UNITED STATES / SOUTH KOREA - COMPARING THE DEVELOPMENT AND STRUCTURE OF TWO MODERN DEMOCRACIES

GRADES: 9-12  AUTHOR: Jeffery K. Woodward

SUBJECT: American Government, Civics, Social Studies

TIME REQUIRED: Three to four class periods

WISCONSIN ACADEMIC STANDARDS

- C.12.1 Identify the sources, evaluate the justification, and analyze the implications of certain rights and responsibilities of citizens
- C.12.2 Describe how different political systems define and protect individual human rights
- C.12.14 Explain and analyze how different political and social movements have sought to mobilize public opinion and obtain governmental support in order to achieve their goals

OBJECTIVES:

1. Compare the historic events surrounding the development of democratic government in the United States and South Korea.
2. Identify key similarities and differences in the development of democratic government in the United States and South Korea.
3. Link those differences to cultural and historic differences in the overall development of the two countries.
4. Analyze the basic structures of the two forms of democratic governments and reflect on why there are differences in the two forms.
5. Demonstrate an understanding that although the basic structures of the two governments are different they both result in stable democratic governments.
6. Interpret the role played by history, culture and environment on the develop of governing systems in a given society.

STANDARDS:

National Council of Social Studies Standards:
1 Culture
2 Time, Continuity and Change
5 Individuals, Groups and Institutions
6 Power, Authority and Governance

Common Core Standards:
SL 1 Initiate and Participate effectively in a range of collaborative discussions
SL 4 Present information, findings, and supporting evidence clearly, concisely, and logically…
RH 2 Determine the central ideas or information of a primary or secondary source
RH 3 Analyze in detail a series of events described in a text
WHST 1 Write arguments focused on discipline-specific content
WHST 4 Produce clear and coherent writing in which the development, organization and style are appropriate to task, purpose, and audience

MATERIALS REQUIRED:
- Basic diagrams of both the South Korean and United States Federal Governments (attached handouts 1 and 2)
- Textbook - selected readings or chapters on the history and structure of the United States government. The author uses Magruder’s American Government (2009) Chapter 2 Sections 1, 2 and 3, but any American Government or Civics book will contain the needed information.
- Access to the Internet (needed for detailed background information)

LINKS:
- United States - Executive Branch (www.whitehouse.gov)
- United States - Legislative Branch (www.senate.gov) and (www.house.gov)
- United States - Judicial Branch (www.supremecourt.gov)
- Library of Congress (www.loc.gov)
- National Archives and Records Administration (www.nara.gov)
- Korean Government official site (www.korea.gov)

BACKGROUND:

This lesson is intended to be an introduction into a unit on comparative systems of government. The lesson will require the students to investigate both the United States Republican system of government (one they should be familiar with) and the South Korean Republican system of government (one they should not be familiar with). The students will be asked to first draw inquiry into the form and structure of both governments without knowing the names of the countries that they are studying. From this inquiry they will develop a list of questions and be given more questions to lead them into research using both written and internet sources to compare and contrast the two systems of government as well as to look for the reasons why the people of the two countries created their specific system of government the way that they did. The lesson is based on constructivist and inquiry based ideals so the outcome although directed to some degree is really up the individual students and/or their working groups. The lesson can take as little or as much time as the instructor desires, it all depends on how much depth and detail you wish to push your students to go into. Students will be evaluated at two stages; one with a group project that expressed their research into the answers to their questions and second through an essay that will allow them to use their research to analyze and evaluate their research and express their own point of view as to why people choose certain forms of government.
PROCEDURE:

1. Introduce the main question: **How and why do the history, culture and environment of different countries affect the development of their governing systems?** Explain to the students that we are going to be studying in this unit different government systems and comparing them. Remind them of Locke and Rousseau and the Social Contract Theory which tells us that the state arose from the free will of the people in an agreement between the people of a given state and that the state exists only to serve the will of the people. Therefore different groups of people will create based on their culture, history and environment governments that best suit their needs. The question is then, **how and why do the history, culture and environment of different countries affect the development of their governing systems?**

2. Divide the class into small groups of 3 - 4 students.

3. Hand out each group the two diagrams of government systems with no names on them. (Handouts One and Two)

4. Give them some time to study and compare the two. Then ask them to answer the following questions:
   a. What kind of governments do these represent?
   b. What are the differences between the two?
   c. What are the similarities between the two?
   d. What might account for the differences and similarities in the two?
   e. What kinds of questions do we need to ask to find out about the similarities and differences?

5. Each group of students should now make a list of questions that they believe they need the answers to, that will help them to understand why people in different countries would create governments that are both similar and different. (You may want to have the students create a specific number of questions or leave it open to them - it will depend on the motivation level of each group.)

6. Tell the students that the two countries they have been studying are the United States and South Korea. Refer the students to the appropriate portion of their textbooks and hand out the packet on South Korea as well as the list of internet resources for them to use. Give them time to answer their questions. Have the students keep the answers to their questions in their notes to check their effort. (I would have them all writing, not just one person.)

7. If necessary, to help the students that may need some direction at this point, hand out the follow list of questions to help direct their research.
   a. United States Questions
      i. When did the United States create its form of government?
      ii. What issues were present that cause the tension that led to the creation of that government?
      iii. Were there any political or philosophical movements at the time that influenced the thinking of the Americans at the birth of their democracy?
      iv. What was the role of social or economic class in the American colonies at the time of the American Revolution? How were the (common people) viewed in the creation of the new government?
v. Was the move to the new government contested and if so was it violent or civil? Why?
vi. What kinds of issues faced the young country?
vii. What was the role of civil and individual rights in this new government?
b. South Korea Questions
i. When was the South Korean Republic formed?
ii. What were the historic events that led to its creation?
iii. Were there any political or philosophical movements at the time that influenced the thinking of the Koreans at the birth of their republic?
iv. What role did students and intellectuals play in the push toward democracy?
v. What kinds of obstacles have the Koreans faced along the way to their current government today?
vi. What role did Confucian thought and Buddhist principle play in the formation of Modern Korean government?
vii. How have Civil Rights been viewed during the first 60 years of the Korean Republic?
c. These are only a few questions to help the students focus on the main idea of the lesson, you may choose to use some or write your own.

8. Students can be asked to do research or if the internet is not available or time is short, students should be able to address the U.S. history based on prior knowledge. For Korea, pass out Handout #3 as well as a handout on the evolution from authoritarianism to democracy in South Korea. This can be taken from http://www.korea.net/AboutKorea/Korea-at-a-Glance/History. Once students have completed their research or readings, the groups need to creatively display their results. They can either create a poster/mural on which they will display their findings and conclusions and/or create a power point presentation to display and present the material electronically. If they choose to do the poster/mural I always require all the material on the poster to be typed and pasted on rather than hand written. It makes for a much neater display. Which ever method they choose the theme of the display must be centered around answering our over arching question: How and why do the history, culture and environment of different countries affect the development of their governing systems?

9. After the products are completed and dependent on time the students can do one of three things; you could have a gallery walk to have the students look at each others work and question their conclusions, the students could quickly and informally present their material to each other in large or small groups or you could make them more formally present the material and create criteria for that presentation. I would lean toward the Gallery Walk as much of the students material and conclusions will be similar and to make the presentations could be an exercise in redundancy. This also removes the need to assess a grade to the presentation and allows you to measure only the quality of the products.

10. Finally, to better evaluate the understanding of the individual students and to help them take the new knowledge and research that they have made in groups and interpret it, they will need to complete a short essay as the culminating exercise in this lesson. The students have, at this point learned quite a bit about the formation of both the Korean and
American Democracies, they need to put that knowledge to use and create some new thinking on this topic to show their analysis of the issue. Here is their instructions:

a. Using your research pick either South Korea or the Unites States and write an essay explaining in your own words why the people of that country chose to develop their democracy in the form that they did?

b. Essay needs to be 2 to 3 pages typed, double spaced and twelve font, with a title and source page separate from the essay.
Comparative Government Project Rubric
Topic: Democratic Development Display

Student

Grade:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>A+</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
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<tbody>
<tr>
<td>Content</td>
<td>Information presented is complete and accurate.</td>
<td>Most of the information presented is complete and accurate.</td>
<td>Information presented needed to be complete and accurate.</td>
<td></td>
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<tr>
<td>Questions</td>
<td>Students answers to their questions were complete, correct and well thought out</td>
<td>Students answers to their questions were mostly complete, but expressed little new thought or conclusions</td>
<td>Students failed to answer some or all of their questions and/or their answers were poorly researched and lacked any real conclusions</td>
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<tr>
<td>Effort</td>
<td>Project or presentation shows a great deal of effort from the participants.</td>
<td>Project or presentation shows a moderate effort from the participants.</td>
<td>Project or presentation needed to show a great deal of effort from the participants.</td>
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<tr>
<td>Creativity</td>
<td>Student was very creative in the representation of their Topic.</td>
<td>Student was moderately creative in their Topic.</td>
<td>Student needed to be creative in the representation of their Topic.</td>
<td></td>
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<tr>
<td>Overall Visual Presentation</td>
<td>Presentation of material was extremely effective in providing a meaningful learning experience to the students peers</td>
<td>Presentation of material was adequate in providing a meaningful learning experience to the students peers</td>
<td>Presentation of material was ineffective in providing a meaningful learning experience to the students peers</td>
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Comments:
It’s easy to figure out the question the writer is addressing. The message is clear because the point is made first and then illustrated with examples from the content learned during the lesson. The writer draws conclusions for the reader and does not let the examples stand-alone.

An easy read. The writer starts out with a strong topic sentence that directs the answer. Everything is connected because of logical movement and transitions. The writer doesn’t “go off on a tangent” or get caught in “retelling the story.” The conclusion effectively brings the piece to a close and the reader to his/her feet in applause.

The author has expressed a sophisticated and well-developed understanding of the content needed to answer the question through their use of the content in the writing. Content is correct and appropriate to the question being answered.

Title Page and Source Page are present and appropriately written.
Handout #1
Country #1 - Government Basics

- 1st constitution formed on July 17th, 1948

- Constitution has been amended or rewritten nine times with the last time on October 29th, 1987.

- Separation of Powers, Sovereignty of the people, Peaceful Reunification, Peaceful international cooperation, rule of law and responsibility of the state to promote welfare are basic principles of the Constitution.

- Executive is elected in a popular election.

- Executive serves a five year term with no reelection possible.

- Executive (President) appoints a Prime Minister who in turn appoints the cabinet ministers.

- Legislature is the National Assembly.

- The National Assembly has 299 members, 245 are elected by popular vote from local districts. The remaining 54 members obtain their seats through a proportional representation system in which seats are allocated to each political party that has gained 3% or more of all valid votes or 5 or more seats in the local district election.

- The Judicial branch is divided between the Judiciary and the Constitutional Court.

- The Judiciary consists of the Supreme Court and all lower courts.

- The Constitution Court acts on all challenges to the Constitution and questions of impeachment.

- The country is also divided into local governments that handle issues pertaining to the welfare of local residents.
Government Structure

- Legislature
- Executive
- Judiciary
- Constitutional Court

President

Board of Audit and Inspection
National Intelligence Service

Communications Commission

Prime Minister

Office of Minister for Special Affairs
Ministry of Government Legislation
Ministry of Patriots & Veterans Affairs

Fair Trade Commission
Financial Services Commission
Anti-Corruption & Civil Rights Commission

Ministry of Strategy and Finance
Ministry of Education, Science and Technology
Ministry of Foreign Affairs and Trade
Ministry of Unification

Ministry of Justice
Ministry of National Defense
Ministry of Public Administration and Security
Ministry of Culture, Sports and Tourism

Ministry for Food, Agriculture, Forestry and Fisheries
Ministry of Knowledge Economy
Ministry for Health, Welfare and Family Affairs
Ministry of Environment

Ministry of Labor
Ministry of Gender Equality
Ministry of Land, Transport and Maritime Affairs
Handout #2

Country #2 - Government Basics

- Constitution formed September 17\textsuperscript{th}, 1787
- Constitution amended 27 times
- Basic Principles - Separation of Powers, Federalism, Judicial Review, Popular Sovereignty, Limited Government, Checks and Balances
- Executive is elected indirectly through popular election using electors chosen by the states.
- Executive (President) is elected to a 4 year term and may only be reelected one time.
- President appoints with Legislative Approval a cabinet of advisors
- Legislature - Bicameral, (House of Representative and Senate)
- 435 members in the House and 100 in the Senate all are popularly elected.
- Judicial Branch consists of a single Supreme Court and all other lower courts. All justices are appointed by the President and approved by the Senate.
- The country is divided into many provinces each with its own semi sovereign government. Each province is further divided into county and municipal governments that handle local affairs.
Sepration of Powers and Checks and Balances

**EXECUTIVE**
- The President: Executive office of the president; executive and cabinet departments; independent government agencies.
- Congress must approve presidential appointments; it controls the budget; it can pass laws over the president's veto.
- The president can veto congressional legislation; the president can veto the president from office.
- The president appoints judges; the president can declare presidential acts unconstitutional.
- The Court can declare presidential acts unconstitutional.
- The Chief Justice presides over impeachment of president.
- Congress can change laws; initiate a constitutional amendment; restrict jurisdiction of courts to hear certain types of cases; create whole new court systems or abolish existing ones; expand or contract times and places that federal courts sit.
- The Senate must confirm the president's judicial appointments; Congress can impeach and remove judges from office.
- The Court can declare laws unconstitutional.

**LEGISLATIVE**
- The Congress: House — Senate.
  - May reject each other's bills.

**JUDICIAL**
- The Supreme Court of the United States.
- Circuit Court of Appeals of the United States.
- District Court.
Constitution

On July 17, 1948, the first Constitution of the Republic of Korea was adopted. As the nation underwent political upheavals in pursuit of democratic development, the Korean Constitution has been amended nine times, the last time on October 29, 1967.

The current Constitution represents a major advancement in the direction of full democratization. Apart from a legitimate process of revision, a number of substantive changes are notable. They include the curtailment of presidential powers, the strengthening of the power of the legislature and additional devices for the protection of human rights. In particular, the creation of a new, independent Constitutional Court played a vital role in making Korea a more democratic and free society.

The Constitution consists of a preamble, 130 articles, and six supplementary rules. It is divided into 10 chapters: General Provisions, Rights and Duties of Citizens, the National Assembly, the Executive, the Courts, the Constitutional Court, Election Management, Local Authority, the Economy, and Amendments to the Constitution.

The basic principles of the Korean Constitution include:

- The sovereignty of the people, separation of powers, the pursuit of peaceful and democratic unification of South and North Korea, the pursuit of international peace and cooperation, the rule of law, and the responsibility of the state to promote welfare.

Constitutional amendment requires special procedures different from other legislation. Either the President or a majority of the National Assembly may submit a proposal for constitutional amendment. An amendment needs the concurrence not only of the National Assembly but also of a national referendum. The former requires support of two-thirds or more of the National Assembly members, while the latter requires more than one half of all votes cast by more than one half of eligible voters in a national referendum.

Executive Branch

The President

The President of the Republic of Korea, elected by nationwide, equal, direct and secret ballot, stands at the apex of the executive branch.

The President serves a single five-year term, with no...
additional terms being allowed. This single-term provision is a safeguard for preventing any individual from holding the reins of government power for a protracted period of time. In the event of presidential disability or death, the Prime Minister or members of the Cabinet will temporarily serve as the President as determined by law.

Under the current political system, the President plays five major roles. First, the President is head of state, symbolizing and representing the entire nation both in the governmental system and in foreign relations. He receives foreign diplomats, awards decorations and other honors, and grants pardons. He has the duty to safeguard the independence, territorial integrity, and continuity of the state and to uphold the Constitution, in addition to the unique task of pursuing the peaceful reunification of Korea. Second, the President is the chief administrator and thus enforces the laws passed by the legislature while issuing orders and decrees for the enforcement of laws. The President has full power to direct the Cabinet and a varying number of advisory organs and executive agencies. He is authorized to appoint public officials, including the Prime Minister and heads of executive agencies.

Third, the President is commander-in-chief of the armed forces. He has extensive authority over military policy, including the power to declare war.

Fourth, the President is the chief diplomat and foreign policy maker. He accredits or dispatches diplomatic envoys, and signs treaties with foreign nations.

Finally, the President is chief policy maker and a key lawmaker. He may propose legislative bills to the National Assembly or express his views to the legislature in person or in writing. The President cannot dissolve the National Assembly, but the Assembly can hold the President ultimately accountable to the Constitution by means of an impeachment process.

Cabinet

Under Korea’s presidential system, the President performs his executive functions through the Cabinet made up of 15 to 30 members and presided over by the President, who is solely responsible for deciding all important government policies. The Prime Minister is appointed by the President and approved by the National Assembly. As the principal executive assistant to the President, the Prime Minister supervises the administrative ministries and manages the
Office for Government Policy Coordination under the direction of the President. The Prime Minister also has the power to deliberate major national policies and to attend the meetings of the National Assembly.

Members of the Cabinet are appointed by the President upon recommendation by the Prime Minister. They have the right to lead and supervise their administrative ministries, deliberate major state affairs, act on behalf of the President and appear at the National Assembly and express their opinions. Members of the Cabinet are collectively and individually responsible to the President only.

In addition to the Cabinet, the President has several agencies under his direct control to formulate and carry out national policies: the Board of Audit and Inspection of Korea, the National Intelligence Service, and the Korea Communications Commission. The heads of these organizations are appointed by the President, but the presidential appointment of the Chairman of the Board of Audit and Inspection is subject to the approval of the National Assembly.

The Board of Audit and Inspection has the authority to audit the financial accounts of central and local government agencies, government corporations and related organizations. The board is also vested with the power to inspect abuses of public authority or misconduct by public officials in their official duties. The results of audits are reported to the President and the National Assembly, although the board is responsible only to the chief executive.

The National Intelligence Service is authorized to collect strategic intelligence of internal as well as external origin and information on subversive and international criminal activities. It also plans and coordinates the intelligence and security activities of the government.

The Korea Communications Commission comprises five standing members who run the committee on consensus-basis. It's the highest-level agency that governs broadcasting, telecommunications and real-time Internet television services or IPTV.
Legislature

Legislative power is vested in the National Assembly, a unicameral legislature. The Assembly is composed of 299 members serving four-year terms.

Out of 299 members, 245 are elected by popular vote from local constituencies, while the remaining 54 members obtain their seats through a proportional representation system in which seats are allocated to each political party that has gained 3 percent or more of all valid votes or five or more seats in the local constituency election. The system is aimed at reflecting the voices of people from different walks of life while enhancing the expertise of the Assembly.

To be eligible for election, a candidate must be at least 25 years of age. One candidate from each electoral district is selected by majority vote.

An Assembly member is not held responsible outside the Assembly for any opinions expressed or votes cast in the legislative chamber. During a session of the Assembly, no Assembly member may be arrested or detained without consent of the Assembly except in case of a flagrant criminal act.

In case of apprehension or detention of an Assembly member prior to the opening of a session, the member must be released during the session upon the request of the Assembly.

Two types of legislative sessions are provided for, regular and special. The regular session is convened once a year from September through December and special sessions may be convened upon the request of the President or one-fourth or more of the members of the Assembly. The period of a regular session is limited to 100 days and to 30 days for special sessions. If the President requests the convening of a special session, he must clearly specify the period of the session and the reasons for the request.

Except as otherwise provided in the Constitution or law, the attendance of more than one half of the entire Assembly members, and the concurrent vote of more than one half of the Assembly members present, are necessary to make the decisions of the National Assembly binding. In the case of a tie vote, the matter is considered to be rejected by the Assembly. Legislative meetings are open to the public, but this rule may be waived with the approval of more than one half of the members present or when the Speaker deems it...
necessary to do so in the interest of national security.

The National Assembly is vested with a number of functions under the Constitution, the foremost of which is making laws. Other functions of the Assembly include approval of the national budget, matters related to foreign policy, declaration of war, and the stationing of Korean troops abroad or of foreign forces within the country, inspecting or investigating specific matters of state affairs and impeachment.

An impeachment motion against an appointed official can come to a vote if approved by at least one third of the Assembly. The impeachment passes if it receives the backing of a majority of the Assembly members. A motion of impeachment against the President requires a majority vote from the Assembly to proceed. The motion passes only if two-thirds or more of the entire Assembly approves.

The Assembly elects one Speaker and two Vice Speakers, who serve for two-year terms. The Speaker presides over plenary sessions and represents the legislature while supervising its administration. In the absence of the Speaker, the Vice Speakers shall act for the Speaker.

Judiciary

The Judiciary of Korea consists of the Supreme Court, High Courts, District Courts, Patent Court, Family Court, Administrative and Local Courts. The courts exercise jurisdiction over civil, criminal, administrative, electoral, and other judicial matters, while also supervising affairs related to real estate registrations, family registrations, financial holdings, and court officials.

The Supreme Court is the highest judicial tribunal. It hears appeals on cases rendered by lower courts. The Chief Justice of the Supreme Court is appointed by the President with the consent of the National Assembly. Other judges are appointed by the President upon the recommendation of the Chief Justice. The term of office for the Chief Justice is six years and is not renewable. The Chief Justice must retire from office at the age of 70. The term for other justices is six years. Though they may be re-appointed in accordance with legal provisions, they must retire from office when they reach the age of 65.

The High Courts hear civil, criminal and administrative appeals cases rendered by district, administrative and family courts and try special cases designed by law. The Patent Court reviews decisions rendered by the Patent Office. The Supreme Court is the final tribunal over patent disputes.

District Courts are located in Seoul and in the following 13 cities: Incheon, Uijeongbu, Suwon, Chunchon, Daejeon, Cheongju, Daejeon, Busan, Changwon, Ulsan, Gwangju, Jeonju and Jeju. The Family Court is empowered to hear all cases involving matrimonial, juvenile or other domestic matters. The Administrative Court handles administrative cases only.

District Courts outside of Seoul also perform the functions of the Administrative Court in their respective districts. In addition to these courts, there are military tribunals which exercise jurisdiction over offenses committed by members of the Armed Forces and their civilian employees.
Independent Organizations

The Constitutional Court

The Constitutional Court was established in September 1988 as a key part of the constitutional system. The Constitution of the Sixth Republic, based on the Korean people’s deep enthusiasm for democracy, adopted a new judicial review system — the Constitutional Court — to safeguard the Constitution and to protect the people’s basic rights by establishing special procedures for the adjudication of constitutional issues.

The Court is empowered to interpret the Constitution and to review the constitutionality of all statutes, to make judicial decisions on impeachment or on dissolution of a political party, and to pass judgment in competence disputes and constitutional complaints.

The Court is composed of nine justices. The term of office for justices is six years and is renewable. The courthouse is a five-story domed building in Seoul which has won the Korean Architectural Award.

National Election Commission

In accordance with the provision of Article 114 of the Constitution, the National Election Commission was established as an independent constitutional agency compatible with the National Assembly, the government, courts and the Constitutional Court of Korea for the purpose of fair management of elections and national referenda. It also deals with administrative affairs concerning political parties and political funds.

The term and status of each Election Commissioner is strictly guaranteed as prescribed in the Constitution. They are guaranteed fair execution of duties without any external interference.

National Human Rights Commission

The Commission was established in 2001 as a national advocacy institution for human rights protection. It is committed to the fulfillment of human rights in a broader sense, including dignity, value and freedom of every human being, as signified in international human rights conventions and treaties to which Korea is a signatory.

The Commission is comprised of 11 Commissioners including the Chairperson, 3 Standing Commissioners and 7 Non-standing Commissioners. Among the 11 Commissioners, 4 shall be elected by the National Assembly, 4 shall be nominated by the President of Korea, and 3 shall be nominated by the Chief Justice of the Supreme Court and then approved by the President of Korea.

Local Governments

The Constitution of the Republic of Korea states in Article 117 that “Local governments deal with matters pertaining to the welfare of local residents, manage properties and may, within the limit of laws, enact provisions relating to local autonomy regulations.”
Local government heads manage and supervise administrative affairs except as otherwise provided by law. The local executive functions include those delegated by the central government such as the management of public properties and facilities and assessment and collection of local taxes and fees for various services.

Higher-level local governments basically serve as intermediaries between the central and lower-level local governments.

Lower-level local governments deliver services to the residents through an administrative district (eup, myeon, and dong) system. Each lower-level local government has several districts which serve as field offices for handling the needs of their residents. Eup, myeon, and dong offices are engaged mainly in routine administrative and social service functions.