rules can be justified by reference to beliefs shared by both dominant and subordinate in general (Beetham, 1991, p. 16), in the present the rules ought to include democratic elements somehow for being legitimate. In Finer's terms, since the modern period, democracy became a necessary part of the belief-system. Accordingly, it may be true that a belief-system for legitimacy must root in democracy.

At this stage, democracy seems to have an exclusive and universal significance. Even though there are necessarily some diverse characters of normative resources in political legitimacy, it is hard to imagine a legitimate government without democracy in the present

world.⁴⁴ In this sense, finally we can say that democracy has become the only game and rule to acquire legitimate political power in modern world. However, it is not the end but only a beginning of the discussion about the relationship democracy and legitimacy.

B. Legitimacy and of North Korea's government

In terms of democracy, legitimacy, and diversity, North Korea's case is an interesting and useful example. Is North Korea's regime legitimate? The answer seems too obvious so that the question is deemed inappropriate. But why and how the regime is not legitimate? Do we have any common and manifest standards of political legitimacy? If we have something, is it clear enough to the first question about North Korea's regime?

Presumably we can raise some candidates on the stage and they might be related to some important values including democracy, liberty and equality. There would be also more principles enough to be qualified as standards such as justice, welfare and human right. To be sure, these values and principles consist of severe parts of legitimacy in modern politics. For example, according to these standards, it can be said that the regime of North Korea is not legitimate because there is not enough democracy, liberty and equality. There is genuinely no democratic election and representation. It seems that North Korean people have enjoyed least social, economic, and political freedom at the moment in the world. Most people are equal but in a sense that they have nothing. In addition, quite a few people of the communist party are enjoying great unfair advantages. Therefore, it seems to be fair to say that North Korea's regime is not legitimate.

However, political legitimacy is a concept beyond those values and principles. Political legitimacy cannot be identical or replaced by other social and political values mentioned above. It is a concept which cannot be independent from the people's mind. For instance, how should we judge if enough of the North Korean people believe their politics is sufficiently democratic? How about if they have different criteria about basic freedom and voluntarily agree with a narrow conception of liberty? What about if they prefer more equality of most people despite of relatively or even extremely low level of life? Most of all, how can we say if the people are really enthusiastic with their own political system and values? Also they could criticise the problems of western liberal democracy and its inequality. In fact, these are the arguments that the regime have claimed for more than 50 years.

Although it is no more than a propaganda or ideological manipulation, we are not sure of

⁴⁴ For example, while Parekh claims the needs of various alternatives to western competitive party system in an ethnically and religiously diverse society lacking shared values, he does not deny that the alternatives are also for the goal of the better democracy in the societies (Parekh, 1993, pp. 170-1).

the fallacy of the claim as long as we cannot have enough information in our hands about real attitude to the regime of the North Korean people. Instead, we could see the scene that a number of people mourned and wept at the death of Kim Il-sung. Whether it is emerged from indoctrination or not, it was undeniably true that enough people have supported their regime for a long time in North Korea particularly before 1980s.

Surely, for a considerable period, there have been voluntary agreements for the hereditary succession of power as a result of repeated ideological infusion with various educational and media systems, and meaningful economical compensation.⁴⁵ Before 1980s, North Korea surely had provided relatively enough material support to the people. It includes meaningful and substantive incentives. In this circumstance, according to the rational choice approach, there may not be serious attempts to protest and a revolution except extreme situations or contingent momentum.⁴⁶ In fact, this may be real situations in many developing countries.

Some could point out that there have happened tragic and unacceptable events in recent decades such as millions death of starvation. It must be a crucial evidence to argue that the regime is not legitimate at all if we consider basic welfare as an essential condition of political legitimacy. However, though the degree of strength has declined with drastic decrease of basic welfare, still there seems to be relatively strong beliefs and support in the people's minds for the power on account of the function of hegemony. That is why the country has been survived in spite of the extremely low satisfaction of welfare.

In the country, the core function of hegemony is to create an extremely solid identity of each individual. Many people still believe or at least make themselves believe that their difficulties are not caused by absurdity of the internal system but by an unjust external pressure of capitalist countries represented by the USA. Because of the identification, if they accept the present as an unbearable condition or wrong result of bad politics, it may draw a collapse of the regime but also bring an absolute destroy of self-identity as well. No one might want to destroy their identity totally, and the past period of prosperity surely inspires a confidence or some kind of hope even though it seems not so liable at present.

If North Korea's leaders only relied on oppressive means, the survival of the regime would be impossible. To say truly, the still overwhelming majority of the people seem to have a strong confidence with their *Own Socialist System* (they call it so). There is no sufficient evidence that the regime rely on only economic resources for legitimation and its survival, rather there seems to be some unique normative reasons. This example suggests that normative character of

⁴⁵ Until late nineteen-seventies, economic standard of living and social welfare in North Korea had been higher than South Korea. Whether it did not come up to a absolute level, it was literally and fully meaningful in contrast with South Korea.

⁴⁶ Also refer to the Adam Przeworski (1991)'s explanation why socialist revolution is so uncommon even if it seems to guarantee better future for the Labour.

legitimate resources is a complex set beyond some aspects whether voluntary or not, and whether covered by empirical compensation or not.

Similarly, we could also imagine a religious community where the people endure economic poverty for their faith. They could have different and more severe standards regarding equality rather than democracy and liberty even in the West. They can be a very small group or a great community such as the Quakers and they enjoy almost absolute self-government in their community. If they consist of one nation state, can we condemn them because it is now a political community? Is the government not legitimate in that sense?

In general, it is acceptable to say that the present South Korea's regime is relatively legitimate when set beside North Korea's. There have been regular elections and peaceful regime changes since 1987. The constitution guarantees basic human rights and freedom since the memorial democratization. Only the government supported by enough numbers of people can survive and rule the state effectively. Surely, we can say on account of these factors that South Korea's government is more legitimate than the North Korea's.

However, it can be another issue to the North Korean people if they do not consider liberal and democratic values as consistent with legitimacy. The values would be only meaningful when they are recognized as relevant by the people in some degrees in North Korea. It can be a possible situation where some foreign countries invade and establish a new government which provides different goods and values to the people. However, though it is justifiable with the *ex post facto* result, it is doubt whether the interference is legitimate on what account.

The problem is that political legitimacy is a concept which cannot be excluded by the people who are concerned. Not only the regime but also the people of North Korea might not agree with the same standard of legitimacy recognized as reasonable by South Korean people. Most North Koreans even might have no idea about the liberal democracy in a genuine or neutral sense. In addition, by the nature of political legitimacy, we cannot enforce the standard of South Korea into North Korea. Therefore, even in the case of South and North Korea, we have no common criteria about political legitimacy.

Here I do not intend to argue that the North Korea's regime is legitimate enough or there is no way to say that the regime is not legitimate. Yet, it is not liberal democracy that we count on. Political legitimacy is not a concept which can be replaced by democracy or liberalism itself. We could and should say that North Korea's regime is not legitimate not only depending on liberal democracy but also through many alternative ways which are accepted as appropriate and reasonable in each community.

Let us suppose some common grounds of legitimacy between South and North Korea. The ground is coincident with tradition and political culture in both countries. Whether it is democracy or communism, the government should stand on the common ground. The ground

should reflect the immanent values of the societies. It is Confucian political thought that we could take into account in this case.

If we understand political legitimacy in three stages as source, operation and substance, North Korea's regime does not satisfy any of them. According to the Confucian political thought of legitimacy, the mandate of government must be conditional, the mandate should be operated by mind of the people, and the politics must satisfy a certain level of welfare and cultivation of the people. Taking into account these standards in the case of North Korea's regime, we can see firstly that there is almost nothing of conditional limit with mandate of the government at any senses of politics. Secondly, there seems no meaningful institution or practical procedure of participation of the people in political decision makings. Thirdly, the regime has not provided even a very basic level of welfare of the people particularly in recent periods. In contrast, South Korea's regime shows relatively better performances by all these standards. These three criteria do not originate from communist democracy or liberal democracy but Confucian political thought which has been a dominant traditional foundation of politics in East Asia including North and South Korea.

The most fundamental concept of Confucian political thought, the 'Mandate of Heaven', makes it clear that the right to rule is given from Heaven and that the right cannot be absolute for this reason. If Heaven does not grant or withdraws the right to govern, the government becomes illegitimate. In short, government is conditional. Mencius's interpretation, that 'Heaven's mind is people's mind' proposes a practical procedure to determine the Mandate of Heaven. The ruler should hear public opinions and respect the will of the people. Finally, the ruler must care for the interests and virtue of the people. In other words, both of material and moral level of the people consist of substances of standard of judgment for political legitimacy. From this point of view, North Korea's regime would not be legitimate.

4. Conclusion

Although the system of democracy has been borrowed, political legitimacy cannot be borrowed. It has to be rooted in the customary tradition of societies in some ways. In this sense, I have argued for the possibility and necessity of practice and custom as essential ground of legitimacy. On that basis, all the logical contents of democratic legitimation can be meaningful.

If so, are there any certain particular types of political systems in favour of practice and custom in terms of legitimacy? In Oakeshott's idea, rule does not require even democratic participation. It does not postulate any particular procedure for making law. In addition, there is no particular constitution for rule-making authority. There is only a certain constitution which reflects contingent

beliefs about what is to be recognized as authoritative (Oakeshott, 1976, p. 356).

This is a severe argument in a situation where liberal democracy is regarded as not just universal but desirable political system in people's beliefs and among academics as well. Probably, Oakeshott also would not deny its usefulness and contribution for human community. However, he may not accept it as an absolute value because the presumption of 'unconditional' is impossible by itself as a standard of human actions (Oakeshott, 1976, p. 358). To some extent, it may only depend on whether the society accepts it and how it is absorbed with sufficient awareness. In addition, if it is not the matter of all or nothing, some aspects can be settled easily and others can hardly be accepted.

In this context, Parekh shows possibility and necessity of the relationship between indigenous life of form and democratic legitimacy dramatically when he separates democracy from liberalism in western liberal democracy and implies that there can be possibility of different democracies not 'liberal.' According to him, the liberal cannot be considered a degenerate form of 'true' democracy, but neither a model nor even a standard of judgment. For example, even in the concept of democracy, there have been severe changes of the conceptions between ancient democracy and liberal democracy. Each arose within a specific historical context and culture. In addition, because in liberal democracy liberalism is the dominant partner, no liberal democracy is or has ever been without tensions (Parekh, 1992, pp. 165-6).

Therefore, if we do not fall for the fallacy of blind faith and devotion to liberal democracy, we may find that political system can be democratically liberal rather liberally democratic. It might define individual rights in social terms and establish a healthier balance between the individual and the community. It also may aim at a fairer distribution of the opportunities required for full citizenship, extend participation to the major area of economic and political life, and open up new centres of power. Parekh asserts that there is no obvious reason why a political system may not combine them differently. And, the way of combination depends on its history, tradition, values, problems, and needs (Parekh, 1992, pp. 167-8). That is practice and custom, in other words, political culture.

In conclusion, if the borrowed system is found out to be imperfect and its borrowed legitimacy is also incompatible with the practices and customs of the people concerned, it can be modified or ought to be adjusted. This is not an argument that all non-democratic regimes can be justified by this reasoning. Rather, it is an assumption that not all 'non-liberal' democratic regimes are illegitimate.

Ch3. Asian Value Debate

1. Introduction

A. Is western culture necessary for democracy? Huntington: yes, Lee Kwan Yew: not at all, and Bell: maybe not

This thesis is concerned with the relationship of culture and democracy. It takes as its starting point the debate about Asian values and democratic government. In the 1990s, against the background of economic success in Singapore, Taiwan and South Korea, a number of theorists started to raise important questions about the relationship between Confucian culture, development, and democracy.

In 1993, Samuel Huntington published a paper titled ‘The Clash of Civilization?’ in *Foreign Affairs*. In this essay, while he confirmed the economic and political success of East Asia, he emphasized that the success would soon be faced with difficulties in Confucian culture. One year later, in 1994, Lee Kwan Yew, the Singapore prime minister, criticized Huntington’s view in an article named ‘Culture is Destiny’ in the same journal. Then, in the same year and same journal, against Lee Kwan Yew, the leader of opposition party and later president of South Korea in 1998-2002, Kim Daejung contributed ‘Is Culture Destiny?’⁴⁷ This was the beginning of ‘Asian Value’ debate.

Huntington’s argument was that the causes of development emerged from contingent links between Confucian and Western culture, and there need to be more accommodation of western modern values for further development. This argument originated from modernization theory. Since Gabriel Almond and Sidney Verba theorized modernization theory in relationship between culture and political development in their book, *The Civic Culture* in 1963, there have been exclusive debates about the relevance of culture and democracy. In 1970s, that idea seemed to have been declined, but in the end of 20th century, it was resurrected dramatically by ‘a famous western theorist’,⁴⁸ Huntington (1991, 1996, and 2000) and many others.⁴⁹

⁴⁷ Formally the term includes whole Asia, but normally it has been accepted as designating East Asia or Confucian Asia in the debate and studies afterwards.

⁴⁸ In this context, it is important that he is recognized as not one of the political theorists but a ‘famous’ one in the East. There appear two different but related characters in accepting western theory. First, a famous theorist in the West has been received more hospitable treatment in the Non West because he or she is a western theorist. Second, even more when he or she is interested in the non-western issues, it becomes another reason to respect him or her because the western theorist hospitably favours non-western issues.

⁴⁹ See Huntington, Samuel and Harrison, Lawrence ed. (2000), *Culture Matters*, Basic Books.

According to Huntington's cultural explanation, more modernization and westernization or growth of westernized civil society based on modern capitalism is necessary condition for development of democracy in the Non West. The book, *Cultural Matters* edited by Huntington shows explicitly what the modernization theorists have assumed for the argument.

This book is a collection of essays addressed in a symposium sponsored by the Harvard Academy for International and Area Studies in 1999. In this book, which included contributions from Ronald Inglehart, Francis Fukuyama, and Seymour Martin Lipset, twenty two theorists claimed that there is a certain type of culture which clearly has more affinity to democracy and development. In the introduction of the book, titled 'Why Culture Matters?', Harrison outspokenly criticized cultural relativism and its denial of the universality of western type development. Then he defended their view that

... progress in the western sense has become a virtually universal aspiration. ... If some cultural values are fundamental obstacles to progress ... then there is no alternative to the promotion of cultural change (Harrison, 2000, p. xxvi and xxxi).

In this book, there is a strong premise that western value and culture are superior to other cultures. Therefore, most countries in Africa, Latin America, and Asia ought to change and adjust their tradition, culture, and convention for economic, political, and social development.⁵⁰

Just as in the 1960s and 1970s, there have been counter attacks. Against Huntington's argument, Lee Kwan Yew and other Asian political leaders of People's Republic of China, Malaysia, and Indonesia sought to justify their authoritarian regimes. They claimed that a distinctive set of institutions and political ideologies which reflected Asian region's culture and history were only viable in Asia, in their countries. According to them, western type of democracy is intrinsically incompatible with Asian culture so that it causes various negative social results in Asian societies. As a result, defenders of Asian values have claimed that Western-style liberal democracy is neither suitable for nor compatible with Confucian East Asia, where collective welfare, social duty, and other principles of Confucian moral philosophy are deeply rooted (Chong-Min and Doh Chull, 2006, p. 341).

Lee Kwan Yew (Zakaria, 1994) particularly criticised western individualism treating it as a view about maximum expansion of individual freedom. He pointed out many problems of the western society such as drugs, gun crime and vagrancy as results of the extreme of freedom. Instead, he emphasized moral values and 'rectification of individuals' through the order of society. The main goals of the government are political stability, a well-ordered society, the

⁵⁰ These theorists argue that even in America the culture of the Black and the Hispanic have to be changed for social achievement.

maintenance of family values, and economic development not the maximizing of individual freedom. For these goals, he argued that ‘soft authoritarian system’ would be suitable for Asian countries. In this sense, he said that there were fundamental differences between the Western concepts of society and government and the East Asian concepts.⁵¹

What Lee Kwan Yew argued for was the importance of culture or value systems. He did not deny the factors that there have been change of life style, religion trends, and technology in recent centuries. However, he emphasized that there had been a clear difference of certain basic cultural patterns. And these basic patterns must be prior to other political values such as democracy. In this context, democracy which is condemned by him is Western type of liberal democracy and the culture means Confucianism in the East Asia.

Critiques to Lee Kwan Yew’s argument have followed from the western theorists who stand on the side of Huntington. For instance, Hood (1998) calls Lee Kwan Yew’s regime ‘Asian type democracy’. He understands the concept of ‘soft authoritarianism’ as ‘limited democracy’, or combination of ‘part-democracy and part authoritarianism.’ Like Huntington, he asserts that there is no democratic element in Confucian thought because there is no idea of human rights or the independent individual necessary for western type democracy.⁵²

In the Asian values debate, there appeared another interesting but noticeable view that western type of democracy could be rich with adding Asian communitarian values not just in Asian but also in the West (Kang, 2002, pp. 58-9). Daniel A. Bell, a professor at Tsinghua University in China is the theorist who argued for a strong affinity between Confucianism and democracy in his *Beyond Liberal Democracy* (Bell, 2006) and many other articles (Bell, 1995, 1996 and 2000). According to him, Confucian way is not just a complement for democracy but an alternative of western liberal democracy (Bell, 1995; Chong-Min and Doh Chull, 2006, p. 342). He says that a Confucian tradition of respect for ruling intellectual elites and the responsibility and competence correspondent with the respect would complement modern representative democracy (Bell, 1999). This idea has been developed into a modern justified model of Confucian political system seen as a meritocracy. Political meritocracy is an idea that Bell recently suggested as a political system which is designed for electing political leaders with above average ability to make morally informed political judgments. According to Bell, meritocracy has two key components: (1) political leaders are to have above average ability and virtue and (2) the selection mechanism should be designed to choose such leaders (Bell, 2012).

⁵¹ For example, he suggested the principle of ‘one-person one-vote’ which is deemed as very basic in democracy could be reformed into one-person two-votes between 40 and 65 ages. When Lee Kwan Yew denied the principle of equal right to vote, he clearly downplayed the importance of democracy rather than culture.

⁵² In a later chapter, I shall argue that how his understanding of Confucianism, for example, ‘Confucianism does indeed teach loyalty over morality’ (Hong, p. 858) is distorted.

There have been a number of counter arguments about this meritocracy, of course. First, meritocracy seems a sort of elitism and far away democracy in principle at any extent. Second, as a result of the first the idea the theory of meritocracy could be used to defend authoritarian regimes. Third, Bell's view denies a fundamental modern political values such as equality in a sense that meritocracy premises the differences of capacity making a political decision (Dallmayr, Li, and Tan, 2009).⁵³

Against these critics, Bell argued that what he denied was not democracy in general but the western type of electoral democracy. At this point, he said that western electoral democracy should be reconsidered whether it is successful to choose good representative as expected. In terms of the second, he made it clear that in his argument the persons who are suitable for political leaders are not authoritarian. In other words, the political competence that Bell remised includes non-authoritarian character. In third, while he accepted some critiques, the acceptance is not as fair but as controversial with the critiques in itself (Bell, 2009, pp. 555-7). Here, he suggested a very interesting example;

Who really believes that everybody has the equal capacity to make competent and morally justifiable political judgments? I love my mother, and I will be very upset if anybody questions her honour, but I'm not sure if her capacity to make political judgments equals that of my friends doing political theory (Bell, 2009, p. 557).

Certainly, Bell's theory provides significant contributions not just for Asian value debate but also for theory of democracy. The present research has been stimulated in many aspects by Bell's view. However, it doubts whether Bell's responses are sufficiently reasonable counter arguments to the critiques. As Hume and James Mill argued that we should assume the worst of those who hold power (Weale, 2007, p. 56), though the leaders of the government in Bell's meritocracy are not so authoritarian in their personal character, there may always be a practical danger without appropriate means of restraint of the power. At this point, it is not necessary to remind a maxim that 'absolute power corrupts absolutely.'

In terms of equality, there could be two reasonable different views at the same time. First, it is unacceptable to argue that everyone is equal denying equal capability to participate in political decision-making procedure. Second, it is though true that there must and should be distinction of who are more suitable for serious political roles in politics. In effect, on the one hand, Bell's idea looks dangerous in relation to democratic principle of equal participation which is essential for every government to be legitimate in contemporary politics. On the other

⁵³ One of the serious debates about Bell's argument was 'the twenty-second World Congress of Philosophy' and it was held in Seoul, Korea, from July 29 to August 5, 2008.

hand, it also implies some truth that no one wants something important to be decided by incompetent persons.⁵⁴ It seems that Bell's argument grasps this dilemma of equality in modern democracy.

However, Bell's arguments themselves seem to have some weak points in both methodology and goal. In terms of method, it is too modest; in terms of goal, it is too ambitious. In method, Bell's idea might still belong to the negative attempt in a sense that it puts democracy on the central position of discourse, and then tries to find out affirmative aspects in Asian culture. In this sense Bell's analysis is clearly limited within democratic legitimacy so that it is hard to discuss more fundamental issue of political legitimacy that could be beyond democracy to some extent. For this reason, though he denied any singular way of political development only through western type of liberal democracy, he seems fail to suggest an appropriate explanation of why meritocracy can be a reasonable alternative and why it is necessary in East Asia. He did not have an argument for the fundamental foundation of validity and plausibility of meritocracy such as the concept of legitimacy. In this sense, Bell's theory still does not overcome western-centrism in method. In terms of goal, it is too ambitious because it anticipates an adaptation of Confucian idea in relation to democracy not just in East Asia but also in the West where the people has not been familiar with Confucian culture or even has been hostile with it. Nevertheless, while he claims for defence of a certain Asian type of government by meritocracy as this moment, he also does not hesitate to argue that the system can be an alternative to liberal democracy in general.

B. Kim Daejung suggests an alternative way that we can find some ideas from Locke and Mencius. And Korean political theorists began to ask what Korean politics is

In Korea, before Lee Kwan Yew's claim for the existence of distinctive Asian values, there was an assertion by a military dictator, Park Chunghee in 1970s. He called his explicit dictatorial regime 'Korean democracy' to distinguish from western democracy.⁵⁵ However it was clear that there was almost nothing can be called democratic. The President of South Korea and the winner of Nobel Peace Prize in 2000, Kim Daejung criticised the conception of 'Korean democracy' in recognition of his distinguished contribution for democratization under Park

⁵⁴ This view implies a concept of competence of a political leader and it must be one of the most controversial issues in modern representative democracy. In later chapters of this thesis I shall deal with representative's qualification as important condition for legitimate government.

⁵⁵ Park Chunghee's daughter, Park Geonhae won the presidential election in December 2012. Now she is the President from 2013 to 2017. It is analysed that many voters supported her in nostalgia to her father's charismatic government. In this sense, it can be said that the debate about 'Korean type of democracy' is still going on in these days. Precisely, Ms. Park's winning and her government may bring some bad influence on the argument for the concept of the 'Korean type of Democracy'.

Chunghee's dictatorship in 1970s. In 1990s, he did not agree with Lee Kwan Yew. Nevertheless, his critical view was clearly different from the Huntington's. He would not agree with the idea that there is a need for culture change in order to secure democratic development. Instead, he argued that democracy is a universal value and it does not necessarily require certain types of culture. Kim Daejung suggested two reasons.

First, he argued that there have been some beliefs in orthodox which are coincident with democratic principles and we have to understand the democratic movements as its practices in long history of the principles. That is to say, the democratic movements in Asia are not results of western democracy's influence but reflection of immanent values. This argument is rooted in a view that, if democratic principle is universal and common in the modern West, the idea would be found in the Non West too.

In his argument, Kim Daejung cited Mencius' saying in ancient China and explained its relations with Dong-hak movement which was a Korean peasant revolution in the end of 19th century. In the chapter named 'Long before Locke', he explained democratic ideals as follows;

It is widely accepted that English political philosopher John Locke laid the foundation for modern democracy. According to Locke, sovereign rights reside with the people and, based on a contract with the people, leaders are given a mandate to govern, which the people can withdraw. But almost two millennia before Locke, Chinese philosopher Mencius preached similar ideas. According to his "Politics of Royal Ways," the king is the "Son of Heaven," and heaven bestowed on its son a mandate to provide good government, that is, to provide good for the people. If he did not govern righteously, the people had the right to rise up and overthrow his government in the name of heaven. A native religion of Korea, Dong-hak, went even further, advocating that "man is heaven" and that one must serve man as one does heaven. These ideas inspired and motivated nearly half a million peasants in 1894 to revolt against exploitation by feudalistic government internally and imperialistic forces externally. There are no ideas more fundamental to democracy than the teachings of Confucianism, Buddhism, and Dong-hak. Clearly, Asia has democratic philosophies as profound as those of the West (Kim, 1994, p. 191).

Second, the argument that democracy is unsuitable for Asian countries or incompatible with Asian culture is not true in reflection of history. He noted that there have been numerous democratic movements in most Asian countries. Those movements showed that the authoritarian leaders overlooked the historical factors. He said that if only we do not ignore those numerous democratic movements in Asia, we could not but face to the true that Asian culture has affinity with democracy. He said that

the best proof that democracy can work in Asia is the fact that, despite the stubborn resistance

of authoritarian rulers like Lee [Kwan Yew], Asia has made great strides toward democracy. In fact, Asia has achieved the most remarkable record of democratization of any region since 1974. By 1990 a majority of Asian countries were democracies, compared to a 45 per cent democratization rate worldwide. This achievement has been overshadowed by Asia's tremendous economic success (Kim, 1994, p. 192).⁵⁶

Kim Daejung's argument is distinct from the arguments of Lee Kwan Yew and Daniel Bell. The former view does not provide enough plausible explanations of the reason why the maintenance of the cultural tradition is so important. In other words, the reason why culture is destiny is that culture is destiny. The later argument is either too modest or too ambitious. In contrast, Kim Daejung's argument is a radical challenge to these two dominant but opposed views of the relationship between western culture and democracy. He said that we could find same ideas from the West and the East, and they are consistent with democracy.

Including Kim Daejung's position, if we see the relationship between Asian culture and democracy, there appear two different standpoints. Ironically, in this classification, the enemies are bound in one category.

On the one hand, there is a negative and sceptical view. It consists of the two different ideas which are in fact opposed to each other. The first has been developed by modernization theorists such as Huntington, and the second by defenders of Asian authoritative leaders represented by Lee Kwan Yew. The former argues that Asian culture is not compatible with democracy so that a transplant of western culture is necessary for democratic development in Asia. The later also accept the Asian culture lacks affinity with democracy. Yet as long as culture is destiny, modern democracy developed in the West cannot be acceptable or possible in Asia.

On the other hand, there is a positive view of the compatibility, and it consists of two different ideas as well. First, some theorists such as Bell do not think that western democracy and Asian culture cannot be harmonized either as a matter of political principle or as a matter of a functioning system. They propose ways of understanding democracy rooted in Asian tradition. Yet, it is not sure that the ways and goals suggested are consistent with basic conditions for political values which are regarded as necessary for legitimacy not by the western people but most people of the rest at all. Second, there seems a view that in Asian tradition we could discover some ideas and values which are compatible with democracy. Therefore, as Kim Daejung said, the ideas must be a great starting point and foundation of democratic development in Asian countries.

In sum, in Asian value debate, there are four different views of the relationship between

⁵⁶ Interestingly, here, in order for supporting this argument, he refers to the data studied by Huntington (1991)'s *The Third Wave*.

democracy and culture in two categories of negative and positive:

1) Negative

- a) Huntington: Westernization and modernization is necessary for democracy
- b) Lew Kwan Yew: Culture is destiny and it is prior to democracy

2) Positive

- a) Bell: Meritocracy is a modern Asian [Chinese] type of democratic system and it is superior to western type of democracy
- b) Kim Daejung: Asian culture is compatible with democracy including western type

Unfortunately, the intensity of the Asian value debate declined in late 1990s not because of any satisfactory academic resolution but as a result of economic change. As it occupied the attention thanks to the unexpected economic success, the downfall resulted from an economic crisis in 1997. An economist Paul Krugman (2006) has well described this dramatic declination that “Asian values began to lose currency after the Asian financial crisis weakened the economies of many Asian countries, leading to the collapse of the Suharto regime in Indonesia. Some consider these values to have contributed to the crisis. When the crisis spread worldwide, the blame subsided.”

In fact, that was the weak point of Asian value debate particularly with the background of the discussion. That is to say, it was just an *ex post facto* report about the unpredicted (by western scholars) economic development in East Asia. In this sense, most arguments of Asian value debate have been casual explanations about the economic success.⁵⁷ That is the reason why the debate has been declined so dramatically since Asian financial crisis in 1997. There was not enough consideration about plausible and theoretical demonstration. At least, the arguments for and against the relationship between Asian culture and economic growth still seem to be vulnerable at this point.⁵⁸

For this reason, the Asian value debate and the Asian values could not gain attention from economic scholars any longer. Instead, most western theorists turned their attention into other subjects such as global democracy or multiculturalism. It is deemed because the political

⁵⁷ One of the typical examples is the argument for a concept of ‘Confucian Labour Ethics’ named by David Aikman (1986, pp. 5-6).

⁵⁸ A Korean economist of Cambridge University, Chang (2007) argues that cultural change does not lead economic development, rather vice versa. He refers to the much of literature in modern ages in which the Germans and the Japanese had been described as lazy and untruthful people so that they could not achieve any economic development. He says that we could read a book about a relationship between African culture and economic growth when African countries make a rapid progress.

development of the non-western countries itself is not a serious issue to western societies. By contrast, global democracy is related to the security of the developed countries and multiculturalism is the very problem emerged throughout most western countries. In fact, there was no need for the most western theorists to study Asian value intensively.

However, the debate has raised some important political questions in East Asian theorists. In fact, when Kim Daejung criticized Lee Kwan Yew and Huntington, he transferred the core issue of the debate from economy to politics. Economic crisis does not affect critically the questions about normative political conditions for legitimacy. Though the questions raised in Asian value debate have lost the attraction to western researchers, it explicitly has awaked a cohort of political theorists in Korea. They started to ask ‘what are Korean politics and political thought?’⁵⁹

2. Modernization theory and Its Critics

A. Combination of Orientalism, modernization theory, and comparative political science

Asian value debate is not a new discussion about the relationship among culture, development and democracy. It must be understood in a context of the meaning of modernization and westernization in the west. In politics, modernization theory explains that modern democracy is an invention of the West. In particular, three modern revolutions in England, America, and France since the 17th century have taken the initiative of modern democratization. Since the revolutions, certain phenomena such as the growth of the bourgeoisie, industrialization, capitalism, and modern society seem to be necessary condition of democracy. It has become a common idea that democratization must be associated with modernization, and it means no more than westernization.

In fact, even before modernization theory, there had been a long term idea called Orientalism which is a style of thought based upon an ontological and epistemological distinction made between “the Orient” and (most of the time) “the Occident” (Said, 1977, pp. 2-3). Edward Said, in his book *Orientalism*, unveiled how the West had distorted the features of the Orient in the prejudices. Thanks to modernization theory, however, its revisited version

⁵⁹ Since late 1990s, there have been numerous literatures about this subject in South Korea. It may be impossible to introduce them all here, but there is a clear argument that the Korean scholars should have their own then view in issue-raising and have to evaluate the external theories whether it is applicable to Korea or not before applying them into the researches.

of cultural explanation about democracy justified the under-development and failure of democracy as a destiny of non-modern and non-western countries.

The propaganda of modernization theory immediately has been internalized among the non-western people themselves. As a result, there has been an internalized belief that there must be unavoidable contradictions between democracy and the non-western cultures. In the countries newly born After the Second World War, democracy and its development does not seem to be so successful in most cases, whether they genuinely successful or not. Most of all, it is so clear that the political practices of the countries look quite different from ways of the first modern democratic countries such as England, France, and America.

In order to measure the gap, many comparative political scholars have suggested standards to evaluate degrees of democracy and democratization, and they have been accepted generally in political science. Ironically, those evaluations have encouraged both sides of the politics in non-western countries, the democrats and dictators and disappointed them at the same time as well. Sometimes it suggested relatively league table, but also occasionally has given many wrong information. Still, the political scientists make an effort to develop and amend the standards to improve the measures and results. In some senses, those efforts must be valuable and meaningful attempts to promote democracy in the World. What the problem is that the scientists rarely ask what kind of democracy is. It may be because the question is deemed too silly since Fukuyama declared that history is end with the victory of liberal democracy.⁶⁰

Theoretically, most comparative political researches might have no intention to provide ultimate standards and criteria on basis of fairness and common views or on behalf of the people all over the world. Many political scientists would say that they merely try to work out the empirical conditions for democracy. Certainly, throughout the 20th century, there have been also many theoretical studies about the fundamental issues and history of liberal representative democracy in the West. In contrast, most analyses which treat its application or dependent development of democracy in developing countries obviously belong to comparative Politics.

In sum, first, there was an idea of Orientalism. Although Edward Said unveiled its entity, another idea which is better theorized than Orientalism but based on similar views appeared, namely modernization theory. Finally, modern comparative politics established many qualitative and quantitative indexes to measure the gap of difference between the West and the rest.

As a result, modern political studies seem to imply a strong tacit assumption that there is a single development path to democracy, precisely to western type liberal democracy. The

⁶⁰ His view has been slightly changed since Iraq War as seen in *After the Neocons* (Fukuyama, 2006). However, it is clear that his concern has exclusively been about the spread of liberal democracy necessarily involved with US's foreign policies in the world.

academic tendency that theoretical researches mainly treat of western democracy and many comparative researches tend to pay attention to the rest itself reveals that there is a tacit presumption of single way to better politics. That is to say, there is already a model of democracy and it has been developed in the West first. Then, the mission left is only its adoption to the rest of the world. The fact that most standards of the comparative political science have been established on basis of comparison of political differences between the West and the rest shows that there is a solid prejudice of singular way of political development. In this comparison, frequently the present of the West is supposed a destiny or goal of the rest. And this combination of Orientalism, modernization theory and modern comparative theory seem to have dominated from the earlier modern period to present day.

B. Economic and political critics based on practical studies of colonization, dependent development, and democratic betrayal

Nevertheless, it will be worth to reflect the arguments of the dominated side as long as if this issue is deemed still controversial at least in the Non West. Like the background of modernization theory and political democracy, the objection first was emerged from economic study such as ‘World System Theory’, and ‘Dependency theory.’ In addition, many critical historical studies inspired from the perspective of Fernand Braudel (1984) and Immanuel Wallerstein (1974) followed in a standing point against the Eurocentric or Euro-exceptional view of capitalist development (Frank, 1995). For instance, Abu-Lughod (1989) described a 13th century Eurasian world system *Before European Hegemony* and Chaudhuri (1990) analysed world economic history from distinctive view in *Asia Before Europe* (Frank, 1995, p. 163). Presumably, it may be Wallerstein’s saying that explains most clearly the view against modernization theory.

... many of these [previous] historical systems had what we might call proto-capitalist elements.
... It is of course a matter of degree (Wallerstein, 1992, p. 587, 575).

In other words, there is no such a thing as ‘European Exceptionalism’ even in capitalist economic development.

Frank (1995), who had examined this agenda for many years, says that the implication of the past unexceptionality of Europe or of the West is that development today and tomorrow - for example, in East Asia - need and perhaps should not copy Western ways. He emphasized that one’s development is a function of one’s shifting place and changing role in the world economy system rather than of a particular Western way of doing things (Frank, 1995, p, 186).

According to this theory, despite an admission to the world economic system and interchange with wealthy western countries, the developing countries hardly escape from the positions of poor dependent partners. They need their own ways or alternative strategy free from the dependent relationship.

Second, in term of the political relationship between the developed democratic western countries and the under-developed undemocratic non-western countries, there is crucial and paradigmatic explanation that the West has a severe responsibility of the underdevelopment of the rest directly and continuously. One of these theories is ‘over-developed state theory’ addressed by Pakistan political theorist Hamza Alavi (1972). He claims that it is authoritarian superstructure of political and administrative institutions as a legacy of colonization and relative under-development of civil society that caused underdevelopment of democracy in the Non West. In the examples of Pakistan and Bangladesh, he argues that military-bureaucratic oligarchy has become a phenomenon in post-colonial societies, but it is a result of coercive super structure of state relatively too massive to oppress the protest movement in colonial periods.

According to this explanation, the reason of frequent appearances of authoritarian governments in non-western countries is not because of their indigenous culture but rather due to western colonial governance and its legacy. It is clear that the colonial period was a time of westernization and modernization in the countries, but modernization and westernization did not bring democratization. Even after independence, the colonial legacy has influenced for democratization for a long time. In those situations, regardless of the cultural character, the developed countries have no chance to be democratic and legitimate. In other words, even if the culture has no affinities to democracy at all, it cannot be proved at this stage. Therefore, there is a need to premise that modernization and westernization are not deemed as main independent variables in the Non West. There could be more decisive elements. This explains why some democratic researchers in the Non West are interested in national movements in the colonial period to find out the initiative of democratization instead of westernization.

Third, the economic counter arguments provide one plausible explanation the underdevelopment of democracy in those dependent countries and it motivated political counter argument. In political aspects, most of all, most wealthy countries have not been interested in establishing democratic systems in the dependent partners throughout the modern history. In fact, they would not mind any kinds of regime only if the government is helpful for their own prosperity. Moreover, often they disturbed democratic transition or even supported oppressive dictatorial governments on account of political and economic reasons. As a result, in many post-colonial developing countries, there remain certain types of coercive and undemocratic regimes. Even if it is not the case of colonization, because of the economic condition of dependent

development and the enjoyable political situation of authoritarian regimes, there have been close relationship between the non-democratic governments of the Non West and democratic regimes in the West since the Second World War. O'Donnell (1986) theorized it as 'Bureaucratic Authoritarianism'.⁶¹

Recently, a Korean economist at Cambridge University, Chang Hajoong (2007) has supported this argument more generally criticizing Neo-liberalism in his book, *Bad Samaritans: The Myth of Free Trade and the Secret History of Capitalism*. In a section entitled 'When democracies undermine democracy', he argues that democratic countries try to depoliticize the economy of the under-developed countries, and it undermines democracy of the under-developed countries. He says that the consequence has been particularly damaging in developing countries, where the Bad Samaritans (wealthy western countries) have been able to push through 'anti-democratic' actions well beyond what would be acceptable in rich countries (Chang, 2007, pp. 174-7). In political term, this can be called as 'democratic betrayal'.

3. Conclusion

Asian value debate was raised in earlier 1990s and disappeared in ten years. However, it left a legacy of the diverse views about the Asian culture and democracy. Huntington argued that the Asian countries should change their culture for more development and democracy. Lee Kwan Yew denied this argument directly, arguing instead that culture is more important than democracy. He even said that Asian type of democracy is superior to western liberal democracy in many ways. Bell also supported this view by the concept of Meritocracy. According to them, this merit basis system is better government than democracy.

When there were clear conflicts between western and eastern values, the former South Korea's President Kim Daejung suggested an alternative way. Namely that Asian values are not in conflict with democracy. In addition, he argued that Asian tradition and political thought has enough affinities with democracy in both principle and practices.

In fact, this Asian value debate is rooted in a long controversy with modernization and westernization. Asian value debate is well understood in this context. Unlike the prejudice, the counter-arguments to modernization theory have suggested not cultural relativism but practical evidences how the modernization and westernization is not helpful for economic and political development. This thesis would also take this approach. It does not rely on cultural relativism, but

⁶¹ This relationship could be easily understood in a Franklin Roosevelt's famous comment on the Nicaragua's dictator, Anastasio Somoza. "He may be a son of a bitch, but he is our son of a bitch" (Chang, 2007, p. 171).

instead, following President Kim's view, it argues that democratic development in a genuine sense is not possible without culture due to the nature of political legitimacy.

Ch4. Representation, Authority, and Equality

1. Introduction

It is often alleged that there are serious deficits of democratic legitimacy in traditional political thought in East Asia, in particular Confucianism. First, it is said to be authoritarian in a way that is incompatible with some fundamental assumptions in modern politics. Second, since Confucian thought defends minority government by educated gentlemen rather than the majority of ordinary people, it is incompatible with democracy. This criticism is strengthened by the claim that Confucian systems of political roles lack extensive political participation. Third, Confucian government tends to depend on the virtue of the small number of people who actually rule not on the virtue of the people as a whole. All these principles seem to be unacceptable in modern democracy.

These doubts are problems connected with legitimacy, democracy, and cultural diversity. If these doubts can be maintained, these deficiencies are plausible enough for Confucianism to be denied as a source of legitimacy in modern democracy, and East Asian politics should find alternative resources of legitimacy. However, this thesis argues that those deficits originate from a misunderstanding not just of Confucianism and but also of modern democracy.

This chapter aims to examine representation in relation to legitimacy, democracy and cultural diversity. It consists of four conceptual analyses, and arguments based on the analyses. First, this will argue that representation is necessary in relationship between legitimacy and democracy in modern politics in general and especially outside the West. Second, the concept of mandate is the key to a specific authorization in representative politics in the sense that it is the basis of the idea of limited government according to the normative relationship between the representative and the represented. That is to say, mandate is a particular form of authorization which has a special binding force in a normative sense that confers legitimate representative government by virtue of a certain belief-system. Third, in this relationship, the idea of a qualified representative in the traditional thought of East Asia, Confucianism is not incompatible with modern representative democracy. If we understand both Confucian representative theory and modern representative democracy correctly, it can be seen that the principle of the Confucian representative is compatible with modern representative democracy. From these arguments, finally, the ultimate goal of the chapter is to open the door for Confucianism to be an eligible candidate of sources of legitimacy in East Asian

democracy.

This chapter will discuss three specific relationships particularly; Confucianism and democracy, democracy and representation, and finally political authority and equality. These are not parallel but a series of conceptual analyses. However, representation is the key through the whole chapter. It consists of three stages. First, some methodological and specific reasons will be drawn of why this thesis takes the concept of representation as the important theme in understanding of democracy in relation to Confucianism and legitimacy. In this part, different approaches in the study of Confucianism, democracy and representation will be examined and an alternative one will be suggested. Second, while this chapter traces the various aspects of representation, it focuses on some problematic and essential elements in the conceptual development of representation, mandate and the virtue of a representative. Finally, a deeper and radical conceptual analysis will follow about representative democracy in reference to political authority and equality between the West and the Confucian East.

2. Representation, Democracy and Legitimacy

In the review of political legitimacy in the previous chapter, it has been revealed that every government needs to secure legitimacy. It is a political issue that has existed not just in the modern world but through the whole history of government. Sources of legitimation, its ways of operation, and substantive values mainly depend on the form of life which formulates belief-systems.

At the same time in the modern world, legitimacy takes the form of democratic government. Democracy is the only game in contemporary politics. If there is a necessary and plausible relationship between legitimacy and democracy, the next question is what kind of democracy is necessary for legitimacy. In the modern world, there seem to be some necessary conditions for political legitimacy such as liberty, equality, and human rights. Accordingly, if we consider these values in democracy, there may be some candidates such as liberal democracy, republican democracy, and social democracy. Representation seems not to belong those necessary political values of legitimacy.

Nevertheless, this thesis will take representation as a main theme. Here, democracy is defined as a system where representation is necessarily involved. This research would argue that good representation is a necessary condition and only a possible feature of good politics in modern democracy. First, theoretically representative democracy is the conceptual linking point in which the different political theorists who identify democracy in different ways meet together.⁶² Second,

⁶² It is not only important in general but also severe in this research that deals with non-western democracy. It is

present day legitimate democracies are representative democracies. In other words, this is a matter of presence. In addition, representation is a particularly crucial concept to examine and understand the democracy legitimacy in Confucian East Asia in many ways.

A. Representative democracy

In any study about democracy, the question to be examined first may be that what kind or what level of democracy would be appropriate in the study. This question is particularly important because this research aims to examine the relationship between democratic legitimacy and political culture. That is to say, the whole research could be alternated by the conceptual limitation of democracy. Accordingly, this is not just a matter of defining or limiting the meanings of democracy for efficiency but the substance of the thesis.

In this research, I suppose that democracy is political contestation on a broad basis of the representation of interests or opinions of the citizens. Conceptually it can be called ‘contestation open to participation’ (Dahl, 1971; Przeworski, 1991, p. 10), and namely representative democracy.⁶³

In democracy, the very basic categorization about defining democracy may be the distinction of the minimalist and non-minimalist view.⁶⁴ On the one hand, there seems an understanding that competition to get support from voters is a necessary and sufficient condition. On the other hand, others argue that democracy must correspond to meaningful participation. These different conceptions of democracy could arouse different views of democracy.

Przeworski clarified this difference into contestationist and participationist views. He identified the former as analytical and the latter normative. In this distinction, he concludes that except for South Africa, broad restrictions of political rights are inconceivable under present conditions so that a focus on contestation is sufficient to study the current transition to democracy. This is a minimalist conception of democracy (Przeworski, 1991, 1999).

According to the minimalist view, in order to achieve democracy, one of the decisive

because this positive view provides a conceptual foundation on which non-liberal or non-western types of democracy could be legitimate easily if only it is within the concept of representative democracy. This will be drawn out fully in later dealing with its particular grounds.

⁶³ It is not only a plausible understanding of representative democracy but also applicable to deliberative democracy. Insofar as deliberation as a space where different ideas are contested to be chosen, compromised, or which stimulate some alternative determinations, deliberative democracy is a good model of democracy based on this principle, contestation open to participation.

⁶⁴ Arendt Lijphart (1999, p. 2) suggests a similar distinction between a majoritarian model and a consensual model. There must be more diverse classifications by David Owen (2003). He suggests five different conceptions of contemporary democracies; minimalist view of democracy, interest-aggregating model, deliberative model, contestatory democracy, and globalization democracy. However, as he says, the basic division of understanding of contemporary democracies still lies between the minimalist view and the others.

conditions for legitimate democracy is politicians' competition for votes as the principle of competition in a market. It is not a limited but an efficient representation in the view. There must be governmental outputs of policies as an exchange for votes. This competition-based representation is also supported by party politics where ideally parties challenge each other to get power by suggesting and performing good policies. In a word, this is an institutionalized political market system. In theory, this is an idea which Schumpeter (1942) modifies classical democracy in a market price competition and Przeworski (1991, 1999) adapts in comparative political studies (Shapiro and Hacker-Cordon, 1999). This view seems to have become one of the most popular conceptions in political science particularly in comparative politics.

Nevertheless, this research may not be satisfied with this minimalist view since it does not aim to analyse particularly a theory on the transition from authoritarianism to democracy. To be precise, this research does not take a minimalist conception because it concerns a normative theory of democracy too. This research focuses on normative characteristics of the relationship between legitimacy and cultural diversity. Therefore, though the contestationist view can be a necessary condition of democracy in some senses, it may not be fully sufficient in a normative understanding of democracy.

There must be a traditional view of representative democracy that is distinctive from the minimalist in the West too. This view anticipates more active participation of the people in a decision-making procedure. In theory, Rousseau may be the strongest protagonist of a radical concept of democracy in his idea of 'general will'. As a representative-embedded system, a state can be seen as an ancient Athens model where most citizens have an equal right to govern by lot or by turns as a representative. In modern democracy, this idea has promoted ideas of universal suffrage, regular election, is and more deeply related to the issue of substantive political equality including the influence of economic, social and classical conditions.

In Rousseau's and in Athenian understanding, the principle of democracy is equal participation and self-rule. There is almost nothing about competition. According to this view, unlike the market system, democratic participation is decisive for achieving representative democracy. The representative body should be a miniature of all those represented. This view of representative democracy has become the ground of important arguments of the character of a representative that the representative should have some similarity with the represented.

In fact, there is a deeper conceptual gap about human nature in relation to politics. While the contestationist view supposes negative attitudes and desires of human beings as members of a political community in terms of public decision-making procedure, the positive view is a distinctive argument in the sense that it assumes that there is a strong motivation of participation in political procedure. For example, from this view, Aristotle suggests a form of mixed government opposed to Plato's philosopher king's government. Although he was not a thinker

who advocated democracy, it may be true that he reckoned that the democratic passion of the people is hardly reversible. John Dunn (1999, 2005) supports the claim by historical approach, and Hanna Pitkin (1981) argues political participation provides a person self-realization,⁶⁵ and Robert Dahl (2006) shows the strong human desire for the achievement of political equality.

However, this participationist view based on maximizing an equal right to participate is also not appropriate in this research. If the participationist view is accepted fully, it will be so hard to find a legitimate government in the present world. Therefore, the real features of democracy of in contemporary politics must be between the extremes. In this sense, Dahl confesses that

although the political institutions of actual democracies may be necessary in order for a political system to attain a relatively high level of democracy, they may not be, indeed almost certainly will not be, sufficient to achieve anything like perfect to ideal (Dahl, 2006, pp. 10).

In effect, in concept and conceptions of democracy there are different views such as minimalist and beyond minimalist views and a set of inconsistent elements such as contestation and participation. Nevertheless, it is also true that those different views and conceptions are essential and legitimate to some extent. The conflicts seem to be inevitable in the actual features of democracy. This 'self-contradiction' demands a conceptual appropriateness of democracy in a legitimacy study, and the concept of representative democracy as a system of contestation open to participation is a meeting point of different views of democracy. This is the first argument for representation study between democracy and legitimacy.

Representative democracy contains both the minimalist and the beyond minimalist views of democracy. Also, it embraces diverse or even conflicting elements of modern politics in both principle and practice. In this sense, representative democracy may be the theoretically comprehensive and practically appropriate concept in a study of the relationship between legitimacy and culture.

B. Representation has a key role as a standard of judgment of democratic legitimacy

It may be true that representative democracy is not just a popular but also a legitimate political system in contemporary politics. Though democracy becomes the only game in politics, there are few countries where institutions of direct democracy have been operated as their main

⁶⁵ This is an argument in the sense of Marx's maxim that the identity of a person is determined by his relation to society (Kang, 1997, p. 187), and more fundamentally Aristotle's that all human beings have *telos* and it only can be accomplished sufficiently in community.

political system and practice. In this situation, in democratic theory, particularly in comparative politics, representative factors have been understood as the standard of legitimate democracy in government in many cases.

There are, of course, certain particular institutions deemed as factors of direct democracy such as referendum, recall, and initiative. However, in most democratic countries those institutions are merely complementary means for amendment of the weakness of representation from the perspective of democracy in some exceptional circumstances. In effect, direct democracy is nominal.⁶⁶ In addition, in recent days, there will not be the reverse of change from representative democracy to direct democracy (Beyme, 2011, pp. 68-70). In this sense, it can be said that representative democracy becomes a form of legitimate government. In modern politics, representation shapes democracy.

For the present, representation is regarded as one of the most suitable ways to understand the diversity of democratic legitimacy in the Non West. When we talk about democratic legitimacy, we should consider not just its conceptual definition in general but also its institutional characters. In addition, in most cases, this institutional diversity originates from the variety of representative systems. This priority of representation appears more expressively in the Non West because the legitimacy of democracies of these regions rest on an institutional foundation rather than a normative one compared to the West. For this reason, when a democratic study is being carried out in non-western countries, in many cases, the research may focus on representative systems in general rather than the deeper implications of the democratic representation in the countries.

In fact, there have been controversial points with its diversity of representative institutions. Its varied institutions and different ways of operation are sometimes beyond our common sense in the daily politics around us. In terms of this characteristic of diversity, it is needless to say how many different institutions are established and operated in many contemporary democratic countries, and they are all called representative democracy in legitimate senses.⁶⁷

Even in the West, for example, it may be impossible to say that the British parliamentary

⁶⁶ Recently, there have appeared some arguments for radical embracement of direct democratic means such as electronic voting thanks to the development of network technology. But it would not be done so easily not because of practical but theoretical difficulties. See Robert F. Wolff (1998)'s *In Defense of Anarchism*, particularly pp. 34-6.

⁶⁷ Lijphart (1999)'s *Patterns of Democracy* is a one of the most useful works to understand its practical variety. For theoretical diversity, see Pitkin (1967), Bogdanor (ed. 1985), Manin (1997), Urbinati (2006), Weale (2007, pp. 132-154) and many other theoretical comparative studies in which political institutions, party systems, and elections and voting systems in different countries are drawn. For example, as a microscopic observation implies massive diversity, Albert Weale (2007, pp. 6-13) deals with the matter of compulsory voting in representation and its various principles and practices in terms of two conflict views of participation and equality and the ideal of individual freedom. Diversity not just in institutions but also in ideas about representation can be found in all developed democratic western countries.

system is more democratic than the American federal presidential system. For another example, we also could not say that the two round system of a French presidential election is a better electoral system than the British first past the post system. Furthermore, it is sure that all these systems are undoubtedly legitimate liberal democracy, theoretically, and practically. In this sense, there is a diversity or clear relativism in representative political system within democracy.

In addition, there have been theoretical debates and political propaganda whether the present systems are democratic enough or whether there is a need for change. In 2004, there were serious debates about the American federal election for president due to the controversy in Florida State. In the UK, there was a referendum about a change in the election system in 2011. The two-round system is often regarded as a system where the will of the people tends to be reflected more democratically than in the first past the post system. In addition, it is also clear that those different institutions would not be changed easily and shortly. Certain institutions are tied up with the people's mind and preference. That is the reason why we will not or cannot regard a country that has an alternative vote system as more democratic than the UK even though the UK decided to change its system to an alternative vote system.⁶⁸ Here is an obvious diversity of electoral systems.

This diverse institutional character between representation and democracy implies that there is a connection of legitimacy based on people's beliefs and political culture. If we appropriately analyse the diverse character in representation and its connection to democracy and political culture, it could be a clue to explain the relationship between cultural diversity and political legitimacy.

This diversity immediately involves a methodological issue in the study of democratic legitimacy. This issue is related to contemporary political science in general and particularly to comparative researches. Because of the condition that direct democracy is not adopted in political systems and practice broadly, fair representation is generally understood as the standard to judge whether the democracy is successful in terms of legitimacy. It may not be necessary to say that many comparative and empirical researches which aim to examine the degree of democracy in each country have focused on representative factors such as regular elections, procedural fairness in elections, and an impartial representative system.

For example, the repeated peaceful change of regimes by election has been regarded as an important indicator of democratic development by comparative researchers.⁶⁹ In general, when

⁶⁸ The Irish single transferable vote system is a proportional version of the alternative vote system, and Ireland has kept this system for more than 80 years. Generally, it is regarded as more democratic than many other simple electoral systems. But we do not put the country as the top democratic country only because of this reason.

⁶⁹ Robert Dahl (2000) understands that a country's democracy has passed a critical stage of crisis when there is the second exchange of regimes by election.

we are discussing the degree of legitimacy in a country, first we tend to look at the degree of democracy through by the fairness and stability of the representative institution and its exercise than other values such as economic development and social welfare. When we talk about the degree or quality of democracy, the question is immediately switched over to what kind of representative institution has been established in the country and how it works. All the factors about representation such as inclusive suffrage, regularity of elections, multi-party systems and their practical applications have become the most important standards for democracy. For instance, when we classify democracy into formal and informal dimensions, while fair and meaningful representation occupies a decisive part of the former, broader deliberation in a representative body and the responsiveness of the representative government would be also main issues of the legitimacy of democracy.

In sum, this thesis takes representation as its main subject of research for the relationship between legitimacy and democracy with for three reasons. First, legitimate democracy is only possible in a form of representation in the modern world. Second, the conceptual combination of representation and democracy is generally understood as a neutral and common definition in different views of legitimate democracies. Third, in an academic view, representative factors have been used as a standard in evaluating democracy in modern comparative politics and this can confer neutrality or fairness of judgment of democratic legitimacy in relation to cultural diversity.

3. The Concept of Representation

A. The concept of representation in the West: it means ‘to act on behalf of some other(s)’ and has developed from the symbolic to the substantive and from standing for to acting for

There have been numerous conceptual analyses of representation or representative democracy. Yet, it may be true that most of them focus on democracy rather than representation. However, as seen before, democracy is also just one of the necessary conditions for legitimacy and it is impossible to have a legitimate representative regime without democracy. Therefore, though representation needs democracy to be legitimate in modern politics, it seems to worthwhile examining representation free from democracy in order to apprehend the concept of representation radically.

Most cases of all democratic government appeared at a much later stage in political history than in ancient Athens. The conceptual gap of the two ideas is actually caused by the time gap.

Accordingly, one of the best ways to learn representation free from democracy is to see the word in history before democracy.⁷⁰ In fact, this approach is coincident with not just the historical scenes of the relationship between democracy and representation but also the nature of representation. Birch explains this characteristics of representation that

the nature of political representation is a complex matter which cannot be understood by formulating a definition, but only by examining the debates about representation that have taken place in various historical situations (Birch, 1972, p. 21).

Accordingly, in order to understand the gradual change of the concept in the realms of agency and political activity, it is also necessary to understand the historical development of institutions and the thinking behind them (Pitkin, 1967, p. 4). In other words, like many other conceptual analyses, the study of the concept of representation needs practical examination in history first, then, the meaning of the concept will be revealed.

The development of the concept of representation in the West can be summarized in two categories; the changes of the context from the religious to the political, and the conceptual conversion from ‘standing for’ to ‘acting for’ in the political.

There is a broad agreement that the idea of modern representation originates from the Christian tradition in the Middle Ages.⁷¹ When the Pope is often said to represent the people of Christ, the word had acquired a meaning in which a kind of mystical embodiment applied to the Christian community in the sense of ‘standing for.’⁷² In 1509, according to the Oxford English Dictionary, when the word ‘represent’ implies a symbolic ‘standing for’ conception, it was still a religious medieval and mystical concept (Pitkin, 1967, p. 241-4).

The religious conception had been extended to the political context. It was in the 16th century in which some particular peoples had appeared in the sense that they had been regarded as ‘standing for’ their communities (Finer, 1999, pp. 1029-1031).⁷³ In England, this political conception had become consolidated during the period of Civil War of the 17th century with recognition of the importance of Parliament as a political representative body.⁷⁴ In this change

⁷⁰ Most of this section almost entirely depends on Pitkin (1967) and Finer (1999).

⁷¹ Before the Middle Ages, though some say that in Roman law, there might be a notion that the prince or emperor acts for the Roman people, standing in their place, looking after their welfare, it is clear that the Roman notion has no influence on the word ‘representation’ (Pitkin, 1967, pp. 241-2).

⁷² Even the notion of election has been stimulated from the origin of the church hierarchy in which, for example, the bishops were elected by their congregations. It is noticeable that the Pope himself was elected by the chapter and the congregation of Rome (Finer, 1999, p. 1031).

⁷³ Finer illustrates this that ‘the range of those who were to give aid, counsel, and consent to the Crown had widened from military magnates to proxies of the new sectors such as towns, counties, and shires’ (Finer, 1999, pp. 1030).

⁷⁴ It is understandable that the Parliament was symbolized or mystically embodied with the nation itself in the idea of king-in-Parliament because the medieval kingship was literally recognized as the church in Christ or in

from the religious to the political, ‘represent’ and various related words became political terms (Pitkin, 1967, pp. 246-7).⁷⁵ Yet, it is clear that the concept of representation still had been restrained within a ‘standing for’ conception.

There has been another conceptual conversion from ‘standing for’ to ‘acting for’ within the political realm. Since the 17th century, this change had been forced by the development of the parliamentary system. In this period, clearly there was a transfer of the right to rule from the absolute power of the king to the limited government controlled by the representatives of the people. Without the consent of the members of Parliament who represented the opinion and interests of the people, the government could not wield legitimate power. In other words, at the time when Parliament replaced the position of the king as a genuine ruler, representative and legislator, ‘representation’ began to secure the idea of ‘acting for.’⁷⁶

This political development of the concept of Parliament in terms of representative government can be understood in a set of three steps. First, the term ‘represent’ was applied to the Parliament as an image of the whole nation. Second, once Parliament was regarded as the representative body of the whole kingdom, the application was expanded to individual members. Finally, the individual members’ behaviour came to be called ‘represent’ only when they were thought to be ‘acting for’ the represented.

In this set of three stages, Pitkin infers two significant conceptions of representation are already repeatedly mentioned. The first and general conception of representation is obviously ‘standing for’. Then, the ‘acting for’ conception has been developed in the demands of the represented.⁷⁷ The first stage of ‘standing for’ was abstract, mystical and symbolic, and slowly but surely it became more practical due to the practice of the representatives and the claims of the represented from the 13th century to the 17th century. As a result, through this development, an idea had appeared that representation should correspond to the opinions and interests of those who are represented, and members of Parliament and Parliament itself can be legitimate as a body of representatives only when they act for the people.

From this development of the concept of representation, three simple important elements of representation can be inferred. First, thanks to the meaning of ‘re’, it premises a subject

the Pope (Pitkin, 1967, pp. 246-7).

⁷⁵ In 1583, in work of Sir Thomas Smith, he uses only once but crucially that “the Parliament of Englande, which representeth and hath the power of the whole realme.” Twelve years after Smith’s usage, the first instance in the Oxford English Dictionary of application of ‘represent’ emerged in 1595 (Pitkin, 1967, pp. 246-7).

⁷⁶ It was Thomas Hobbes who called a sovereign legislature ‘a representative’ and that was the turning point that ‘acting for’ emerged from the mystic and symbolic ‘standing for’. Until 1651, there was no one who talks about democratic or any responsibility to the people or about duty of acting for the people as an agent who represents his client (Pitkin, 1967, pp. 248-252).

⁷⁷ In the dictionary, there are many possible ‘standing for’, but I would like to limit the term within political representation. For general understanding of representation, see Jen Webb’s (2009) *Understanding Representation*.

which represents the represented. It means that there is an actor or a group of actors who do represent the represented. Second, there are some objects to be represented whether it is interest, will, sovereignty or anything. Third, not only for descriptive representation but also for substantive representation, a representative or representative body needs to be not just standing for but also acting for the represented. In this framework, six elements make up the concept of political representation - authorization, accountability, substantive, descriptive, and symbolic representation, and responsiveness (Weale, 2007; Pitkin, 1967). Of course, not all political representations is limited to the six conditions, and also there are many different ideas in which theorists emphasize certain elements more than others. That is the cause of the diversity of conceptions of representation (Weale, 2007, pp. 132-6).

Another important conceptual issue of representation in modern politics is its relationship with democracy. As seen in the beginning of this chapter, the concept of representative democracy, the two political concepts, representation and democracy consist of the foundation of legitimacy in modern politics. In modern politics, in most cases, representation is the only legitimate form of democratic governments. While representation seems to conflict with democracy in principle in the sense that in the system not all the people participate in decision-making procedure and the representatives are required some sort of competence, it has been accepted as reasonable in modern representative democracy by the people.

Surely, these conflict and linking show the characteristics of double-sidedness of representation and this double-sidedness emerges from the conceptual nature of representation in politics; representation of people's interests and will. In modern politics, there should be a strong tradition of understanding of representation as 'representing people's will' in dominant influence of democratic revolution. Although it has not been so strong in real history and in republican theory and constitutions of modern democratic states, it seems clear that the thing should be represented is the concept of Rousseau, general will or will of people. Without this view, any representation cannot acquire democratic legitimacy. Representation of will has been recognised as a necessary condition for the representation to be legitimate democratically. In this representation, the will should be represented equally among the people. Accordingly, equal representation of the will of the people appears essence of democratic legitimacy in modern representative democracy.

However, while representation of will seems to be the intrinsic element in democratic principle of equality, representation of people's interests is also important in democracy. According to the Utilitarian view and J. S. Mill and Sieyes' argument for good government, the ultimate goal of good politics is welfare of the people. Whether it can be identified as individual or common interests, or social development for increase of welfare, it seems true that democratic principles such as equal participation or self-rule are not the final goals of the

theorists. Although democracy has intrinsic values and should be an important foundation of good government, it does not satisfy sufficient condition. For these theorists, democracy and representation are both necessary conditions for good politics, and the results of the politics provide the sufficient reasons for good government. In this sense, the representation of interests is distinctive from the representation of will though they are closely connected in the Utilitarian view and many democratic theories. While the former is mainly about the outcome, the latter is primarily about the procedure. For this reason, Mill and Sieyes accepted that the preservation of people's interests cannot be guaranteed only by the participation of the people themselves. Many fore-fathers of American Revolution had been anxious that representation of will could not representation of interests. Some elements such as enlightenment, self-realisation, and competence are required as necessary conditions of good representation and these factors are also claimed by the dominant theorists of modern representative democracy.

As a result, though there are clearly different two principles of representation and they are not identical but often contradictable in process of decision-making and its consequence as seen in history, not one of them can be abandoned in representative democracy in reference to legitimacy. There is an ambiguity of concept of representation between what should be represented in representation as a political system in relationship with democratic legitimacy. The democratic decision-making needs two different elements of legitimacy, democratic justice in procedure and good decisions for the people. Actually, this is the linking point where modern representation meets democracy legitimately.⁷⁸

In conclusion, the development of the meanings in Western history shows the clear progress of the concept of political representation. First, representation means 'to act on behalf of some other(s) (Nordlinger, 1968, p. 109; Sobolewski, 1968, p. 95; Birch, 1972, p. 15)' in any sense from the Middle Ages. Second, the meanings have changed from the symbolic and abstract to the substantive and concrete. Third, conceptually, the change was a movement from 'standing for' to 'acting for' in the relationship between the representative and the represented. Finally, in modern representation, there is a conceptual ambiguity of the object of representation between will and interests of people. On the one hand, it seems the origin of the problems emerged representation democracy, on the other hand, that is the point where the principles of representation and democracy meet together.

Yet, there still remain questions. In the concept of representation, what makes representation? What is the empirical and normative foundation of political representation? What brought out the changes and developments of the meanings of representation in history?

⁷⁸ According to this view of representative democracy, this thesis will argue that Confucian representative theory in which only good people should be good representatives is not in conflict with modern representative democracy. See later part of this chapter.

In what kind of frame has the meaning been progressed?

B. The concept of mandate: certain human activities by which some people are granted power to govern others by reference to a belief-system

In order for a representative government to be a legitimate regime, it should satisfy some conditions. Yet, the conditions that this research bears on are not such thing as election, representative constitution or even equal and substantive participation. Surely, they consist of major issues of modern representative politics in many political associations. However, they are only involved with features of democracy or representation, not its ground. They cannot be equivalent to the political legitimacy of representation particularly at the level of source. Here I am inclined to suggest the most fundamental resource of legitimacy of political representation. It is mandate.

Mandate is assumed in this research as a certain type of form which grants authority in a representative system. This assumption is related to two aspects of representation; on the one side with the procedure of authorization, on the other side to the actions of representing. More precisely, it lies in between them because the authorization procedure determines the guide lines of the representing. It is also because this procedure of political mandate necessarily requires certain conditions. In effect, the mandate binds the representing activities.

Mandate is distinctive from representation, authority, and even politics while it is surely a part of representation or politics. Insofar as representation is considered as a political system of government, there should be some procedures for transferring the right or power to rule from the represented to the representative. This procedure of granting produces in general political authority in a representative system.

As some representations do not need to be authorized or accountable to the represented (Weale, 2007, 133), not all authorization may need mandate. It can be seen in both theory and practice. Though it is clear that Hobbesian sovereignty has a representative authority in both conceptions of 'standing for' and 'acting for', there is no plausible procedure of mandate. Pitkin (1967) does not accept the Hobbesian sovereign as a representative of the people because there is no procedure to remove the ruler based on mandate theory. According to her, Hobbes was simply "wrong" about representation (Runciman, 2009, p. 16).

Yet, Rehfeld claims that it is not hypocrisy to call the sovereign a representative. While the ruler's activities are restricted on an account of legitimacy, this legitimate issue is not enough to deny the representative authority and authorization (Rehfeld, 2005, p. 185). In other words, while it can be seen an authoritarian, it may still be an authoritative power (Runciman, 2009, p. 16). For instance, it is clear that the Hobbesian political ruler does not only stand for the

people in some reasonable senses but also provides good reasons such as security and protection of property to be a representative in authority without mandate.

This may be a reasonable argument in practices in history. Before the modern period, and in many occasions in the present world, male adults have been likely to be regarded as the leaders of a family. When we understand this representation as legitimate in some senses, it is not because of mandate procedure from other members to the male adults. Still, in general, the right and duty of parents to the children or of some adults to other family members are not problematic even though there is not clear consent or a deliberate procedure to conform to a certain concept of mandate.

It is not the case only of domestic representation. In the present world, some authorization can be justified without mandate. Many international and domestic associations claim that they are representing a group of people who are not represented properly. The associations argue for, some values which are deemed as reasonable, right does not represent only the members who agree with the activities of the associations but also a broader group of people and entities. For example, it will be reasonably accepted that 'Greenpeace' represents not just the members but also the idea of the preservation of nature and the ordinary people who are not members but agree with the idea. In this kind of representation, though there are not clear mandate in most cases, it is regarded in general that the activities of the associations can be understood as legitimate representation if they represent the will or interest of the represented to some extent.

Nevertheless, there is no doubt that representation by mandate almost always has more normative reasonableness in terms of legitimacy. In addition, this research would deal with mandate only within political representation in a form of government. In the modern world, we can see that political authorization should correspond to legitimate representation and it must accommodate legitimate mandate. Accordingly, though there are many features of legitimate representation without clear mandate, it must be true that most representative governments want to be legitimate or more legitimate by mandate. In this light, it can be said that legitimate representation necessarily requires mandate.

In effect, every representative government needs a justification in the relationship between the representative and the represented. And, in this justification, mandate is the most fundamental and necessary procedure. In modern politics, legitimate government needs to be justified by mandate as a certain political procedure in representative theory.

It is Hobbes again who argues for the concept of mandate as a normative condition of legitimate representative government. Since Hobbesian theory in *Leviathan* was generally interpreted as anti-democratic but responsible representative government, Runciman (2009) suggests a concept of 'collective mandate' arguing that Hobbes does not deny a democratic form of representation. According to Runciman, it is hard to understand how it is possible for

the government to be responsible without a right to judge the individuals in Hobbesian theory. Runciman argues that Hobbes must presuppose a state which is intuitively necessary for human beings and it is a state that is represented in representation. Runciman admits that Hobbes does not offer any explanation of the ways by which individuals are involved in the process of making the representation of the state work. For this, he presents a sophisticated analysis about the distinction between individual mandate and collective mandate by using the concepts of 'Membership responsibilities' and 'Membership rights' between state and citizens (Runciman, 2009, pp. 26-31).

Here, what I emphasize is not that Runciman's argument is reasonable to overcome the previous interpretations but that his argument for Hobbes depend on a concept of mandate. That is to say, for vindicating Hobbesian representative theory in normative senses of responsiveness, accountability and ultimately democracy, it is necessary to bring out the concept of mandate. In this sense, it can be said, mandate is the strongest idea and the procedure which evokes the concept of limited government in representative theory.

In fact, mandate always has been a core idea of legitimate representative government since the recognition that the relationship between the representative and the represented is problematic. Since Hobbes, Locke and Rousseau to most present theorists who have studied party politics, electoral and government systems have conceived that mandate has been the salient issue in their theories, and have been devoted to making clear the radical foundation.

Nevertheless, there is a relative a lack of conceptual examination about the foundation of mandate in the West. It is because mandate has been regarded as sub-concept of representation and just different features of representation. Except a few thinkers such as Finer who acknowledges government in relation to political legitimacy and theorizes it as a belief-system, many others have no clear idea that the concept of mandate is a foundational procedure of representation. While many theorists have been interested in the history of representation, characters of the representative, and institutions such as election or organization of government, there seems no clear distinction between representation and mandate. In this understanding, mandate is just a concept which is related to the present forms of representation but not a concept which consist of the foundation of representation.

Conceptually, mandate has been the debatable concept in relation to 'representing' and 'being represented' in its forms in general in the West. Sometimes, more reliable mandate guarantees more autonomy in the representative's activities. For this reason, many debates about the nature of activity of the representative have been concerned with this issue. In the French Revolution the major problem that the National Assembly faced with was whether the representatives elected should act based on an imperative mandate or free mandate (Fitzsimmons, 1994, pp. 45-9). In America, it may be needless to refer to the debate about the

characteristic of the representative between the Federalist and Anti-federalist (Manin, 1997). In England, Burke must be a leading advocate of free mandate (Pitkin, 1967, ch. 8).

However, mandate is distinctive from representation itself. Mandate is not a source of representation but an authorization procedure for representation as a foundational ground of representative government. This character of mandate makes representation conditional. This can be demonstrated by a logical scrutiny. Let us suppose that all political representation is limited government. Presumably this definition could get support from some historical studies of Finer, Pitkin, and Urbinati. For example, the extreme absolute power of French monarchy in the 16th century was limited by some religious and cultural conditions even though they were so conservative (Finer, 1999). Pitkin (1967) admits that it is impossible to define perfect representation when she says that there is a constant tension in representation in itself without democratic interference. When Urbinati (2008) criticizes Pitkin and Manin that they fail to notice the democratic nature of representation, she clearly anticipates more limitation with representative government.

Accordingly, all political representation is conditional since there are some conditions. It sounds tautological but it is so in their arguments. These conditions emerge not from representation but from a prior procedure of it, mandate. Mandate is not a concept that only distinguish different features and forms of representation though it has been a general understanding in the West. It is rather a concept where we can find out the foundation of legitimacy of representation and the origin of limited government. And this characteristics of mandate is shown more clearly in the Confucian representative theory and the concept of 'Mandate of Heaven'.⁷⁹

Here, I do not suggest mandate as a situation of delegation, trust, or guardianship but certain human activities by which some people are granted power to govern others by reference to a belief-system. In this sense, mandating is a specific procedure of political authorization. And, this authorization is necessary in modern representative democracy. In this sense, mandate is not a concept that can be replaced or confused with representation itself. For this reason, in this understanding of mandate, there is no room for the distinction between imperative or free.

There is only mandate and the mandate is conditional in any case. Not all legitimate representation rests on mandate, but representation based on mandate is legitimate because it is conditional. Only in this sense, the representation is limited. That is to say, if representation is conditional, it is because the mandate is conditional. In fact, when we say imperative and free mandate in order to designate two different types of activities of the representative in relation

⁷⁹ See more details in later part of this chapter where I deal with Confucian mandate theory explaining the concept of 'Mandate of Heaven'.

to the represented, it becomes a correct usage of the terms to call them ‘imperative’ and ‘free’ representing. This kind of mistake seems to be committed by almost all the modern theorists.

In addition, mandate is a procedure in which the majority grants the power to govern to minority. In a political community, if a person or a group of people is representative, it means that they have a right to govern all the members of the community. Pitkin (1967) makes it clear, that ‘representing’ does not and cannot be equivalent with ‘present’. By definition, if all the people govern themselves virtually, it is hard to call it a representative system. Therefore, as Manin (1997) points out, representation is a system where a minority governs the majority by definition. It will not be changed easily regardless of how Urbinati (2008) emphasizes the normative democratic characteristics of a representative. Therefore, it is the procedure of mandate that makes representation distinctive from presentation.

Some particular characteristics of political mandate have been revealed. First, it is a concept that denotes a certain political authorization procedure in which a number of people grant the right to rule to a person or a small number of people. This conception of mandate has appeared in history through both representative activities first and institutions where the activities are performed as time goes on. Second, mandate is distinctive from representing itself. While it must be a part of representation as a concept and a system, it is clearly different from representing or representation. If representing is a set of activities which represents the will of the interest of the represented, mandate is a foundation of political representation in a sense that the legitimacy of the government rests on mandate exclusively. In this sense, it can be said that mandate is the source of legitimacy in representative government. Therefore, finally, only with mandate as a specific authorization procedure in representative political systems, representing and representative accommodate legitimate accountability. In this case, the mandate should be legitimate normatively. If not so, representation based on the mandate becomes meaningless. To say it more correctly, that is not mandate.

Yet, although mandate is the ground of legitimacy in representative government, the ways of legitimation will be diverse in each society as discussed in previous chapters. In other words, while it is easy to regard an electoral system or constitution⁸⁰ as a valid institution for mandate to be legitimate, it may be impossible to confirm an absolute criterion for these various ways. There might be many different ways of legitimate mandate in history before democracy and even after democracy.⁸¹ In fact, a certain institution such as an election or constitution cannot

⁸⁰ In modern democracy, sometimes the constitution becomes the foundation of mandate. It happens when there is no mandatory representative between revolution and the first election for a legal representative body such as France and America (Arendt, 1963). In addition, in most newly born democratic countries after the Second World War like South Korea, in order for establishment of a state and government body such as a president and a national assembly, the constitution should be prior to the mandate by election.

⁸¹ About the English case, just look at Mark Knights (2009). For a particular period in an earlier time of

be a radical foundation for mandate. Rather, they can only be a process of reconfirmation of the mandate which must be prior to those repeated means of follow-up.⁸²

At this point, the concern about the first mandate of social contract theorists was correct. According to the social contract theory, mandate deserves to be called a foundation of all human government. Even though Rousseau does not agree any mandate of politics, he should have to argue for the first contract of all human societies in the sense of mandate. If there is a political community where all the members always participate directly in decision-making standing on equal positions, mandate will not be necessary in the political decision-making procedure. In this case, as Rousseau suggested, representation is limited in operation to performances of the determined decisions. However, in all other cases where the government is not fully satisfied with the conditions of participation of all the individuals, political legitimacy would depend on mandate.

Without mandate, there is no representation, no government and no politics. Thus, the ground of mandate is one of the most radical foundations of politics. In addition, since every government need to secure the political legitimacy, 'belief system' or 'form of life' on the basis of 'practice and culture' as the foundation of legitimacy could only be a candidate of right answer.

4. Political Authority, Equality, and Competence in Democracy

The concept of representation was defined as 'to act on behalf of some other(s)' and has developed from the symbolic to the substantive and from standing for to acting for. This representation is operated on the basis of an authorization procedure. Mandate is the concept of certain human activities by which some people are granted power to govern others by reference to a belief-system.

Yet, there seems a tension between political authorization and democracy. Although, representative democracy is accepted as the legitimate system of a government empirically, we need more. This representative authorization should not be conflict with democracy normatively. If representative democracy is not a reluctant compromising of modern democracy where representation is inevitable because of the size of the country, this normative legitimation is necessary. Therefore, this representative authorization should be examined, most of all, in terms of the basic democratic principle, equality.

representation in democratic England, see Hirst (1975).

⁸² Here what is in my mind is the words of Jeremy Waldron again that we should distinguish the surface of a subject and the deeper issue in political theory.

A. Two Conceptions of political equality

If political authority is a right to others and democracy means self-rule, in these definitions, there is simply a zero-sum relationship between political authority and democracy. Rule by others and rule by oneself cannot be compatible at all.

If we understand political authority as the right to rule others, there should be an equivalent concept that the ruled are duty bound to obey whether they agree with it or not (Raz, 1990, p.4). Here, political authority is a prior concept to consent. While political authority is based on the agreement of the ruled in some senses, it is not the only necessary foundation. There can be many institutional or informal ways to make political authority legitimate. If the government does not violate the standard of legitimacy, it is justifiable to say that there is a duty for the people to obey the government. However, insofar as we understand democracy as self-rule and this is a necessary condition for legitimate political authority, there will be a dead lock.

There is a simple solution only if we suppose a community where political authority is not necessary. In this society, democracy necessarily demands political equality and this does not allow any political authority. Hence, any political entity may not have political authority over the people. Although there may be some sort of political power among the members, no one can recognize or confer its political authority. However, this radical view should be called anarchy rather than democracy (Wolff, 1988).

Within the understanding of democracy as self-rule, the only way to reconcile these two conflicting concepts is to destroy the difference of the ruler and the ruled. It was Rousseau who suggested this view on the basis of social contract theory and government by 'general will.' He recognized that democracy necessarily demands not just political equality but also political authority. In order to take the two necessary conditions altogether, he suggested general will as the exclusive resource of political authority. In this theory, the political authority is legitimate without conflict with political equality because people obey only themselves, the 'general will'.

As it is known well, however, there is a problem between the 'general will' and the 'will of all.' In Rousseau's society, disagreement among the different opinions is merely regarded as wrong. As it is wrong, the difference should be corrected rather than be harmonized or even be compromised. In other words, there is a problem of pluralism. For this reason, while 'rule by all' or 'rule by the general will' can be an ideal of democracy, it can be a form of totalitarianism too. There is surely political equality but the people are equal in a sense that all people have the same idea of public affairs.

If it is possible to escape from the exclusive interpretation of democracy as self-rule and the Rousseau's doctrine of 'rule by all' or 'rule by the general will', there is a way to reconcile

political authority and equality within democracy. In this second solution, democracy is understood as rule by political authority which is legitimate from the people's ability to influence decision-making procedure with the same degree. Though political authority is necessary in this understanding of democracy, it does not allow the different influence of each member on public policy.

This principle clearly seems consistent with the basic rule of democracy; one person one vote. This simple principle of modern democracy implies that every member of the political community should basically be equal in influence on the decision-making process of public policy. This can be called the 'equal influence conception of political equality' and it seems the general understanding of political equality in democracy.⁸³ In this maxim, no one has more political right and this is the first principle for legitimacy of the aggregative concept of democracy. There seems no room for disparity between political equality and political competence.

In addition, this principle is equivalent to not only the aggregative concept of democracy but also to deliberative democracy. If ability in deliberation is quite various, it is hard to suppose an active and meaningful deliberation only with participation of the people in decision-making procedure. At least, there should be an assumption that most people are in a similar position to persuade and to be persuaded in deliberation.⁸⁴

The theories of deliberative democracy such as public sphere, equal and free speech are preoccupied with this principle. For example, the 'equal saying' principle of democratic deliberation is only meaningful in this equilibrium of ability (Manin, Stein, and Mansbridge, 1987). In sum, it can be summarized as; yes! political authority as a legitimate authoritative consequence by deliberative procedure; no! interference by competence that can wrongly affect the deliberative consequence in democracy.

However, this thesis will not take this equal influence conception of political equality. It is not because this conception is not sufficient to be legitimate but because much of modern liberal democratic thinking does not rest on this conception of equality in both practice and principle. In other words, while the equal influence conception raises awareness of the equal natural status, this does not seem to fit the practice of liberal and representative democracy. It is clear that most people do have not influence to the same degree in modern politics. Some have more,

⁸³ Dworkin more sharply distinguished this equality into two dimensions: equality of impact and equality of influence (Dworkin, 2002, pp. 191-4). Impact is defined as the power to engage in the decision-making procedure, and influence is to lead or induce others' opinions. Yet, the concept of 'influence' in this thesis implies both conceptions of Dworkin's because roles of the representative in general include those two almost at the same time. In the case of a Confucian representative who is not only a decision maker but also a moral and ethical model, it is hard to distinguish the difference of impact and influence.

⁸⁴ Though it is not intellectual but physical, Rousseau suggested an equivalent condition as a premise of first social contract amongst the individuals.

some have less.

Some could say that until the earlier 20th century the violation of political equality such as discrimination of voting right based on social status had been a feature of political systems, but now in most countries they have been and are being abolished. It seems so when we see the achievement of universal suffrage. The resolute movement of universal suffrage seems to have removed completely all the links between political equality and difference of competence. Yet, it is only irrelevant elements that are removed.

For example, even though universal suffrage dismisses the discrimination of irrelevant issues such as race, gender, wealth, and literacy, there is still disfranchisement by age, nationality and imprisonment. As seen in the debates on the voting rights of prisoners between the EU supreme court and the UK government, it is controversial whether these disfranchisements are sufficiently legitimate. Certainly, there could be various standards for these issues and the standards are changeable according to time as well. Yet, if disfranchisement is justified in a society, the only plausible reason for the justification is that the exclusion is deemed as relevant. In other words, it is legitimate to exclude some people from this basic political right for some particular relevant reasons. It cannot be denied that we are living in a democratic world where some irrelevant elements are dismissed but some relevant ones remain. Not all the people enjoy equal rights not because of practical inevitability but based on the robust principle of disqualification for relevant reasons.

Some could say that there may be a broad and general consensus or at least common sense about it. However, this is not so. In the UK, one of the most democratic countries, not only competence but even social status has been directly involved in the parliamentary system. While the Queen has no political power officially, there may be no one who disagrees that she has more political influence than ordinary people only because she is the Queen. There is the House of Lords where many members are not chosen by election. Some inherit their positions and others are recommended. This implies that election is not the only democratic device in this country. Although there have been many controversial debates about the reform of the House of Lords, it is also a reasonable argument that its deliberative role is not just compatible with democracy but also fruitful to British politics.

Therefore, this thesis will argue that there can be an alternative understanding which is consistent with liberal democracy and the reinterpretation of Confucianism. That is a conception of relevance in relation to competence. In this ‘relevant competence conception of political equality’, the disparity of competence in democratic decision-making procedure is compatible with political equality in some relevant aspects. In short, it endorses ‘competence embedded political equality.’

From the perspective of the equal influence conception, this relevant competence

conception seems obviously anti-democratic in the sense that this view tolerates relevant reasons to limit same degree of influence legitimately. The community involved with this conception seems no longer democratic since the political equality can be limited by disparity of competence. However, this is not simply so. This conception of equality sets the limit of the embedment within some relevant aspects.

B. Principle of competence as a relevant reason of qualification in representative democracy

Some could say that though the principle of disqualification can be justified, most qualified people should have ability of influence to the same degree in democracy. They would argue that if this principle is denied, it is not a democracy any longer. Unfortunately, however, it is also not so at least in contemporary liberal democracy. There is another relevant reasons namely better qualification.

In liberal democracy, everyone is equal but some are “more equal”.⁸⁵ For instance, representatives have more chance to participate in the decision-making procedure. Unless the representatives are forced to act only to deliver the will of the represented in a pure delegation concept without any interference, they will have more ability to influence public policy in general. The conception of equal influence is demolished at this moment.⁸⁶ If equal influence is the only normative basis of political equality, this representative system cannot be a democratic government. Dworkin accepts this.

a representative structure is necessarily one in which impact is sharply different. ... So long as politics is collectively reflective, ... , it is inevitable that some citizens will have more influence than others. (Dworkin, 2002, pp. 192-7)⁸⁷

However, in the present world this type of representative system is not just a popular but also a legitimate form of ‘democracy’. Not just practical difficulties but some normative requirements justify this imbalance of influence. This is not an inevitable result but a well-organized and intended consequence from the beginning of modern democracy. This

⁸⁵ Surely, this expression comes from *Animal Farm*.

⁸⁶ It can be controversial whether this dismissal also violates the principle of ‘equal concern and respect’ of equality. However, though some abilities connected with participation are arbitrary and they should not affect who is entitled to participate in the decision-making procedure, if it is justified by reasonable democratic ways of authorization, the principle of equal concern and respect seems still not broken.

⁸⁷ One interesting point is that Dworkin refers to ‘representation’ or the ‘representative character of politics’ when he writes about the inevitability of inequality of impact and influence. The way of solution for Dworkin is namely democratic authorization based on equal participation in representation (Dworkin, 2002, pp. 192-3).

representative system is justified by democratic authorization and the justification depends on some relevant standards. The most general one is to win an election.

The meaning of winning an election as a relevant reason can be interpreted in two ways. First, the fact that one is chosen by democratic election can itself be understood as a certain distinctiveness to be granted political authority in democracy. One can say that it cannot be interpreted as genuine distinctiveness. However, there is an assumption that the selected deserve to be respected as qualified representatives and that this is not in conflict with the idea of liberal democracy. It can be understood in the example of the European song contest where the winner by public votes is respected as the best singer.

The second may be closer to the pure concept of better qualification. By this interpretation, the chosen is genuinely likely to be the more competent one amongst the candidates. Or, the winner should be the superior one in role and character as a good representative normatively. It also can be understood in the example of a European song contest where the people hope and at least suppose that the best singer would and should be the winner. According to Fearon's (1999) study of election and the empirical researches that were referred to in his work, modern democracy is not a system to choose anyone but a good type of representative.⁸⁸ It is also supported by the concept of the distinctive principle rather than the resemblance principle in selection of representative (Manin, 1997).

In fact, this idea originates from the very beginning of liberal democracy. According to J.S. Mill, some sort of competence must be linked with graded political rights. While he was a protagonist of universal suffrage including that of women, he was a supporter of weighted votes at the same time. In Mill's view, universal votes and weighted votes are not in conflict with each other. In addition, he was the most important advocate of liberty, whereas he disagreed with the independence of Ireland and India. To Mill, competence and participation are both necessary conditions for good government (Thompson, 1976), and these are still important and plausible conditions of liberal democracy. In sum, while everyone is eligible to have a political right, the right should be distributed in relation to political prudence. In the tradition of utilitarianism, he advocated that everyone is the best guardian of self-interest, but he was also conscious that it was meaningful only when the individuals understood what their interests were

⁸⁸ Mansbridge understands this good type only as an individual character and distinguishes this from descriptive characteristics such as party identification (Mansbridge, 2003, p. 521). However, there seems not enough reason to understand Fearon's conception as so narrow. Most of all, when Fearon suggests the three characteristics of (1) having similar policy preferences to the voter, (2) being honest and principled, and (3) being sufficiently skilled, all these characteristics also can be applied a party identification within individual identification. In modern politics, it is absurd that an individual candidate's character is not connected with her party. Preference, honesty (particularly with policy), and political skill are clearly a virtue of parties in modern politics rather than of separated individual candidates. For this reason, when the thesis refers to the virtue of a representative or the characteristics of a representative, it is a concept that embraces not only personal but also all other factors that can affect the political virtue of a representative.

and what they were doing.⁸⁹ While the 19th century's weighted vote system has been dismissed, the legitimate institution of the House of Lords shows that Mill's ideas are still accepted as plausible in the UK in some senses.

To express it radically, representative democracy takes minority government by nature. It does not mean that there is an inevitable practical character like the 'Iron law of oligarchy'. In contrast, it implies that representative democracy is a system where the concept of competence is coincident with democracy not just in practice but also in principle. As long as the competence is regarded as relevant in the people's mind and belief, competence embedded equality is not in conflict with democratic authority. Therefore, the problem is what is relevant or not.

Here, I am not inclined to argue that certain aristocratic parliament systems should be supported by Confucianism. Instead, I would argue that there are some relevant elements of competence in contemporary democratic systems that allow and even promote the unequal influence of the citizens on public policy. In this understanding of liberal democracy, it may not be justifiable to criticize Confucian thought as anti-democratic only because Confucianism endorses politics by certain good people. If the criticism rests on the equal influence conception, not only Confucianism but also liberal democracy cannot satisfy the condition. This dissatisfaction emerges not just in practice but also in principle.

Therefore, what is to be argued here is that there are relevant reasons with qualification that can be legitimate in democratic participation and these do not violate the principle of equality. The issue of relevance may depend on the form of life and belief-systems which are exclusively radical foundations of legitimacy in each society. That is the way for the British people to recognise the legitimacy of the UK's monarchic system and this recognition is not in conflict with liberal democracy.

In representative democracy, everyone has an equal right to choose, but most are not equal in respect of being chosen. It would be a violation of the democratic principle if there is an inequality of being representative by gender, wealth, or education. They should be dismissed because they are regarded as irrelevant. However, some relevant reasons are still influential and powerful in the selection process. Though it is varied in each society, it may be true that there are almost always some sort of competence that have been considered as a decisive condition for being a representative. In other words, not all but some competent individuals are chosen as representatives and they have enjoyed more ability to influence public policy. Surely this is a distinctive idea from the lottery system of ancient Greece where most male citizens had an

⁸⁹ This is an idea that is consistent with Peter Winch who distinguishes meaningful voting from a behaviour of marking and putting a voting card in a ballot box. See chapter 2 in this thesis.

equal right to serve as a representative. In addition, this competence embed representative democracy denies an idea that more participation means more democracy.

Of course, it does not mean that only distinctive people could deliver a better consequence. Rather, as it is discovered both in Aristotle's ancient argument for mixed government and collective intelligence theory in cyber space (Levy, 1999), participation to a certain degree is essential not just for political equality but also for better decision-making. Participation cannot be excluded in democracy. Yet, what is now problematic is that it is controversial whether participation should be equal in any circumstances regardless of any relevant reasons.

There should be some relevant reasons that legitimately distinguish some arguments and the people who hold the arguments from others in democratic procedure as necessary elements in modern democracy. Even in deliberation in 'equal-saying' condition, the relevance principle should work in order to make a decision by the enlightenment of individuals. If participation is a principle and condition for equality, contestation is for the best decision (Dahl, 1990). This makes democracy good sense for the people. In this sense, according to Pzeworski, modern democracy embraces the contestationist concept of representation as its partner rather than the participationist, and this representative democracy evokes a legitimate political authority in the present world.

In sum, democracy does not need to take a concept of political equality that all members have equal influence in public decision-making to the same degree. In fact, any liberal democracy cannot and would not fully satisfy this principle. Instead, liberal democracy that takes representation as its legitimate form always excludes some people for relevant reasons. There is a principle of disqualification. In addition, some have plainly more chance to participate in decision-making by principle of superior qualification. This superiority has been embraced by both the system and electoral behaviour. However, this competence embedded representative democracy does not conflict with legitimate democratic authority. This can be revealed more clearly in following sections.

5. Representation and Confucian political thought

A. Representation is necessary in legitimate authoritative democracy in the present world and this character enables Confucian political theory to be compatible with democracy

It is often alleged that Confucianism is unsuitable for democracy and democratic

development because it is a set of ideas of the authoritarian and hierarchical. On this authority issue of political representation, there has been a very strong and long term argument for the authoritarian characteristics or nature of Confucianism and it is still influential to the negative view of the compatibility between Confucianism and democracy. In this sense, it is quite important that representation is a legitimate authoritative and hierarchical system justifiable in contemporary democracy theoretically and practically. This has a specific significance particularly in relation to Confucianism. To be sure, this is one of the main reasons that representative democracy can be a key to recall Confucianism as a reasonable application in contemporary politics.

In fact, the misunderstanding of Confucian representation has emerged from the confusion of 'in authority' and 'an authority'. This also can be understood as a confusion of 'authoritative' and 'authoritarian'. Clearly, there is an enormous gap between authoritative representation and authoritarian representation. Confucian thought has frequently been understood as the latter. Not all hierarchical systems are undemocratic or authoritarian. Many, in fact, almost all, governments are hierarchical but they could be legitimate and authoritative not authoritarian. Then, this view provides the ground of an idea that Confucian representation is anti-democratic and may not be acceptable in modern democracy.

However, not only representation but also democracy is an authoritative concept in politics in both principle and practice. Hence, it may be absurd if we reject some traditional ideas which are intimately related to the belief-systems if what Confucian thought rests on is authoritative legitimacy not authoritarian power. In other words, according to the context of the character of the government, it may be unreasonable if someone argues that Confucian idea must be dismissed from modern politics only because of this 'authority' issue.

Clearly modern representation is also an authoritative system to be justified in democracy. In addition, many legitimate democratic representations are also compatible with some hierarchical systems in government in the present world. In that case, the point is that those conceptions of representative democracy are the only legitimate hierarchical systems justified by the people. In other words, representative democracy is merely one of the models of legitimate government depending on the peoples' mind based on each belief-system. Accordingly, if Confucian political thought is consistent with the principles of representative democracy, whether it is authoritative or even partly hierarchical, there would be no reasonable objection.

Some could argue that representative democracy does not allow any hierarchical representation based on social class, wealth, or any other discrimination. It only permits division of roles among the people with equality of state. If this is democratic in principle, traditional Confucian thought is exactly identical to this conception of representation.

Confucians do not mind anything but the virtue of a person for being a qualified representative. Moreover, everyone has an equal chance to be the representative since they have an equal chance to be a sage by the same degree of nature in morality. At this point, what we have to see is that Confucian thinkers regard only relevant elements as standards of qualification for a good representative. In this standpoint, the person holds the very basic and most important virtue of Confucianism, *Renji* (인자:仁者) which can be translated as ‘authoritative person’ (Ames and Rosemont, 1998, p.48; Tan, 2002, p. 170).

Here we need to distinguish carefully ‘equal respect to the all people’ as a democratic principle from ‘equal respect to the people’s ability’ to judge between good and bad. At the same time, equal respect should be distinguished from equal virtue. Estlund makes it clear that

“The view that people are owed equal respect is never meant to deny that people’s ability to judge of good and bad, right and wrong, can be differentially affected by upbringing, education, social environment, and so on. The right to equal respect is said to be owed to people in spite of the differences in capacity for good moral judgment produced by these factors. ... First, an equal capacity for virtue is not equal virtue. Second, ... The knowledge tenet does not apparently conflict with any of the traditional grounds for the thesis of the equality of persons” (Estlund, 2008, p. 33).

Here, knowledge tenet is that some (relatively few) people know those normative standard better than others and Estlund argues that it is very difficult to deny this tenet (Estlund, 2008, p. 30). He calls this characteristics epistemic values in democracy in which democracy acquire authority from the people with the result of better decisions beyond procedural justice. He claims that if democracy bring out worse outcomes than other systems, it may be quite difficult to depend democracy just with procedural justification. Surely, this argument follows an idea of epistemic proceduralism in which democracy could and should better decisions based on better knowledge and epistemic deliberation (Estlund, 2008, pp. 168-179).

There can be another argument that even though the Confucian maxim about the equal chance of human nature for virtue is justifiable in democratic principle in some senses, it is just a doctrine and not so practical. However, if the Confucian idea is not true in practice, it may be the same in modern representative democracy as well. There has always been a gap between the ideal type of representative as a good and competent person and reality as only wealthy, lucky or even corrupted politicians. The point is that it must be true that at least the concept of virtuous representative is not just compatible but also helpful to make present modern representative democracy more fruitful.

In terms of the superiority of the representative, there was a well-known debate between the Federalist and the Anti-federalist in America in the 18th century. The one view is that the

superiors 'tend to be' elected as representatives or there is a long belief that the superiors 'ought to be' elected. Manin calls it 'the principle of distinction'. The other idea is that representation should be a 'true picture' of the people and the Anti-Federalist called it 'the principle of likeness' (Manin, 1997, pp. 94-109).

In effect, if modern democracy accepts distinctiveness as a necessary principle, it may be the same with Confucian idea. If the phenomenon is inevitable in practice, Confucian political thought in which they only focus on virtue rather than anything else would be worth re-introducing in certain political communities where the ideas are familiar with the people for the development of representative democracy.

In conclusion, there is no reasonable evidence which can reject the Confucian representative theory only because it is hierarchical or authoritative. The point is whether the hierarchical or authoritative elements are reasonable or not in reference to the people's mind. In a radical view representation as political system is anti-democratic by nature in a sense that it does not embrace equal participation of all the members of a community in decision-making procedure. In addition, there are some qualifications of representatives. In this sense, modern representative democracy is neither desirable nor democratic system in terms of democratic principles. Instead, to be precise, it can be said that representative democracy is a reasonable and legitimate system in spite of its non-democratic principles. Therefore, in modern politics, the authoritative character of Confucianism itself may not be a crucial obstacle in compatibility with democracy if it is regarded as reasonable and acceptable in legitimacy.

B. 'Why representative democracy?' in the study of democracy and legitimacy in the Non West

Representation seems one of the most suitable and reasonable means of analysis in study of legitimacy in the Non West. While other ideologies such as liberalism, republicanism, or even democracy is not developed in many non-western countries, representation is a concept which is familiar to people of the non-western countries not just in modern political practice but also in indigenous traditional culture. Particularly, representation as a political concept is the most crucial in East Asian political culture. It implies that representation is one of the most neutral means of analysis of legitimacy theory in Confucian East Asia. This research aims to contribute to contemporary Korean politics or Confucian East Asian politics rather than political theory in general. In this limited challenge, representation is a concept that has a particular merit to study of legitimacy and democracy in newly born countries where democracy has been imported with representative institutions simultaneously. In this procedure of transplant, there has not been much support based on an ideological understanding of

democracy like in the West or resistance against representative system on account of its anti-democratic nature. In addition, representation is a system which has been indwelled in the traditional political thought already.

In Korea, there has not been a long tradition of modern liberalism or democracy. Even before most people in this country recognized and understood what democracy really meant, the western political systems have been established by political aliens, the western states. At that time, there had only been abstract conceptions about the western understanding of rights, liberty, equality, and political participation. After the state building, like many other developing countries born in the 20th century, the goal of liberal and democratic movements under authoritarian regimes has been just fair elections. In those countries, democratization, liberalization and protection of human rights have meant no more than fair elections. The people have understood those political values through representation. In the West, such values as liberty and equality have become the foundation of representative constitutions by the means of fair elections. In contrast, in many non-western countries such as South Korea, the system of representation has embraced the ideas of liberty, equality, and human rights. It does not mean that those values have not been written in the constitution and contained in laws. Rather it shows that those written values and rights have no meaning without fair elections and legitimate representation. While the issue in the West was unwritten rights, in the Non West these were written but meaningless. Therefore, it can be said, while the West has developed representation on the basis of liberalism and democracy, the rest has to adopt liberalism and democracy on the basis of representation. Hence, representation is not only specific and pragmatic but also clearly fundamental issue in modern democracy if we consider it not just in western developed countries but also in all non-western underdeveloped and developing countries. In this sense, it is also a pragmatic and familiar subject for non-western people to understand politics in their countries.⁹⁰

In addition, representation is not such a modern alien concept to the Korean people like many other non-western countries'. In the influence of Confucian political thought, there have been representative political ideas such as the mandate of Heaven and the mandate of the people. The rulers and officials in general have been regarded as agents or trustees of Heaven and whether they are genuine or not depends on the judgment of the people. If the ruler is not deemed as a representative of Heaven, they could be replaced or must be removed. In this sense, representation was not a strange political idea to the Korean people when it is introduced with

⁹⁰ Many theorists have defined representative democracy within liberal democracy or they have understood the two concepts as equivalent. For example, Saward says that "it [representative democracy] overlaps closely with liberal democracy; indeed, some would see these as interchangeable labels" (Saward, 2003, p. 150). Though it is hard to argue that this kind of understanding is inappropriate, it is worth noting that in many non-western countries those two concepts could not or should not be identical in both principle and practice.

democracy. Or it may also be possible that the people easily understand and accept democracy thanks to the representative system. In this sense, representation seems to be an appropriate concept to study democracy in relation to culture in Confucian East Asia.

C. Summary

There are four particular reasons for study of representation in this research. First, representative democracy is the conceptual meeting point of different democracies. Second, while democracy pursues equality, representation is naturally authoritative and hierarchical system. Yet it is also deemed as legitimate in modern democracy. For this reason, representation opens the door for Confucian political thought to be adopted in modern politics insofar as it is compatible with democracy. Third, the concept of representation has been broadly used as one of the most important and common standards in evaluation of democracy in modern politics. This neutrality or fairness of judgment of democratic legitimacy through the concept of representation has a specific advantage in studying political legitimacy in relation to cultural diversity. Finally, since representation is a familiar and neutral concept rather than other ideologies in the non-western countries which have borrowed democracy with representation at the same time, it is suitable for study of East Asian politics and its relationship with legitimacy, democracy and traditional thoughts, particularly in Korea.⁹¹

6. Confucianism and Democracy

A. Two approaches to the relationship between Confucianism and democracy: 'Confucian democracy model' and 'Confucian citizenship model'

In the recent period, particularly since the Asian value debate, there have been two different approaches in the study of pro-democratic Confucian virtue.

The first strategy is to argue that there is a certain Confucian type of democracy which is distinctive from a general understanding of democracy. For example, Bell (1995) argues that

⁹¹ One finally reason can be added. Fortunately, the researcher of this research has a privilege to study representation in particular in Confucian East Asia. The researcher has practical experience of representation. I have working experience as a legislative assistance and speech writer for members of Korean National Assembly for five years. During the period, there have been fruitful opportunities to work together, observe, and communicate with MPs, and it caused me to think and doubt about the relationship between representation in democracy and culture. And, the questions and curiosity have been converged to the role of representative and the qualified virtue for it.

meritocracy is a modern Asian [Chinese] type of democratic system and it is an alternative to the western type of democracy. This view can be called the ‘Confucian democracy model’. The claims contained in this approach can be classified into two. First, some argue that Confucian democracy is a different type of democracy from western liberal democracy. Second, it is claimed more radically that the Confucian idea of government is a superior political organization to democracy. These theories had been the main stream of Confucian study in the 1990s in the Asian value debate. However, this approach often has been criticized in that it does not overcome the anti-democratic element which is inherent in Confucianism. In particular, there is no or not enough room for the participation of the people in the concept of Meritocracy. Therefore, such an approach seems closer to authoritarian than to democratic government.

The second approach focuses on the Confucian emphasis on the cultivation of the people. While the general understanding of Confucianism is that it highlights the personal cultivation mainly of the ruling class, the arguments based on this approach claim that in modern democracy there is no reason to consider such self-cultivation merely within the narrow conception of the pre-modern period. In fact, earlier Confucians such as Confucius and Mencius did not exclude common people as the subject and object of cultivation. Though Confucius did not clearly mention about human nature, he firmly held that everyone could be cultivated by education. In practice, there was absolutely no discrimination in recruiting and teaching in Confucius school. Mencius argued more explicitly that everyone has a good immanent nature saying that “there is not man who is not good” (*Mencius*, 6A: 2). He also declared that there was no difference of degree of the good nature in an answer “how should I be different from other people? [The legendary kings] Yao and Shun were the same as other people” (*Mencius*, 4B: 32).⁹² According to this view of Mencius, all people have same potentiality of self-cultivation. The reason why this similar degree of immanent nature to be a good man is that it implies that the people also have a similar chance to be a ruler and officials as a representative of others. In this sense, equality in moral and intellectual ability embraces the possibility of equal governmental capacity in each person.⁹³

In modern democracy, the subjects of government are in principle the people. Hence, the discipline of cultivation should be extended to the people at large in modern democracy. In this light, modern theorists construct a concept of Confucian civility (Kim, 2013) or moral community by education (Tan, 2012) in which democratic citizenship inspired by Confucian cultivation is regarded as decisive factors in the political decision-making procedure. Let us

⁹² Of the Mencius view of human nature, see Irene Bloom (2002)’s ‘Mengzian Arguments on Human Nature’.

⁹³ Compared to the Rousseau’s account of human equality in a sense that even the weakest person can kill the strongest person in state of nature in *Discourse on the Origin and Basis of Inequality Among Men*, this Confucian basis of equality seem to be far more civilised, reasonable, and democratic understanding of human nature. In fact, the Confucian account was more than 1,500 years ahead of Rousseau’s.

call this approach the ‘Confucian citizenship model’ in democracy. This is an approach that is conscious of the criticism that Confucianism is too authoritarian or hierarchical to be compatible with democracy. This citizenship model does not deny this allegation of Confucianism that there are anti-democratic elements. Yet it claims that there are also some pro-democratic elements applicable in modern democracy.

In sum, the first, Confucian democracy model suggests an alternative to western liberal democracy. The question is whether the elitist principles of the model are compatible with modern democracy. It is because the Confucian democracy conception seems not coincident with the very basic principle of democracy, equality. For this reason, Bell’s concept of ‘Meritocracy’ can be understood both as a different model of democracy on the one hand, and as a better system on the other hand. The second, Confucian citizenship model seems a safer and more rational strategy in a sense that it does not challenge the allegation about the authoritarian character of Confucianism. Yet, it is sure that this citizenship model does not claim that there is compatibility between Confucian representation and modern democracy in theory.

B. The third way: the Confucian reinterpretation of democracy

This research suggests the third way of Confucian reinterpretation of democracy between the two previous approaches for at least two reasons. First, the compatibility between Confucianism and democracy should and could be verified as reasonable according to the understandings of democracy. Second, Confucian reinterpretation does not need to limit itself to some narrow conceptions of democracy such as citizenship or some specific understandings of democracy like a moral ideal community.

Since the Asian value debate, there is a dominant methodology that many theorists who have been interested in linking Confucianism and democracy in modern politics have taken. They have tried to alter the definitions of the concepts or to reconstruct the concepts. For example, Tan says that “Confucian democracy requires not only reconstruction of Confucianism. It also requires the reconstruction of democracy.” (Tan, 2003, p. 9) Surely, this reconstruction method may be a radical approach of study about political theory and culture. There is no reason to restrain this creative way and it may work when the reconstruction is entitled to recognition by the scholars of the academic realm.

However, in interpretations of Confucianism the two main streams may go too far from democracy or from Confucianism. While the former seems to fall into the danger of being anti-democratic, the latter may not need Confucian reflection in its own theory. This result originates in the fact that the former only focuses on the difference of space and culture between the East and the West, and the later concentrates on the alteration of time and context between ancient

Chinese monarchy and modern democracy. Yet, in order for interpretation to be reasonable in the relationship between Confucianism and democracy, the approach should take both factors of time and space. And this thesis will do so.

In contrast to the two previous main methods, this thesis will take a confrontational way. It does not challenge general democratic theory nor raise an argument for the reconstruction of Confucianism. It does not attempt to alter the foundation of both the concepts of Confucianism and democracy. It does not dare to name some new ideas or concepts such as Confucian democracy, meritocracy, or Confucian citizenship education.

Instead, it only tries to look at the relationship between Confucian thought and contemporary democracy theory more deeply. It aims to apply Confucian representation ideas to modern democratic development within the present interpretations. This research is standing at a position that the authoritative character of Confucianism cannot be alienated from its original idea. Likewise, this thesis also argues that there are essentially authoritative and hierarchical elements in modern representative democracy not just in practice but also in principle. From these existing interpretations, this thesis aims to propose a reasonable meeting point for Confucianism and democracy by reinterpretation not reconstruction.

In this light, this thesis will argue that representation is a necessary form of legitimate democracy in contemporary politics and there are some fruitful elements that can be inspired and developed from Confucian traditions. According to a theory of modern representative democracy, modern democracy is a system in which voters select not anyone but good type of persons as representatives (Fearon, 1999). In this view of modern representative government, there are some meritocratic elements which are consistent with democratic principles regarded as reasonable.

Virtue-based Confucian authority is consistent with the concept of a good type of representative and it is not in conflict with democratic political equality. Political equality does not just mean equal influence but also reasonable competition and exclusion in deliberation. In other words, in representative democracy, the concept of the good type of representative is understood as a relevant competence that allows certain persons to take part in decision-making procedures legitimately. Thus, Confucian reinterpretation is consistent with political equality in representative democracy.

Here, the final issue seems whether Confucian reinterpretation conflicts with liberty. It is because there is a traditional western anxiety that the virtue or competence based Confucian authority suppresses the freedom of expression. If there is not enough liberty of expression, this Confucian reinterpretation must be inconsistent with modern representative democracy and equality as well in reference to legitimacy. However, it seems not so.

At least, there are three ways in which individual freedoms would be guaranteed in

Confucian regime. First, as long as self-cultivation in practical ways of education is the main means and goal of Confucianism, free debate and deliberation is necessary for the people in Confucianism. Second, without free speech, the Confucian ruler cannot recruit good representatives and cannot get good advices from the representatives. Before the national examination which is known well as the main means of selection of officials in Confucian world, and still in principle after the institution of examination, recommendation had been the important way of picking up officials. Free speech must be the very basic foundation of this system of recruitment of officials, and without liberty of expression, the ideal of cooperative government by a good ruler and good Confucian officials may be impossible. Third, most fundamentally, in Confucianism there is an idea that equal respect to all the people which is surely distinctive from equal respect to all the people's ability. This basic equal respect to all the people must be the ground of equal respect of individual freedom in modern liberal democracy and this is also distinctive from the recognition of the difference of the people's ability. At this moment, in Confucian reinterpretation of representative theory, it seems hard to find out reasonable ways to deny the compatibility with the notion of liberal democracy.

In sum, the assumption of this thesis is that good type of representative is a conception that is coincident with both Confucian thought and modern democracy. In this understanding of representation, Confucianism, democracy, political authority and equality meet each other in relevant principles. This 'relevance' principle operates legitimately in democratic decision-making procedure. The contents of competence consist of the substance of legitimacy in each society, and it is virtue in Confucian tradition. If the concept of virtue is interpreted as a relevant reason in democratic deliberation, there will be no reasons to refuse Confucian political thought as a good foundation for the development of representative democracy in some societies.

7. Democracy, mandate and Confucian mandate

A. Confucian mandate theory: 'Mandate of Heaven'

In the belief-system of Confucianism, ancient Confucians declared that the right to govern is granted by the 'Mandate of Heaven'.⁹⁴ This maxim was interpreted by Mencius that the

⁹⁴ In this research, the term 'Heaven' that begins with a capital letter denotes a specific concept of *Tian* (天) in the context of Confucianism and it is distinguished from the general meaning of heaven in English. One dominant reference book about the main terms of Chinese philosophy explains that "it should be noted that it is never as stark as the Western opposition between a transcendent God and a purely scientific view of sky. ... It comprises two aspects; on one hand it is an objective infinite reality, the 'sky'; on the other it is 'God,' or the supreme concept (Dainian, 2002, pp. 3-4, Ames and Rosemont, 1998, pp. 46-48).

Mandate of Heaven the means mandate of people because Heaven hears only from the people.⁹⁵

When Confucius says that legitimate political power is based on the Mandate of Heaven, the political power became a divine authority because it is granted from Heaven. It made political authority as the binding power in a relationship between Heaven, the ruler, and the people. In the context of divine power, this authority is not just political but also moral concept. It means that the presence of a physical or material source of force does not fully satisfy the requirement of the Mandate of Heaven.

Of course, there have been many divine authorities that have been deemed as granted from a super-human power like Heaven or nature. However, one distinctive point is that the Confucian concept of political power based on the Mandate of Heaven is conditional not absolute in contrast that many other divine authorities have argued so. The government by the Mandate of Heaven is a limited government.

Governments have some definite conditions in relation to the people as long as Heaven hears from the people. If the people do not want to support a regime any longer, the mandate will be dismissed because Heaven, the subject of the mandate hears from the people. In this sense, Confucian political power is divine but also conditional. For this reason, Heaven is an object of both respect and fear to the ruler, the representative of Heaven and the people. For the same reason, revolutions in East Asia always have been led by the name of the Mandate of Heaven from the very beginning of Chinese history of government to the Dong-hak movement,⁹⁶ the last peasant rebellion in the late 19th century in Korea.

Of course, this concept of the Mandate of Heaven did not exist in the same way before democracy. There may be few people who regard the Mandate of Heaven as the ground of legitimacy of the present government in South Korea. As it clearly appeared in the first chapter of the National Constitution, sovereignty is given to the people not to Heaven.

However, still most politicians of South Korean are happy to quote Mencius words, 'mind of Heaven is mind of the people' in electoral campaigns. Particularly the opposite parties enjoy this mandate concept advocating regime change against the government party. It is because when the phrase is expressed it immediately reminds the people of a concept of limited government. At this stage, Heaven is not regarded as a holy or divine subject but a metaphor of the absolute source of political legitimacy in representative democracy.

In this sense, it is a theory of government that has a practical function to awake the people by an idea that the government is always conditional due to the concept of mandate. It had been

⁹⁵ The study of the concept of the 'Mandate of Heaven' will be discussed in earnest in the next chapter. Here, the Confucian mandate will be simply introduced in the relationship only with the political representation.

⁹⁶ This peasant revolution was already introduced in Kim Daejung's article which was against to Lee Kwan Yew's argument in the first chapter. The leaders of this revolutionary movement argued radically that "man is heaven."

conditional even in the monarchical system by the concept of the Mandate of Heaven. The idea that Heaven only hears the voice of the people consists of the practicality of the concept of the Mandate of Heaven as a basis of limited government in a representative system. Therefore, it can be said that the idea of limited representative government based on the Mandate of Heaven has become a form of life in political practices in Confucian East Asia.

B. Democratic mandate and Confucian mandate

Since the Middle Ages, the core idea of modern democratic representation has been developed from symbolic to substantive representation. Not just the 'standing for' but also the 'acting for' concept has become a necessary condition for genuine representation between the relationship of the representative and the represented.

The concept of mandate has been the foundation of representative government and this representative government becomes the basis of most theories of limited government in modern democracy. Every government is limited under the will of the people under democratic system. The greatness of democracy is that it binds the rule of government by the people and this binding force originates from the concept of mandate. In this sense, the concepts of accountability and responsibility are also not the core of democracy; rather those concepts emerge from the relationship between political leaders and the people. It was representation that brought out the idea of conditional government between the representative and the represented.

It may be undoubtedly true that democracy has had the function of expanding the category of who is eligible to be represented or who has the right to vote in the perspective of representation. In fact, in principle, democracy means participation of all demos in the political decision-making procedure. Certainly, however, that kind of participation has rarely occurred or in fact has been replaced by indirect participation by election where the demos only can be candidates or voters. In addition, even in elections, though no one should be denied an opportunity to be a representative in principle, in many cases, the chance to win the election has been restricted to some distinctive talented, educated or mainly good background originated people. In this sense, it can be said that modern representative democracy is surely a system 'of the people' but not 'by the people'. It is rule by public opinion but not rule by the public. It is operated by open competition not by lot or rotation.

If so, is modern representative democracy not democratic? Is it totally a manipulation that people believe the electoral system is democratic? It seems not so. Modern representative democracy does not dismiss the essence of democracy, insofar as democracy is a system of good procedure to make good collective decision. In other words, if democracy is a means to

deliver good decisions rather than any decisions by participation, the representation procedure can be justified as long as it contributes to the goal by competition.

Dahl makes this view understood by arguing that “democracy means rule by public opinion” (Dahl, 1990, p. 370). In representative democracy, contestation is inevitable. Yet for making meaningful the rule by public opinion, the contestation should be open participation (Dahl, 1971). In order for contestation for to be open participation, political equality must be the fundamental condition (Dahl, 2006). In sum, this understanding of democracy is supported by contestation in participation. And this is the principle of representative democracy. On this basis, between the ruling and the public opinion, it appears a concept of mandate which has two main functions; first it grants authoritative power to rule to other(s), second, it binds the yield of the power in the sense of limited government.

One distinctive point we should note here is that this public opinion is not such a thing raw. According to Estlund (2008) and Dahl (1990), the public opinions should be the best for the people and that is the goal of democracy. When the Utilitarians argue that the individual is the best guardian of self-interest, they are suggesting that the goal of the principle of self-control is to achieve good decision. Self-control is not the goal itself. If we accept the view of Estlund, Dahl, and Utilitarians, epistemic understanding of democracy and the procedure of enlightenment are necessary for representative democracy. Surely this democracy is compatible with equality insofar as the contestation is only involved with the relevant requirement of representative. On this epistemic conception, democracy is a political contestation on the broad basis of the representation of interests or opinions of the citizens. By this, democracy embraces representation as a legitimate authoritative system.

Yet, how can this epistemic conception of democracy or rule by public opinion be meaningfully understood as democracy? How could this system be equivalent with by the people in principle? What makes representation into democracy? It is responsiveness in which representation becomes democratic in the content of law and politics. Where accountability does or need not work, responsiveness is required. If political representatives are not responsive to the constituents, it cannot be called democratic representation (Weale, 2007, pp. 131-144). Whether the representation is substantive or descriptive, or standing for or acting for, the fact would not be changed that the representatives is responsible to the represented. This concept of responsiveness defines the relationship between representation and democracy in legitimacy through the relationship between the representative and the represented. In this sense, representative democracy can be called democratic.

In the West, social contract theories provided the idea of limited government by mandate. Of political mandate and its ground, before the social contract theory, there was a theory in the Confucian East, the Mandate of Heaven. Confucianism surely does not develop the democratic

idea as participation of all the people in daily politics. It does not enhance a representative idea to the level of election by the people.⁹⁷ Since Confucianism does not invent democracy in itself, it might be quite difficult to confirm that there are some elements of ‘by the people’.

Yet, it is a reasonable argument that there are some solid basements of ‘of the people’ in the interpretation of Mandate of Mencius, ‘the Mandate of Heaven is the mandate of people.’ One clear point of Confucian representation is its emphasis on ‘for the people’. There is a clear responsiveness for being a genuine representative in relationship to the represented. Confucian representation theory pursues two main political goals, the welfare and cultivation of the people. The first is the pre-condition of the second. For the welfare of the people, hearing the people is necessary for recognition of the needs of the people. This hearing has three functions; reflection of the needs and opinions from the people, the procedure of selection of officials by recommendation, and the positive cooperation of the people in achievement of the welfare. Therefore, Confucian political theory must be rooted in legitimate representation in both concepts; standing for and acting for. Confucian representation is not just comprehended as the combination of ‘standing for’ and ‘acting for’ but also responsiveness in relationship between the representative and the represented. Insofar as the responsiveness accounts to hearing the people, respecting the people’s interest, and reflecting the people’s will, Confucian representation is a system operated by public opinion. In this sense, though Confucian representation does not bear equal participation in political decision making, it does not seem to be conflict with the principles of modern representative democracy.

Another issue is the character of the representatives in Confucian representation. Confucian representative theory seems to suppose the principle of ‘by some qualified people.’ Now the problematic point is not this principle itself but how the qualification is only relevant to the position of representative in reference to modern representative democracy. If the Confucian representatives are technocrats in an elitist perspective in which the representative does not need to reflect the will of the people or should present his own judgment without considering the people’s mind, it may be hard to call it democratic. However, the very basic principle of the Confucian mandate is hearing the voice of the people. Even for the welfare and ultimately cultivation of the people, mutual cooperation is necessary. Though the goal of the Confucian mandate is clear as the best decision for the people, Confucian responsiveness is almost always not independent of the people’s perspective. Therefore, the issue is on the fairness or equality of the contestation procedure where other invalid factors which are not acceptable as reasonable in reference to political competence are excluded. And, hitherto, there seems no clear evidence

⁹⁷ Though, here, I do not argue that there has been that kind of idea like election by the people in Confucianism, in a later chapter, an example of idea of election from the very ground to emperor will be drawn in Jeong Yakyoung’s understanding of representation as a recruitment procedure from the bottom to top.

of anti-democratic elements which are impossible to be compatible with representative democracy in the mandate theory of Confucius and Mencius.

There have been many arguments against the Confucian concept of mandate in the sense that the concept is not consistent with democracy because it seems authoritarian and hierarchical though it is comparable to representative theory in some senses. However, not just in the East but also in the West, there is a strong tradition of an anti-populist understanding of democracy. If we understand democracy that is fulfilled with not just procedure of broad or equal participation but also reasonable consequences, then there seems a room for legitimate representation consistent with democracy. In fact, this is the actual democracy where we live out daily life. According to this view, the fact that Confucian representation does not allow participation of people who are not cultivated enough is not simply incompatible with democracy as long as the mandate is conditional depends on the mind of the people. In this case, we can say that Confucian representation stands on a legitimate authority and in this context this representation is authoritative rather than authoritarian. Not all the authoritative power is authoritarian. And Confucian representation is in a legitimate authority insofar as there is an idea of conditional government by mandate.

8. Democracy and Virtue

A. Two conceptions of democracy

In previous sections, democracy has been examined with the relationship between political authority and equality. Then, it was provisionally concluded that legitimate political authority is based on a decision-making procedure by equal participation in democracy. Yet, the equal participation does not exclude the interference by some relevant reasons, and this is not in conflict with democratic authority.

By this classification of the relationship between political authority and equality, the concept of democracy is understood with two contrasting views; the populist and the meritocratic. In representative democracy, these populist and meritocratic views have reasonable versions in terms of the character of the representative, namely mirror concept and distinctive concept.

On the one hand, some say that the representative should be a mirror of the represented and the requirement from the representatives is similarity with the represented. This is basically an

argument that is inspired by the equal influence conception of democracy.⁹⁸ The mirror concept of the representative is the only way to realize the equal influence of the individuals in representation. In other words, the mirror concept is a virtual version of the equal influence conception. In this mirror concept, there is no room for the virtue and this is a non-meritocratic conception of representation. This view seems to be in conformity with the democratic principle.

Surely, this non-meritocratic conception of democracy has an affinity with the pure concept of democracy that is generally understood as government by ‘demos.’ In this conception, the representative body is a minimalized body of the represented. The only difference is the size and there is no substantive alteration. Hence, legislative power should be given only to the descriptive representative body. In addition, many complementary means of direct democracy such as referendums and petitions are preferred to representative decision-making. Broader deliberation in the public sphere and Dahl’s ‘Mini-populus’ also can be the solutions to cover the weak points of representative democracy. In this sense, this can be defined as a reasonable version of the populist view of democracy in the representative system. We can call this view the ‘equality primary conception’ of representative democracy.

On the other hand, there is a view of that representatives must be a sort of competent agent. In both the principle and practice of modern representative democracy, this argument seems more realistic. In the history of modern politics, in general, the candidates have been required to have a certain distinctiveness from the constituency. This competence based representative democracy necessarily involves the differentiation of the role and character of individuals in the political decision-making procedure. In this conception of democracy, not all the people have same degree of influence on public affairs. If some are regarded as more proper agents with some specific issues by legitimate mandate, they may be engaged more decisively in the decision-making procedure. The selection can be varied not just by elections but by many other relevant considerations. These considerations do not contain only gender, race and religion but also education levels, examinations, reputation and numerous justifiable factors. Yet, clearly it is true that there is less room for ordinary people to participate in the political decision-making procedure than the equality based conception of democracy. For this reason, this democracy can be defined as a reasonable version of meritocratic conception of democracy in the modern representative system. It can be called the ‘competence primary conception’ of modern representative democracy.

In sum, there are two types of variety in understanding of representative democracy. In the equality primary conception of representative democracy, the representative should be the

⁹⁸ It is distinctive from the Przeworskian participationist democracy because this equal influence view emphasizes ‘equality’ rather than ‘participation.’

miniature of the whole represented. At least, it is supposed so and some complementary means elaborate the system. In this conception of democracy, while few rule in fact, it is regarded that there is no difference to rule by all. In contrast, in the competence primary conception of democracy, the representatives are required to have some specific competence from the represented. In this conception, they must be competent actors for the represented. In other words, if the populist and equality primary conception of democracy is a system where the democratic principle is dominant over representation, the meritocratic and competence primary conception embraces a representation leading form of democracy.

Certainly, in these two views, the competence primary conception of democracy seems to consist of the most general form of legitimate government in modern politics. Also, in this system, some relevant social authority meets the democratic principle of political equality without conceptual contradiction. It is because the representatives are required a certain virtue and not all the people held those virtues.

In conclusion, most democracies accommodate legitimate democratic political authority as its necessary condition. While it is undoubtedly often argued that any factors that can affect equal influence must be alienated in democracy, only irrelevant elements have been dismissed not just in practice and but also by principle. Relevant aspects such as competence are still legitimately influential in democratic decision-making procedures. This character of modern democracy is found plainly in the competence based conception of representative democracy. In this conception, the representative is required to have some virtues by the principle of distinctiveness.

B. Relevant element of competence in Confucianism: 'Virtue'

What I am concerned about in this thesis is not what Confucius actually said in his period. The point of this research is what Confucius and Mencius would say about contemporary representative democracy in the context of their ideas. This is an argument both for Confucian democracy and a Confucian reinterpretation of liberal democracy.

Certainly, there is a methodological issue about this reinterpretation particularly with the Skinnerian view. According to the Skinnerian school, every idea of thinkers can only be, and should be, understood in the historical context, and others only evoke distortion of the ideas. However, as I present the set of methods of this thesis in chapter 2, there are many doubts whether Skinner himself could afford to realize his method in his own research. In addition, even though the Skinnerian view is a reasonable argument for the interpretation of political theories, there seems no consensus amongst the political theorists who are the best qualified to judge that the Skinnerian view is the only reasonable method.

As seen in reputation, the Skinnerian view is a dominant method in understanding political ideas as realistic in an historical context. However, as it can be said that no one has absolute intellectual ownership of certain idea, radically, there may be no ideas which are exclusively independent. If there is a reasonable influence from other ideas, whether some ideas can be called an '-ism' or termed as '-rian' may depend on the judgment of the relevant people. Likewise, as the Skinnerian view is regarded as a reasonable method in the research of political theory, some other methods can be nominated for another reasonable one only if it satisfies some basic conditions for judgment.

This thesis does not aim to explain why and how Confucius and Mencius said something. Instead, this research aims to suggest some possible and reasonable ideas that are compatible with liberal democracy in their positions. This is not an argument against a Skinnerian but a study beyond that. In other words, this study is based on the interpretation of the ancient text in its historical context which, then, aims to apply the interpretation to the present world. If it is not a reasonable method in research or one that should be rejected, it seems hard to say which political theory is meaningful in the present day.

In this methodological foundation, this thesis concerns the legitimacy of present representative democracy in a Confucian context. First, it is clear that irrelevant elements should be set aside from their influence on political equality. Neither Confucius or democratic theory will allow any irrelevant social inequality to be embedded in politics. It is not only because the embedment is a violation of political equality but also because it interrupts the possibility of good decisions. This interference cannot be justified in either procedure or consequence. Only some relevant aspects can be acceptable in both Confucian tradition and democratic principles.

Second, it is necessary to examine whether some particular Confucian principles are consistent with democratic principles. One important essence of Confucian political thoughts is that all people have a similar human nature to be a sage by self-cultivation but only well-cultivated people are qualified to participate in political decision-making. While the former supposes an equal chance to be a good citizen, the latter does not seem so democratic regarding its limit of participation.

Now the problem is what the content of cultivation is and how it is relevant. First, it is obvious that Confucian cultivation is exclusively concerned with virtue. In a radical sense, an illiterate farmer could be the Son of Heaven if only he is the most virtuous person. Of course, it may be more reliable that the virtuous person has proper and practical competence in many areas of government because the virtue is based on practical wisdom through daily life not by academic education. Confucius and Mencius do not deny that in most cases education is the necessary way of self-cultivation. Yet that education does not necessarily require literacy. They

were interested in “how to make one’s way in life, not in discovering the truth” (Ames and Rosemont, 1998, p. 5). Confucius himself learnt *Li* [rites] by question and answer with the people, and one of the disciples of Confucius said that that education can be possible not only by reading but also by watching the teacher’s behaviour and its practices.

In conclusion, democracy is a system where not all claims should be equally influential on the decision but where all claims should be put on the table as equal. Once, the claims are set on the table, only some reasonable claims could be and should be reflected through decision-making procedures. In these procedures, not all the claims can be treated as equal. This is because the authority and legitimacy of decision-making depends on not only procedural justice but also the justifiability of the consequences.

In modern representation, democratic authority necessarily demands competence and the competence is understood as relevant. This recognition procedure of relevance is confirmed by belief-systems in each society. As long as Confucian representative theory which is rooted in virtue consists of belief-system in East Asia more or less and it is recognised as relevant, Confucian political thought does not seem to be conflict with modern representative democracy. In addition, there is no doubt that this understanding will be fruitful for the development of representative democracy in Confucian East Asia.

9. Conclusion

In modern politics, it is impossible talking about legitimacy without representation. Political legitimacy demands a certain necessary relationship between the ruler and the ruled. In this relationship, the ruled and the ruled are conceptually altered into the representative and the represented in modern representative democracy. For this relationship, thinking of democracy without representation is difficult in modern politics. The democratic relationship between the ruler and the ruled has become an essential condition for legitimate representation since modern democratic revolutions. Without representation, the government cannot be legitimate. In other words, representation is almost the only form of legitimate government in modern politics.

In the West, since the Middle Ages, the concept of representation has acquired the meaning of ‘act on behalf of some other(s).’ This concept of representation has become a core idea of government where the relationship between the representative and the represented has occupied much of the legitimation. In the modern period, there have been some ideas that aim to destroy the distinction of the ruler and ruled or at least to overturn the positions. In addition, in practice, many revolutionary events inspired by the French and Russia revolutions certainly aimed to achieve this

kind of destruction and transformation in the name of democracy.⁹⁹ Nevertheless, democracy could not exclude the relationship of legitimacy and representation. Instead, the history of modern democracy has made a reasonable harmony of them. This is not a reluctant compromise but a normative agreement that induced representative democracy.

In the concept of representation, mandate provides the basement for a specific authorization in a concept of limited government. The concept of mandate is defined as certain human activities by which some people are granted power to govern others by reference to a belief-system. And this is the point where the Confucian concept of the 'Mandate of Heaven' and the western mandatory theory meet each other. While western representation has developed from 'the symbolic' to 'the substantive' and from 'standing for' to 'acting for', the Confucian mandate combined both conceptions from the very beginning.

In effect, the necessary conditions of representation, standing for and acting for are embraced in both modern democracy and Confucian thought. The concept of mandate as the foundation of representation is common to both theories. That specific authorization procedure evokes a normative sense of legitimacy and provides the idea of limited government. This principle of limited government is the core of democratic legitimacy in modern representative democracy.

In addition, both the representative theory of the West and Confucianism are consistent with an epistemic concept of democracy through harmonization of contestation and participation. This combination needs some qualifications of representatives and it has to be revealed in performance and virtue. Though it seems to be in conflict with democracy in the equal influence conception, it is not so with the competence embedded conception of democracy. In representative democracy there are relevant reasons by that some disqualified opinions can be excluded in decision-making procedure. In this sense, the principle of the Confucian view of a qualified representative is consistent with democracy insofar as democracy is rule by public opinion not merely rule by the people. Democracy based on enlightened understanding and epistemic democracy also endorses both a distinctive concept of representative and an equal chance to participate. In representative democracy, this view is consistent with the concept of good type of representative as long as modern representative democracy is not a system that selects anyone but other than good people as representatives in both principle and practice. The concept of a distinctive qualification of the representative can be discovered in both Ancient Confucian thought and modern democracy.

At this moment, we are faced with the naked features of modern democracy not merely with representation but also the notions of legitimacy, limited government and mandate. If only there are relevant reasons, equal influence or equal participation legitimately can give the way to the some other conception of democracy. In addition, at this moment, the concept of democracy itself

⁹⁹ The English and the American revolutions are surely exceptions to this stream.

becomes controversial. In other words, democracy needs to be scrutinised only with other foundational or derivative notions. One clear thing is that the notions should not be western original ideas, rather in comparative studies some neutral concepts need to be applied first.

What I am inclined to say here is not that present representation is unreasonable, irrational, or invalid in terms of democratic principles. Instead, I am arguing that representative democracy is a complex entity of convention, custom, and contingency especially in its nature where mixed principles co-exist. As we have seen before in dealing with legitimacy, representation is a concept in which one common framework accommodates different meaningful and legitimate contents based on each belief-system, the form of life.

Yet the complexity, diversity, and wide spectrum of concepts of representation do not mean obscurity. As Pitkin says, “representation does have an identifiable meaning, applied in different but controlled and discoverable ways in different contexts. It is not a vague and shifting, but a single, highly complex concept that has not changed much in its basic meaning since the seventeenth century” (Pitkin, 1967, p. 8). The representative stands for and acts for the people.

In legitimacy, there is a necessary relationship between the ruler and the ruled. Yet, the sources, ways of operation, and substantive values involved in the relationship are exclusively dependent on each belief-system which is consistent with practices based on indigenous political culture. There seems a similar analogy in representation. Representation can be legitimate when it is based on an appropriate binding relationship between the representative and the represented. This kind of relationship should be recognized as reasonable amongst enough numbers of the community. It has not been changed even in the period when representation has been in conformity with democracy.

Now, this is the time to turn the focus on whether the idea would be applied to East Asian history and thought.

Ch5. Political Legitimacy of Mandate of Heaven

1. Introduction

My research started from the conceptual analysis of political legitimacy. In previous chapters, I have claimed that South Korea does not have to rely on ‘borrowed legitimacy’ from the West insofar as political legitimacy should be founded fundamentally on practice and custom. Instead, this research argues that the traditional political thoughts of Confucianism could provide fruitful ideas of representative democracy which are consistent with democratic theory, particularly with an epistemic conception.

As I have examined the essence of political legitimacy in contemporary politics in this thesis, representative democracy appears the most common and actually the only political system where democratic legitimacy has to be achieved. If we consider both the practical feature and normative principle of present day politics, it seems true that representation shapes democracy. It does not only mean that the representative system determines the features of democracy but also that different representative institutions could change the substantive part of democracy.

In terms of legitimacy, I have discussed the constant tensions between representation and democracy in modern politics, particularly focusing on the role and virtue of representatives. There have been long lasting conflicts about principles of distinctiveness and resemblance in the character of the good representative. These controversies have also been involved with different views and traditions based on the belief-system in each society. Therefore, this thesis argues that these controversies can be solved only on the basis of practice and custom insofar as the role and character of representatives are crucial parts of political legitimacy in representative democracy.

In this light, in East Asian politics, political legitimacy and representative democracy need to recruit some fruitful sources from the Confucian representative theory. Although it is true that democracy has not been developed in Confucian East Asia, it does not signify that there is no affinitive relation between Confucian thought and modern democracy. Instead, Confucianism has always been concerned with the legitimacy of government. In particular, as a political philosophy, it is no exaggeration to say that Confucianism is a set of thoughts on legitimate representation. In this sense, many of them seem to be able to provide reasonable grounds for legitimacy. This is the argument which will be examined in this chapter.

For this argument, first I shall analysis the core idea of Confucian political thought; the concept of the ‘Mandate of Heaven’ and its interpretation in *Mencius* that the people’s mind is Heaven’s

mind. Second, the concept of Heaven seems a good candidate for the source of legitimacy in representative democracy though the concept itself and the means of interpretation, and how we can understand them in relation to modern democracy are still not so clear at this stage. Finally, this chapter argues that the Confucian mandate is consistent with representative democracy in which present East Asian governments can satisfy legitimacy with effective and necessarily indigenous political sources.

2. Re-interpretation of Confucianism

Many political theorists who have studied Confucianism have developed theories in relation to contemporary political values such as liberalism, democracy, and human rights.¹⁰⁰ Theodore de Barry, one of the leading scholars tried to link Confucian values to essential Western ideas such as liberty and human rights. His two works, *The Liberal Tradition in China* (1983) and *Asian Values and Human Rights* (1988) may be sufficiently eligible to be called the epochal landmarks of Confucian study in the West. Bell (1995) argues for affinity between Confucianism and democracy in his *Democracy in Confucian Societies: The Challenge of Justification*. Since then, numerous works have been written by many theorists, and it may be impossible to discuss all the articles. Yet, it is clear that there have been some patterns of comparison in those studies. In terms of methodology, the scholars choose a way in which they emphasize the potential or immediate usefulness of Confucian values' with some political issues which are essential for modern politics but which originated from the modern West.

Of course, there are counter arguments against the advocacy of Confucianism and its utility in contemporary politics. For example, Huntington (1991; 1993; 1996; 2000) argues that Confucianism cannot be the source of Asian types of democracy because of the authoritarian nature of Confucian thought. Fukuyama (1995) is also not so optimistic about the relationship between Confucianism and democracy. Instead, he warned that though the interference and influence of Confucian ideas are inevitable in Asian countries, it should always be adopted carefully because the nature of Confucianism is authoritarian.

Yet, there are also many arguments for the compatibility of western political ideas and Confucian thought in developed ways. For example, some recent research argued not only that

¹⁰⁰ There are many distinguished philosophical and religious theorists and works about Confucianism. They are essential to understand Confucian ideas and its values to everyone who is interested in Confucianism including political theorists. For example, Fung (1983 [1934])'s *A History of Chinese Philosophy*, Creel (1949)'s, *Confucius, the Man and the Myth*, Fingarette (1972)'s *Confucius: The Secular as Sacred* deserve regarding as modern classics about Confucianism. However, this thesis only focuses on the aspect of political thoughts of Confucianism in contemporary political studies.

there is compatibility between Confucianism and modern political ideas but also that Confucianism has alternative or more positive ideas for liberal democracy and humanity.¹⁰¹ They said that Confucianism deals with human self-realization in a deeper and greater way on the basis of the articulation and integration of individuals.

However, it is also true that these researchers are always conscious of the external critics. It is easy to find some expressions that ‘although Non-Confucian liberals may not accept it ...’ (Chen, 2007, p. 206). There seems a deep and wide gap between different views about the possibility and necessity of compatibility between Confucian values and western or modern political values such as democracy, liberalism and human rights.¹⁰²

Democracy, liberalism and human rights must be common values which are respected everywhere. Yet, those ideas are also concepts which have been discovered or invented in a recent period of human history in some cultural backgrounds. Probably this is one of the strong reasons why some researchers would not agree with the argument for compatibility between those values and some other cultures. If one becomes open-minded to cultural diversity,¹⁰³ a view for compatibility would be accepted more easily. However, in most cases, it seems difficult for the argument for compatibility to be understood.

In fact, this is the reason why this thesis takes legitimacy of representation as the main political concept of analysis. There have been always governments in each community of human history and those governments must be required to be legitimate. It is simply because no government can survive without it. And, this thesis is based on the theory that political legitimacy is involved with a certain cultural background which confers a form of life in each society linked to its belief-system. In this sense, compatibility between Confucian thought and democracy (not liberal democracy) is necessarily demanded.

Second, even though in Confucianism there seems absolutely no idea that can be linked with democracy, liberalism, human rights, the rule of law or any modern values, there is a concept and system of representation. In Confucian governments, there is a representative or a group of representative people who rule. In contemporary politics, whether it is liberal, communitarian, or constitutional democracy, if a government is democratic, it takes a form of representation to be legitimate. Hence, if we find out some elements for compatibility between Confucian ideas and

¹⁰¹ See Lee (1996)’s ‘Liberal rights or/and Confucian Virtue?’, Hu (1997)’s ‘Confucianism and Western Democracy’, Chen (2007)’s ‘Is Confucianism compatible with liberal constitutional democracy?’, Kim (2010)’s ‘Confucian Citizenship? Against Two Greek Models’ and Kim (2012)’s ‘To Become a Confucian Democratic Citizen: Against Meritocratic Elitism’.

¹⁰² Parekh (1993) argues that present western democracy is a liberalism dominant democracy and it may not be necessary to consider it as the final version of democracy or ideal type. Rather, it is only a certain type of democracy which was invented in the West, and somewhere else many different types of democracies would be possible and necessary in the context of their culture, religion and tradition.

¹⁰³ Of course, it is not merely an issue of an open-mind. Instead, it needs a serious theoretical and philosophical discussion. However, it is also true that there is not a clear consensus about this issue yet.

modern representation and they are not against common sense, it would enable the development of politics in Confucian East Asia. In addition, if those elements of Confucianism could give some fruitful ideas which have not been discovered so in the West, its contribution would be not just essential for countries where Confucian tradition is still influential but also helpful for western countries.¹⁰⁴

Legitimacy and representation are important and radical values which are consistent with liberal democracy. In the theory of good government, they have a long history in politics. Much modern liberal democracy is still under the principles which are not in conflict with political development which we need now in Confucian East Asia. It is not meant that it does not care whether those values which may be found in Confucianism are accompanied with essential ideas for democracy and human rights. Most of all, any interpretations or re-interpretations of Confucianism which are in conflict with those political values would not be accepted by the people who are living in democracies in the present world. It means that the interpretation cannot win support and at the same time the interpretation cannot become a resource for legitimacy. In effect, there is no need even to consider some specific ideologies. Whether it is anti-democracy, the abuse of human rights, or just immorality, if enough number of people stubbornly refuse to accept a government and are ready to resist the representatives, there are already sufficient reasons for the government to be replaced by a new one.

In fact, in previous chapters there are many arguments for the reasons why this thesis takes legitimacy and representation as its main subject. Yet, in this chapter, a more concrete and necessary ground is revealed. It is because the most political and key concept of Confucianism is the ‘Mandate of Heaven’ and all its implications are connected to legitimate government in representation. In addition, most of the ideas of the concept are not in conflict with modern political values.¹⁰⁵

3. Mandate of Heaven

In this chapter, the ‘*Mandate of Heaven*’ and its interpretation will be re-interpreted in terms of the political legitimacy of representative theory. Particularly this study focuses on two aspects. First, Mencius’ principles of mandate and the realization of the conceptions correspond to the legitimacy theory and are ultimately applicable to present democratic representation. Second, the concept of the ‘Mandate of Heaven’ is an idea that is necessarily based on the cooperative actions of the people.

¹⁰⁴ This is the view of Daniel A. Bell (1995, 2000).

¹⁰⁵ A difference must be distinguished between an idea that is not sufficiently democratic compared to liberal democracy and an idea that is not democratic. An idea can be useful for democracy or even be an alternative in a different way in some place even though it does not seem to satisfy western liberal democracy sufficiently.

Since Mencius himself had lived in the centre of the war period, he recognised well that *Ren* should contain substantial power to be persuasive.¹⁰⁶ Mencius supported this argument by arguing that in the cases of the great kings he found that all the kings had been granted voluntary support from the people to win the campaigns and vice versa.

A. Mencius' development of Confucius' idea

Confucius' concept of the 'Mandate of Heaven' and its interpretation by Mencius that 'the people's mind is Heaven's mind' is still influential in present representative democracy in Korea particularly. The concept of the Mandate of Heaven is found in many different parts of Confucius' *Analecets*, Mencius' *Mencius*, and other Confucian texts. However, the idea is expressed clearly in *Mencius*. It is a rather long discussion, but there is no better phrase which shows the idea of Mencius about the relationship between Heaven and the throne. This phrase (*Mencius*, 5A:5) will be considered by looking at separately. The first starts as follows;

Wan Chang said, "Is it true that Yao gave the Empire to Shun?" Mencius said, "No. The Emperor cannot give the Empire to another." "In that case who gave the Empire to Shun?" "Heaven gave it to him." "You say Heaven gave it to him. Does this mean that Heaven gave him detailed and minimum instructions?" "No. Heaven does not speak but reveals itself through his acts and deeds." "How does Heaven do this?" "The Emperor can recommend a man to Heaven, but he cannot make Heaven give this man the Empire; just as a feudal lord can recommend a man to the Emperor but he cannot make the Emperor bestow a fief on him, or as a Counsellor can recommend a man to a feudal lord but cannot make the feudal lord appoint him a Counsellor. In antiquity, Yao recommend Shun to Heaven, and Heaven accepted him; he presented him to the people, and the people accepted him. Hence I said, 'Heaven does not speak but reveals itself by his acts and deeds.'"¹⁰⁷

Here, it is clear that the mandate cannot be granted by the Emperor, the previous king but Heaven. The Emperor recommends a man to Heaven, then, whether he is eligible or not depends on his personal acts and deeds. If the acts and deeds are sufficiently acceptable to Heaven, he

¹⁰⁶ The scholar who particularly focuses on this practical function is Jullien (2004).

¹⁰⁷ In this thesis, all the quotations of *Mencius* are based on the translation by Lau (1970). There are several authentic English translations including Legge (1861, 1893, 1895, and so on), Dobson (1963), Chai (father and son) (1965) and Lau (1970). Despite Lao's translation being incorrect in places, generally it can be acceptable compared to others. In addition, because he is the only translator among the translators who was educated and had taught in the UK, it must be easier and familiar to British English readers. D. C. Lau received graduate training in philosophy at the University of Glasgow and had taught since 1950 in the School of Oriental and African Studies, University of London, where he has been a Professor since 1970. Of course, in some parts, the incorrect translations are remedied and replaced by correct and more accurate expressions by myself. Of the issues of English translation of *Mencius*, see Nivison (1980)'s 'On Translating *Mencius*'.

would be a new ruler by the principle, Mandate of Heaven.

The phrase that Yao recommends Shun to Heaven is generally interpreted that Yao appoints Shun as one of the highest ministers in his government. The requirement for a representative of the people entirely rests on the official performances of the candidate. In this sense, it can be called a 'performance based' mandate. In this case, the virtue of a representative only consists of sufficient administrative capacity to achieve certain goals.

In this case, there seems no room for interference by the interest or will of the people in the relation between Heaven and the people. Yet, in terms of legitimacy, though performance itself can be a substantive element, it cannot be the fundamental source of legitimacy. The source comes from the reason-giving relationship between the representative and the represented within a belief-system. Most of all, the performance based mandate seems too abstract to be understood as a procedure of legitimation distinctive from justification *ex post facto*. Chang points out this.

Wan Chang asked, "May I ask how he accepted by Heaven when recommended to it and how he was accepted by the people when presented to them?" Mencius replied, "When he was put in charge of sacrifices, the hundred spirits enjoyed them. This showed that Heaven accepted him. When he was put in charge of affairs, they were kept in order and the people were content. This showed that the people accepted him. Heaven gave it to him. The people gave it to him. Therefore I said, 'The Emperor cannot give the Empire to another.'

Here, Mencius stressed the necessity of judgment. In this phrase, the fact that the affairs are well administered is based on the understanding that the people consent to accept the minister who carries them out. Thanks to the performance, the people might enjoy a well-ordered society and a peaceful life so that the people might welcome his appointment. This cause and effect sounds not so special at all. However, when we are reminded that in most pre-modern periods the ministers' performances have not concerned the people but the rulers, this is not a negligible element.

In terms of Pitkin's concept, there is a huge gap between the 'standing for' and 'acting for.' Although most rulers and ministers stand for the people or the nation, before modern periods most of them had no idea that they had to act for the people. Yet, in the Confucian mandate theory, a clear duty of 'acting for' is being suggested as a necessary condition of legitimate government.

In addition, in most medieval states, the exclusive judge who evaluates performances was also the ruler not the people. Yet, according to Mencius reply, in terms of judgment, Heaven and the people are the only subjects and there is no room for the ruler. The incumbent king only

has a right and a duty to recommend a person to Heaven. After the appointment there is no further consideration of his judgment. There is nothing left for the recommended person to do without waiting for the judgment by the people and ultimately Heaven. In this procedure of verification, Heaven does not care about the ruler's interest or will. The candidate's performance is concerned only with the people. In other words, the performance of those who are represented to Heaven is recognized only by the people.

This recognition procedure implies two aspects of the Mandate of Heaven which are hidden in the previous part. First, the mandate is founded exclusively on the interest and will of the people. Second, the performances should only concern the interest of the people so that the people accept him. The people are the only object of the performances and the only subject of judgment as well. Here, acceptance by the common people is necessary for holding the mandate (Black, 2009, p. 97).

While the interest of the people seems relatively clear as the welfare of the people, the ways of expressing the will of the people is not. Surely, there is a role and status for the people in the concept of the Mandate of Heaven, but the procedure is not concrete at this stage.¹⁰⁸ In terms of democracy, the Confucian mandate does involve concepts such as *of the people* and *for the people* but not *by the people*. To say in the context of legitimacy, there should be voluntary and visible expressions and activities from the people. Those conditions seem not to be met fully yet. According to the three stages of legitimacy, till now only the first condition is achieved. The interest of the people and its connection to the idea of the Mandate of Heaven may be the source for legitimacy, whereas the operation procedure is not clear. We need more definite evidence for sufficient legitimation of this regime. Mencius provides the explanation for the next stage.

Shun assisted Yao for twenty eight years. This is something which could not be brought about by man, but by Heaven alone. Yao died, and after the mourning period of three years, Shun withdrew to the south of South river, leaving Yao's son in possession of the field, yet the feudal lords of the Empire coming to pay homage and those who engaged in litigation went to Shun, not to Yao's son, and ballad singers sang the praises of Shun, not of Yao's son. Hence, I said, 'It was brought about by Heaven.' Only then did Shun go to the Central Kingdoms and ascend the Imperial throne. If he had just moved into Yao's palace and ousted his son, it would have been usurpation

¹⁰⁸ The relationship between the interest and the will of the people in representation is not clear. Surprisingly many theorists who study representation do not make it clear in their research except a few thinkers such as Pitkin. This conceptual analysis seems to be necessary for the foundation for the research of representation. For example, there could be a claim that in the liberal tradition of representation rather than the democratic, the will of the people may be a less important factor because it does not guarantee the interest of the people. Yet, since this chapter is not suitable to do the analysis, only democratic representation would be considered and tested as a general form of modern representation.

of the Empire, not receiving it from heaven. The *Tai shih [Great Declaration]* says, 'Heaven sees with the eyes of its people. Heaven hears with the ears of its people' (*Mencius*, 5A:5).

In this part, the operation procedure was exposed. First, there is a weak concept of cooperation. Shun serves as a prime official for 28 years and it is regarded as unusual in this phrase. This unusually long career is understood to be a result of help from Heaven. Yet, it is not plausible that Heaven help him by some visible means because there is no such concept or idea of a personal god in Confucianism (Creel, 1949).

Heaven does not speak by itself. The Confucian Heaven is not the personal god who speaks to humans directly, rather it seems closer to the cosmic order and the laws of nature. At the same time, it is also involved with political authority and legitimacy. In fact, whether the identity of Heaven can be interpreted as an absolute being that engages human lives or just an order of nature is not clear. Even in the many Confucian texts written by numerous Confucians, the features of Heaven are not coherent but various.

However, one thing is obvious that there is a common idea among the Confucians that the Confucian Heaven is distinctive from a personal god such as the Christian God particularly in the *Old Testament* who communicates with people which his own voice. It is also not just an inanimate scientific entity which is absolutely separated from the people's will or a moral foundation. It is also different from the concept of 'Nature.' (Ames and Rosemont, 1998, pp. 46-48) The Confucian Heaven is in between the personal god and an inanimate object. In particular, in terms of politics and morality, though it is not like the Christian personal God who does corrective actions by himself, the Confucian Heaven has a key role in regulating human behaviours. Heaven shows its will basically by the natural order but also demonstrates political will through the people. In this sense, in Confucianism,

Heaven hears and sees as our people hear and see; Heaven approves of actions and displays its warnings, as our people approve of actions and hold things in awe; this is the connection between the upper and lower worlds (*The Book of History*; Rainey, 2010, p. 5).

Accordingly, the only possibility to be considered is the role of the people in relationship with Heaven. In this light, it is reasonable to infer that the successful performances will need sufficient cooperation from the people. Therefore, the phrase 'Heaven's help' is understood to be Heaven follows the will of the people and their broad and active cooperation is the not only the evidence of the people's will but also the cause of the consequence.

While there was support and cooperation from the people during the performances of Shun as a minister, more positive and visible activities by the people followed after King Yao's death.

Shun tried to disappear to enable the smooth succession of the throne from Yao to Yao's son, whereas there were many clear evidences that the people still regarded Shun as their political leader. Even though Shun had definitely gone into retirement, the people continuously went to ask him to solve disputes among them and honoured him instead the son of Yao. Shun did not enforce this or abuse his former status to get this loyalty. The people's following of Shun was surely a voluntary activity and might have been highly risky both to Shun and the people because there was an incumbent ruler, the son of Yao. However, the people did not hesitate to show their preference in regarding Shun as their real king, ruler, and representative. At this stage, "the Mandate of Heaven was equivalent to the support of the people" (Lewis, 1990, p. 236; Black, 2009, p. 97). Therefore, now the authority of Heaven is the source of legitimacy in Confucianism and it is operated only by the people's voluntary and collective activities.

In many pre-modern societies, the king is the one who stands for the entire nation and the people who live in it. He or she represents the people and the nation. They are the exclusive chiefs and the sources of political authority. Yet, in most cases, there has been no need of a mandate that is specifically in reference to the people. Appointment or inheritance had been the major means to take the position of ruler. In some cases, military power and its practices had been the foundation of political authority. Though the normative elements of military performance would be helpful for the efficiency of empirical consequences, it had not been the necessary condition. In history, there must be some political communities where the government has depended on a religious mandate. However, most of the religious mandates have not been involved with the will or interest of the people to a meaningful degree. There have not been enough grounds that could justify or promote the interference of the people in mandate and representation.

In contrast, in Confucian thought, any superb performance or a glorious inheritance would not be enough for a man to be an authentic ruler if there is no mandate of Heaven. The position of a king is not the absolute source of political authority at all. It is conditional in the sense that the ruling position is dependent on the mandate of Heaven and the people's mind. In Confucian political theory, as the ministers and officers receive their authority from the king, the king himself receives his authority from Heaven. Heaven appoints men of virtue and wisdom as the rulers and teachers of the mass of the people (Hsu, 1975, p. 74).¹⁰⁹ In sum, the procedures are as follows; in a general condition, the previous ruler recommends a candidate to Heaven, and the appointment by Heaven would be followed.¹¹⁰

¹⁰⁹ This is quoted from Hsu (p.74) but the term of 'God' is replaced by 'Heaven' in this thesis. In his book, Hsu does not distinguish God and Heaven, while it seems necessary to replace God by Heaven in most cases. In this thesis, except in inevitable cases, Hsu's concepts of God and natural law are changed to Heaven.

¹¹⁰ Confucian thinkers recognized that there were some extraordinary situations such as revolutions where a new ruler should be raised by the people without recommendation from the previous ruler.

B. What is the nature of the Confucian Heaven and how does it work with the people?

Heaven is the sole source of political authority. Legitimation of a government can be fully achieved only by Mandate of Heaven. This Mandate of Heaven exclusively depends on the people's visible activities and cooperation. In this sense, the concept of Heaven as the source of political legitimacy not only implies that the ruler's position is optional but also that it is a secular procedure operated by active recognition by the people.

There are three stages of procedure; a candidate is recommended, the candidate is tested, and the candidate is appointed. The appointed ruler can be removed by the mind of Heaven which is regarded as the people's mind. In all three stages and principles, the function of the people's mind is crucial. The king should hear the people's voice to search for eligible and competitive candidates at the first stage. During the second, in order for the performances of the candidate to be successful, the people's judgment and cooperation is necessary. Finally, the procedure of appointment by Heaven is confirmed by the people's acceptance as a kind of political ratification.

In sum, there are three stages of procedure in the recommendation, test, and appointment and also there are principles of screening, sanctioning and responsiveness. In fact, these procedures and principles are necessary conditions for good representation not just in the Confucian ancient world but also in contemporary representative democracy. Screening and sanctioning have to be done continuously in the perspective of responsiveness.

Through the procedure, the principles of screening and sanctioning are operated. Both principles essentially consist of representative legitimacy. Incentive and sanction is one of the basic frames of legitimation (Beetham, 1991) and the effective tool of regulation of public office (Thompson, 2005). In representation, one of the main functions of elections is generally understood in the perspective of anticipatory voting (Mansbridge, 2003) in which the constituents judge the performance of the incumbent representatives by the principle of disappointment (Alonso, Keane, and Merkel, 2011, p. 6). By the systemic repetition of this sanctioning, screening of the representative is possible. Screening is clearly the purpose of the election in representation and this is the point where modern representative democracy is distinct from Ancient Greek democracy. The candidates are tested and better ones will be recommended and recruited into the higher positions. Not only public performances but also moral character will be considered because the Confucian representative is a model of the people in virtue.¹¹¹ Bad performances and immorality would be judged by the people. By this

¹¹¹ In fact, the morality is important not just with this model perspective in Confucianism but also in general

screening and sanctioning, the Confucian representative should have competence which is responsive to the people's interest and opinion.

Even after the final candidate becomes a ruler, sanctioning is still being operated. In addition, there is no confirmed term of the position. Ironically, while the Confucian ruler is known as an absolute monarch, there is no other position that is more conditional in principle. In order to avoid the sanctioning, the ruler always has to pay attention to the voice of the people. The needs, interests, and will of the people are the prior issues for the ruler to be a genuine and legitimate representative. The ruler should make efforts to respect and reflect the will and interests of the people. This does not mean that the Confucian ruler should deliver the raw opinions of the people to laws and policies. The Confucian representative is neither a technocrat who makes a decision in dependence on the people's opinion nor a delegate who completely relies on the people's raw view at any moment. Instead, there is a duty to do the best to make better decisions in responsiveness to the people.

In this understanding of the Mandate of Heaven, the king of China has been called 'Son of Heaven (천자:天子)'. In fact, the name, Son of Heaven itself seems not so unique. Rather, it might be a popular concept in many different ancient worlds such as Egypt and Latin America. The implication is that Heaven is the source of legitimacy that Finer points out in the frame of belief-system. However, there are at least three distinctive characteristics in Confucian representation.

First, in the Confucian East, the name, Son of Heaven, has been understood as an optional and temporary position of the ruler so that the ruler is only legitimate under the Mandate of Heaven. In contrast, in most other cases where political authority is based on Heaven, the name might mainly be used to emphasize the absoluteness of the ruling position. While most of the other rulers had enjoyed absolute power based on a religious foundation in the strong symbolism of Heaven and its son, Confucian Chinese rulers had been continuously tested and required to fulfil moral and public duties. In effect, while it is a common idea that the concept Heaven provides the foundation of absolute power in Confucian society, Heaven provides a conditional character of the position of a ruler. In other words, Confucian representation always requires a limited government.¹¹²

Second, the operation procedure of legitimation is also quite distinctive. In Confucianism, there are few ideas that can be linked to a religious concept of Heaven. For this reason, the operation from source to substantive level is literally secular from the very beginning.

representative democracy because the morality must be involved with more serious performance in future. For instance, it is not inappropriate to regard that honesty in character of a politician would grant more expectation of the realization of her promise in campaign. See Susan Mendus (2009) and Elizabeth Wolgast (1991). I will deal with this issue in chapter 7 in the concept of integrity of virtue.

¹¹² In this light, it may not be true to say that a conditional mandate in relation with the people is only possible in democracy.

Confucians do not depend on an oracle, a divination sign or an illusion. They only accept reasonable secular means, the people's opinion. The secular operation procedure is to see and to hear the people's mind.

Finally, there is a clear substantive feature of legitimacy in the Confucian 'Mandate of Heaven'. In history, there are many rulers who do not care for the people's welfare but are respected as a great king. However, in the concept of the Confucian 'Mandate of Heaven', they cannot be a legitimate representative and because the government does not satisfy the substantive condition. Confucius and Mencius always say that the reason for being of a government is to provide a sufficient degree of welfare and education for all people under the government. Mencius argues that the first is to regulate the livelihood of the people, then, the ruler could urge them to do the good (*Mencius*, 1A:7).

Welfare and education are necessary conditions for both the self-cultivation of individuals and the legitimation of a government. The ultimate goal of Confucianism is to make the people pursue the good in character and in behaviour in the relationships of the community. For this, education is essential. Yet, education is only possible on the basis of sufficient welfare for all the people. If a ruler makes a goal of government only the wealth or strength of the state or the material prosperity of the people, he is not a son of Heaven, even though he is represented to Heaven and accepted by the people. If a ruler abuses the military power so that the people fall increasingly into in a cruel situation of war, he is not a son of Heaven even though he has a good purpose according to those two Confucian substantive conditions. It is because the Son of Heaven's way to govern would become a model to all the people as a way to be a good person. In this case, the ruler who abuses physical power fails in the operation procedure and the substantive condition as well.

In conclusion, in Confucian representation, the name and status of the Son of Heaven is only valid during the time in which the rulers perform their duties and their conduct and affairs must be recognized by the people. The performance is only subject to the people's welfare and moral development. Heaven provides the optional position to the ruler, and the people are the only subjects who evaluate the ruler's performance. Yet, this is far from any concept of populism or cannot be possible by invalid manipulation because the Confucians (or Sages) always look at whether the performance satisfies the substantive condition. This is the relationship of the conditional contract between Heaven, the ruler, and the people.¹¹³ In this light, it may be possible to say that the Confucian concept of the 'Mandate of Heaven' satisfies the conditions for legitimacy; resource, operation and substance in principle. Now we turn to

¹¹³ This kind of contract needs not to be understood only by the social contract theory. Rather, this idea has been in common in general. Lin and Chen call this Confucian idea a "contract-based social connection" (Lin, 1996, 2003; Chen, 2007, p. 204).

the practical application in *Mencius*, particularly focus on the operation procedure and the substantive condition. Once, the character of Heaven as the source of legitimacy becomes clear in distinction from the religious concept, the problematic issue whether it is meaningful in present representation may depend on the operation and substance.

C. Applications in *Mencius*: ‘Revolution’¹¹⁴

In the concept of the ‘Mandate of Heaven’ and its application in *Mencius*, at least two principles are revealed. The first is that though Heaven is the source of political legitimacy, it does not speak on its own. It only speaks following on people’s mind. The people’s recognition and ratification by visible cooperative activities consist of the operation procedure for legitimate government. Second, there must be substantive elements for a legitimate ruler. He must take care of the people’s welfare first. This must emerge from all his performance and will be judged by the people. In this part, it would be examined that how those two principles are related to the virtue of a representative.

Operational Procedure of People’s Mind

The clearest case in which the Mandate of Heaven’s application has been maximized is revealed in the example of the justification of the overthrow of the government of vicious kings.

King Hsuan of state Chi asked, “Is it true that King Tang banished Chieh, and the King Wu marched against Tchou?” Mencius replied, “It is so recorded.” “Is regicide permissible?” “A man who mutilates *Ren* is a mutilator, while one who cripples *Yi* [義: rightness or justice] is a crippler. He who is both a mutilator and crippler is an outcast. I have indeed heard of the punishment of the

¹¹⁴ In general, Confucius has been interpreted as a moderate compared to Mencius because he has never argued directly for the justification of revolution. But, there seems to be a historical misunderstanding in this comprehension. To be sure, Confucius says that if the ruler would not accept the sage’s advice, the sage would be better to leave. Of course, it does not mean giving up of good politics or provide an excuse for the duty of the sage. Rather, the sage’s leaving has a function to show how the ruler is wrong. In this sense, Confucius’ advice can be read as negative resistance. Mencius elaborated on Confucius’ argument. Mencius clearly suggests more positive resistance. To be precise, he says that the sage should organize a revolution if a tyranny reaches a stage where the people could not bear any more. However, about Confucius’ negative resistance, Mencius and other Confucians did not criticize Confucius’ principle as too weak or wrong. It is not because that they have blind faith in the doctrine of Confucius but because they have known well that the times and circumstances were different between Confucius and themselves. In fact, while the emperor’s authority had been respected regardless of substantive power during the period of Confucius, in Mencius’ time nothing remained like the formal respect. This is the reason why the period of Confucius is called ‘The Spring and Autumn’ and the time of Mencius is named ‘The Warring States.’ In the former period, leaving was enough to bring change because there were still some virtues, whereas in the latter, revolution is necessary for saving the people under the tyrant urgently.

outcast Tchou, but I have not heard of any regicide” (*Mencius*, 1B:8).

Confucius suggests leaving as a solution when a minister is faced with deadlock after all the attempt to correct the ruler’s faults. In *Mencius*, not only leaving but also killing the tyrant is allowed and suggested as necessary for the people under a tyrant. To Mencius, killing someone of the household is the worst immoral crime in the world, and killing someone in the community is murder. But in the case of tyranny, he says that ‘I only heard that the tyrant was killed not that a ruler was murdered.’ In this sense, there is a decisive distinction between a revolution against a tyrant and the murder of a person (Hsu, 1975, p. 57). Killing a tyrant is not regicide but a just punishment.

The particular point is that the tyrant is not a legitimate ruler at the moment. He has already lost the position of ruler and representative and is just a wicked criminal who committed mutilating *Ren* and crippling *Yi*. What Mencius makes clear is that though he looks like the king incumbent, in fact he is not a genuine ruler at all. In Mencius theory, a tyrant is not a bad or even the worst king, but simply not a king. In order for a king to be a king, there should be the Mandate of Heaven. If there is no Mandate of Heaven, he is not a king at all in any sense. Hence, when he is punished, he is not a culprit but already a convict. And, these crimes are most vicious and harmful for the people so that the criminal deserves to receive a fair penalty. Therefore, revolutionary actions are necessary and praiseworthy behaviour.¹¹⁵

Yet, even though we put aside the issue when and how the action could be justifiable,¹¹⁶ killing a ruler causes another substantive issue; how to avoid an anarchist situation? In addition, the periods of Confucius and Mencius are the ages of Wars. If they do not show the next step of the people who are governed by the tyrant, the people could be faced with a worse situation without a sovereign, such as being slaves. The answer of Mencius is that the better and real sovereign only has the right to kill the tyrant and the people would be protected by the new ruler. In other words, the candidate to be a new ruler should already be a real ruler in the sense that the people already regard him as a new ruler, and the first thing he has to do is to perform the duty of overthrow the one who is fake, a ruler in name only. He would have to correct the name of ‘Son of Heaven’.¹¹⁷

¹¹⁵ The argument that the sages have a right to resist a tyrant may be compared to Locke’s claim for the justification of resistance. Yet, while Locke’s individuals resist a tyrant to protect his or her own life and interests, Mencius’ sages rise against the tyrant to save others’ lives even giving up the chance to escape. Resistance is not a right but a duty. Of course, this kind of sacrifice is a common idea all over the world. Yet, the duty is a burden to the highest class, namely nobles in the West; an occupation of any person who is enlightened morally more than others in the Confucian East. In the latter, they were generally intellectuals, teachers, and students.

¹¹⁶ I will put this later in this section.

¹¹⁷ Of course, there must be more moderate situations such as the king is not enough to be a genuine Confucian ruler but also not such a tyrant. Mencius also seems to think of it. In that case, he appears to anticipate

At this stage, there are some legitimate operations in the process of overthrowing the tyranny. Given Mencius' interpretation of the 'Mandate of Heaven', Heaven speaks through the people; Heaven's mind is the people's mind. Yet, according to the theories of legitimacy, the mind should be expressed by visual activities such as voluntary and cooperative actions (Beetham, 1997). If so, is there any argument for those activities in Mencius? Surely there is. The conditions and procedures are revealed in *Mencius*. King Hui of Liang asked about this point. His state was much smaller and weaker than the states around and he was defeated three times in the wars with these states. For this reason, he asked the question how he could get revenge successfully when he met Mencius. Mencius answered as follows:

“A territory of a hundred *Li*' square¹¹⁸ is sufficient to enable its ruler to become a true King. If Your Majesty practices a government of *Ren* toward the people, reduces punishment and taxation, gets the people to plough deeply and weed promptly, and if the able-bodied men learn in their spare time, to be good sons and good younger brothers, loyal to their prince and true to their words, so that they will in the family, serve their fathers and elder brothers, and outside the family, serve their elders and superiors, then they can be made to inflict defeat on the strong armour and sharp weapons of state Qin and state Chu armed with nothing but stave (*Mencius*, 1A:5).”

Although the king Hui is a ruler of a small state, it is only if he shows the politics of *Ren*, that he deserves to be a king of a great kingdom. In this phrase, Mencius's suggestion should be understood as not only normative but also a practical strategy. Like many other great Confucian scholars, Mencius is not such an idealist that he is out of touch with reality. For example, in another part of *Mencius*, he advises that a small state should be obedient to a large state in the order of Heaven (*Mencius*, 1A:3), and a wise king of a small state should wait for the right time in a preparation by good policies of *Ren* (Jullien, 2002, p. 212).

Accordingly, the case of King Hui of Liang can be interpreted as the Liang state not being too small or weak to undergo war with the Qin state and the Chu state. In Mencius view, Liang is a state that has a potential power to defeat the other two states in a certain situation. According to Mencius, there are at least two possibilities. First, Liang can be strong enough to carry out the war against the two enemies by the politics of *Ren*. These politics would bring not just the welfare of the state but also robust patriotism amongst the people. Second, the Qin state and the Chu state seems strong now but domestic solidarity and loyalty among the people may be relatively weak. In this case, if the people recognize Liang's king as a new genuine ruler, they would betray the incumbent king. In this light, therefore, it is reasonable to understand Mencius

correction by some regulations in charge of Confucian Sage (*Mencius*, 7A:31). This is also a decisive point in terms of the role of sage as a genuine representative and will be drawn in latter section.

¹¹⁸ '*Li*' is a unit of length which is about 0.4km.

advice as morally embedded practical guidance in military affairs (Bell, 2006, p. 30; Twiss and Chan, 2012, p. 469).

Then, Mencius' encouragement for the king Hui of Liang is understood in the practical sense of modern war of the national state in which not only the soldiers but also most ordinary people are necessarily involved. Clausewitz (1989 [1832]) argued that in modern war the most important factor which determines victory or defeat is not the strategy or weapon but the will of the soldiers and more decisively the desire of the people. Particularly, he distinguished the wars before and after the *French Revolution*, and claimed that the nature of war had been completely changed forever after the birth of the national state. He said that it is almost impossible to defeat the national state where millions of people bounded with patriotism and are ready to die for their country. Here, Clausewitz was pointing out the fact that previous wars were disputes between kings and princes desiring power with the people just enforced into military service, whereas modern wars are accomplished by national people who come to the field of war voluntarily and enthusiastically. The following quotations of Mencius seem to fit perfectly the sense Clausewitz intended.

“If you will put in practice a *Ren* (benevolent) government, this people will love you and all above them, and will die for their officers” (*Mencius*, 1B:12).

The duke Wan of state Tang asked Mencius, saying, “Tang is a small kingdom, and lies between Chi and Chu. Shall I serve Chi? Or shall I serve Chu?” Mencius replied, “This plan which you propose is beyond me. If you will have me counsel you, there is one thing I can suggest. Dig deeper your moats; build higher your walls; guard them as well as your people who are prepared to die in your side and will not leave you; this is a proper course” (*Mencius*, 1B:13)

The historical term, ‘*the Warring States*’ designates the period of Mencius. Confucianism known as a philosophy of morality is produced from the centre of extreme wars. Unlike Taoists, Confucians did not argue that the solution of serious violence and conflicts between states is to dissolve the state or its powers. They are not moral idealists or unrealistic optimists. On the one hand, Legalists argued that strict laws and rigorous execution were the only way to win the war. Yet, on the other hand, Mencius suggested an alternative. First, Mencius talked about the cooperative actions of the people who are under the government of *Ren*. They are delighted to participate in war with the ruler of *Ren*. So far, so good. Yet, can the governance of *Ren* work at war practically? This is a question whether the virtue can work in practice against external enemies. Mencius wrote this about it.

“The rulers of those States rob their people of their time, so that they cannot plough and weed

their fields, in order to support their parents. Their parents suffer from cold and hunger. Brothers, wives, and children are separated and scattered abroad. Those rulers, as it were, drive their people into pit-falls, or drown them. Your Majesty will go to punish them. In such a case, who will oppose your Majesty? In accordance with this is the saying, 'The *Ren* (benevolent) has no enemy.' I beg your Majesty not to doubt what I say" (*Mencius*, 1A:5).

In this answer, Mencius refers to a situation where there is not strong opposition because the people of the enemy states cannot afford to stand up against the war. In this sense, the operation of the source for legitimacy is based on the cooperative and voluntary participation of the ruler's people in war. If a ruler is qualified to be a legitimate king, and if he wants to conquer other states where the people suffer from vicious government and his people are ready to participate in the war, he could be a 'Son of God'. In addition he could triumph with the strength of his people and the weakness of the people of other states. Here, Heaven speaks through the people of the ruler.

Yet, there still seems to be something more. Why does Heaven not speak through the people under vicious and brutal government? Mencius referred to this. He says that there must be clear and strong actions which show the voluntary agreement of the people who are conquered. A king asked Mencius whether he can get a state Yen. Mencius answered,

"If the people of state Yen will be pleased with your taking possession of it, then do so. Among the ancients there was one who acted on this principle, namely king Wu. If the people of Yen will not be pleased with your taking possession of it, then do not do so. Among the ancients there was one who acted on this principle, namely king Wan. When, with all the strength of your country of ten thousand chariots, you attacked another country of ten thousand chariots, and the people brought baskets of rice and vessels of congee, to meet your Majesty's host; was there any other reason for this but that they hoped to escape out of fire and water?" (*Mencius*, 1B:10)

The people who are living in the conquered state may be the strongest bearer of Heaven's voice in this example. They clearly show how they welcome the conqueror as a new ruler, a real ruler, by voluntary visible actions of support. This is the practical power of governance of *Ren*.

Heaven is the source of legitimacy. Most of all, the name, 'Son of Heaven' shows this explicitly. There have been many other 'Sons of Heaven' in different ancient civilizations, yet many of them depended on religious authority. Instead, for Confucian rulers, the Son of Heaven is only evaluated by political competence and its practices. The conduct and affairs are the visible expression of his character, *Ren*. It has emerged dramatically in a war situation, and it is Mencius who could see the extreme of chaos and recognize the power of *Ren*. The power of

Ren is not limited within a victory of war itself. The power of good government and the triumph go beyond a war. Its massive potential strength is shown in the follow passage,

Mencius said, “There are men who say, ‘I am skilful at marshalling troops, I am skilful at conducting a battle!’ They are great criminals. If the ruler loves *Ren* (benevolence), he will have no enemy in the kingdom. When Tang was executing his work of correction in the south, the rude tribes on the north murmured. When he was executing it in the east, the rude tribes on the west murmured. Their cry was ‘Why does he make us last?’ When king Wu punished the state Yin, he had only three hundred chariots of war, and three thousand life-guards. The king said, ‘Do not fear. Let me give you repose. I am no enemy to the people!’ On this, they bowed their heads to the earth, like the horns of animals falling off. The term ‘Royal correction’ is but another word for rectifying. Each State wishing itself to be corrected, what need is there for fighting (*Mencius*, 10B:4)?”

Why were the rulers so fearful hearing the sigh from the people? If the people cry like that, how is it that the rulers cannot be better than before? If a good ruler of the smallest state wins a victory over the bigger state next and the news spreads to all states, all rulers ‘under-Heaven’ need to be disillusioned. Here, Mencius changes the nature of contemporary war and sees the real power of the people. He wakes up the ruler and all the people ‘under-Heaven’.

In fact, this is not a new invention of the idea of revolution but an interpretation completely within the very basic principle of Confucius. Confucius says that if the rulers keep the performance in their states, the states would be extended beyond the seas;

I have heard that rulers of states and chiefs of families are not troubled lest their people should be few, but are troubled lest they should not keep their several places. ... Therefore, if remoter people are not submissive, all the influences of civil culture and virtue are to be cultivated to attract them to be so; and when they have been so attracted, they must be made contented and tranquil (*Analects*, 16:1).

As John Wu (1967b, p. 341) says, to remain in human society is one thing, but to join a good government is another thing in the distinction between life in nature and in the state. Of course, this claim would be meaningful only in a situation where there is no barrier to move from one state to another. At least, that was true in the periods of Confucius and Mencius. In all their travels from state to state, they did not need to explain the reason for their movement or to show any certificate for valid travel. Most of all, in Confucian thought, there is a clear idea that the individual is free to choose the ruler he would like to serve. In addition, even though he is in a position of minister, he is free to leave his office if he is displeased with the ruler’s governance. In many cases, it is not only his right but his duty. As Confucius says, the

performance of the leaving itself has a function in dismissing the legitimacy of the government.¹¹⁹ In this sense, freedom of movement surely had been a practical condition for operation of the normative function of the Confucians' choice.

The function of freedom of movement among states is not just limited in the case of Confucians. It also explains the relationship between good politics and the influx of population. In contrast, bad politics should drive the people out. In fact, as seen above, this is the foundation for Mencius' argument for revolution. Yet, if the principle can only be operated in a war situation, it seems not enough to be a general axiom. Mencius explains the application of the principle in a peaceful era. He shows how the state becomes stronger or is extended as follows:

Mencius said, "If a ruler give honour to men of wisdom and employ the men of talent, so that offices shall all be filled by individuals of distinction and virtue; then all the scholars of under-Heaven will be pleased, and wish to stand in his government. If, in the market-place of his capital, he levy a ground-rent on the shops but do not tax the goods, or enforce the proper regulations without levying a ground-rent; then all the traders of under-Heaven will be pleased, and wish to store their goods in his market-place. If, at his frontier-passes, there be an inspection of persons, but no taxes charged on goods or other articles, then all the travellers of the under-Heaven will be pleased, and wish to make their tours on his roads. If he requires that the famers give their mutual aid to cultivate the public field, and exact no other taxes from them; then all the famers of under-Heaven will be pleased, and wish to plough in his fields. If a ruler can truly practice these five things, then the people in the neighbouring kingdoms will look up to him as a parent. From the first birth of mankind till now, never has any one led children to attack their parent, and succeeded in his design. Thus, such a ruler will not have an enemy in all under-Heaven, and he who has no enemy in under-Heaven is the minister of Heaven. Never has there been a ruler in such a case who did not attain to the 'Royal dignity' (*Mencius*, 2A:6)."

Procedural and Substantive Condition: Welfare of the People

The welfare of the people has two functions in Confucian representation. First, it is the basis of judgment whether a minister's performance is sufficient to regard him as a candidate for the ruler. In this case, the welfare of the people is a part of the operation procedure in the legitimation of Confucian representation. The people may be the best judge because the people themselves are the object of the performances. Second, whether the performance is successful or not itself becomes the standard for judgment because most of the minister's policies and ideas may not be realized without the cooperation of the people. Not only in an exceptional

¹¹⁹ Moving of virtuous Confucians or sages not only provides a standard of morality of a government but also practically power with its existence (*Mencius*, 6B:6).

situation such as war or massive civil engineering works but also in an ordinary period, the prospect of success needs a high degree of collaboration by the people. If the former as the standard of judgment is about the consequence of the performance, the latter is about the beliefs of the people on the character of the minister. In this sense, the welfare of the people is involved both in operation and substance in Confucian representative legitimation.

In terms of the function of standard, Mencius may be the strongest advocator in Confucianism. When Mencius was given a question how to legitimate a government, he said that ‘look after the old who do not have offspring to be taken care (*Mencius*, 1A:7).’ This is the basic standard of welfare for legitimate government.

Yet, the reason why welfare is the most intrinsic condition for legitimate government is not just for the requirement of basic livelihood but for the personality of human beings. Although Confucius is well aware of the importance of the welfare of the people, Mencius is the one who clearly explains the relationship between material livelihood and morality. The reason why the lack of welfare is fatal to the people is that poverty causes all the evil of human beings. According to Mencius, poverty is the source of all moral and social evil (Rainey, 2010, p. 98). For this reason, Mencius condemns the government which does not provide sufficient welfare for the people. He says,

In years of plenty, most young men are quiet; in years of poverty, most young men are violent; it is not that the potential that Heaven has sent down to them changes. They become violent because of what traps and drowns their mind and hearts (*Mencius*, 6A:7).

If a person who is not a sage commits a crime because of poverty, it is not his fault but the responsibility of the government and the ruler. Of course, not all the people immediately become a criminal when they fall into poverty. Yet, most of them, even good men should have to do something not only for himself but also for his family. In this sense, Mencius understands the relationship between welfare and humanity at a practical level. In general, it is understood as a relationship between ‘constant production (恒産 恒産)’ and ‘constant mind (恆心 恆心)’. He says,

They are only men of education, who, without a certain livelihood, are able to maintain a constant mind. As to the people, if they have not a certain livelihood, it follows that they will not have a constant mind. And if they have not a constant mind, there is nothing which they will not do, in the way of self-abandonment, of moral deflection, of depravity, and of wild license. When they thus have been involved in crime, to follow them up and punish them; this is to entrap the people. How can such a thing as entrapping the people be done under the rule of a man of *Ren*? (*Mencius*, 1A:7)

The ruler's job is to care for the people. To Mencius, the ruler is not a man who has authority to order the people but a man who takes care of the people (Rainey, 2010, p. 96). Government has a duty to make the people happy and prosperous (Hsu, 1975, p. 65). In some senses, every ruler of a state is a kind of a representative. Yet, there would be severe differences depending on whether the ruler has any duty in relation to the welfare of the people. The difference and its implications are clearer when we compare the conceptions of Confucius 'Son of Heaven' with the concept of representative for princes and kings of medieval ages. According to Pitkin (Pitkin, 1967, pp. 246-252), until the 17th century, while there has been an idea of 'standing for' as a meaning of representative from the 12th century in the West, there was absolutely no conception of 'acting for.' However, in Confucian tradition, the concept of representative immediately takes the implication of 'acting for' from the very beginning. In other words, without 'acting for', no one can 'stand for' in the Confucian state.

However, the welfare of the people is not limited to a standard function of judgment. In fact, the degree of welfare is always connected to the operational procedure. Not in an extreme situation such as war, but also in an ordinary period, performances of policy such as taxation are necessarily related to the people's judgment and actions. At the time of Mencius, tax is one of the most important considerations in the goal of welfare. Mencius repeatedly said about this.

If, in the market-place of, he [a ruler] levy a ground-rent on the shops but do not tax the goods, or enforce the proper regulations without levying a ground rent; then all the traders of the kingdom will be pleased, and wish to store their goods in his market place. If, at his frontier-passes, there be an inspection of persons, but no taxes charged on goods or other articles, then all the travellers of the kingdom will be pleased, and wish to make their tours on his roads. If he requires that the farmers give their mutual aid to cultivate the public field, and exact no other taxes from them; then all the farmers of the kingdom will be pleased, and wish to plough in his fields. If he does not exact the fine of the those people who do not work or grow mulberry tree for cloth, then all the people of the kingdom will be pleased, and wish to come and become his people (*Mencius*, 2A:5).¹²⁰

Here, again, Mencius is aware of the practical power of good politics by appropriate tax regulation.¹²¹ He emphasizes that if there is a better tax system in a state, all the people of other states may want to move to the state. The people show their support for the government by visible and even risky actions and those actions not only directly grant legitimacy to the state

¹²⁰ Mencius mentioned not only about the tax by goods or money but also claims that the government should be careful with the tax in service. He says that people should not be taxed in service during the farming season in order that the people should be free from famine (Hsu, 1975, 65; *Mencius*, 1A:3).

¹²¹ Confucius and Mencius suggest 1/10 or 1/9 tax for land hire for farming in general.

but also make the state stronger. The distinction between the legitimate and the strong collapses here.¹²² In effect, there is a strong logical cause and effect between ‘enjoy with the people’ and ‘becoming the stronger state.’ In this sense, welfare is not only a substantive condition but also the decisive element for the operation procedure. The logic of operation procedure is explained by a parable of two friends.

Mencius said to the king Hsuan of state Chi, “Suppose that one of your Majesty’s ministers were to entrust his wife and children to the care of his friend, while he himself went into Chu to travel, and that, on his return, he should find that the friend had let his wife and children suffer from cold and hunger; how ought he to deal with him?” The king said, “He should cast him off.” Mencius proceeded, “Suppose that the chief criminal judge could not regulate the officers under him, how to deal with him?” The king said, “Dismiss him.” Mencius again said, “If within the four borders of your kingdom there is not good government, what is to be done?” The king looked to the right and left, and spoke of other matters (*Mencius*, 1B:6).

In this parable, the friend who entrusts his family to his friend represents Heaven, and the other friend who is entrusted is ‘a ruler’. The family members signify ‘the people’. Daniel A. Bell (2000, p. 303) explains this Confucian relationship between Heaven, the ruler and the people as a connection between owner and tenant. The owner of ‘all-under-Heaven’ is Heaven. The ruler is a servant who has a duty to take care of the people who are the tenants.¹²³ When Confucius and Mencius lamented that the ancient principle had been changed during their days, it designates the reverse of the positions of the ruler and the people. In this sense, Confucius says that politics is only to correct the name. In effect, the whole political issue of Confucianism is to correct the name, the Son of Heaven, if it is not correct in practice. Of course, this correction includes revolution.

How is the gap so wide between the good and the bad ruler in terms of the people’s mind? In *Mencius*, there is a clear example of the contrast between them. First, there is the example of king Wan.

“The *Book of Odes* says, He [King Wen] surveyed and began the Sacred Terrace. He surveyed it and measured it; The people worked at it; In less than no time they finished it. He surveyed and began without haste; The people came in ever increasing numbers. The King was in the Sacred Park. The roe were sleek; The white birds glistened. The King was at the Sacred Pond. Oh! How full it was of leaping fish!” Mencius says, “It was with the labour of the people that King Wen built his

¹²² Let us be reminded the discussion about justice between Socrates and Thrasymachus in the *Republic*.

¹²³ Surely, this idea seems quite similar to the teaching of Jesus. Yet, there is also a clear distinction. While in Confucianism there is no concept of a personal God, in Christianity, the concept of a personal God is the core.

terrace and pond, yet so pleased and delighted were they that they named his terrace the ‘Sacred Terrace’ and his pond the ‘Sacred Pond’, and rejoiced in his possession of deer, fish and turtles, It was by sharing their enjoyments with the people that men of antiquity were able to enjoy themselves (*Mencius*, 1A:2).”¹²⁴

Next, the opposite case is drawn;

“‘The *Tang shih* says, ‘O Sun, when wilt thou expire? We care not if have to die with thee.’ When the people were prepared ‘to die with’ him, even if the tyrant had a terrace and pond, bird and beasts, could he have enjoyed them all by himself (*Mencius*, 1A:2)?

In sum, in the relationship between Heaven and the people, it is the interest of the people that links the connection in operational procedure. In this light, “political authority is a trust conferred by the Mandate of Heaven upon the government for the welfare of the people (Wu, 1967a, pp. 214-5: Chen, 2007, p. 201).”¹²⁵

4. Korean Development of ‘Mandate of Heaven’

A. Jeong Yakyong’s re-conceptualization

Questions: Between Morality and Proceduralism

As it becomes clearer, the Son of Heaven is not an absolute position but a conditional political status. The position as a ruler can only be given by Heaven. Insofar as Heaven sees and hears through the people, the ruler can only be recognized and ratified by the people. The candidate should show his capacity by successful performance and the voluntary cooperation of the people is necessary for the success. These visible actions also consist of the operational procedure of legitimation of the ruler’s government. Seriously insufficient welfare of the people

¹²⁴ There is a similar phrase as follows: “When a ruler rejoices in the joy of his people, they also rejoice in his joy; when he grieves at the sorrow of his people, they also grieve at his sorrow. Sympathy of joy will pervade the kingdom; sympathy of sorrow will do the same: in such a state of things, it cannot be but that the ruler attain to the royal dignity (*Mencius*, 1B:4).” From this phrase, a principle emerges namely ‘enjoy with the people’ and becomes a condition and standard for a ruler to keep when the ruler wants to establish a palace or any public and national construction.

¹²⁵ Chen interprets this mandate as ‘moral’ in such expressions, ‘moral responsibility’, ‘moral demands’, and ‘moral obligations of the rulers (2007, p. 202, 204).’ However, although the mandate is based on the character of the ruler ultimately, the relationship must be understood as ‘political’ because this relationship between Heaven, the ruler and the people is exclusively meaningful in a public sphere.

would cause the withdrawal of their support immediately. Welfare is important not only because it is the foundation for the livelihood of the people as an intrinsic condition of good government but also because it is essential for the goal of Confucian government. If the welfare of the people is the least necessary condition for all government, education of the people to be good men and women is a sufficient condition for Confucian government.

Here is a delicate point. Surely, successful performance and sufficient welfare seem to be close to material fulfilment rather than the enlightenment of mind and soul. Only the people could recognize the external capacity of a ruler by visible consequences which are achieved when he is a minister or a ruler. There seems no room for a consideration about his character as an internal competence or morality which is generally known as the key virtue for a Confucian ruler. Yet, there is a missing process in these examinations of external performance. How does the great king Yao know Shun? If a king only provides welfare but does not make any effort for the education or enlightenment of the people, what does the sage, the minister do? How are the education and enlightenment for the Confucian goal for the people to be good men and women related to government itself? All these questions are about the relationship between the virtue of a ruler, its operational procedure and substantive value and Confucian enlightenment in morality.

In order to make these complex issues clearer, it would be helpful to turn back to the starting point of Confucian political legitimation, the Mandate of Heaven. Mencius interprets it as the 'mandate of people' in 2nd century B.C.; nevertheless, Mencius' argument had not been welcomed because of its radical nature. Yet, on the basis of Mencius' interpretation a Korean Confucian Jeong Yakyong draws a kind of basic logic of the first social contract model in order to explain the meanings of Mencius' interpretations in the 18th century, two thousand years later. In this part, Jeong's three short treatises will be examined. All three are very short but are deemed as most important to understand his political vision.

Jeong Yakyong's Interpretation in Tang-ron, Won-mok, and Won-jeong

Although Mencius has been respected as the second great Confucian sage after Confucius, his advocacy for revolution has not been welcomed by rulers. After the Han dynasty, in the imperial era, a trend of Confucianism appeared, with a one-sided relationship such as *Sangang* (Three bonds) emphasized in family and in state rather than mutual duty and right (Chen, 2007, pp. 197-203). *Sangang* is a set of ethics about the relationship between husband and wife, father and son, and ruler and people, and one-sided loyalty and obligation has been regarded as more

important in this relationship.¹²⁶ In this trend, it might be natural that Mencius's argument for revolution would be declined.

For this reason, it is not an accident that the opening of *Tang-ron* (탕론: 蕩論: Treatise about King Tang) begins with an answer to the same question of King Hsuan in *Mencius* whether it is right that King Tang banished Chieh. Jeong's answer is that it is old *Tao* (道: way) and not the first by King Tang. Jeong explains that the same revolution has been operated by the legendary King Sinnong in the period of Three Sovereigns and Five Emperors who are frequently called simply 'Yellow Emperor'. Yellow Emperor is literally the origin of the term 'emperor' in China, Japan, and Korea, and well known as the founder of the state and politics. From this, Jeong justifies good politics started by revolution from the very beginning.

Then, he turns the focus into the theoretical foundation of the 'Son of Heaven.' His question is this: 'Whether the Son of Heaven is established from Heaven or arises from the earth?' He answers it himself.

Five family consist of *In*; the man who is recommended as a leader becomes the leader of *In*. Five *In* consist of *Li*; the man who is recommended as a leader becomes the leader of *Li*. Five *Li* consist of *Bi*; the man who is recommended as a leader becomes the leader of *Bi*. Five *Bi* consist of *Hyun*; the man who is recommended as a leader becomes the leader of *Hyun*. Then, the man who is recommended by the leaders of *Hyun*¹²⁷ becomes the (feudal) lord.¹²⁸ Finally, the man who is recommended by the lords becomes the Son of Heaven. For this reason, Son of Heaven is recommended by the people (Jeong, *Tang-ron* [1818?]).¹²⁹

While Mencius explains using extreme examples in the 'Warring period', Jeong uses more logical and general illustrations from a peaceful period. Though in this passage there is only a procedure of recommendation but no consideration for the conditions of the leader and the procedure or substantive values, at least it is clear that the source of legitimacy for the 'Son of Heaven' is a mandate from the people. It may not a social contract among equal people because this recommendation may not be done by all members of the family but only by the male elders. However, this procedure would be close to a simplified version of a possible organizational procedure at the beginning of a political community reached at a certain stage of civilization. In other words, although there does not seem to be sufficient evidence to regard this

¹²⁶ Chen calls it 'Imperial Confucianism' (2007, pp. 198).

¹²⁷ *In*, *Li*, *Bi*, *Hyun* are all the names of administrative territory.

¹²⁸ In fact, at this moment, there might be no such feudal system yet.

¹²⁹ Like many other his works, *Tang-ron*, *Won-mok*, and *Won-jeong* have been written during he was exiled from 1800 to 1818 for 18 years. For this reason, it is not sure when those articles have been written exactly. All these works are included in *Yeoyudang-jeonseo* (complete collection of Yeoyudang). Yeoyudang is Jeong's pen name.

recommendation as a social contract or democracy, it surely deserves to be a legitimate representation from ‘down’ to ‘top’. Whatever the competence of a leader at each stage, it must be recognized by the people or at least by the leader of the family.

How about dethronement? Jeong makes it clear that “it is impossible without the people’s recommendation.” Therefore, if there is a disharmony among the five families, they can change the leader of In. In this manner, the Son of Heaven would be changed by the lords and it is same as the change of a leader in the smallest community. He says that “for it is the order of recommendation from down to top in the past, it is the reverse of appointment from top to down nowadays.”

Jeong also gives a clue about the qualification of the leader in a parable of group dancing. When a leader of group dancing is needed, a person would be chosen. Then, if the man performs well, he will be left as leader. Yet, if not, he must be reinstated in his former position, and another person who is deemed as qualified would be chosen. Then, if he fulfils his job, he would be called ‘our leader.’ In this parable, Jeong notes that the recommendation procedure from down to top is necessary but also there is a standard for an authentic leader. The leader must be good at his job. If not, he must be exchanged by a better suited person. While this exchange would be done by the authority of Heaven, the authority would actually be revealed by the will of the people.

In *Won-mok* (원목: 原牧: Treatise about the Origin of Ruler), Jeong argues again that “at the beginning, there was no ruler but only the people.” The ruler appears only when he is needed. He explains the origin of ruler that if there is a conflict between two neighbours, then, they go to an elder known as wise. If the wise man solves the problem, he will be in charge as judge and the same thing might happen in many other villages as well. The next events follow the procedure of establishing the Son of Heaven in *Tang-ron*. Yet, in *Won-mok*, Jeong makes another point clear that for this origin it is sure that the ruler is a man who is exclusively for the people. The ruler is only needed for service for the people, and there is no other reason for being in the position. Therefore, if a ruler enjoys a luxurious life when the people suffer from poverty, it is absolutely wrong. If it is wrong, correction is necessary in Confucian political principle.

Jeong claims at the beginning of *Won-jeong* (원정: 原政: Treatise about the Origin of Politics) that “the term ‘politics’ means correction.”

All the people are equal. Yet, some enjoy the benefit of land and well-being, whereas some cannot get the benefit and suffer from poverty. For this reason, [the ruler] improves the land and divides equally to the people; this is correction, and this is politics (Jeong, *Won-jeong* [1818?]).

In *Won-jeong*, Jeong mentions not only inequality and its correction of land but also points

out power, social status, wealth, and welfare in the same way. And he concludes that “for this reason, it is correction that should be done first [in politics].” In fact, this is the teaching of Confucius that politics is nothing but the correction of the name. “Let a ruler be a ruler, a subject a subject, a father a father, a son a son” (*Analects*, 12:11). Mencius interprets this correction in an extreme situation that it is a duty for Sages and Confucians to correct the tyrant in support of the people because the tyrant is not a ruler. Jeong Yakyong explains the reason by suggesting the original simplified version of the organization of political society and the representation. Confucius provides a principle of the Son of Heaven, Mencius interprets it in application, and Jeong clarifies it in a historical supposition. To sum up, all three change the concept of Heaven from an abstract ‘cosmic moral order’ (Black, 2009, p. 95) to the mind of the people. Therefore, the ‘Mandate of Heaven’ becomes a belief-system for political legitimacy based on a certain idea in which the mind of the people is regarded as the only key to the operational procedure.

B. Examples in Joseon dynasty

Listening to the Young Confucians

Listening to opinions from the ministers is not enough for law and policy to be justified. As I have noted frequently, Confucianism is a set of ideas in which educated wise men and their opinions are regarded as important as any other ministers and even the king, the ruler, as well. The persons who are deemed to be heard as first may clearly be the elder and respectable Confucians. Although they may not be the sages, it is an important tradition and necessary that the rulers and ministers consult the Confucians in a great reputation because it is well known that being a sage is rare since Confucius and Mencius. Yet, it is not true that the Confucian government’s politics and the policies’ legitimation always depends on the elder Confucians’ support. There is also a strong tradition that the young students’ opinions should be heard as seriously. In particular, the views of students of the highest national education institutions has been respected as influential enough to cancel the laws and policies which might already be confirmed by the government. The highest national education institutions had always existed in all the different Chinese and Korean dynasties from the earlier period of the civilization to the end of the 19th century and had been at the centre of not only education but also government.

There are many different and interesting examples in *the Annals of the Cho-sun Dynasty* (1392-1897).¹³⁰ In 1478, when King Seongjong wanted to appoint a former minister Jeong

¹³⁰ Cho-sun (Korean: 조선, 朝鮮; 1392-1897) was a Korean dynasty founded in 1392 that lasted for approximately five centuries before the Japanese colonization.

Injee who had served six kings as a national elder, namely *Sam-Ro*, there had been arguments for and against in government.¹³¹ *Sam-Ro* is a name of the honoured status originating from the earlier history of the Confucian legend and the bearer of the honourable position had been respected as a father, teacher, and elder brother of a ruler. The controversial issue was that Jeong Injee made a large profit by loan sharking. Among the debates whether he was suitable for the honour, the decisive judgment was given from the opinions from the ‘Seong-Kuen-Kwan (성균관:成均館)’. Seong-Kuen-Kwan had been the national highest educational institution of Cho-sun dynasty founded in 1362. A few people could enter the national institution through the competitive exams and its functions had been quite similar to the national university in the present world.¹³²

Some ministers who had been against the appointment said to the king that many of the students were ready to send letters to the king to say that they were opposed to the appointment. The fact that there were widely opposite opinions among the students of the national Confucian school was one of the strongest grounds for those ministers against the appointment. After the nine days debate about this appointment, the appointment was finally withdrawn.

Letters are the most common way for Confucians to argue for and against political issues in the Confucian world, particularly in the Joseon dynasty. Yet, the student of the national school had a rather stronger means as well. The students who consisted of approximately 150-200 members chosen from the whole nation and had lived together in student residence could organize a student association, ‘Jaehwoi (再會)’ in which they frequently discussed contemporary political issues. If they decided to present some arguments, particularly in the case of being against some policies or king’s orders, they used to write a letter about the issues and then signed jointly. They marched along the street from the school to the government office and palace with the letter, then submitted it and waited for the reply sitting in front of the palace. If the king rejected the argument of the letter, then, the student used to hold more a serious demonstration. First, they boycotted classes and went to a fast, then, if there was no action from the government, secondly, they evacuated the school and returned home.

The ‘evacuation of school (공관:空館)’ happened 96 times during the Joseon dynasty. It had a powerful effect on the government. Without any physical protest, it had been influential enough for the rulers to be sensitive to arguments from the school. For example, even one of the most respected kings of the Joseon dynasty, Sejong was faced with the evacuation on 23rd July 1448, when he wanted to establish a Buddhist temple for his personal wishes.¹³³ Though King Sejong argued that the construction was a just private affair, the ministers and students

¹³¹ *The Annals of the Cho-sun Dynasty*, Seong-Jong, ninth year, book 89, (19/02/1478 – 27/02/1478).

¹³² In fact, Seong-Kuen-Kwan is the origin of the present Seong-Kuen-Kwan University in Korea.

¹³³ *The Annals of the Cho-sun Dynasty*, Sejong, thirtieth year, book 121, (23/07/1448 – 15/08/1448).

condemned that it could not be private if it happened in the palace. The king became so angry and ordered the arrest of students, yet the ministers of the palace and justice would not carry out the royal order. Then, the king called the prime minister, Hwang Hei to solve the evacuation affair. The way chosen by the prime minister aged 85 was visiting the students from door to door and persuading them.

This event clearly shows that the opinion of the students of the national school were not only respected as important as the ministers', but also a barometer whether the ruler's will was legitimate or not. As a younger group of educated Confucians, the opinions of the students should be heard by the king. In other words, whether old or young, the views of educated Confucians are influential on the legitimacy of the Confucian government.¹³⁴

*Listening by Survey*¹³⁵

There was also a more modern way of listening to the common people. In the period of King Sejong, in 1430, an extensive survey had been taken covering as many as 170 thousand people from the common people to highest local officials.¹³⁶ King Sejong suggested changing the rule for taxation on land in 1427. The contemporary tax was determined by the amount of harvest which was investigated by examiners dispatched from the central government. However, massive corruption was frequently and many results were incorrect. Sejong wanted to change it to a new mode of approximating tax with estimates based on fertility and the weather which were easily recognized by the central government. Of course, the suggested bill faced strong opposition. Many local land owners and local officials who had made a profit from the contemporary system would not accept the new system and oppressed the ministers. Even the prime minister, Hwang Hei disagreed with the king's reform because he worried that the reform might threaten the dynasty of which King Sejong was only the fourth ruler. It was the survey that Sejong suggested to break the deadlock. The survey had been done for five months from 5th March to 10th August in 1430. Overall 172,806 people had been asked in this poll; 98,657 agreed and 74,149 disagreed. Yet, this was not the end but merely the beginning of the long procedure of the reform for 17 years.

Despite of the result of the poll, King Sejong had not been in haste to operate the new rule.

¹³⁴ South Korea may be one of the few countries where there is a term 'student movement'. Although there have been some controversies, most Korean political theorists including Marxists agree that the role of the student movement has been decisive in democratization from the 1960s to 1980 than any other sectors' protest. Many of the theorists admit that democratization in Korea has been carried out by students no less than by the bourgeois or working class but. In fact, two memorable demonstrations in 1960 and 1987 of modern South Korean politics were both led by students.

¹³⁵ Much of this section rests on the Park's (2005) research.

¹³⁶ *The Annals of the Cho-sun Dynasty*, Sejong, twelfth year (23/05/1430 – 10/08/1430). See also Park (2005).

Instead, he commanded the ministers to gather and investigate reasons of for and against. The main reason for the distinct differences between agreement and disagreement being so distinctive depended on the province. In the northern area where productivity was lower, only 1,410 agreed with the reform, and 35,912 disagreed. In contrast, in the southern area where productivity was higher, 65,864 agreed and only 664 disagreed. 6 years later, in 1436, Sejong presented a more elaborate bill and also pointed out the financial issue of the serious loss in national income. However, the second debate lasted for another 2 years. In 1438, in a situation where many ministers were still opposed, Sejong suggested the second survey. Yet, at this time, the supposed guide line for operation of the new rule was the agreement of two thirds. Nevertheless, the suggestion was also rejected by the ministers. As an alternative, the king ordered the government to set a model in particular provinces to be examined, and waited for a few years again. During the test period, Sejong visited and investigated the fields by himself.

Finally, in 1448, in most reports from the provinces where the new rule had been operated, positive opinions had been revealed. Then, the ministers agreed the extension of the new system to the whole nation, and at the final stage, there was no minister opposed to the new law. This new rule for taxation was immediately applied to the constitution for the Joseon dynasty and lasted for two hundred years.

5. Conclusion

This chapter reinterpreted Confucian political thought in reference to the legitimacy of representation in the context of modern representative democracy. The core of Confucian representative theory is the concept of the ‘Mandate of Heaven’. Mencius interpreted the ‘mind of Heaven’ as ‘mind of people’. It is not so clear how the nature of Heaven can be understood between personal god and cosmic order. However, it has not been matter in Mencius’ political theory since he interpreted Heaven as the subject which is not just the sole source of the authority of Confucian representation but also a bearer of the will of the people. The fact that Heaven is the subject which reflects the will and interest of the people is clear in the sense that Heaven does not speak by itself but through the people. It also hears the voice of the people. In this light, though Confucian representative theory did not develop modern democratic theory, there is an obvious idea of conditional government and legitimate representation. In addition, it also provides the foundation of revolutionary theory against tyranny. In fact many peasants’ protests in Confucian East Asia had risen in the name of the Mandate of Heaven. In other words, as the mind of people is the mind of Heaven, the order of people is the ‘order of Heaven (천명: 天命)’.

A Korean Confucian in 18th century, Jeong Yakyong re-conceptualised the interpretation of

Mencius. He had drawn the fundamental logic of the beginning of the Confucian representation from down to top model in order to explain the meanings of Mencius' interpretations. In this model, all the first representatives are recommended from the common people of each town. In the next stage, the chosen representatives choose again the higher level of representatives among them by recommendation. By repetition of these procedures, the ruler, 'Son of Heaven' is selected. In another essay, he argues that the concrete situation in which the top representative should have to be removed. According to Jeong, since the authority of representative comes from the mandate of the people from the bottom, it is clear the status of the supreme position as rulers must be conditional depends on the represented who recommended them as representatives. For this reason, when the representatives fail to perform the duty of representatives, they should be changed by new ones by the support of the people and sub-representatives. Mencius and Jeong's representative theory had been applied in politics in Confucian East Asian.

In this chapter, some examples in Joseon dynasty in the Middle Age's Korea have been shown. First, unlike the general prejudice, in the procedure of listening to the opinions, there is no discrimination of social status, official power, or ages. The young students of the national school had been respected as the bearers of relevant virtue to be engaged in the important political decision-making procedure. Without any physical protests, there were many well-ordered ways to propose their opinions and the most supreme power need to reflect the suggestions as authoritative judgment. There was also an example of survey of the ordinary people. The survey by King Sejong required 17 years. It covered the opinions of as many as 170 thousand people from the common people to highest local officials. In this case, the opinions of ordinary people had been regarded as relevant and reasonable. Accordingly, this is the clearly practical example that showed that the concept of relevance in Confucian representation is not limited by social position, intelligence, or education. In this case, the people of Joseon dynasty were the subject who participated in the decision-making procedure which determined their own welfare. It has been done within the Confucian representative theory.

The next chapter will challenge whether this Confucian virtue is compatible with modern representation and democracy.

Ch6. The Virtue of a Representative

1. Introduction

The aim of this chapter is whether Confucian Sagacity¹³⁷ is to be acceptable as a virtue in modern representative democracy. Even if we accept that it is possible to interpret the Mandate of Heaven in such a way as to be consistent with electoral legitimacy, there is another Confucian doctrine that seems hard to reconcile with the principles of democratic theory, namely that the representatives that are elected should be of superior virtue. I assume that Confucian Sagacity can be understood as a type of a good representative. If an election is a procedure to choose a good type of representative, Sagacity can be an important condition for a qualified candidate.

In this section, I shall go further to clarify the nature of political superiority as a virtue for a representative. Insofar as we consider virtue with character of political agent, the question would be essentially related to legitimacy. In other words, the issues of different types of representative are not only crucial for an effective government but also deeply involved with the normative perspective of political legitimacy.

2. The Confucian Virtue of a Representative¹³⁸

A. The Confucian virtue of a representative

A Sage as an individual character has been a model of a good person and a good ruler as well.¹³⁹ As virtue is one of the most important issues in Confucianism, a Sage generally means

¹³⁷ In fact, the interpretation of its original meaning itself is controversial. Some theorists have used the term of ‘Sageness’ as its English translation. In this thesis, ‘Sagacity’ is the term to refer to the concept in order to emphasize the character of practical wisdom.

¹³⁸ It is hard to translate the term, virtue, *Deok* (in Korean: 덕) or *De* (in Chinese: 德) into English. *Deok* is generally translated as ‘virtue’ or ‘power’. Yet, in this thesis, particularly in terms of the character of a good representative, following Ames and Rosemont, excellence seems the most appropriate understanding of virtue “in a sense excelling at becoming one’s own person.” (Ames and Rosemont, 1998, p. 57)

¹³⁹ Sage (성인: 聖人) is a distinctive concept from Junzi (군자: 君子) in Confucianism literally. While Sage is an ethical concept of ideal man, Junzi is a political concept as it means literally ‘son of a ruler’. However, in the idea of Confucius and Mencius, the end of Confucianism is to unify the two concepts. In other words, in the ideal society of Confucianism, a Sage should be a Junzi and a Junzi should be a Sage. For this reason, this thesis does not make a clear distinction between Sage and Junzi. See more Ames and Rosemont (1998, pp. 60-61).

the bearer of the extreme virtue in various ways. In this sense, Sage was a term coined by Confucius to describe his ideal human. To Confucius, the functions of a government and social stratification were facts of life to be sustained by ethical values; thus his ideal human was the Sage. Often translated as "gentleman" or "superior person" and sometimes "exemplary person" in English, the Sage literally means "lord's son". In the ideal of Sage, the ruler is supposed to be a king who has a superior ethical, moral, and intellectual position while gaining inner peace through being virtuous. While Confucius has been respected as a model of Sage, Confucius himself denied that he approached that degree of virtue. According to this understanding, it seems not practical but a utopian concept of good type of representative. However, despite its literal meaning, any righteous man willing to improve himself has a potentiality to become a Sage.¹⁴⁰ There is no doubt that Confucius' words came from humility, and Confucius always would choose the second best in the real world. Therefore, on the one hand, it is an extreme stage where an ordinary person hardly gets the position; on the other hand, there is a possibility for everyone to be the ideal man.¹⁴¹

Politically, a Sage is generally understood as an ideal man or a good person suitable to be a ruler or official among all the people rather than those who are in higher social and political positions. What Confucius was doing is to "shift the sense and reference away from position, rank, birth, or function toward aesthetic, moral, and spiritual characteristics." (Ames and Rosemont, 1998, p. 61) Mencius also does not demand any hierarchical social standards of qualification such as class, age, achievement and origin but virtue (Ahn, 2002, pp. 32-3). Particularly, Mencius understood a Sage as a virtuous man. The Confucian term, a *Yudeokja* (유덕자; 有德者) exactly means a man who holds virtue that Mencius always anticipated as a necessary condition of good ruler. Mencius said, "I never answer any questioner who relies on the advantage of possessing position, pride, age, achievement or status as an old friend" (*Mencius*, 7A:43).

If the ideal ruler is a person who has a virtue, what is the core of this virtue in Confucian society? This virtuous ruler is a person who has *Ren* (인:仁).¹⁴² Without *Ren*, the ruler loses a country.

¹⁴⁰ Paul Goldin's translation of Junzi as "noble man" is a clever attempt to suggest both the earlier political meaning as well as the later moral meaning. See more Roger T. Ames and Henry Rosemont, Jr. (1999), *The Analects of Confucius: A Philosophical Translation*, Ballantine Books.

¹⁴¹ It was Xunzi who redefined the term and concept of Sage as a hierarchical and utopian conception (Ames and Rosemont, 1998, p. 65).

¹⁴² *Ren* is generally translated as 'benevolence', 'goodness', and 'humanity'. As a more sophisticated but accurate translation, there is also a term of 'manhood-at-its-best'. (Ames and Rosemont, 1998, p. 48) In fact, *Ren* cannot be translated simply as benevolence because it has many diverse meanings beyond benevolence. However, the translation of manhood-at-its-best seems to be abstract to the people who are not so familiar with Confucian tradition. For this reason, in this thesis, I use *Ren* directly sometimes and choose various terms as a translation of *Ren* as appropriate in each context.

Only the man of *Ren* is fit to be in a high position. ... Confucius said, “There are two ways and two only; *Ren* or no-*Ren*. ... The Three Dynasties won the Empires through *Ren* and lost it through no-*Ren*. ... An Emperor cannot keep the Empire within the Four Seas unless he is benevolent; a feudal lord cannot preserve the altars to the gods of earth and grain unless he is benevolent (*Mencius*, 4A:1-3).

However, this virtue of *Ren* necessarily requires practical wisdom. He clearly argued that

Even if you had the keen eyes of Li Lou and the skill of Kng-shu Tzu, you could not draw squares or circles without a carpenter’s square or a pair of compass; even if you had the acute ears of Chih Kuang, you could not adjust the pitch of the five notes correctly without the six pipes. ... This is because they do not practise the way of the Former Kings. Hence it is said, ‘Goodness alone is not sufficient for government; the Law unaided cannot make itself effective’ (*Mencius*, 4A:1).

The Sage has both moral and political responsibility to the people. The King Wu was the most professional official of affairs with flood control which is crucially important to the Chinese agricultural civilization. Yet, the virtue that made him a ruler is not just the knowledge of the special skill but responsibility. He did not visit his home for 8 years to care for control of flooding because he thought that if there were any damages from the flood, it would be his fault as an official of the department (Jullien, 2004, p. 139).

This virtuous character is the distinctive element in Confucian political thought. The virtuous man changes the people’s mind not only his political performance but also by his virtuous character itself. Peoples are influenced by his virtue directly. In this context, he said that “A gentleman transforms where he is passing through, and works wonders where he abides. He is in the same stream as Heaven above and Earth below. Can he be said to bring but small benefit?” (*Mencius*, 7A: 13). In addition, this influence is better than a government of regulation in the sense that it changes the character of people as good enough. And this is the point where the Legalists and the Confucians could not compromise.

Good government does not win the people as good education does by influence. Good government is feared by the people; good education by influence is loved by the people. Good government wins the wealth of the people; good education by influence wins their hearts (*Mencius*, 7A:14).

Here, the reason why the people fear good government is not because the government is coercive but because there may be some orders that should be obeyed even when the people do

not understand or do not agree with the orders. In contrast, when the people are enlightened or educated by influence of good character of the representatives, there is no need of enforcement of orders without agreement.

In Confucianism, the best politics is ‘the rule of principle’ which is distinctive from ‘the rule of force’. In ‘the rule of principle’, the cleverest and the most respectable becomes the ruler. The ruler possesses the highest virtue as the representative ruler such as benevolence, justice, moderation, and knowledge. He¹⁴³ becomes literally a model of all the people and his governance is respected as perfect. He is appointed by the previous ruler but the process absolutely depends on public opinion. He is nominated by the people and ratified by the ruler. To be accurate, the ruler is appointed by a recommendation from the people. That is the procedure of the ‘Mandate of Heaven’.

Everyone who is virtuous can be entitled to be the ruler. Confucius and Mencius clearly argued that the social status as descendants of the ruler is not sufficient at all for one to be the next ruler. Anyone who has a virtue enough to be a model of the people should have enough competence, responsibility and responsiveness in the relationship with Heaven on the one side, and with the people on the other side. The ruler must always listen carefully to what the people want, so that the people would grant legitimacy for his ruling with enough voluntary actions. Virtue, competence and responsiveness of the Confucian representative evoke cooperative interactions that are necessary to achieve the welfare of the people, the public good.

In Confucius’ ideal, a king should be a *Yudeokja*, the virtue bearer; in Mencius’ ideal, a *Yudeokja* should be a king. While Confucius gave the principle, Mencius clarified the practical application of the principle with revolutionary theory. However, the basic common idea has not been changed in Confucianism for more than two thousand years. Only virtuous people are eligible to be a competent ruler and a representative of Heaven and the people in reference to the Confucian belief-system.

The first condition of a Confucian representative is virtue. The core of Confucian virtue is *Ren*. However, insofar as this virtue includes the competence of responsiveness to the people as necessary and the most important condition, political capacity as practical wisdom that provides the welfare of the people must be another essential standard of a Confucian representative. In *Mencius*, Mencius always clearly suggested these two intrinsic conditions of a Sage king, the Confucian ideal ruler. Two maxims that ‘only a virtue bearer is a legitimate ruler’ and ‘to the people, if they have not a certain livelihood, it follows that they will not have

¹⁴³ Confucius and Mencius might not think that a woman could be a ruler. We are not sure of the reason that whether they thought a woman is not suitable for the position or just they could not imagine that situation because of the limit of the periods. However, there are numerous researches that argue that they may agree woman representatives in contemporary democracy because they do not mind any other conditions but the virtue and practical wisdom as a requirement for a good ruler.

a constant mind' show well these ideas. Here virtue meets practical wisdom. In the text, this is drawn as

What must one's Virtue be like so that one can become a true King? He becomes a true King by bringing peace to the people (*Mencius*, 1A:7).

In sum, there is a dependence on public opinion which is the only way to be a legitimate ruler. The virtuous ruler is open to opinion where there is free speech. This is the perfect politics in the best harmony between an individual and systemic virtue. To say it in the way of Confucianism, this is a state where the Sage becomes the ruler and it is secured by the system. In Confucian legend, there were three emperors in the old Chinese dynasty those who fulfilled the condition. In the middle ages in Korea, two kings are often mentioned as examples.¹⁴⁴

B. Critics of Confucian virtue

Though Confucian representative theory only permits division of roles among the equal people or assumed equal at least, it is clear that the Sage is a superior person and has a character distinctive from the ordinary people. There seems to remain a significant issue with democracy. Some could argue that modern representative democracy does not allow any discrimination not only based on social position, class, or wealth, but also intelligence, morality or education. The point is that Confucians do not recognize anything but the virtue of a person for a qualified representative. Therefore, the question to be examined here is whether the principles of Confucian virtue of a representative are coincident with the principle of democracy.

While a Sage is the key of Confucian representation, there has been a serious critique in relation to Asian despotism. The superior character of a Sage has been understood as an obvious evidence of Asian despotism and hierarchical authoritarianism. Even if it is not so serious, at least it seems far away from modern representative democracy. In fact, there has been a very strong and long term argument for the hierarchical characteristics or even nature of Confucianism. It is to say that Confucianism is an unsuitable idea for democratic representation. Orientalism holds this idea in common (Said, 2003[1978]; Hall, 1991; Parekh, 1992), and Wittfogel's (1957) 'Oriental Despotism' is the developed version of the views (Moore, 1974, p. 163).

One immediate counter argument against Orientalism is that the king Sage is neither the barbarian nor the tyrant. Contrary to the common view of Asian despotism, there have been a

¹⁴⁴ In Joseon dynasty, they are King Sejong (1397-1450, reign. 1418–1450) and King Jeongjo (1752- 1800, reign 1776 – 1800).

sophisticated set of political thoughts about the role and virtue of the representative in Confucianism. In fact, Confucianism is a political philosophy which has been devoted to the virtue of a representative. The top principle of this ‘virtue based representative theory’ is that the ruler must not be a tyrant or an absolute emperor. The prior duty of the ruler is to care for the people. The government should provide basic welfare for every member of the state and there should be some special treatments for the vulnerable groups (*Mencius*, 1A:7). For this, Confucius and Mencius emphasized the importance of listening to the voice of the people in the theory of Mandate of Heaven. Jeong Yakyoung understood that this duty could be inferred from the origin of the selection procedure of a legitimate ruler from bottom to top. Mencius and Jeong both strongly advocated revolution when the necessary conditions of the representative government are denied. In this sense, the requirement of superiority and competence is not the element of despotism but a relevant standard of a legitimate ruler. While the requirement may provide some political authority, this authority also grants the corresponding responsibility and duty of responsiveness. The ruler is a representative who should do not only stand for but act for the people. For this, mandate and continuous interaction must be essential. This is limited government and far from the absolute power.

It becomes clearer in comparison with the rival political thoughts, Legalism. In Legalism, all people are assumed as fundamentally vicious and humanity is selfish and evil, so that stringent laws and harsh punishments are required to keep them in order. The government must be a vigorously regulated machine, and the ruler must be cruel.¹⁴⁵ His responsibility is for the state not for the welfare of the people. If the ruler is only cruel and not virtuous, the people may not follow the ruler in their mind. Although the ruler is clever in some senses, the moral character of the ruler is regarded as not relevant with effective wielding of power. There is no such concept of responsiveness between the ruler and the ruled. While the ruler can be a representative only in the sense of ‘standing for’, he does not need to ‘act for’ the people. In this sense, the Legalist ruler is a dictator who only commands and the people are subordinates who only have an obligation to obey. In the theory, there is no coherence of virtue as a good person and good representative.

In contrast, the whole Confucian thought is about being a good person and a good representative. Confucian thinkers believe that as a good person, the Sage is a representative of the people. This is the basis of legitimacy in every government. The concept of Sage must be similar to Socrates’ philosopher king rather than a barbarian king. Yet, the Confucian Sage ruler is distinctive from the Machiavellian ruler who is competent in a sense that he is a bearer of *Virtu*. While Machiavelli’s *Virtu* is not subject to the personal character of ordinary people or

¹⁴⁵ For this reason, the virtue of the ruler of Legalism is often compared to *Virtu* of Machiavelli.

the condition of citizens, the virtue of Confucius Sage is related to both areas as a good citizen and a good ruler at the same time. A Vicious person could be a good ruler in Machiavelli's state, whereas a virtuous person only can be entitled to the position of ruler in Confucius world.¹⁴⁶

Now, there are distinctive views of the character of a good representative. This must be connected with different cultures, values, and belief-systems. This is also related to the first conceptual issue of this research, political legitimacy. While there is a common framework as a structure of political legitimacy, different contents consist within the frame. Likewise, there seems a difference of the requirement or competence of a good representative in different societies. It is a problem of Confucian virtue and culture. This is the final conceptual issue to be examined in the research in the connection with the previous conceptual analyses of legitimacy and representation.

3. Role and Virtue of a Representative

A. Diversity of the virtue of a representative

In representation, there are some reasons why the people support a representative. Legitimate representation requires those reasons for the people to believe, consent, and support a person or an assembly as a representative of them. In this sense, the reasons bind people and the people's actions. In representative democracy where the representatives are elected by the people, candidates are required to give the reasons to the constituents. The reasons may include various elements such as vision, ideology, capacity, experience, character and identity and they will be presented through utterances and actions. Yet, the judgment of whether they are enough to be a representative exclusively depends on the constituents not any others.

At this point, we can be aware that there are certain requirements for the role and virtue of a representative. And these requirements are rooted in each belief-system. As there are different views about the role of a representative, the qualification for the role would be various. In addition, if the roles expected by the represented are similar, the contents of the qualification for the roles expected by the same people would be different depending on the political culture. On this view, we can call these different contents of qualification for roles the virtue of a

¹⁴⁶ Another rival idea of Confucianism, Taoism did not care about the virtue of ruler at all. Taoist did want the ruler to do nothing because the world would be operated by nature. While it is unclear that 'by nature' implies the autonomy of free individuals, in this sense, Taoism is often deemed not a political thought. There is absolutely no virtue of representative or government. In fact, there may be no government which we can imagine. To say in a modern view, Taoism seem to assume that Rousseau's peaceful state of nature would last forever if there is no artificial interference such as social contract.

representative.

The relationship between the role and virtue of a representative could be clarified in two realms, empirical and normative senses. First, in empirical sense, while the role is a matter of what the representatives have to do, the people actually do not always control the decision-making of the representatives. Whether it is ideal or not, realistically it is almost impossible. For this reason, in a real election, the constituents consider who is suitable for the role in practice. This is what is called the virtue of a representative.¹⁴⁷ Although the competence or capability of the representative does not always guarantee the sufficient achievement of the role, generally the people who choose the representative may anticipate those results. It is not only a plausible inference from experience but also a rational choice because the people expect that the representative will accomplish their job well as soon as possible without trial and error within the determined term. Whether the grounds of the people's judgment are political vision, intellectual capacity, economic success, contribution for the society, or moral superiority, there should be some sort of preferences with the virtue of a representative.

In addition, the virtue of a representative always tends to be revealed implicitly or explicitly in the procedures of representation broadly in the functions of the belief-system. In practice, role and virtue are connected intimately. In fact, often the achievement of the role cannot be distinguished clearly from the virtue of a representative. Moreover, it seems that the real character or capacity of a representative appears only when the person does the job as a representative. As Pitkin points out the repetition as an important merit of the representative democracy, the performances of the representative are regularly evaluated by the represented. Yet even at this moment, it is clear that what is brought to the political judgment is not only the performance but also the virtue of the representative.

Second, in principle, there is a necessary but distinctive connection between the role and virtue of representative in relation to authorization and legitimation in political culture. Political representation based on a mandate procedure that necessarily requires authorization by the people. In other words, for a representative to do something genuinely in a role of representative, he or she should pass a stage of authorization which is embedded with culture necessarily.

It is clear in a Confucian maxim, 'Mandate of Heaven'. There should be a precious procedure of granting and receiving authority before the performance of a representative's role. The representative rules instead of Heaven, in other words in the authority of Heaven. In this procedure of authorization, there is a ground of the judgment on people's minds and belief-system.

¹⁴⁷ In a broad sense, this may be the compromising form of the representation of 'promissory' and 'anticipatory' conceptions (Mansbridge, 2003).

In terms of legitimacy, this authorization procedure cannot but depend on culture of the society. There should be a certain type of concept of a good representative in each society, and this is the virtue of a representative. In addition, the conceptions of a representative's virtue could be more various than role of a representative. If the role of a representative in people's minds is different in each community, the necessary virtue of a representative may be diverse.

In the case that the expected role is a mirror concept, the virtue of a representative would be diverse depends on the characteristic in each society. What the people demand from the representative is simply reflecting the views or interests of the people. Although it is not clear that that is the best way of representation, at least in the mirror view it is obvious what the representative has to do and it must be diverse in each society.

From the view of distinction principle, the role and virtue of a representative is also not coincident thanks to the different political culture. In societies where superiority is regarded as a necessary qualification for a representative, the people would expect the representative to participate in decision-making procedures exclusively based on his or her own distinctive competence. It is because the contents of superiority must be diverse depends on the tradition and custom even though the role is similar in each other. Even though the role of a representative is identical, the virtue may be different again. For instance, if the people in two different societies agree that the role of a representative is to vote based on a representative's independent judgment, the people of one society may prefer intelligence to morality and the other may be the opposite.

In conclusion, the virtue of a representative consists of reason-giving functions of political legitimacy in both empirical and normative senses. People do not or cannot judge the performance of a representative without a belief-system. In any sense, in judgment of the people, their political performance, contribution, or reputation are involved with the cultural background. There must be different standards and values in evaluating the political performance in different societies. It must be same as the judgement of the character of the person who is suitable for the position of the role. In addition, insofar as political representation requires a foundation of mandate by the people, there should be a procedure of authorization by the people in a normative sense. This normative standard is applied to the individual character of a representative in moral and substantive senses. Therefore, it can be said that there should be good reasons for representation to be legitimate, and it is related ultimately to the suitable virtue of the candidates for good representatives.

As a result, the virtue of a representative demanded is one of the most significant reasons which bind the representative and the represented in relation to political legitimacy. Therefore, if we consider cultural diversity with representation, it is crucial to scrutinize not only the role but also the virtue of a representative.

- B. The concept of the virtuous representative has a long history in both the West and the Confucian East and is still valid in modern democracy insofar as it is associated with representation

The issue of the virtue of representatives for good government is not a recent political idea. Rather, it may be right to say that from Socrates via Machiavelli to now, most political thought has been devoted to this subject. Although the theoretical, practical, and constitutional grounds for an authentic ruler have been changed variously for the periods, the subject that the political philosophers have considered has hardly been changed. Socrates regards love for wisdom as a virtue of the political leader of a polis, Aristotle moderation as a collective and systemic wisdom in ideal of mixed constitution, and Machiavelli *Virtu* for the unification of Italy. In other words, in terms of similar issue, there have been diverse conditions and models of authentic rulers such as philosopher king, military leader, theological faithful leader, and so on even including an heir of holy blood.

It is not obvious that most of those conditions of a good representative have been changed fundamentally in modern democratic periods. For instance, two of the three grounds of legitimacy in Weber's idea are traditional and charismatic domination, and its practical validity seems to be accepted widely even in contemporary liberal democracy as a sort of virtue required for being a successful political leader. In fact, it may be also undeniable that the virtue of representative candidates is still seriously influential no less than any other policies and pledges in electoral campaigns even in modern party politics.¹⁴⁸

The question who should be or who is qualified to be a good representative have been very familiar to modern political thinkers who were interested in the representative political systems in America, England, and even revolutionary France. In America, both the Federalist and the Anti-federalist had been aware that there were some aristocratic elements in electoral systems. For this reason, the Anti-federalist argued for resemblance as a necessary element of the representative and required more numbers of the representatives. Against this, the argument of the Federalist was not that the electoral system in American constitution would not be that kind of aristocracy. Instead, they did not hesitate to say that the representatives should be distinctive

¹⁴⁸ One of the latest major elections in the world was the general election of Germany on 22nd September 2013. In this election, the coalition of CDP and CSU won 41.5% and this victory has been interpreted as the result of the popularity of the incumbent Prime Minister, Angela Merkel. According to a survey, more than 70% of the voters answered that they would vote for Merkel if the general election is to choose the Prime Minister. (<http://www.mediaus.co.kr/news/articleView.html?idxno=37242>) A survey by German public television station ARD found that 38% of voters backed the coalition only because of Merkel. (<http://www.njherald.com/story/23498170/merkel-factor-boosts-partys-result-in-german-vote>)

from the ordinary people and that is the better way to secure the interests of the state and the people as well. Though it was clearly not their intention for good politics in the New World, the present consequence of the American representative system where few distinctive people can be chosen seems to be consistent with the concern of the Anti-federalist who cared for resemblance.

Interestingly, ancient Confucians did not mind class, social position, ages, and nationality in considering a person as a good representative. Even they rejected any kind of discrimination in representing and recommending a suitable person for a ruler and an official. If only he is a good person in his five basic relationships with family, town, and country, it is regarded as solid evidence that he has virtue enough to be a good representative. They would not agree with any discrimination of right or duty to participate in public and political decision-making. They thought that the virtuous character was rooted in everyone and could be and should be developed by education based on learning and practice. For this, a certain level of welfare and educational system is necessary and these are the very duty of a good ruler as a representative of the people. Surely, this only can be realized in a political culture and belief-system in which enough numbers of the people of the political community have a common idea of good politics and a good representative.

4. Three Views of a Representative's Principle

A. Principle of accountability

There seems a general idea that the legitimacy of representative government is entirely determined by how the representation is endorsed with democratic procedure. In this view, there seems no room for the virtue of a representative in modern politics in terms of legitimacy. Systemic accountability is the main principle of democratic representation.

This view is basically from an idea that representation is merely a complementary means for democracy in a large size political community particularly in modern periods. In contemporary politics, most people accept the view that the democratic principle is the foundation of legitimacy of representative democracy rather than the representative principle. In this view, the legitimacy of representative democracy is rooted in procedural accountability in terms of democracy.

This procedural accountability view has been developed in an idea that the procedures of electing politicians consist of the most important parts in representative democracy in modern politics. In this argument, the views which focus on party politics and democratic procedure are

combined. While it seems a simple and even dangerous elitist view represented by Schumpeter (1942), it is also true that most discussions of representation focus almost exclusively on electoral systems within a similar presumption (Przeworski, 1999, p. 32). In this sense, political representation becomes minimalized within a concept namely electoral democracy. In other words, representation is replaced by election. This is the reason why many scholars are interested in electoral systems and structures. This idea hardly cares about a representative and its character because whether the representation is good or bad depends entirely on the system, structure and procedure. They may believe that the virtue of a representative has no function in modern representative democracy. Even though there is a need, the virtue should be understood in some systemic context.

In modern politics, this systemic understanding of representation is often connected to the argument which emphasizes the functions of a political party rather than the virtue of a representative. They may claim that political parties have become the most important factors particularly in modern politics and there would be no room for the virtue of a representative. According to the argument, the analysis for politics should focus on the parties and the party system and those analyses are enough to understand the politics because they are the only practical and real bearers of the policies and their realization. In fact, in many places where the political system can be called a representative democracy, most candidates are nominated by political parties and they are subject to the campaigns operated by the parties. Not only in a stable representative democracy but also in a theory of revolution, as Gramsci and Lenin argued, certain political groups organized by leading revolutionaries seem to be essential resources. In this light, a group of dominant researchers such as Lipset & Rokkan (1967), Schattschneider (1960), Sartori (1976), Duverger (1954), and Downs (1957) have studied the relationship between politics and the party system.

This procedural accountability view focusing on the electoral system and party politics must be the main stream of modern political science. The virtue of a representative has been regarded as an old and pre-modern idea. However, this research would argue that it is still important and a decisive factor in understanding and evaluating the political legitimacy of representative democracy in relation to cultural diversity.

First, modern representation is designed not as a supplementary device but as an alternative to democracy from the beginning (Manin, 1997). While the complementary view of representation with democracy seems a formal and justifiable argument, this alternative view would be closer to the practical features of a modern representative democracy. Although it might be found in 18-19th centuries in Europe as well, the procedure and debates for the American Constitution in 1787 might be a plain example. The fear of the American forefathers was tyranny by the majority in democracy, and they formulated a frame of representation

sophisticatedly as an alternative. In modern history, representation has not been the complimentary device for established and justified democracy, and what happened was exactly in the opposite direction. Representation has been reluctant to accept democracy by force from the bottom. It is certain that much of the un-democratic and even anti-democratic elements still remained in contemporary representative democracy. In theory, as Rousseau (2004 [1762]) pointed out, the virtue of a representative cannot be absolutely subject to democratic procedure and may not be so because of the nature of representation.

Second, systemic understanding of representative legitimacy does not seem to affect the importance of the virtue of a representative at all. Instead, this view shows that there are diverse aspects of the virtue of representation. For example, in the case of party politics, that can be understood as an institutional and collective virtue of a representative. In this case, the membership for a party would be regarded as a necessary virtue of candidates. When the representative elected would be required to vote as a member of a party than by any other standard, this demand of identity as a party member is understood as a certain type of virtue for a good representative. Even if the virtue is derived from a group as a party or a party system not an individual, it means that there is a need for a proper system which may promote and guarantee the virtue of a representative more effectively and genuinely in the sense the constituency asks. In effect, in any case, there cannot be a representative system which is absolutely irresponsible to the virtue of a representative. In addition, it is clear that no system has been accepted or deemed as a representation itself without a representative as a human individual or in a body. As long as we understand and define representation with actors as a representative, the representing behaviours of a representative need certain types of virtue and a representative system cannot dismiss the essence.

In fact, all these objections seem to be rooted in a fundamentally sceptical view about the role of the representative as a political actor. This is a comprehensive argument that the virtue of a representative must rest on systematic regulations exclusively rather than individual character. Probably, this is the most basic foundation of why most political scientists and theorists, interested in representation, concentrate more on the institutions than the people, representative as actors.

However, as Pitkin (1967, pp. 236-40) points out, there is a clear difference between how representatives are elected and what they do. No electoral system guarantees the legitimacy of representation; rather the system also is subject to the idea of who should be a representative, what they do and how they should actually perform in each society. Also there would be some added standards particularly related to degrees of various values required to be qualified. About this scepticism, it would be helpful to see Pitkin's other sceptical view about institutions.

We should not be too optimistic about the capacity of institutions to produce the desired conduct; even the best of representative institutions cannot be expected to produce representation mechanically. On the one hand, without institutionalization, the ideal of representation would remain an empty dream; on the other hand, no institutional system can guarantee the essence, the substance of representation (Pitkin, 1967, p. 239).

In other words, it only means that the virtue of a representative is still an essential issue for representation both in principle and in practice.

B. Principle of resemblance

There has been a conception of a democratic representative that the representative body should be a descriptive mirror of the represented. In this conception, the representatives have a functional role that only reflects the will and views of the represented. The assembly is representative in this view if it is ‘a miniature’ of the electorate, ‘a sample’ of it. The hypothesis underlying this conviction is that if the assembly is descriptively representative, then it will act to represent interests of the represented (Przeworski, 1999, p. 32). This may be the most general and basic understanding of democratic representation.

To some extent, it may be the least compromising between democracy as rule by majority and representation as rule by minority. Theoretical advocates of democracy may not ignore Rousseau’s maxim that ‘representation is only another form of slavery’. Although the substance is obscure or even interpreted as totalitarian, when he conforms ‘will of all’ to ‘general will’, it implies how the government should be operated in a democracy. Insofar as representation is anti-democratic by nature as Rousseau points out, modern democracy is the only compromising form not desirable in practice. Therefore, at least, in order for the modern representation to be democratic, there need a strong descriptive link between the representative and the represented.

To establish a true miniature, the participation of all people may be the most simple and essential principle. J.S. Mill’s anticipation of universal suffrage was not for the participation itself but for the parliament as a miniature which would bring about the interest of the public (Thompson, 1976, pp. 96-7). It is clear in his famous argument that “the right and interests of any person are only secure from being disregarded, when the person interested in himself is able, and habitually disposed, to stand up for them. ... Each is the only safe guardian of his own rights and interests” (Mill, 2008 [1861], ch. 3).¹⁴⁹ In this light, proportional representation has been designed. J.S. Mill was also in favour of Hare’s single transferable vote system rather than

¹⁴⁹ Here, the concept of interest is surely distinctive from the former utilitarian view such as Bentham’s selfish version.

a majority system.

A descriptive concept as the virtue of a representative had been revealed explicitly in the argument of Anti-Federalists in the debate on the American Constitution in 1787 such as James Madison's speech and John Adams's writing. Madison said that "The legislature ought to be the most exact transcript of the whole society" and Adams wrote that 'a legislature should be an exact portrait, in miniature, of the people at large, as it should think, feel, reason, and act like them' (Callenbach and Phillips, 1985). In the context that there is no consideration of the qualification for the representative, it can be called a type of mechanical representation.

In this mechanical representation, the representative should be a true picture of the people and the Anti-Federalists called it the principle of likeness (Manin, 1997, pp. 94-109). An Anti-Federalist, Brutus, for example, wrote that "the very term representative, implies, that the person or body chosen for this purpose, should resemble those who appoint them – a representation of the people of America, if it be a true one, must be like the people ... They are the sign – the people are the thing signified ... It must then have been intended that those who are placed instead of the people, should possess their sentiments and feelings, and be governed by their interests, or in other words, should bear the strongest resemblance of those in whose they are substituted. It is obvious that for an assembly to be a true likeness of the people of any country, they must be considerably numerous" (Brutus, 1788; cited as Manin, 1997, p. 110).

If we accept democracy as its pure conception as government operated by all members of demos, the descriptive concept can be understood as a necessary and natural way to harmonize the ideal of democracy and its practice. Hence, in terms of the principle of resemblance, the rule of a Confucian Sage and its justification seems clearly contrary to modern democratic government. Although the Sage ruler is recommended by the people, listens carefully to the opinion of the people, and devotes his government to public welfare, there may be no room for the likeness with the people. Therefore, we may conclude that the Confucian concept of the virtue of the representative has almost nothing to contribute to the development of contemporary representative democracy; rather it must be dismissed. Yet, in fact, it seems clear that modern western representative democracy does not accommodate only the descriptive conceptions of representative and the principle of resemblance. If modern representative democracy only depends on this resemblance principle, present politics may not be democratic any more.

C. The concept of good types of representative

All the arguments against the virtue of a representative are related to the different views about how to understand the procedures of representation. Fearon (1999) clearly shows where

the disputed points are. According to his argument, one dominant tradition of the understanding of contemporary democracy is to regard an election as a mechanism of political accountability.¹⁵⁰ In this sense, elected officials are motivated to choose policies the public desires because this will help get them re-elected. Elections function as a sanctioning device that induces elected officials to do what the voters want. Keane (2008; Alonso, Keane, and Merkel; 2011, p. 6) also argues that the election of representatives is a dynamic process subject to a disappointment principle. Elections are a method of apportioning blame for poor political performance.

However, according to empirical researches,¹⁵¹ in fact, voters think about elections much more as opportunities to select good types than as sanctions to deter shirking by future incumbents.¹⁵² Fearon defines a good type as a politician who (1) shares the voter's issue preferences, (2) has integrity, in that he or she is hard to bribe or be induced to work against the voter's interests, and (3) is competent in the skills of discerning and implementing optimal policies for the voter. In addition, successful selecting of good types also implies sanctioning bad types, which gives bad types an incentive to appear as if they were good types. In this sense, the mechanisms of selection and sanctioning interact for democratic representation. Therefore, in principle, the selection view implies responsiveness without the necessary electoral accountability of a sanctioning view. In practice, the selection view is much more in correspondence with the voter's thinking and motivation when they are voting.

Fearon's view has two significant aspects in modern representative democracy. First, in general, the electorates perceive elections as a device to choose good types among the candidates for a representative rather than sanctioning. Second, in some countries, the tendency of a good type choice is likely to appear more clearly than others. While Fearon gives the examples of well-developed Western politics, the sanctioning function of elections may easily be dismissed in developing and under-developed countries. Therefore, it may be true that most people in the world probably regard elections as the regular and exceptional chance to choose good types of representative than a mechanism of political accountability by sanctioning.

¹⁵⁰ It may be much easier to understand Fearon's position in comparison with two other views. On the one side, there is a view called disappointment principle that elections are method of judgment for poor political performance. On the other side, there is a prospect that does not care much of election but more of process of permanent contact and deliberation between the representative and representation (Alonso, Keane and Merkel, 2011, pp.6-7). Of course, both conceptions are also related to the virtue of representative, but it is clear that they do not focus on the issue of virtue as much as Fearon's view or do not show obviously so.

¹⁵¹ See Fearon (1999), Alonso, Keane, and Merkel (2011), Powell and Whitten (1993), Maravall (1999), Stokes (2003), Achen and Bartels (2004), and Maravall and Sanchez-Cuenca (2008).

¹⁵² In terms of institution, there are also many limitations for the operation of systemic accountability such as 'term limit' which is universal in most democratic countries. In the same sense, it may be hard to expect substantive sanctioning from life officials such as justices of the Supreme Court in the USA and life peers of the House of Lords in the UK. Many Latin American and South Korean presidents are allowed to serve for only one term, too.

In conclusion, in any case, it may be sure that there are some necessary types of virtue. Whether the virtue demanded is derived from human nature, regulated by a system, or both, the candidates must be entitled to some qualifications enough to be a legitimate representative. In some cases, they are required to be competent alternatives against the danger of majoritarian tyranny. Sometimes, the virtue can be an individual competence to overcome the exclusive interests of a certain locality or class. Some others may think that the very intrinsic condition for the genuine representative is to have similar views, emotions and intelligence. In this case, they must come from the same categories of the represented such as class, race, religion, locality, or nationality. In all this diverse cases, however, one common point is that there is a good type of a representative in the mind of the represented.

5. Why Virtue Matters?

A. The fundamental issue of representation is what the representatives have to do rather than how they should be elected

Diverse features of representative democracy and different understandings of modern representation reflect the complexity of the nature. Since representation is normatively associated with the relationship between the representative and the represented, the activities of the representative which are expected from the represented characterize the representative relationship. In other words, a reasonable relationship which demands some duties based on accountability, responsibility, and responsiveness is necessary for fulfilment of representation between the two subjects. Though it is democracy in which the representative relationship works, whether the representation is genuine depends on the activities of the representative rather than of the represented. While the role of ‘demos’ is essential in democracy, the role of the representative determines the character of a government in representative democracy. In this sense, it seems clear that the subject of ‘representing’ is the representatives not the represented themselves. In fact, this is why ‘represent’ is not ‘present’.

Accordingly, though the fact that representatives are elected is deemed necessary condition for a government to act in a representative manner in modern democracy in a concept of accountability, there should be some sufficient conditions as well such as providing expected goods and better decisions. While genuine ‘representing’ is related to procedural and institutional principles such as contestability, wide participation, and the political liberties of the citizens on the one side (Przeworski, 1991, p. 5), legitimacy of representative democracy must have substantive elements such as what the representative have to do on the other side. In

modern democracy, various electoral systems and government structures are just means for achieving the substantive goals. That is to say, in representation what the representatives do is more crucial rather than how the representatives are elected.

Therefore, it can be said that the role of representative shapes the features the representative democracy. If there are different understandings of representative democracy in different political communities, they may depend on the different views of the role of the representatives that is expected from the people fundamentally. Since democratic representation became only legitimate form of government, there have been constant disputes about the role of the representatives. Particularly, autonomy of the representatives has been problematic in relation to the people's will and interests in democracy. In effect, the autonomy of the representatives seem to be in conflict with some essential democratic principles such as self-rule.

Pitkin (1967) and Manin (1997) show that there is a sort of anti-democratic essence of representation by nature in principle and in history, and much of this still remains in present representative democracy. In present politics, it seems clear that no representation accommodates an idea of pure delivery of the will of the people, even if it is possible in practice with help of the Social Network Service revolution in some senses. Hence, all the representations are apparently and literally distinctive in idea and institution from 'government by the people.' Even though there has been a wide spread idea of universal suffrage and transition from aristocratic parliamentary to popular party politics since the 18th century, it is obvious that most representatives are still a sort of elite and just small numbers of people tend to be chosen by the people.

Therefore, in theory a spectrum in which different views about representative democracy contest each other can be assumed. On the one side, some claim that representatives should do their best to deliver the will or interest of constituents exclusively. On the other side, there will be an argument that representatives must be independent from the instinctive opinions of the represented and should consider what is really valuable and better for the people using their all capability. In the middle, there may be some modest compromise that it cannot be called if the representative do not represent the will or interest of the constituents habitually though it is almost impossible for the representative to recognize the opinions of the represented (Pitkin, 1967).

This spectrum provides two key points. First, there is no absolute model, institution or even conception with representation even though it seems the most general and popular concept in modern democracy. Second, the fundamental issue of the debates on representative democracy still lies on the question that what representatives have to do rather than how they should be elected. For example, according to the mirror concept of representation, representation is the reflection of the will or interest of people by representatives. Only if it is done well, the people

would not mind the type of the institutions. That may be the reason for the diversity. Hence, the core still remains on an issue of what the representatives have to do.

B. People always have concerned the virtue of a representative

Though the systemic understanding of representation seems dominant and rational in the present world (Alonso, Keane, and Merkel, 2011, pp. 6-7, Urbinati, 2011), the virtue of a representative has always been an important issue in representation. If we understand political representation as a 'reason-giving-relationship'¹⁵³ between the representative and the represented on belief-systems in each political community, there is no clear evidence that the virtue of a representative does not belong to the reasons. Instead, there are lots of practical and empirical grounds that people understand election as a process to choose good types of representatives (Fearon, 1999). And the moral basis for the process is common to the many conceptions of democracy.

According to Finer, not only democratic but all other governments also need appropriate reasons in relationship between the rulers and the ruled based on certain types of belief-system which are embedded with the moral and cultural back ground.

Insofar as representation is a system in which a person or a body of people represents a group of people, the representative is the subject who provides some plausible reasons to the represented. In modern democratic representation, candidates for a representative try to give good reasons for which the constituents have to vote. If these reasons include a normative sense of the individual character of the candidates, this means that there are some suitable virtues for good representatives and they may be presented through utterances and actions. For this reason, in looking at the idea of political representation, and particularly in the relationship with legitimacy, the virtue of a representative demanded by a constituency would be the key issue in all representation.

In practice it is more realistic. In general, the superiors 'tend to be' elected as representatives. There is also a long time belief that the superiors 'ought to be' elected. Manin calls it 'the principle of distinction' (1997, p 95). Since superiority as a virtue of representatives is clearly an elitist conception of politics, it seems to contradict the principle of equality in democracy. However, this principle of distinction has been a general and long standing view about representation in the West. While it might have originated from the ideal state of Socrates, modern representation intrinsically seems not free from the legacy. Despite strong movement

¹⁵³ This is an idea stimulated and combined from Gutmann and Thompson (2004) and Finer (1999). Gutmann & Thompson argue that deliberation has a function of reason-giving process which satisfies the need to justify decisions made by the citizens and the representatives.

for democracy, this conception of representation roots deeply from the very beginning of modern representative democracy. It might be a dominant idea that a representative needs a certain type of qualification in the beginning of representative democracy.

One of the remarkable leaders of French Revolution, Sieyes's distinction between the civil rights of the citizen and the political rights of the electors shows his understanding of representative government. Sieyes thought that there should be some distinctions among the citizens; some have only passive civil rights and some are entitled to have active political rights as well.

“Electors are representatives of the citizens who are the actual components of the nation. ... Non-electors participate indirectly in the political life of their country through the voice of the electors who, in exercising their active rights, also guard the passive rights of all” (Urbinati, 2006, p. 149-52).¹⁵⁴

To him, politics is an arena where the ordinary people hardly understand and do what they want to. There should be qualified and virtuous representatives who are chosen by distinctive citizens as well. According to the distinction, passive and active rights are divided in politics, and the idea of active right corresponds to what Burke called virtual representation (Pitkin, 1967).

Burke (1961 [1774]) continuously emphasized the importance of the virtue of representatives on the basis of prudence and wisdom. His claim that whoever is eligible for the representative in England at his time might be regarded as plausible compared to the chaos and carelessness of the French Revolution.¹⁵⁵ In general, this idea is well known as the Burkean view but the root of the thought would be older probably. While Burke's speech to the electors of Bristol in 1774 is famous, the Burkean doctrine in fact originated much earlier and is to be found, in *Discourse Concerning Government*, by the Whig Algernon Sidney, first published in 1698. Burke's problem in his speech is clearly whether a representative ought to be a delegate, bound by 'mandate' and 'instructions', or rather a trustee making up his own mind on the issue of the day (Bogdanor, 1985, pp. 2-3).

Gordon Wood understands and explains the Burkean problem as conflict conceptions of

¹⁵⁴ In fact, this argument has been used to justify political exclusion in the name of national interest or social utility such as James Mill's argument against female suffrage and it is clear that non-active citizenship never disappears entirely in democracy, although the criteria change. There have been various exclusions according to age, gender, skin colour, cultural and ethnical identities, and religious beliefs.

¹⁵⁵ Thomas Paine (1976 [1791]) severely objected to the idea. However, it is ironical that Paine himself has become a member of National Constituent Assembly as an enlightened leader of the French Revolution. The revolution had been drawn by Sans-culotte mainly, but one of the most passionately welcomed political leaders was an American citizen. Burke might be aware of this situation.

representative between actual versus virtual, and local versus national in American Federal Constitutionalism. According to him, the Federal Constitution raised all over again the old distinction between actual and virtual representation in 1787-88 as it did in the Britain two decades earlier (Wood, 1969, p. 45). In fact, as it was clear in Britain in Burke's speech too, the distinction was subjected to the national interest and localism. Here, the national interests plainly meant general and genuine interests of the whole nation distinguished from the aggregation of the local interests. The distinction between national interests and localism surely included a differentiation of prudence and competence of the representative from the tyranny of the majority entailed by participation of ordinary people.

While the Anti-federalists offered a spirited defence of the most local and particularistic kind of representation that is much more in accordance with America's social and political reality in their arguments, the federalists perpetuated an elitist conception of representation holding the powerful concept of united federal government. To the Federalist, "the great objects of the nation not only had been sacrificed constantly to the local view but the general interests of the States had been sacrificed to the Counties" (Wood, 1969, p. 46). They believed that it had occurred precisely because "the best people" had lost control of politics. Instead of choosing men for their abilities, integrity, and patriotism, the local constituencies choose men "who will vote for a new town or a new county." (Wood, 1969, p. 46)

The federalists expected to free America from the evils of localism (Wood, 1969, p. 47). And it is sure that what the federalists anticipated was a superior representative. They believed that ordinary people could not avoid the evil attraction of selfish interests, so that in parliament there should be distinctive people as representatives who see the greater and public good for the whole community beyond faction and fraction. It is not a problem that can be solved by systemic regulation. Once the people who just deliver the local and some specific interest had been chosen exclusively, it might be hard to correct the tendency.

In this sense, James Madison made it clear that "the aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust" (Federalist Papers, No. 57). In this context, it is plain that a body composed by lot is not the transcript or portrait that the founders had in mind. Rather, it is more possible that they thought a group of qualified persons could represent better than the represented themselves.

Some other modern political thinkers also considered the virtue of a representative seriously. Mill (2008 [1861]), the forefather of liberal democracy recognized two contrary but necessary characters of representation, competence and participation. It is not so clear that he anticipated some sort of superiority in a representative. Mill held that government and society usually do

not know better than an individual what is in his interest, though he might not know either. Yet, Mill did not say that individuals or groups always know their own interests best (Thompson, 1976, p. 19). Unlike the former Utilitarians, he undoubtedly distinguished the lower and higher preferences. His favour in the participation of the people surely originates from the educative function of participation not from any fact or belief that participation would bring better decisions. Mill believed that democracy should give as much weight as possible to superior intelligence and virtue in the political process (Thompson, 1976, p. 54). Mill had a deep attachment to an enlightened minority on the one hand, and at the same time, he was in favour of general suffrage for the people's interests on the other hand. Most of all, we should be careful that Mill used 'representative democracy' interchangeably with representative government because the ultimate goal is not democracy but good government. To him, participation as a democratic principle is not absolute but instrumental element for good government though there is no doubt the instrumental educative function is necessary for the goal.

In contemporary politics, it may be an undeniable truth that often the virtue of candidates becomes a core issue no less than any other policies and pledges in electoral campaigns. In other words, the policies are only meaningful when the people believe that the policies would be delivered sufficiently by the representative who is committed to them. In modern representative politics, there may be no party or policy which is powerful enough only by itself without a proper personal representative who operates on trust from the people. Although the minimum conditions for democracy include the enlightened understanding of each member of the political community (Dahl, 2000, p.38), representatives tend to be required more and in many cases it is a strong standard for winning an election (Manin, 1997).¹⁵⁶ Thus, it is not an unreasonable assumption that a qualified representative should be elected among the candidates who bear a certain type of virtue as a good representative.

6. Coherence of Virtue

As seen above, the peculiarity of Confucian virtue is the coherence of virtue of a person as an individual and as a representative. A good type of a Confucian representative is a virtuous person not as a representative or ruler but as an individual living in a family and a town. He has to have the virtue not of a ruler but also of a good person, a good father, and a good neighbour. This seems to be a quite distinctive point from the requirement of a good representative in the tradition of

¹⁵⁶ This kind of enlightenment surely can be applied to not just individual level but can be extended to party politics in modern democracy.

western liberal democracy. However, this research would argue that it is not so. This thesis argues that the coherence of virtue as seen in Confucian representative theory is also found in the western tradition.

A. Virtue of a son and a politician

There are also many different views of the relationship of virtue in a good son and a good politician. There are at least four different types;

- (a) A bad son is more likely to be a good politician
- (b) Even a bad son could be a good politician
- (c) A good son is more likely to be a good politician
- (d) Only a good son should and could be a good politician

In the West, first, Aristotle who distinguished a good man and a good citizen may agree with the cases of (b) and (c). For him, only under an ideal regime, can the good citizen rule and be ruled in accordance with the virtue of a good man. In other and real political regimes, the ruler could not be a good son. That is why he argues for a mixed form of government of democracy and oligarchy. If Aristotle is an advocate of virtue for politics not only for good life, Machiavelli may be in the position of the very opposite side. He argues that a good ruler needs not to be a good man or even should not be. There may be necessary moments for the ruler to be seen as a good man, whereas most of the time the character is not relevant to be a good ruler in Machiavelli's concept. In this sense, he seems to be a strong defender of (a) and weak of (b). In ancient China, the Legalists have argued similar claims that a good ruler should never show his generosity or humane character to the people or even to the followers. Apparently this idea lacks the traditional virtue of Greece and Confucianism.

Radically, democracy as a political system does not guarantee good politicians as a result of competence. More precisely, the chosen representative is a qualified politician by the justification of the democratic procedure according to the Schumpeterian view. To say in a Rawlsian way, this is a pure procedural justice in which outcomes will be justified in any circumstances. In the context of representation, it can be interpreted that whoever is chosen would be recognized as a qualified representative.¹⁵⁷

Yet, there are always dangers of choosing a bad person as a representative. Hume and

¹⁵⁷ In general, it is known as an idea of representative democracy by market system in which the candidates compete with each other.

James Mill agreed that everyone should be supposed a knave. It is not because everyone is a knave but it often happens that a knave is selected as a representative. In addition, when it happens, the consequences are so serious to many people. Hume and Mill's concern has three important implications in modern representative democracy. First, this is a warning that there should be an institutional restraint to control representatives and the people should watch the representatives even after choosing them. Second, it also premises that by institutional regulation a bad person could be a good politician. Third, it can be said that democracy is a system in which a bad person becomes a good politician by the regulation. In this sense, modern representative democracy is not a system that guarantees good politicians as its outcomes but an institutional design in which people choose some people as representatives, then constantly check whether they are doing a good job for the represented. This view is consistent with the case (b).

In sum, while Socrates was an advocate of the view of (d); only a good son should and could be a good politician, Greek democracy must be on the opposite assumption.¹⁵⁸ Aristotle was an arbiter between Socrates and ancient democracy. Machiavelli suggested a very creative view of (a); a bad son more likely to be a good politician. Though he has been blamed continuously because of this suggestion, it is true that he revealed some real features of politics. At the beginning of modern representation, many theorists such as Burke, Sieyes, and the Federalists had been in favour of (c); a good son is more likely to be a good politician. Then, gradually (c) has been replaced by (b); even a bad son could be a good politician. However, this thesis doubts that (c) is in conflict with (d) in real politics. In both cases, the voter wants to avoid choosing bad sons as much as possible. Most of all, it may be true that many people still do something in elections with the view of (d) and it is a reasonable choice.

In the concept of Confucian Sagacity, the peculiar aspect is its coherence of virtue between private and public relationship. Not only in private relationship – family, friends, and (probably) village – but also in public relationship – school, local office, and national government, the sage's actions are subject to ethical principles. There is no contradiction or conflict between the principles which should be kept within a private person and a public official. There is a positive assumption that if one is esteemed as a good son, a good friend, and a good villager, it is more likely that he is a good teacher, a good civil servant, and a good ruler. This is the coherent perspective of virtue in Confucianism. In this sense, Confucian Sagacity is strongly connected with (d). Though it seems anachronistic in principle, this view would be legitimate enough when the view is consistent with a belief-system in which a democratic procedure authorizes

¹⁵⁸ I agree with that there can be more various views of Socrates' position. However, at this moment, this is a simplification and it seems not conflict with the general understanding of his philosophy.

the coherence of virtue of a representative. In addition, probably Confucius and Mencius would accept (c) as a plausible and realistic view in modern politics.

Clearly, they would not agree with (a) and (b). Surely, Confucians have an idea that a bad son cannot be a good politician. It is not the normative claim that a bad son should not be a politician. Instead, it means that it is impossible for a bad son to be a good politician. For this reason, not only (a) but also (b) is not accepted. The difference of (a) and (b) is that there is an only one way (b) is acceptable when the bad son becomes a good son by self-cultivation. In sum, for Confucians, (d) is the best, (c) is the next, but (b) is rejected because it is not desirable but impossible. They thought that for the goal of a good government it was an easier and more realistic way to select a good person as a representative rather than controlling a bad person by any system. However, there is no reason for the Confucians to deny any systemic efforts that make a representative a good representative. Instead, we have to understand that they emphasized the importance of selecting a good person as a representative in both principle and practice. And there seem to be no conflict between this Confucian view and modern representative democracy. They are in common in many parts or they are complementary to each other.

B. Coherence of virtue in Confucianism

In this section, I would ask three questions; is there clear coherence of virtue in Confucianism?: is the Confucian Sagacity pursued in the concept of ‘self-realization’ not just in inner-satisfaction?: how about the ways of acquiring of the knowledge necessary for unified virtue?

First, it seems clear that Confucianism is one of the strongest political theories that advocates the coherence of the virtue of a representative. There is an interesting question and answer between Confucius and one of his disciples that has a special implication for the coherence of virtue.

Confucius said, “Zeng, my friend! My way (Dao: 道) is bound together with one continuous strand.” Zeng replied, “Indeed.” When Confucius had left, the disciples asked, “What was he referring to?” Zeng said, “The way of Confucius is doing one’s utmost and putting oneself in the other’s place, nothing more. (*Analects*, 4:15)

This is something that penetrates the whole wisdom and virtue of Confucianism. Yet, it is not so clear in other of Confucius’ words in the *Analects*. It is Mencius who suggested four main virtues of a good person and those virtues undoubtedly are also the most important

conditions for being a good representative.¹⁵⁹ The four virtues are “the mind which cannot bear to see the sufferings of others”, “the mind of shame and dislike”, “the mind of courtesy and modesty”, and “the mind of right and wrong” (Bloom, 2002, p. 77). Among them, the most fundamental virtue is ‘the mind which cannot bear to see the sufferings of others’. Mencius gave a situation that,

“I say that all human beings have a mind which cannot bear to see the sufferings of others knowing that any of contemporaries, seeing a child about to fall into a well, will without exception experience a feeling of alarm and distress. It is not a matter of ingratiating themselves with the child’s parents, nor of seeking the praise of their neighbours and friends, nor of disliking the reputation [of having been unmoved by such a thing] (*Mencius*, 2A, 6).”

In fact, Mencius declares compassion¹⁶⁰ to be the very basic virtue for all human beings (Bloom, 2002, p. 76). That is not the virtue for a person to be more virtuous but it is necessary for him not to be vicious. For him, the virtue such as compassion is not sufficient but a necessary condition for a human. In following phrases, he says that whoever is devoid of a heart of compassion, shame, courtesy and modesty, and right and wrong is not a human being (*Mencius*, 2A: 6). Yet, once one has the four virtues, one immediately approaches public and political competence. Mencius says that “when they are not [in the mind], they are insufficient even to enable one to serve one’s parents; when they find fulfilment, they are sufficient to enable one to protect all within the four seas” (*Mencius*, 2A: 6). Here, when Mencius emphasized that “one must know to enlarge and fulfil them” (Bloom, 2002, p. 77), he clearly argues for the coherence of the virtue of a representative.

Second, can the Confucian Sagacity be realized in public realms not just in mind? In order to answer to this question, it seems necessary to examine whether the Sagacity can be recognised in different social conditions, and the answer is ‘yes’. Virtue is essentially related to not just internal identity but also external relationship and this is a distinctive characteristics of Confucian virtue. In fact, this is a peculiar aspect of Confucianism compared to its rival ideas such as Buddhism, Taoism and even Legalism. While all these ideas have focused on internal aspects of virtue, in Confucianism the internal virtue is meaningless if the virtue is not

¹⁵⁹ Insofar as the goal of the thesis is to contribute contemporary political development in Confucian East Asian at present, though the argument of this thesis is inspired by the Confucianism, it will not be constrained Confucianism. Therefore although I will frequently refer to what I take to be Mencius’ views on virtue, the question of whether Mencius actually held these views should not affect the strength of the argument. In fact, this methodological view is what I quite from Wolf (Wolf, 2007, p. 148).

¹⁶⁰ 惻隱之心 (측은지심) is translated in different ways, compassion, commiseration, or sympathy. Bloom used ‘grieving-pity-of-mind’ following I.A. Richards (Bloom, 2002, p. 76). I shall use all these different terms depends on the context.

connected with social values and relationship or is not expressed externally in visible ways. If virtue is necessary for a person to be a person and a good person, the function of the virtue should be operated not just privately but also publicly in Confucian thought. It means not just that individuals cannot live without other people's help and communication but also that human life is only meaningful in relationships. In other words, every person recognizes himself or herself only through the others in a society. For example, Robinson Crusoe's life in the island has no meaning as a Confucian human being because there is not relationship with other people. There is absolutely no chance for him to act with compassion, shame, courtesy and modesty, and right and wrong which are the intrinsic foundations for all virtues. As a result, there is not self-awareness and self-realization in public relationship.¹⁶¹

Third, how about the ways of acquirement of the knowledge necessary for unified virtue? This question also can be replaced as that what kind of education is needed for a man to be virtuous. In this issue, we need to understand the Confucian tradition of education and its characteristics. Confucian education is for self-cultivation and the very basic way of self-cultivation is not reading of text but investigating of all things. According to *Great Learning*,

Wishing to cultivate their persons, they first rectified their hearts. Wishing to rectify their hearts, they first sought to be sincere in their thoughts. Wishing to be sincere in their thoughts, they first extended to the utmost of their knowledge. Such extension of knowledge lay in the investigation of things. Things being investigated, knowledge became complete (*Great Learning*, 7)¹⁶²

Wisdom as a result of the investigation of all things of the world is clearly not an exclusively academic or highest philosophical truth. Whether it originates from the heart or the mind, it is clear that the goal of Confucian education is not for a specialised role. As discussed before, even a farmer can be a Sage if only he has appropriate virtues. The wisdom basically originates from daily lives and it must be practical insofar as the virtues could have practical problem-solving capacities. To say in Jeong Yakyoung's version, one is a wise man in a village when he solves the conflicts among the peoples whether he is educated or not. If one is a model of the people of a village, he is the sage whether he is literate or not. Those kinds of people should be recommended as representatives. In this sense, in Confucian representation, the virtue is unified.

Then, as the wisdom is practical intrinsically, the practical wisdom should be internalized within a person by exercise. Though one is awakened and enlightened by investigating all things, this is not the stage in which one becomes a good person or genuinely knows the wisdom. The

¹⁶¹ Of course, it is clear that that idea is not the particular one only in Confucian world. We will see this in the next section.

¹⁶² 欲修其身者，先正其心。欲正其心者，先誠其意。欲誠其意者，先致其知。致知在格物，物格而後知至。

Analects begin with the sentence that “Confucius says that having studied, to then repeatedly apply what you have learned – is this not a source of pleasure?” Studying is not enough; practice is necessary for a man to be a good person. When Confucius was most pleased was the moment when he realized what he studied in daily life. This kind of ideal man cannot be compromised with Machiavelli’s ideal ruler at all.

The exercise of wisdom is a procedure in which the virtue is accustomed within the mind and character of a person by repeated practice in various daily circumstances. In other words, it is a process of habituation of virtue. In fact, what the Confucians always focuses on is right conduct by habit. The set of the rules for right conduct has been structured in *Li*.¹⁶³ Yet the habit is derived not from institutional restriction but virtual education which is entirely achieved by practice. Mencius’ distinction of governments based on law and on morality reveals the characteristics of education.

The conduct of rulers and the ruled may be restricted by law or institutions, but it is not honourable but only shameful. It is because self-control is a result forced by law. Such self-control does not result in volitional habitual behaviour. To some extent, it is not genuine self-control but merely external control. Even though it still seems self-control because the final choice whether to obey or not depends on the agent exclusively, at least it is not the case of self-realization in relation to virtue. It is because the controlled agent may become uncontrolled without forced external regulation. In contrast, if that is conduct within self-realized virtue, it would not be affected by other external enforcement. In fact, this is why Mencius claims that a government that only rests on law without virtue cannot be a good one. In this sense, the ruler is a moral model for the ruled rather than an intellectual expert. It is moral superiority that the good ruler should acquire in his character. And in this case, political legitimacy entirely depends on whether the ruler does virtuous actions by habit or not.

In terms of this point, Mencius’s idea is coincident to the given conceptions of knowledge. In the example of the child in danger of falling into a well, Mencius does not make a contrast between reason and emotion. David Wong says that the example illustrates the characteristic intentional object of compassion. Compassion is distinguished from other sorts of emotion by certain perceived features of the situations to which it is directed. The intentional object of compassion makes salient the feature of the situation that is the suffering, actual or forthcoming, of a sentient being (Wong, 1991, p. 32; Chong, 2009, p. 192).

C. Coherence of Virtue in the West

¹⁶³ It is conventionally translated as ‘rites’. Yet ‘propriety’ or ‘rules of proper behaviour’ seems more accurate understanding of *Li*(예: 禮). See more Ames and Rosemont’s (1988, pp. 51-53).

Now, I turn to compare the given western coherence of virtue with Confucian Sagacity. It is Aristotle who argues for coherence of virtue in the West. In a similar context with coherence, he calls it ‘unity of virtue’. Aristotle’s philosophy is about a good life, and it is essentially related to the virtue of the individuals. “If the virtue is not about one or some kinds of virtues but about all, integrity is indispensable for a good human life”. In this sense, He argues “for the unity of the virtues that they are all interconnected, so that if a person fully possesses one of them, he should have them all” (Cottingham, 2010, pp.2-3). In other words, virtue is one. Names for all different virtues refer to different aspects of the same single property. Therefore, “a person cannot have one virtue without having all the others” (Wolf, 2007, p. 145).¹⁶⁴

Why is unity necessary for virtue? According to Aristotle, it is because possessing a specific virtue means that one will act in a certain way ‘when one should, towards the things one should, in relation to the people one should, for the reasons one should, and in the way one should.’ This explains why Aristotle takes the full possession of one virtue to require full possession of all virtues (Webber, 2006, p. 15). It can be interpreted that unity is necessary because virtue needs knowledge.

The western virtue is essentially related to knowledge, but knowledge is not about intelligence but ethics. At this point, it is fair enough to compare a model suggested by Mencius as a foundation of virtue with Wolf’s example. Wolf explains the characteristics of knowledge giving an example where a person rushes into a burning house to try to save a child.

If one wants to do something in virtue, first, he needs to know the action’s right values and importance (Wolf, 2007, p. 149). He must know why it is worth doing. It is not enough to know the worth of the only action to be done by the agent. There should be comparison with other choices. As long as we can do other actions, knowing the action’s values means that the choice is the best or at least the appropriate result in comparison with others. If one is to be courageous or generous, one must know whether it is worth risking one’s life or paying for the money for someone or something. Virtue includes not only having a sense of how much of one good is worth risking or sacrificing for another, but also understanding when and for what kinds of goods different kinds of action are appropriate. It may also be applicable to the situations where different virtues are competent in the mind of the agent. Accordingly, “if a person is courageous, then he will also be generous, just, truthful, and temperate” (Wolf, 2007, pp. 160-1). In this light, Aristotle says that having a virtue is a matter of having a character “that disposes you to do the right thing in the right way, at the right time, to the right person, for the right reason”

¹⁶⁴ It is not just a tradition of Greece. St. Paul says that you may be perfectly united in mind and thought (1 Corinthians, 1:10). Praise for undivided heart and psychological and ethical unity are also broadly found in Christian tradition (Psalms, 86, St Luke, 9:25; Cottingham, 2010, p. 3).

(Wolf, 2007, p. 148). In this context, the classical Greek thesis of the unity of virtue is understood to imply that to have one virtue is to have them all. Therefore, knowledge is required for good life.

In sum, in Greek tradition, there had been a close connection between virtue and knowledge by three steps; each virtue essentially involves knowledge; knowledge is essentially unified; virtue is unified (Wolf, 2007, p. 148). However, knowledge itself would not enough for a person to be virtuous. There must be a possibility that a person does a wrong action even if he knows well it is vicious. Maybe this is what happens in the real world. Then, there should be another process for the knowledge to be a virtue, a certain stage of mind.

In this regard, the concept of compassion seems to be similar to the notion of love given by Cottingham, at least insofar as it is volitional. To Mencius, the resources for the action of compassion is *xin* (심: 心) but also means at the same time a reflection entity. For this reason, Chong argues that the word *xin* may perhaps be more appropriately referred to as the heart-mind instead of just the heart (Chong, 2009, p. 192).¹⁶⁵

Hence, in Wolf's example, the man who rushes in is a virtuous person, whereas in Mencius example, all people should do that and it is an action by nature. In some senses, Mencius' view is similar to Jesus' in his parable of the rescue of the Samaritan. The rescue is not just a behaviour that deserves praise but also an intrinsic duty as a Christian. To Mencius, that is a duty for all human beings. In this sense, with the question whether the Greek view about the relationship with virtue is coincident with the Confucian concept of virtue, we can answer 'yes'.

Second, this coherence must be realized in public realms not just as a status of mind. Cottingham says that the integration of virtue goes beyond exercising strength of will, gritting one's teeth, and putting temptation to one side. The person of integrity goes beyond the concept of 'self-control' which is understood as the moral fortitude Kant admired. Only oppressing wrong desires and vice temptation for worse values is not the solution for a good life. Integrity is not a matter of suppressing or overriding these desires by inner or outer forces; rather it may result in psychological risk as Freud and Jung warned. Though one may surely be in a right position by self-control, one remains somehow "a divided self" (Cottingham, 2009, pp. 6-7). The virtue of integrity is in reference to social roles. This is also connected essentially not just with one's identity but also the meaning of life and happiness (Mendus. 2009, pp. 96-104).

Most of all, Aristotle says that there is no man who can live by himself or he is God. In Christianity, the prodigal's decision to go back to his home and family is really the same as rediscovering his true self, since his exile from his family is an exile from his true identity as

¹⁶⁵ In fact, there has been controversies and long and serious debates whether the nature of the four sprouts is in the heart or in the mind among the Confucians over thousands years.

son and brother. He can only find himself again with them (Cottingham, 2009, p. 3). In addition, the most extended feature of this idea by recognition and reciprocity among the people may be fraternity in French Revolution. The idea and conduct of loving and respecting every person only because he or she is a human being consists of the strongest view that everyone is a meaningful being only within relationship. In terms of the coherence of virtue, Confucianism and some dominant western ideas are standing in the same position where genuine self-awareness is impossible beyond a veil of ignorance. Therefore, in general, the Confucian concept of self-awareness is affinitive to Western ideas.

Here is a clear distinction of notion between genuine virtue and mere self-control. A virtuous person acts for a reason that is apprehended not as outweighing or overriding any reason for acting in other ways but as silencing them (Aristotle, 1146b31-5; McDowell, 1979, ch. 3; Webber, 2006, p. 16). In this sense, it is plausible that the search for integrity is essentially a quest for self-understanding rather than self-control. As an example, Cottingham supposes a good politician.

A young ambitious, devoted, and honest politician may be faced with many different temptations and corruptions for power even though his goal is still purely for the good of society. In this case, Cottingham insists that there is no miraculous application of moral character or some special way for more principled politicians. The politician of genuine integrity is essentially someone who knows who he is. What he does have is a certain psychological wholeness that is an understanding of the significance of all his various goals and desires, and the true place of each in his life plan (Cottingham, 2009, pp. 7-8).

There may be some critics that the unity of virtue can be philosophically ideal but it is impossible to be realized in the modern world. Or, that is not the value of the present pluralistic society. This means that the coherence of virtue is neither possible nor necessary in a plural society. Surely, it seems that different kinds of lives may need different talents and skills. Some of them may involve some sorts of virtues more than others.

Yet it is clear that any or almost any kind of life might have a need of any of the most basic virtues (Wolf, 2007, p. 157-8). Pluralism does not imply that all the values are to be treated with the same importance; rather it means that there should be not an implausible exclusion of values and all of them are entitled to be considered at fair standards. Literally pluralistic society is where different values and virtues co-exist and each human life falls into a variety of segments (MacIntyre, 1985, p. 205; Cottingham, 2006, p. 4). That only means that in order to be a meaningful being, we have to be careful in our awareness of the difference between the 'plurality and fragmentation of self.' In other words, we cannot do everything, so we have to learn to prioritize. As George Harris writes and Cottingham points out, 'we are going to bemoan the very fact that we are finite beings with inherent restrictions on how much we can achieve

in a life time (Cottingham, 2010, p. 5)'. Hence, the different values should be evaluated first therefore a virtuous person would regard appropriateness, importance, and priority before stating action.

Finally, if the unity of virtue is necessary for a good life, knowledge is essential for unity of virtue, and knowledge and unity are still meaningful in plural society, how can we acquire that kind of unified knowledge for virtue? Before answering the question, it is useful to clarify more clearly the characteristics of knowledge in western philosophy.

First, we have to make it clear that the virtue needed in Aristotle's concept is not such an intellectual or confusing puzzle in ethics. It is not about maths but is a decision whether we have to rush into a burning house to try to save a child or stop along the highway to help an accident victim. In these cases, it is not clear that this kind of knowledge is more appropriately originated from the mind than from the heart.¹⁶⁶ Second, that is not a virtue by nature. Aristotle distinguishes natural virtue from practical wisdom. It is a natural virtue that in a case where a person finds it easy to face physical risk, whether as a result of training or of biology, he may have natural courage. In this sense, we even often say that dogs are loyal. In contrast, practical wisdom is based on knowledge of what is important or worthwhile. Wolf shows the differences between the natural honesty and honesty exercised by practical wisdom by Kantian example when there is a murderer at the door looking for your innocent friend. In this case, practical wisdom necessarily requires not only judgment but some repeated and accumulated exercise of good judgments (Wolf, 2007, pp. 152-5). At this point, practice meets virtue which issues in nothing but 'right conduct' (McDowell, 1979; Webber, 2006, p. 16). Third, the knowledge of unity required by Aristotle seeks for 'self-awareness rather than self-control'. Achieving an integrated life requires self-awareness (Cottingham, 2010, p. 2). This self-awareness is an alternative to any attempt to control oneself. It is recognition that it is impossible for a human being to control one-self perfectly. That is an understanding of the vulnerable self-limited within length of life, conditions of growth period, and many weaknesses contained in human character. The concept self-control is too difficult to be realized as a foundation of a good life. Instead, awareness of oneself implies that the one recognises the limit of life and pursue the meaning of a life in the limit. There is not unreasonable or impossible attempt to resolve a tension between an imperfect person and perfect control. This is the base of integration of a virtue. In other words, it is self-realization.

Then, let us turn to the ways of acquirement. The knowledge is acquired by constant

¹⁶⁶ The more philosophers are likely to agree with these examples. Wolf says that John McDowell's and Iris Murdoch's conceptions of virtue and the role of perception in it are in much the same spirit as the view offering here (Wolf, 2007, p. 155). Also this is unlike the Kantian basis for the Western ethics in which reason is distinguished and dominant to emotion.

exercise by an agent, so that the knowledge becomes the agent's character. When the knowledge is embodied in one's character, in this case, we can finally say that he is virtuous. In this process, the exercise should be enough to be embodied in one's character. The virtue is rooted deeply in one's character by exercise, then, the virtuous man act virtuously by habit. This is what Wolf says that it is not clear that the actions derive from the heart or the mind. In other words, he seems to act naturally in the sense that nearly all others and even he himself cannot recognize whether the actions result from the heart or the mind. Webber illustrates about this stage that full possession of any one virtue means habitually being inclined to behave in a certain way with the right degree of strength in the presence of a certain situational feature, where what is right is relative to the strength of one's other habitual inclinations in response to other possible situational features (Webber, 2006, p. 15).¹⁶⁷

In terms of the nature of habit in this context as completion of unified virtue, Cottingham explains the ground of our choices and acts of will, referring to Harry Frankfurt, that the heart of the matter is neither affective nor cognitive but volitional (Frankfurt, 2004, pp. 41-2; Cottingham, 2009, p. 10). It sounds very complex but he suggests a simple and familiar notion, loving something or someone. Apparently love seems quite far from the discourse about a philosophical concept of virtue and its unity. Yet, it is related to the nature of values to be examined before the choices of each agent who wants to be virtuous because loving is nothing but knowing its worth and devoting himself to it by his own will through action. In this sense, Cottingham argues that value derives from the will. It is not a function of how we feel towards something, for about our perceiving or recognizing some truth about it, but rather a matter of our exercising our will, our choice, to care about something or someone (Cottingham, 2009, p. 10).

To sum up, the virtue is essentially related to knowledge of ethics. Knowledge should include not only the virtue but the ability to judge and evaluate its value compared to other virtues' values. For this reason, the knowledge cannot be satisfied by natural virtue but must also be accompanied by practice. The practical wisdom would be acquired by some sort of education. Yet it must be involved not only with the mind but also with the heart. For example, in terms of courage, normally we regard the virtue as necessary for firemen, policemen and soldiers but also we would use courage for a mother in appropriate cases in which no other terms fit a perfect description to illustrate the scenes (Wolf, 2007, p. 157). In this sense, the knowledge is close to practical wisdom rather than scholarly intelligence or particular skills,

¹⁶⁷ Habit is the decisive factor which distinguishes representative from oligarch. Pitkin says that it is surely ridiculous that a man represents a constituency if he is in the habit of saying 'yes' when the people of the constituency would say 'no' (Pitkin, 1967, p. 150). Also when we admit certain representative's behaviours as institutionalized or patterned, it means nothing but that has become habitual (Pitkin, 1967, p. 236).

and that is why we call it character or a trait not intellectual capacity. And, at this moment, we can realise that how there are common traditions between the West and the Confucian East about the virtue of a good man in both private and public life.

7. Conclusion

Election is to select good types of representatives. What is the meaning of ‘good’ in this context? What is the implication of this ‘good’ between those who are like us and those who are better than us? In fact, election is only a certain device amongst diverse measures of representation. There have been many different concepts and applications of political representation in history; democracy by sortition, oligarchy by peers, monarchy by kingship and so on. Yet, the view of Montesquieu seems to be true that lot is natural to democracy; as choice is to aristocracy.

To be honest, it may be true that if we want to choose those who are like us, we do not need elections. Sortition may be the most reliable institution that guarantees to establish parliaments and representative governments consisting of members like us as miniature. In principle and in practice as well, if contemporary democracy is purely deemed as representation by people like us, there may not be such strong arguments against sortition as an alternative to election. Otherwise, this implies that it is not that kind of democracy that we are thinking of in general. In other words, the fact that we choose our representative by election not by lot means that we do not want to select those who are like us as representatives. Political election is clearly an institution that is designed intentionally and intrinsically to select those who are competent in reasonable sense on a belief-system. To be radical, election is a system in which we grant much of our sovereignty to some competent minority by a formal process namely voting. In this sense, representative democracy can be called a system where mainly representation works not democracy. It is clear that most people have the right to vote in principle but few people have the privilege to be representative in practice in most countries of representative democracy. In this sense, in modern representative democracy, while democracy grants most citizens to be qualified to vote, representation means government by true elites and elections are a means for finding that elites (Pitkin, 1967, p. 171).

There is a dilemma in democratic representation or representative democracy. In democracy, the citizens are all politically equal; in representative democracy, some are more equal than others. In the conceptions of Dworkin, while democratic principle works in vertical and horizontal dimension, representative principle operates in difference of impact and influence (Dworkin, 2002, pp. 190-194). Although the democratic principle provides all individuals with an equal chance of governing, elections produce definite aristocratic effects in which they reserve public office for eminent individuals whom their fellow citizens deem superior to others (Alonso, Keane, and

Merkel, 2011, p. 4). This is an inevitable consequence of the combination of two different systems based on different principles, resemblance and distinction. While there seems only an instrumental difference between direct and indirect participation, as Rousseau and Pitkin hold, it raises tangible variations in principles of the character of representatives.

Therefore, in order to understand the development of representative democracy, it is necessary to explore the peculiarity of the concept of good types of representatives in each country. Insofar as we adopt elections as a legitimate system mainly instead of sortition, it may be a significant issue who the good type candidates are, what the elements of competence are, and how we can judge. The legitimacy of representative democracy would depend on those aspects. At this stage, all the ideas and procedures about the issue of selecting good types of representatives must be under some particularities in each community.

When Fearon defines a good type as a politician who shares a voter's preferences, has integrity, and is competent of skill, the concrete contents and standards in each category would be various. There may be different people's preferences, for example, from individual freedom to communitarian values, integrity in different ethics and moral conceptions, and diverse skills from ambition for power to humility as sage. At this stage, the question of what legitimate government is can be changed into 'who are the good types of representative in each community?' and 'how do people recognize and confirm?' This is the point where I have explored the relationship between legitimacy as a belief-system and cultural diversity in this chapter.

The concept of the Confucian Sage is still influential to contemporary politics in Korea as Confucian East Asia. Some aspects of the concept would differ from the basic idea of democracy and surely be dismissed by reasonable social movement, deliberation, and institutionalization. In fact, that is the whole history of the modern development of politics in Korea. However, much of the idea of Sage as a political representative is not so distinctive from the concept of reasonable competence of the representative in the West. In a sense, they are standing on the same principle of distinction and it is undeniable that many of their aspects are intrinsically non-democratic or even anti-democratic. Yet, that is the principle in which we are living daily lives and accept in the name of representation.

Unlike most prejudice, in my assumption, the concept of the Confucian Sage has many reasonable aspects that can be contained in modern representative democracy. There are some values which are not found in the Western main stream of representation in present days but deemed essential for good representatives and good politics entailed public welfare in the Confucian East. In addition, the important element of coherence of virtue as a condition of good representative is also found in the Western tradition that is reintroduced by some western theorists. Moreover, there is much possibility of compromise with modern democracy as well.

In this section, the ultimate question to be examined is in what perspective Confucian virtues

are meaningful and coincident with western and general philosophical conditions for a good representative. In other words, as given in previous sections, if Sagacity has some common principles in modern representation in the virtue of a representative, what is the content of the principle?

Some answers seem to be revealed here. The West and Confucianism have a common idea that there is a concept of integrated virtue which is necessary for a good person and a good representative. The virtue only can be unified by knowledge and is meaningful only when the knowledge is embodied by practice. Accordingly, if a person does something good for the people in a public position stably and coherently, he must be a virtuous person privately at the same time or in advance. While the idea that only good son should and could be a good politician seems radical somehow, it is not such an irrational argument. Rather it appears still valid in pluralistic modern representative democracy. Therefore, it may be possible to say that if virtue is to be unified and coherent by nature, we should choose representative from the good sons not the bad sons.

Ch7. Conclusion

1. Contribution

The original contribution of this thesis is the examination of the compatibility of political development and Confucian traditional thought in East Asia, particularly South Korea. This thesis also suggests an alternative methodology in the study of political theory in reference to culture, by arguing that such studies should tackle culturally neutral concepts, such as legitimacy and representation, rather than democracy, liberalism, and the westernised concept of human rights. In order to do this, this research has focused on three concepts: legitimacy, representation, and Confucian virtue.

This research has proposed that political legitimacy is the most fundamental basis in the study of the relationship between political development and culture. Since legitimacy is essential in every government and cannot be borrowed, but can only be established on the practices and customs of the people, legitimacy should involve culture. From this view, Confucian traditional thought should be considered as the foundation of political development in Confucian East Asia.

In most cases in modern politics, representation has been the only legitimate form of democratic government. Representation seems to conflict with the pure concept of democracy in principle since representation denies some of the intrinsic characteristics of democracy, such as self-rule and equal participation. In addition, representatives are generally required to have distinctive competence, beyond that of ordinary people. This distinctive principle has been accepted as relevant in representative democracy by the people. This compromise is possible in the epistemic understanding of democracy—that democracy is a system where people pursue better decisions. According to this view of representative democracy, Confucian representative theory, in which only good people are good representatives, does not conflict with modern representative democracy.

It is often alledged that Confucian virtue is not consistent with the virtues required in modern democracy, even though representative democracy also demands competence. However, Confucian virtue is clearly based on the theory of conditional government, based on the Mandate of Heaven. This idea of limited government requires representatives to hear and respect the people since Heaven only speaks and hears through the people. Therefore, concepts that are regarded as essential in representative democracy—responsibility, responsiveness and cooperation—are also important elements in Confucian representative theory, both in principle and practice.

Finally, the coherence of virtue as a characteristic of Confucian is not unique in Confucian East Asia. The concept of integrated virtue in good representatives is also found in western tradition.

Some western theorists such as MacIntyre, Mendus, and Wolgast have also been interested in this issue, in reference to good representation from the democratic perspective. For this reason, there seems to be no reason to reject the coherence of the Confucian view of the virtue of representatives.

2. Main Arguments

This thesis has discussed the relationship between political development and culture in East Asia, particularly South Korea. Broadly speaking, the main arguments of this thesis are founded on the conceptual analysis of four concepts: political legitimacy, representation, Confucian representative theory, and the virtue of representatives.

This thesis argues first that political legitimacy is one of the most radical foundations of all governments, which cannot be borrowed since legitimacy is based on culture. Second, in modern representative democracy, the principles of representation do not conflict with democratic principles in the epistemic understanding of democracy. Third, Confucian representative theory is consistent with modern representative democracy in both principle and practice. Fourth, the coherence of the virtue of representatives is not common to both the West and the Confucian East. In conclusion, the concept of the “Mandate of Heaven” and the view of the integrated virtue of representatives in Confucian representative theory can be an important and effective source for political development in Confucian East in the context modern representative democracy.

This thesis started with a question about the relationship between political development and culture and in this vein, has explored the concept of legitimacy. The first question that this thesis aimed to answer was whether political legitimacy can be borrowed. In the Asian value debate, there have been contrasting views about this relationship. The argument that there is a close relationship between democracy and political legitimacy is generally accepted in modern politics. However, even regarding this general argument, there are two different views in regards to culture. On the one hand, some argue that culture is more important than democracy. On the other hand, some argue that culture must be changed to attain democratic legitimacy. This thesis rejects both conceptions of this relationship. Instead, this thesis has argued that political culture is involved in legitimacy insofar as legitimacy is a set of beliefs held by the people. Some dominant theorists have suggested that certain concepts, such as practice, custom, belief-system, and living habits, are necessary for political legitimacy, and that such concepts correspond with political culture. Therefore, since democratic legitimacy is based on culture in each society, there is reason to argue that Confucian thought must be regarded as the very foundation of democratic legitimacy in contemporary politics in Confucian East Asia. From this perspective, it is worth examining whether Confucian tradition thought is compatible with democratic development in Confucian East Asia.

Thus, this thesis turned to the next problematic concept—representation. Representation is not only the most common feature of modern democracy, it is also one of the most decisive. In world politics, democracy is considered the only game in town and representation shapes democracy. In addition, since the democratic relationship between the ruler and the ruled is an essential condition for legitimate representation, without representation the government cannot attain legitimacy. In other words, representation is nearly the only form of legitimate government in modern politics. For this reason, it is one of the most appropriate tools to examine the relationship between political legitimacy, democracy, and culture.

In the West, the concept of representation has acquired the meaning, “to act on behalf of some other(s)”. In regards to representation, the concept of mandate provides specific authorization in the concept of limited government. Mandate is defined as certain human activities by which some people are granted power to govern others based on a belief-system. This is the point where the Confucian concept of the “Mandate of Heaven” and the western mandatory theory intersect in regards to the concept of conditional government. While western representation has developed from the symbolic to the substantive and from “standing for” to “acting for”, the Confucian mandate combined both conceptions as necessary conditions of government from the very beginning.

In addition, both the representative theories of the West and Confucianism are consistent with an epistemic understanding of democracy. From this perspective, democracy requires not only procedural legitimacy, but also demands good decisions. In other words, democracy requires some knowledge in order to execute good decisions. Accordingly, this epistemic conception of democracy requires certain qualifications for representatives. Though it seems to conflict with democracy, which in theory is the conception of political equality, it does not conflict with the competence-embedded conception of democracy. Democracy based on enlightened understanding and epistemic democracy also endorses both a distinctive concept of representation and an equal chance to participate. The concept of distinctive qualifications of representatives can be seen in both Ancient Confucian thought and modern democracy. In addition, the virtues of responsibility and responsiveness that Confucian representatives should have are also core values in representative democracy. Therefore, the Confucian principle of qualified representation is consistent with democracy insofar as democracy is rule by public opinion, not just rule by the people.

The core of Confucian representative theory is the “Mandate of Heaven”. Mencius interpreted the “mind of Heaven” as the “mind of people”, since Heaven does not speak by itself, but through the people. Although it did not develop modern democratic theory, the idea of limited government and legitimate representation exists within this mandate. In addition, it also provided a clear foundation of revolutionary theory against tyranny and, in fact, was used in many peasant protests in Confucian East Asia. Korean Confucian thinker, Jeong Yakyong, has shown the structure of the Confucian representation using a bottom to top model in order to explain Mencius’ interpretations.

In this model, all first representatives are recommended from among ordinary people and they choose those who will represent them, once again through recommendation. By the repetition of these procedures, the “Son of Heaven” is selected. If the representatives fail to perform their duties, they should be replaced with new representatives by the recommendation of the people and sub-representatives. Mencius and Jeong’s representative theory had been applied in politics throughout Confucian East Asia. This thesis has expounded on some examples from Korea’s Joseon dynasty.

Finally, this thesis has focused on the virtue of representatives. Confucian representation theory is understood as specialized in the virtue of representatives, rather than a systemic understanding of representation. This is one of the main arguments regarding the conflict of Confucian thought with modern democracy, although it clearly contains democratic or representative elements. However, all governments have been concerned the virtue of representatives, not only Confucianism. In modern representative democracy, voters understand elections as the procedure of choosing good types of representatives. However, what constitutes “good representation” is as diverse as the contents of legitimation in the common framework of legitimacy. In Confucian representative theory, the coherence of virtue is the core condition of a good representative, and the same view can be found in the West as well. Integrated virtue based on practice is the requirement of representatives in Confucianism, which does not conflict with the reasonable argument regarding the character of representatives in the West, which is considered acceptable in modern representative democracy.

Modern representative democracy is a complex entity of convention, custom, and contingency, especially since mixed principles co-exist by its nature. As we have seen in dealing with legitimacy, representation is a concept in which one common framework accommodates different meaningful and legitimate content, based on each belief-system and daily living behaviors. Confucian representative theory is the fundamental background that constitutes the belief-system and way of life in understanding politics in Confucian East Asia. In this vein, the virtue of representatives is a decisive factor, which is not less important than the systemic understanding of modern representation.

3. Limitation and Future Research

There are some clear limitations to this thesis, most of them originating from the aim, subject, and method of this research, and it would be beneficial for these limitations to be explored in future research.

First, this thesis has dealt with not just one or two but three different concepts in political theory—legitimacy, representation, and Confucian virtue. Each concept is an important concept on

its own. In addition, attempting to connect all of these concepts in one thesis is not common, even in the study of comparative political theory. Although it is necessary for this thesis to compare different cultural traditions regarding what constitutes good government, dealing with three big concepts in one thesis was an ambitious challenge, to say the least. For this reason, the conceptual analysis was inevitably insufficient to clarify each concept. For example, this thesis focused on the relationship between political legitimacy and culture only. It did not cover other factors such as ideologies, religions, and economics, which are also important in relationship to political legitimacy. In regards to representation, though this research emphasized an epistemic understanding, there is a need for further research to compare it with other conceptions of democracy.

Second, this thesis did not discuss the relationship between multiculturalism and the legitimacy-based methodology of this thesis. The view of this thesis is that present-day multiculturalism, for the most part, did not overcome western-centrism insofar as they argue on the basis of western theories. For example, Kymlicka (1995)'s argument is based on liberalism and Parekh (1993, 2000)'s on communitarianism. In most cases of Confucian theorists, democracy is the basis of multiculturalism in which the compatibility between Confucian traditional thought and modern democracy is examined. However, this thesis has considered political legitimacy as a more fundamental basis of this compatibility. Nonetheless, it may be true that there is a need for more sophisticated research regarding the methodology of the comparative study of political theory.

Third, this thesis could not examine the differences of Confucian traditions in each country in Confucian East Asia. Although Asian countries such as China, Japan, North and South Korea share Confucianism as a common political tradition, the features of developments have varied, not just in modern democratic periods but also during Confucian periods. The Confucian traditions in each of these countries during the Middle Ages were clearly distinctive, but also influence each other. This phenomenon has lasted throughout the periods of modernization and continues even today. For this reason, when we talk about Confucian East Asia, the term, in fact, indicates a set of very complex ideas and practices. For example, the virtue of representatives is distinctive in China, Korea, and Japan. However, in this thesis, the obvious distinction of the differences was not expounded upon since it was mainly based on Confucian traditional thought in Korea, particularly South Korea. Therefore, future research should deal with the variety of Confucian tradition in each country.

Finally, since this thesis aimed to contribute to the theory of the virtue of representatives, it was not a comprehensive research of representative democracy in regards to Confucian traditional thought. Thus, representation requires a systemic understanding as well. In other words, the virtue of representatives is more accurately understood as it relates to the institutional background of each society, insofar as an institution and its operation influence the virtues of representatives in the mind of the people. In this sense, what I have argued is that the virtue of representatives is still a decisive element in good government in representative democracy, particularly in the Confucian East;

however, my intent is not to argue that a systemic view of representative is less important in the study of representation. The virtue of representatives and representative institutions, such as the party system, the electoral system, and the constitution are like two columns of the same ladder in the study of representation. Therefore, the study of the connection and relationship between the two views of representation is essential in future research.

4. Implications

Although this thesis has mainly discussed democratic legitimacy and Confucian virtue, this thesis has argued four important points regarding methodology in the comparative research of political theory. First, this thesis has suggested the concept of legitimacy as the foundation of comparative political theory study. Second, this research argues that in comparative political theory study, it is necessary to focus on practice as the accumulation of the people's behaviours in belief-systems, rather than formal institutions. Third, this thesis has proposed that there is a need to find and use more neutral concepts for comparative study, such as representation, which is common to both modern western democracy and Confucian traditional thought.

First, this thesis argued that the comparative research of political theory, particularly in the case of different cultures, should start from the understanding of the nature of political legitimacy. This does not necessarily require the acceptance of cultural relativism. Rather, it is a suggestion that there are relative concepts in political theory that should be distinguished from common concepts. For example, while the framework of legitimacy as a belief-system may be common in every government, the contents of each belief-systems are varied insofar as the way of life is different in each society. Similarly, though democracy is the only legitimate system of politics, there are varied forms of electoral systems, party systems, and government systems. Constitutionalism may be one of the most important issues in democratic legitimacy, but its exact contents are distinctive from country to country.

Second, this thesis has suggested that if politics are to be understood through the relationship between legitimacy and culture in a radical level, the practices and customs of the people in each belief-system must be examined since legitimacy can neither directly nor automatically emerge from institutions, nor can it be borrowed from institutions. Although institutions can be established by cultural aliens, a procedure of legitimation within the practices of the people is necessary. Without practice, the institution cannot be a foundation of political legitimacy. If we focus on institutional aspects, particularly on the standards of modern values, the comparison is destined to be unfair, since modern values were first conceptualized in the West. Accordingly, it is necessary to pursue a contextual understanding of practice and custom within a belief-system. For example,

just as the diversity of the electoral systems and government forms of the West are accepted, the practical particularity of Confucian representation when not in conflict with modern representative government must also be acknowledged. If the authority of the monarchical system and the House of Lords are acceptable in the UK, so should the authority of the Dalai Lama in Tibet be respected from the perspective of the legitimacy of representation.

Third, previous research has often studied different political thought in order to compare different theories on the basis of certain values and ideologies such as democracy, liberal democracy, or human rights. Using these standards, scholars have compared theories directly by a statistical index in empirical studies or by institutional or conceptual differences in normative research. Some theorists have tried to clarify whether there is a common conception of equality, liberty, or rights. Some have been interested in institutional similarities and differences. However, insofar the concepts are conceptualized in the context of the modern West, the misunderstanding or misjudgement of non-western theories is inevitable. In other words, even though we are conscious of the prejudice toward non-western concepts or ideas, it is easily an unfair comparison when we still use western originated standards. For this reason, neutral concepts are useful for fair comparison and this thesis has suggested the concept of representation, which is a necessary element for legitimate government in both the West and Confucian East. In this case, the main task was to examine whether each tradition is compatible with modern standards of political legitimacy as seen in democracy.

This alternative methodology focuses on trans-cultural studies of political theory. However, this methodology may also be helpful for three different groups of researchers: those who study general political theory by comparing western and non-western ideas; those who study non-western political theories that are generally under the influence of western original ideas; and those who study diverse western political theories. The implication of this methodology is the need for political theorists to be conscious of the western-centrism in the concepts of study in political theory.

Bibliography

<Classics>

Aristotle. *Nicomachean Ethics*.

Confucius. *Analects*, trans. by Dawson, Raymond. (1993). Oxford University Press.

Confucius. *Great Learning*.

Jeong, Yakyong. (1989 [1818?]). ‘Tang-ron(탕론: 蕩論: Treatise about King Tang)’, in *Yeoyudang-jeonseo* (complete collection of Yeoyudang). Jeonjudae Honamhak Yeonguso (Honamhak institution of Jeonju University).

Jeong, Yakyong. (1989 [1818?]). ‘Won-mok (원목: 原牧: Treatise about the Origin of Ruler)’, in *Yeoyudang-jeonseo* (complete collection of Yeoyudang). Jeonjudae Honamhak Yeonguso (Honamhak institution of Jeonju University).

Jeong, Yakyong. (1989 [1818?]). ‘Won-jeong(원정: 原政: Treatise about the Origin of Politics)’, in *Yeoyudang-jeonseo* (complete collection of Yeoyudang), Jeonjudae Honamhak Yeonguso (Honamhak institution of Jeonju University).

Mencius. *Mencius*, trans. by Lau D.C. (1970). Penguin.

Plato, *The Republics*.

The Annals of the Cho-sun Dynasty, ed. and trans. by Guksa-pyunchan-wiewonhwi (National institution of Korean History). <http://sillok.history.go.kr/main/main.jsp>

<Books and Journals>

Abu-Lighod, Janet (1989). *Before European Hegemony: The World System A.D.1250-1350*. New York: Oxford University Press.

Ahn, Weisun (2004). ‘Mengza-ui Wangdo Jeongchiron-e natanan Jeongchi Leadership-ron (Political leadership of Mencius in the theory of Kingship)’, *Yugyo Jeongchi Leadership-gua Hankuk Jeongchi* (Confucian Political Leadership and Korean Politics). Seoul: Baesanseodang. pp. 11-48.

Aikman, David (1986). *Pacific Rim: Area of Change, Area of Opportunity*. New York: Little, Brown and Company.

Alavi, Hamza (1972). ‘The State in Postcolonial Societies: Pakistan and Bangladesh’, *New Left Review* 74: 59-81.

Almond, Gabriel and Verba, Sidney (1989 [1963]). *The Civic Culture*. California: Sage Publication.

- Alonso, Sonia, Keane, John and Merkel, Wolfgang (2011). 'Editor's Introduction: Rethinking the future of representative democracy', in *The Future of Representative Democracy*, ed. Sonia Alonso, John Keane and Wolfgang Merkel. Cambridge: Cambridge University Press. pp. 1-22.
- Ames, Roger T. and Rosemont, Henry Jr. (1998). *The Analects of Confucius: A Philosophical Translation*. New York: Ballantine Books.
- Amin, Samir (1989). *Eurocentrism*. London: Zed Books.
- Arendt, Hannah (1963), *On Revolution*. New York: The Viking Press.
- Austin, Langshaw J. (1965). *How to Do Things with Words*. Oxford: Clarendon Press.
- Barber, Benjamin (1984). *Strong Democracy*. Berkeley: University of California Press.
- Barker, Rodney (1990). *Political Legitimacy and the State*. Oxford: Oxford University Press.
- Barry, Brian (2001). *Culture and Equality*. Cambridge: Harvard University Press.
- Barry, Brian (2002). 'Second Thoughts and Some First Thoughts Revised', in *Multiculturalism Reconsidered*, ed. Paul Kelly. Cambridge: Polity Press, pp. 204-238.
- Beetham, David and Lord, Christopher (1988). 'Legitimacy and European Union', in *Political theory and the European Union*, ed. Albert Weal and Michael Nentwich. London: Routledge. pp. 15-33.
- Beetham, David (1991). *The Legitimation of Power*. London: Palgrave Macmillan.
- Beitz, Charles R. (1989). *Political Equality: An Essay in Democratic Theory*. Princeton: Princeton University Press.
- Bell, Daniel A. (1995). 'Democracy in Confucian Societies: The Challenge of Justification', in *Towards liberal Democracy in Pacific Asia*, ed. Daniel Bell. Oxford: St. Martin's Press. pp. 17-40.
- Bell, Daniel A. (1996). 'Democracy with Chinese Characteristics: A Political Proposal for the Post-Communist Era', *Philosophy East and West*, Vol. 49, No. 4: 451-493.
- Bell, Daniel A. (2000), *When East meets West*. Princeton: Princeton University Press.
- Bell, Daniel A. (2006). *Beyond Liberal Democracy: Political Thinking for an East Asian Context*. Princeton: Princeton University Press.
- Bell, Daniel A. (2012). 'Meritocracy Is a Good Thing', *New Perspectives Quarterly*, Vol. 29, No. 4: 9-18.
- Bellamy, Richard and Schecter, Darrow (1993). *Gramsci and the Italian State*. Manchester: Manchester University Press.
- Bellamy, Richard (2007). *Political Constitutionalism*. Cambridge: Cambridge University Press.
- Beyme, Klaus, von (2011). 'Representative democracy and the populist temptation', in *The Future of Representative Democracy*, ed. Sonia Alonso, John Keane and Wolfgang Merkel. Cambridge: Cambridge University Press. pp. 50-73.
- Birch, Anthony H. (1972). *Representation*. London: Macmillan.
- Black, Antony (1980). 'Skinner on 'The Foundations of Modern Political Thought'', *Political Studies*, Vol. 28, No. 3: 451-457.

- Black, Antony (2009). *A World History of Ancient Political Thought*. Oxford: Oxford University Press.
- Bloom, Irene T. (2002). 'Mengian Arguments on Human Nature', in *Essays on the Moral Philosophy of Mengzi*, ed. Xiusheng Lio and Philip J. Ivanhoe, Indianapolis: Hackett Publishing Company. pp. 64-100.
- Bogdanor, Vernon (1985). *Representatives of the People?: Parliamentarians and Constituents in Western democracies*. Aldershot: Gower.
- Braudel, Fernand (1984). *The Perspective of the World*, Vol. 3 of *Civilization and Capitalism 15th-18th Century*. New York: Haper & Row.
- Buchanan, Allen (2002). 'Political Legitimacy and Democracy', *Ethics* Vol. 112, No 4: 689-719.
- Burke, Edmund (1961 [1774]). 'Speech to the Electors of Bristol', in *Speeches and Letters on American Affairs*. London: Everyman Edition, pp. 72-74.
- Burke, Edmund (1948 [1792]). 'A Letter To Sir Hercules Langrishe', in *Selected Prose Of Edmund Burke*, ed. Philip Magnus. (<http://www.ourcivilisation.com/smartboard/shop/burkee/extracts/index.htm>)
- Callenbach, Ernest and Phillips, Michael (1985). *A Citizen Legislature*. Berkeley: Banyan tree books.
- Chang, Ha-joon (2007). *Bad Samaritans: The Myth of Free Trade and the Secret History of Capitalism*. London: Bloomsbury.
- Chatterjee, Partha (1986). *Nationalist thought and the colonial world: a derivative discourse*. Tokyo: Zed Books for the U.N. University.
- Chaudhuri, K.N. (1990). *Asia Before Europe: Economy and Civilization of the Indian Ocean From the Rise of Islam to 1750*. Cambridge: Cambridge University Press.
- Chen, Albert H.Y. (2007). 'Is Confucian compatible with liberal constitutional democracy?', *Journal of Chinese Philosophy*, Vol. 34, No. 2: 195-216.
- Choi, Jangjib (2002). *Minjuhwa iwhuei Mijujuei (Democracy after Democratization)*. Seoul: Humanitas.
- Clausewitz, Carl von (1989 [1832]). *On War*, ed. and trans. by Michael Eliot Howard and Peter Paret. Princeton: Princeton University Press.
- Cohen, Joshua (1998). 'Procedure and Substance in Deliberative Democracy', in *Deliberative Democracy*, ed. James Bohman and William Rehg. Massachusetts: MIT Press. pp. 407-438.
- Coicaud, Jean-Marc (2002). *Legitimacy and Politics*, trans. by David A. Curtis. Cambridge: Cambridge University Press.
- Cotton, James (1989). 'From Authoritarianism to Democracy in South Korea', *Political Studies*, Vol. 37, No. 2: 244-259.
- Cottingham, John (2009). 'Integrity and Fragmentation', *Journal of Applied Philosophy*, Vol. 27, No. 1: 2-14.
- Creel, H. G. (1949). *Confucius, the Man and the Myth*. New York: John Day Co.
- Cromartie, Alan (2003). 'Legitimacy', in *Political Concepts*, ed. Richard Bellamy and Andrew Mason. Manchester: Manchester University Press. pp. 93-104.

- Dagger, Ricahrd (1997). *Civic Virtues*. Oxford: Oxford University Press.
- Dahl, Robert A. (1971). *Poliarchy: Participation an Opposition*. New Haven: Yale University Press.
- Dahl, Robert A. (1989). *Democracy and Its Critics*. New Haven: Yale University Press.
- Dahl, Robert A. (1999). 'Myth of the Presidential Mandate', *Political Science Quarterly*, Vol. 105, No. 3: 355-372.
- Dahl, Robert A. (2000). *On Democracy*. New Haven: Yale University Press.
- Dahl, Robert A. (2001). *How Democratic Is the American Constitution?*. New Haven: Yale University Press.
- Dahl, Robert A. (2006). *On Political Equality*. New Haven: Yale University Press.
- Dainian, Zhang (2002). *Key Concepts of Chinese Philosophy*, trans. by Edmund Ryden, New Haven: Yale University and Foreign Language Press.
- de Barry, Wm. Theodore (1998). *Asian Values and Human Right: A Confucian Communitarian Perspective*. London: Harvard University Press.
- de Montesquieu, Baron (2011[1750]). *The Spirit of Laws*, trans. by Thomas Nugent. New York: Cosimo Classics.
- Dunn, John (2005). *Democracy: A History*. New York: Atlantic Monthly Press.
- Dworkin, Ronald (1995). 'Foundations of Liberal Equality' in *Equal Freedom*, ed. Darwall Stephen. Ann Arbor: Michigan University Press. pp. 190-306.
- Dworkin, Ronald (2002). *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge: Harvard University Press.
- Dallmayr, Fred, Li, Chenyang, Tan, Sor-hoon, and Bell, Daniel A. (2009). 'Beyond Liberal Democracy: A Debate on Democracy and Confucian Meritocracy', *Philosophy East and West*, Vol. 59, No. 4: 523.
- Estlund, David (1998). 'Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority', in *Deliberative Democracy*, ed. James Bohman and William Rehg. Massachusetts: MIT Press. pp. 173-204.
- Estlund, David (2008). *Democratic Authority: A Philosophical Framework*. Princeton: Princeton University Press.
- Fearon, James D. (1999). 'Electoral Accountability and the Control of Politicians: Selecting Good Types versus Sanctioning Poor Performance', in *Democracy, Accountability, and Representation*, ed. Adam Przeworski, Susan C. Stokes, and Bernard Manin. Cambridge: Cambridge University Press. pp. 55-97.
- Feng, Liping (1996). 'Democracy and Elitism: The May Fourth Ideal of Literature', *Modern China*, Vol. 22, No. 2: 170-196.
- Finer, Samuel. E. (1985). 'The Contemporary Context of Representation', in *Representatives of the People?*, ed. Vernon Bogdanor. London: Gower. pp. 286-292.
- Finer, Samuel E. (1997). *The History of Government from the Earliest Times Vol. 2: The Intermediate Ages*. Oxford: Oxford University Press.

- Finer, Samuel E. (1999). *The History of Government from the Earliest Times Vol. 1: Ancient Monarchies and Empires*. Oxford: Oxford University Press.
- Fingarette, Herbert (1972). *Confucius: The Secular as Sacred*. New York: Harper.
- Fitzsimmons, Michael P. (1994). *The Remaking of France: The National Assembly and the Constitution of 1791*. Cambridge: Cambridge University Press.
- Føllesdal, Andreas (2010), *Legitimacy Theories of the European Union*. ARENA – Centre for European Studies, Oslo: University of Oslo.
- Frank, Andre Gunder (1995). ‘The Modern World System Revisited: Rereading Braudel and Wallerstein’, in *Civilization and World Systems*, ed. Stephen Sanderson. Oxford: Altamirapress, pp. 163-194.
- Frankfurt, Harry G. (2004). *The Reasons of Love*. Princeton: Princeton University Press.
- Fukuyama, Francis (1995). ‘Confucianism and Democracy’, *Journal of Democracy*, Vol. 6, No. 2: 20–33.
- Fukuyama, Francis (2005). *Nation-Building*. Baltimore: Johns Hopkins University Press.
- Fukuyama, Francis (2006). *After the Neocons*. London: Profile Books.
- Fung, Yulan (1983 [1934]). *A History of Chinese Philosophy*, trans. by Derk Bodde, Princeton: Princeton University Press.
- Gramsci, Antonio (1971). *Selections from Prison Notebooks*, ed. and trans. by Q. Hoare and G. N. Smith, London: Lawrence and Wishart.
- Green, Leslie (2012). ‘Introduction’, in *The Concept of Law*, Herbert L. A. Hart. Oxford: Oxford University Press. pp. xv-lv.
- Gunther, Richard, P., Nikiforos Diamandouros and Hans-Jurgen Puhle (ed.) (1995). *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective*. Baltimore: The Johns Hopkins University Press.
- Gutmann, Amy and Thompson, Dennis (2004). *Why Deliberate Democracy?*. Princeton: Princeton University Press.
- Hall, Stuart (1991). ‘The West and the Rest’, in *Formation of Modernity*, ed. Stuart Hall and Bram Gieben. Cambridge: Polity Press, pp. 276-331.
- Hamilton, Alexander, Madison, James and Jay, John (1961 [1788]). *The Federalist Papers*. New York: New American Library.
- Hart, Herbert L. A. (2012 [1961]). *The Concept of Law*, Oxford: Oxford University Press.
- He, Baogang (2010). ‘Four Models of the Relationship between Confucianism and Democracy’, *Journal of Chinese Philosophy*, Vol. 37, No. 1: 18–33.
- Horst, Derek (1975). *The Representative of the People?*. Cambridge: Cambridge University Press.
- Hood, Steven J. (1998). ‘The Myth of Asian-Style Democracy’, *Asian Survey*, Vol. 38, No. 9: 853-866.
- Horton, John (2012). ‘Political legitimacy, justice and consent’, *Critical Review of International Social*

and Political Philosophy, Vol. 15, No. 2: 129-148.

Hsu, Leonard S. (1975). *The Political Philosophy of Confucianism*. London: Curzon Press.

Hu, Shaohua (1997). Confucianism and western democracy, *Journal of Contemporary China*, Vol. 6, No. 15: 347-363.

Hume, David (1987 [1748]). *Of the Original Contract* in *Essays: Moral, Political and Legal*. Indianapolis: Liberty Classics.

Hume, David (2007 [1748]). *An Enquiry concerning Human Understanding*. ed. Stephen Buckle. Cambridge: Cambridge University Press.

Huntington, Samuel P. (1968). *Political Order in Changing Society*. New Heaven: Yale University Press.

Huntington, Samuel P. (1991). *The Third Wave*. Norman: University of Oklahoma Press.

Huntington, Samuel P. (1993). 'The Clash of Civilizations?'. *Foreign Affairs*, Vol. 72, No. 3: 22-49.

Huntington, Samuel P. (1996). *The Clash of Civilizations and the Remaking of World Order*. New York: Touchstone.

Huntington, Samuel and Harrison, Lawrence (ed.) (2000). *Culture Matters*. New York: Basic Books.

Jacques, Rancière (2006). *Hatred of Democracy*, trans. by Steve Corcoran. London: Verso.

Jullien, Francois (2004). *Mengza-wa Geymong Cholhakza-ui Daehwa* (Discussion of Mencius and Philosophers of Enlightenment: Fonder la morale: Dialogue de Mencius avec un philosophe des Lumieres), trans. by Heo Kyong. Seoul: Han-ul Academy.

Kang, Jungin (1997). *Minjujueiei ihae* (Understanding Democracy). Seoul: Munhak and Jisung.

Kang, Jungin (2002). *Minjujueiei Hangukjeok Suyong* (The Korean Acceptance of Democracy). Seoul: Chaeksesang.

Kang, Jungin (2009). *Hanguk Jeongchiei Inyeomgwa Sasang* (Ideas and Thought of Korean Politics). Seoul: Humanitas.

Kim, Daejung (1994). 'Is Culture Destiny? The Myth of Asia's Anti-Democratic Values', *Foreign Affairs*, Vol. 73, No. 6: 189-194.

Kim, Sungmoon (2010). 'Confucian Citizenship? Against Two Greek Models', *Journal of Chinese Philosophy*, Vol. 37, No. 3: 438-456.

Kim, Sungmoon (2012). 'To Become a Confucian Democratic Citizen: Against Meritocratic Elitism', *British Journal of Political Science*, Vol. 43, No. 3: 579-599.

Knights, Mark (2009). 'Participation and representation before democracy: petitions and addresses in pre-modern Britain', in *Political Representation*, ed. Ian Shapiro, Susan C. Stokes, Elisabeth Jean Wood and Alexander S. Kirshner. Cambridge: Cambridge University Press, pp. 35-60.

Krugman, Paul (1998). *Latin America's Swan Song*.

(<http://web.mit.edu/krugman/www/swansong.html>)

Kymlicka, Will (1995). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Clarendon Press.

- Lee, Sangik (2001). *Yuga Sahwi Cheolhak Yeongu* (Study of Confucian Social Philosophy). Seoul: SimSan.
- Lee, Seunghwan (1996). 'Liberal Rights or/and Confucian Virtue?', *Philosophy East & West*, Vol. 46, No.3: Seventh East-West Philosophers' Conference (July, 1996): 367-379.
- Lee, Seunghwan (1998). *Yugasasangui Sahwicholhakjeok Jajomyung* (Social and Philosophical Revisit of Confucian Thoughts). Seoul: Korea University Press.
- Levy, Pierre (1999 [1994]). *Collective Intelligence: Mankind's Emerging World in Cyberspace*, trans. by Bonomo Robert, New York: Basic Books.
- Lin Anwu (1996). *Ruxue yu Zhongguo Chuantong Shehui zhi Zhexue Xingcha* (Confucianism and Philosophical Reflections on Traditional Chinese Society). Taipei: Youshi.
- Lin Anwu (2003). *Dao de Cuozhi: Zhongguo Zhengzhi Sixiang de Genben Kunjie* (The Fallacy of the Misplaced Dao: The Fundamental Problem of Chinese Political Thought). Taipei: Xuesheng Shuju.
- Lipset, Seymour M. (1959). 'Some Social Requisites of Democracy', *The American Political Science Review*, Vol. 53, No. 1: 69-105.
- MacIntyre, Alasdair (1996). *Whose Justice? Which Rationality?*. London: Duckworth.
- MacIntyre, Alasdair (2007). *After Virtue*. London: Bloomsbury Academic.
- Manin, Bernard, Stein, Elly and Mansbridge, Jane (1987). 'On Legitimacy and Political Deliberation', *Political Theory*, Vol. 15: 338-368.
- Manin, Bernard (1997). *The Principles of Representative Government*. Cambridge: Cambridge University Press.
- Manin, Bernard, Przeworski, Adam and Stokes, Susan C. (1999). 'Elections and Representation', in *Democracy, Accountability, and Representation*, ed. Adam Przeworski, Susan C. Stokes, Bernard Manin. Cambridge: Cambridge University Press. pp. 29-54.
- Mansbridge, Jane (2003). 'Rethinking Representation', *The American Political Science Review*, Vol. 97, No. 4: 515-528.
- McDowell, John (1979). 'Virtue and Reason', *Monist*, Vol. 62: 331-350.
- Mendus, Susan (2009). *Politics and Morality*, Cambridge: Polity Press.
- Michels, Pobert (1966 [1911]). *Political Parties*. New York: Free Press.
- Mill, Stuart J. (2008 [1861]). 'Consideration on Representative Government', in *On Liberty and other essays*. Oxford: Oxford University Press, pp. 203-467.
- Montesquieu, de Baron (2011[1750]). *The Spirit of Laws*, trans. by Thomas Nugent. New York: Cosimo.
- Moor, Barrington Jr. (1974). *Social Origins of Dictatorship and Democracy*. Aylesbury: Hazell Watson & Viney.
- Farrand, Max (1911), *The Records of the Federal Convention in 1787*. New Haven: Yale University Press.
- Mouffe, Chantal (2000). *The Democratic Paradox*. London: Verso.

- Mulhal, Stephen and Swift, Adam (1992). *Liberals and Communitarians*. Oxford: Blackwell.
- Nivison, David S. (1980). 'On Translating Mencius', *Philosophy East and West*, Vol. 30, No. 1: 93-122.
- Oakeshott, Michael (1975). *On Human Conduct*. Oxford: Oxford University Press.
- Oakeshott, Michael (1976). 'On Misunderstanding Human Conduct: A Reply to My Critics', *Political Theory*, Vol. 4, No. 3: 353-367.
- Oakeshott, Michael (1980). 'The foundations of Modern Political Thought', *The Historical Journal*, Vol. 23, No. 2: 449-453.
- O'Donnell, G. and P. C. Schmitter (1986). *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore, MD: The Johns Hopkins University Press.
- Owen, David (2003). 'Democracy', in *Political Concepts*, ed. Richard Bellamy and Andrew Mason. Manchester: Manchester University Press. pp. 105-117.
- Pain, Thomas (1976 [1791]). *Rights of Man*. London: Penguin Books.
- Parekh, Bhikhu (1979). 'The Political Philosophy of Michael Oakeshott', *British Journal of Political Science*, Vol. 9, No. 4: 481-506.
- Parekh, Bhikhu (1992). 'The Poverty of Indian Political Theory', *History of Political Thought*, Vol. 13, No. 3: 535-560.
- Parekh, Bhikhu (1993). 'The Cultural Particularity of Liberal Democracy', in *Prospects for Democracy*, ed. David Held. Cambridge: Polity Press. pp. 156-175.
- Parekh, Bhikhu (1996). 'Moral Philosophy and its Anti-pluralist Bias', *Philosophy and Pluralism*, Vol. 40: 117-134.
- Parekh, Bhikhu (2000). *The Future of Multi-Ethnic Britain: The Parekh Report*. London: Profile Books.
- Parekh, Bhikhu (2002). 'Barry and the Dangers of Liberalism' in *Multiculturalism Reconsidered*, ed. Paul Kelly. Cambridge: Polity, pp. 133-150.
- Pareto, Vilfredo (2011 [1935]). *The Mind and Society*, trans. by Arthur Livingston and Andrew Bongiorno. Charleston: Nabu Press.
- Park, Hyunmo (2005). 'Sejong-ui Sejsgaehyuk gwajeong-e natanan Hyukshin Leadership' (Innovation-leadership of King Sejong in the procedure of tax system reformation), in *Seonjo-egeseo baeunun hyukshin Leadership* (Learning Innovation-leadership from the Ancestors). MunhwaJaechong (Cultural Heritage Administration of Korea).
- Patt-Shamir, Galia (2009). 'Learning and Women, Confucianism Revisited', *Journal of Chinese Philosophy*, Vol. 36, No. 2: 243-260.
- Peter, Fabienne (2007). 'Democratic legitimacy and proceduralist social epistemology', *Politics Philosophy Economics*, Vol. 6, No. 3: 329-353.
- Peter, Fabienne (2009). *Democratic Legitimacy*. London: Routledge.
- Pettit, Philip (2012). *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press.

- Phillips, Anne (1995). *The Politics of Presence*, Oxford: Clarendon Press.
- Pitkin, Hanna. F. (1967). *The Concept of Representation*. Berkeley: University of California Press.
- Pitkin, Hanna. F. (1972). *Wittgenstein and Justice*. Berkeley: University of California Press.
- Pitkin, Hanna. F. (1981). 'Justice: On Relating Private and Public', *Political Theory*, Vol. 9, No. 3: 327-351.
- Popper, Karl (2011 [1945]). *The Open Society and its Enemies*. London: Routledge.
- Przeworski, Adam (1991). *Democracy and the Market*. Cambridge: Cambridge University Press.
- Przeworski, Adam (1999). 'Minimalist conception of democracy: a defence', in *Democracy's Values*, ed. Shapiro, Ian and Hacker-Cordon, Casiano. Cambridge: Cambridge University Press. pp. 23-55.
- Przeworski Adam, Stokes, Susan C. and Manin, Bernard (ed.) (1999). *Democracy, Accountability, and Representation*. Cambridge: Cambridge University Press.
- Rainey, Lee Dian (2010). *Confucius & Confucianism: the essentials*. Oxford: Wiley-Black Well.
- Rawls, John (1993). *Political Liberalism*. New York: Columbia University Press.
- Rawls, John (1999 [1971]). *A Theory of Justice*. Cambridge: The Belknap Press of Harvard University Press.
- Rawls, John (2001). *Justice as Fairness: A Restatement*. Cambridge: Harvard University Press.
- Raz, Joseph (1990). 'Introduction', in *Authority*, ed. Raz Joseph, New York: New York University Press. pp. 1-19.
- Rehfeld, Andrew (2005). *The Concept of Constituency*, Cambridge: Cambridge University Press.
- Rousseau, Jean-Jacques (2004 [1762]). *The Social Contract*, trans. by Maurice Cranston. London: Penguin.
- Runciman, David (2009). 'Hobbes's theory of representation: anti-democratic or proto-democratic?', in *Political Representation*, ed. Ian Shapiro, Susan C. Stokes, Elisabeth J. Wood, and Alexander S. Kirshner. Cambridge: Cambridge University Press. pp. 15-34.
- Rustow, Dankwart (1970). 'Transition to Democracy: Toward a Dynamic Model,' *Comparative Politics*, Vol. 2, No. 3: 337-363.
- Said, Edward W. (2003 [1978]). *Orientalism*, London: Penguin Books.
- Sandel, Michael (1982). *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press.
- Sandel, Michael (2009). *Justice: What's the Right Thing to Do?*. New York: Farrar, Straus and Giroux.
- Schumpeter, Joseph (1942). *Capitalism, Socialism, and Democracy*. New York: Harper & Row.
- Sen, Amartya (1993). 'Internal constituency of Choice', *Econometrica*, Vol. 61, No. 3: 495-521.
- Shapiro, Ian and Hacker-Cordon, Casiano (1999). 'Promises and disappointment: reconsidering democracy's value', in *Democracy's Values*, ed. Ian Shapiro and Hacker-Cordon Casiano. Cambridge: Cambridge University Press. pp. 1-20.
- Simmon, John, A. (2001). *Justification and Legitimacy*. Cambridge: Cambridge University Press.
- Skinner, Quentin (1978). *The Foundations of Modern Political Thought*. Cambridge: Cambridge

University Press.

Skocpol, Theda (1979). *States and Social Revolutions: A Comparative Analysis of France, Russia and China*. Cambridge: Cambridge University Press.

Sor-hoon, Tan (2003). *Confucian Democracy: A Deweyan Reconstruction*. Albany: State University of New York Press.

Sor-hoon, Tan (2012). 'Between Family and State', in *Mencius: context and interpretations*, ed. Alan K. L. Chan, Honolulu: University of Hawaii Press, pp. 169-188.

Sor-hoon, Tan (2012). 'Democracy in Confucianism', *Philosophy Compass*, Vol. 7, No. 5: 293–303.

Spivak, Gayatri Chakravorty (1988). 'Can the subaltern speak?', in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg. Basingstoke: Macmillan Education. pp. 271-313.

Stewart, Michael (1960). *The British Approach to Politics*. London: George Allen & Unwin.

Sungmoon, Kim (2013). 'To become a Confucian democratic citizen: against meritocratic elitism', *British Journal of Political Science*, Vol. 43, No. 3: 579-599.

Saward, Michael (2003). *Democracy*. Cambridge: Polity Press.

Swift, Adam (2006). *Political Philosophy*. Cambridge: Polity Press.

Thompson, Dennis F. (1976). *John Stuart Mill and Representative Government*. Princeton: Princeton University Press.

Thompson, Dennis F. (2005). *Political Ethics and Public Office*. Cambridge: Harvard University Press.

Thompson, Dennis F. (2005). *Restoring Responsibility*. Cambridge: Cambridge University Press.

Twiss, Sumner B. and Chan, Jonathan (2012). 'The classical Confucian position on the legitimate use of military force', *Journal of Religious Ethics*, Vol. 40, No. 3: 447-472.

Urbinati, Nadia (2002). *Mill on Democracy*. Chicago: The University of Chicago Press.

Urbinati, Nadia (2006). *Representative Democracy*. Chicago: The University of Chicago Press.

Urbinati, Nadia (2011). 'Representative democracy and its critics', in *The Future of Representative Democracy*, ed. Sonia Alonso, John Keane and Wolfgang Merkel. Cambridge: Cambridge University Press. pp. 23-49.

Urbinati, Nadia and Warren, Mark E. (2008). 'The Concept of Representation in Contemporary Democratic Theory', *The Annual Review of Political Science*, Vol. 11 (2008): 387–412.

Vitto, Stanly (1993). 'Confucianism and the Spirit of Democracy in China: The Beijing Uprising of 1989', *International Journal of Politics, Culture, and Society*, Vol. 7, No. 2: 329-365.

Waldron, Jeremy (2002). *God, Locke, and Equality*. Cambridge: Cambridge University Press.

Wallerstein, Immanuel (1974). *The Modern World System: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*. New York: Academia Press.

Wallerstein, Immanuel (1992). 'The West, Capitalism, and the Modern World System', *Review (Fernand Braudel Center)*, Vol. 15, No. 4: 561-620.

Wallerstein, Immanuel (1997). 'Eurocentrism and its Avatars: The Dilemmas of Social Science', *New*

Left Review, Vol. 226: 93-108.

Walzer, Michael (1983). *Spheres of Pluralism and Equality*. Oxford: Martin Robertson.

Weale, Albert (2007). *Democracy*. London: Macmillan.

Weale, Albert (2013a). *Democratic Justice and the Social Contract*. Unpublished.

Weale, Albert (2013b). *Political Legitimacy of the European Union*. Unpublished.

Webb, Jen (2009). *Understanding Representation*. London: Sage.

Webber, Jonathan (2006). 'Virtue, Character, and Situation', *Journal of Moral Philosophy*, Vol. 3, No. 2: 193-213.

Wei-ming, Tu (1995). *A Confucian Perspective on Human Rights: The Inaugural Wu Teh Yao Memorial Lectures*. Singapore: Unipress.

Winch, Peter (1990 [1960]). *The Idea of a Social Science and its Relation to Philosophy*. London: Routledge.

Winch, Peter (1991). 'Certainty and authority', in *Wittgenstein centenary essays*. ed. A. Phillips Griffiths. Cambridge: Cambridge University Press, pp. 223-237.

Wittfogel, Karl A. (1957). *Oriental Despotism: A Comparative Study of Total Power*. New Haven: Yale University Press.

Wittgenstein, Ludwig (1953). *Philosophical Investigation*. Oxford: Oxford University Press.

Wolff, Robert, P. (1998). *In Defence of Anarchism*. London: University of California Press.

Wolf, Susan (2007). 'Moral Psychology and the Unity of the Virtue', *Ratio*, Vol. 20, No. 2: 145-167.

Wolgast, Elizabeth (1991). 'The Virtue of a Representative', *Social Theory and Practice*, Vol. 17, No. 2: 273-293.

Wood, Gordon S. (2008 [1968]). *Representation in the American Revolution*. Charlottesville and London: University of Virginia Press.

Wu, John C. H. (1967a). 'Chinese Legal and Political Philosophy', in *The Chinese Mind: essential of Chinese Philosophy and Culture*, ed. Charles A. Moore. Honolulu: East-West Center Press, University of Hawaii, pp. 213-247.

Wu, John C. H. (1967b). 'The Status of the Individual in the Political and Legal Traditions of Old and New China', in *The Chinese Mind: Essentials of Chinese Philosophy and Culture*, ed. Charles A. Moore. Honolulu: East-West Center Press. University of Hawaii, pp. 340-364.

Zakaria, Fareed (1994). 'Culture Is Destiny: A Conversation with Lee Kwan Yew', *Foreign Affairs*, Vol. 73, No. 2: 109-126.

Dictionary of Etymology (2003). New York: Chambers.

<http://www.mediaus.co.kr/news/articleView.html?idxno=37242>

<http://www.njherald.com/story/23498170/merkel-factor-boosts-partys-result-in-german-vote>