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Constitutional Debate on the State’s Name and Sovereignty

헌법 제1독회 — 국호·국체·정체·주권 논의

Constituent National Assembly · 26 June 1948

Original Korean source · English translation, Gwangbok Archive

Constituent National Assembly · 26 June 1948

Scope of this edition

This is the database’s two-part selection of Seo Sang-il’s answers from the eighteenth plenary sitting of the first Constituent National Assembly. It is not the entire sitting, nor a complete debate on every aspect of sovereignty. Modern database keywords have been excluded from the historical text.

The Korean text follows the identified National Institute of Korean History transcription. Historical wording is retained. This edition does not reproduce the repository’s modern explanatory essays or scans.

Text and translation

Member Seo Sang-il: We have arranged the written questions received through yesterday by marking the relevant articles in this manner. Those received this morning remain as submitted because there was no time to arrange them. Naturally I should explain these questions to a certain extent. Since they require specialist knowledge, however, I think it better to avoid giving explanations twice and, as far as possible, have the expert advisers give you clear and appropriate answers.

Their answers will be divided into political and legal questions: Adviser Yu Jin-o will principally answer political questions, and Adviser Gwon Seung-ryeol legal questions. Adviser Yu Jin-o has not yet arrived, so until he comes I shall speak to some extent, with supplementary explanations from the two expert advisers. Please bear that in mind as you listen. As was also said previously, submitting a written question does not prevent you from asking orally.

We shall give priority to answering those who submitted written questions; anyone with further oral questions may then ask them. Concerning Article 1 of the constitutional draft, “What are the meaning and grounds for choosing Daehan as the country’s name?” This was raised by Member Gwak Sang-hun, and then asked by Member Gwon Tae-hui. As for the use of Daehan, you will know historically that it was used for our country in the Treaty of Shimonoseki during the Sino-Japanese War. That was when the name Daehan was determined.

Subsequently, through the annexation of Korea by Japan, the name Daehan disappeared.

Meanwhile our country had no definite national name; later, after the March First Revolution, Koreans went overseas and organized a provisional government, which likewise adopted and continued using Daehan. Moreover, when this National Assembly first opened, the Speaker used the era designation “the thirty-sixth year of the Republic of Korea” at the close of his ceremonial address to you. Consequently, for this constitutional draft, since no one could simply direct that the national name be settled one way or another, I understand that Daehan was retained and used as it stood.

That is the extent of my answer. Next: if the character dae in Article 1 is used as a prefix, might it convey the impression of a monarchy? We too have considered that. Dae means “great.” As in the British Empire, or the former Great Japanese imperialism, this character may be viewed as a conventional designation handed down, functioning as a prefix.

As the member asked, I too personally wonder whether using dae today might express something undemocratic. Next, what is the distinction between a democratic republic and a republic? That was Member Bak Hae-jeong’s question. Generally a country has a form of state and a form of government.

Whether it is monarchical or democratic concerns the form of state. The distinction between a republic, monarchy, autocracy, constitutional state, and so forth concerns its form of government. Today sovereignty, formerly possessed by the monarch and the Japanese, has been shared equally among the thirty million people. As stipulated in this Constitution, our country’s sovereignty resides in the people.

Our country will therefore, of course, be a democratic republic in its form of state, and may be called a republic in its form of government. That is my brief answer.

Member Seo Sang-il: Regarding Article 2, Adviser Yu Jin-o has now arrived. Rather than my continuing, the specialist, Adviser Yu Jin-o, could come forward and answer in greater detail. Adviser Yu Jin-o, would you please answer the questions? He says that, having just arrived, he would like to read them and form a general understanding before speaking.

Since you would find waiting tiresome, I shall continue. Member Gim Jang-ryeol asks about Article 2: “What are the logical validity and relationship of Article 2 and Articles 52 and 55? If sovereignty resides in the people, why is the President elected indirectly rather than directly by virtue of that sovereignty?” Saying that sovereignty resides in the people does not mean that indirect election disproves popular sovereignty. You know that even the United States, where democracy is said to be most developed and flourishing, does not elect its President directly.

The American people do not elect directly but vote indirectly. In answer to Member Gim Jang-ryeol’s question, then: the absence of direct election does not mean that sovereignty does not reside in the people; and, secondly, popular sovereignty does not contradict Articles 52 and 55.

Editorial and terminology notes

1. Seo’s claim associating adoption of the name Daehan with the Treaty of Shimonoseki is retained as spoken. The treaty was concluded in 1895; the proclamation of the Korean Empire and adoption

of Daehan as its name followed in 1897. The translation does not silently repair this chronological claim.

2. The source reads ‘the thirty-sixth year of the Republic of Korea.’ That is retained as transmitted, although counting from 1919 would make 1948 the thirtieth year. The excerpt alone does not establish whether this is a spoken error or a transcription error.

3. 國體 and 政體 are translated ‘form of state’ and ‘form of government.’ Dae means ‘great’; Daehan is retained as the proposed proper name. The English renders malformed characters in their clear contextual sense, including 軍主 as ‘monarch.’

4. Several negatives in the second speech are grammatically inconsistent in the transcription. The English conveys the argument made explicitly in its conclusion: indirect presidential election does not contradict popular sovereignty. A fully diplomatic rendering would retain the contradictory negatives rather than resolve them. Article numbers refer to the draft under debate, not necessarily the final Constitution.

Source and citation

Constituent National Assembly. “헌법 제1독회 — 국호·국체·정체·주권 논의.” 26 June 1948. National Institute of Korean History, Constitutional History Database, cons_001_0020_0010_0020_0010_0070. English translation, Gwangbok Archive, November 11, 2026.

Original Korean transcription and source record · Original-image viewer

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Korean transcription

○徐相日議員 여러분께서 質疑書가 어제까지 들어온 것을 이와 같이 條文을 지워서 整理하였습니다 또 오날 아침에 들어온 것은 整理할 時間이 없어서 들어온 대로 그냥 있습니다 이 質疑에 對해서는 勿論 제가 어느 程度로 說明해 드릴 것이 當然한 일이겠습니다마는 여기에 있어서는 專門知識을 要하는 關係上 二重의 說明은 略하고 될 수 있는 대로 專門委員으로 하여금 明確適切한 對答을 여러분에게 해 드리는 것이 낫겠다고 생각하는 바입니다 그러나 이 專門委員으로서의 對答은 政治問題와 法律問題로 나누어서 政治問題에 있어서는 主로 兪鎭午委員이 答辯을 하겠고 또는 法律問題에 있어서는 主로 權承烈 委員이 答辯하겠습니다 그런데 지금은 아직 兪鎭午委員이 오시지 않어서 오실 때까지 제가 어느 程度로 말씀을 드리는 同時에 또 두 專門委員의 補充說明이 있으리라고 생각하는 바입니다 그러니 여러분도 그리 알어주셔서 들어 주시기 바라는 바입니다 또 요前에도 말씀하신 바와 같이 여기에 質疑書를 꼭 提出하였다고 해서 口頭로 質疑 못 하는것은 아닙니다 書面으로 提出하신 이의 對答은 優先的으로 하고 그 外에 口頭로서 물으실 말씀이 계시면 물어주셨으면 좋겠다고 생각하는 바입니다 憲法 草案 第一條에 『國號를 大韓이라고 定한 意義와 根據가 무엇이냐』 이것은 郭尙勳議員이 提議

하였습니다 그 다음에는 權泰羲議員이 물었습니다 이것은 大韓이라고 한 것은 여러분이 아시다 싶이 大韓이라고 하는 말은 우리나라는 淸日戰爭 中에 馬關條約에서 썼든 것을 여러분이 歷史的으로 잘 아실 것입니다 그때에 大韓이라고 이름을 定한 것이 올시다 그래서 그것이 다시 韓日合併으로 말미암아 大韓이라고 하는 글字는 없어지게 된 것이 올시다 그러나 그동안 우리나라에 一定한 國號가 없었든 것인 만큼 또 그 後에 三•一 革命 以後에 우리나라에서도 海外에 가서 臨時政府를組織해서 그때도 大韓이라고 이름을 부쳐 내려온 것입니다 또 이 國會가 처음 열릴 때에 議長 先生님으로부터 여러분에게 式辭를 말씀하시는 끝에도 大韓民國 三十六年이라는 年號를 쓴 關係로서 이 憲法 草案에도 아주 누가 이렇게 國號를 定해라 저렇게 해라 定할 수가 없어서 大韓이라고 그대로 引用해서 實用한 것으로 생각하는 바입니다 그만한 程度로 答辯해 드립니다 그 다음에 第一條에 大韓이라는 大字를 冠詞로 大字를 冠詞로 使用하면 軍主國의 氣分이 있지않을까 그 말은 저희들도 그렇게 생각합니다 大字라고 하는 말은 크다는 말입니다 對英帝國이나 過去에 있어서 大日本 帝國主義니 해서 그 大字로 말할 것 같으면 遺傳的 그 代名詞라고 해서 冠詞로 볼 수 있는 글입니다 또 그 議員께서 물으신 바와 같이 저 個人에 있어서도 오날에 있어서 大字라고 하는 것은 非民主的이라고 하는 것이 表示가 되 있지 않을까 합니다 그 다음에는 民主共和國과 共和國이라고 하는 差別이 어데 있느냐 이것은 朴海楨議員이 물으신 말씀이올시다 大槪 나라에 있어서는 國體와 政體가 있는 것이올시다 國體라고 하는 것은 君主國이냐 民主國이냐고 하는 것이 國體를 말하는 것이 올시다 그 다음으로 政體라고 하는 것은 共和國이냐 君主國이냐 專制國이냐 또 立憲國이냐하는 等等 規定하는 것은 政體를 區分하는 바입니다 그러면 오날에 있어서는 지금 主權이 過去에 軍主 日人에게 있었든 것이 三千萬 民衆에게 다같이 논아저진 것으로서 이 憲法에 規定된 바와 같이 우리나라 主權은 國民에게 있다고 規定하였습니다 그래서 우리나라는 勿論 國體로서 民主共和國이 될 것이올시다 또 政體로서는 共和國이라고 할 수 있겠습니다 그런 것으로서 簡單히 答辯해 드리는 바올시다

○徐相日議員 第二條에 그러면 지금 兪鎭午委員이 오셨으니까 지금 제가 말씀드리는 것 보다도 專門家이신 兪鎭午 委員이 나오셔서 答辯하시는 것이 더욱仔細할 것 같습니다 그러면 兪鎭午委員 좀 質疑에 對한 答辯을 해 주시기를 바라는 바입니다 지금 兪鎭午委員이 이제 금방 오셔서 한 번 읽으시고 대강 짐작을 한 뒤에 말씀하겠다고 하십니다 그동안 여러분이 기다리고 계신 것도 궁금하므로 제가 또 말씀드리겠습니다 第二條 金長烈議員의 質問으로 第二條와 五十二條 五十五條가 論理的 妥當性과 關聯性 如何 主權이 國民에게 있다면 그 主權에 依해서 大統領 直接選擧로 하지 않고 間接的으로 하는 理由 如何 이것입니다 그러면 主權이 國民에게 있다고 해서 直接選擧로 하지 않는다고 해서 主權이 國民에게있다고 하는 말은 아닙니다 大統領을 選擧하는 例는 假令 民主主義가 가장 發達되었다고 하고 民主主義의 大繁榮인 美國 같은 데서도 直接選擧 아닌 것은 여러분이 잘 아시는 바입니다 美國에 있어서도 人民이 直接選擧하는 것이 아니라 間接投票를 하는 것입니다 그렇다고 보면 이제 金長烈議員 물으신 말씀에 對해서는 이것이 直接選擧가 아니라고 해서 主權이 國民에게 있다고 하는 것이 아니고 第二 國民에게 主權이 있다고 해서 第五十二條와 第五十五條와 矛盾性이 없다는 것을 여러분에게 말씀해 드리는 바입니다