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A Republic—if South Koreans Can Keep It

By Nicholas Eberstadt

With the impeachment of President Roh Mu Hyun on dubious grounds, South Korean democracy once again seems imperiled. Roh may be forced out, but the Constitutional Court may instead keep him in place, thereby leaving the public to decide whether to support a weak president or a corrupt national assembly.

“A republic—if you can keep it.” That was Benjamin Franklin’s response to an inquiry, at the end of the 1787 Constitutional Convention, about the type of government the founders of the United States had just created. The remark is usually cited as an example of his renowned wit—but Dr. Franklin’s comment was deadly serious. He understood that the experiment in constitutional governance is a delicate thing, difficult to maintain and easy to destroy. So we are reminded once again today, as we observe the sad and tawdry constitutional crisis that has suddenly engulfed South Korea with the March 12 impeachment of President Roh Mu Hyun.

South Korea’s foreign allies, including the U.S. government, are bravely pretending that the impeachment drama now underway in Seoul is unexceptional—perhaps even proof of South Korea’s “strong, vibrant democracy.” Let’s not kid ourselves. In voting to strip President Roh of power immediately and to instruct the country’s Constitutional Court to determine Roh’s final political fate, South Korea’s National Assembly has demonstrated the frightful weakness of the country’s purported constitutional democracy and has dealt that already frail system another grave blow, from which it is not yet clear it can recover.

To date, South Koreans have not been famously successful at “keeping” their republics. They have had six of them since the formal

establishment of the modern South Korean state in 1948, and they are currently living under a Republic of Korea Constitution that is in its *ninth* version. And yet many Koreans and foreign observers had hoped that the demons that possessed the South Korean body politic were finally exorcised back in 1987, when the country held the first reasonably open and competitive presidential election in the history of the Korean peninsula, heralding a transition from *de facto* military rule to a framework of constitutional democracy.

The three subsequent presidential elections seemed to substantiate those hopes. The victor of the 1992 contest, Kim Young Sam, had been a lifelong civilian politician, not a military surrogate. The 1997 elections went to Kim Dae-jung, a lifelong dissident politician. And the 2002 elections led to the inauguration of Roh Mu Hyun, a human-rights lawyer and outspoken critic of the “old style” of South Korean cronyism.

But the spectacle of Roh’s impeachment puts paid to any notion that South Korea’s constitutional democracy has grown sturdy and unshakable roots. The National Assembly is dominated by two opposition parties that loathe the current occupant of the Blue House, and they voted to suspend the country’s elected president from his job on the flimsiest of pretexts. Officially, the offenses for which Roh is to be tried—and for which he is already being punished—are some otherwise innocuous comments about the upcoming April 15 National Assembly elections. Roh, who had renounced his membership of the ruling Millen-

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nium Democratic Party last fall, let it be known that he hoped candidates from the Uri Party would do well, and he thought he might eventually join that organization.

Lawmakers were shocked—shocked!—that the president would dare sully the nation’s pristine electoral process through such nefarious interference. Their reading of the law held Roh’s words to be a violation of election rules preventing the president from using the power of his office to influence parliamentary contests. The ploy was utterly transparent, but the written constitution gave them all the authority they needed to proceed with the motion.

The truth is that the impeachment had nothing to do with the rule of law. The country’s National Election Commission had already ruled Roh’s faux pas to be a minor one. However, what the National Assembly provided was a perfect model of “rule by law”—the opportunistic, unprincipled, and entirely situational use of formal legal statutes by the powerful to gain political advantage. Such a practice has been the bane of unscrupulous Confucian governments throughout East Asian history.

With this patent misuse of its important right and responsibility, the National Assembly has exposed the weakness in contemporary South Korean democracy. If you or I learned that a beloved friend or relative had been found wandering naked in the street, our first reaction would probably be horror—but then we might think back and recognize that there had been warning signs of the impending breakdown. So it is with South Korea’s democratic system: gathering signs of trouble were there, whether or not we cared to take them seriously.

We might now remember how President Kim Dae-jung—that avowed champion of openness, law, and democracy—launched tax probes against local media, a move many saw as an attempt to intimidate publications that criticized his policies. (In 1999, the International Press Institute in Vienna even sent the future Nobel Laureate a letter begging him to desist from his campaign against South Korea’s free press—a missive that was all but ignored internationally.) Then there was the acclaimed Kim Dae-jung/Kim Jong Il summit in Pyongyang in June 2000—the supposedly historic “peace breakthrough” that later turned out to have been purchased furtively and illegally, with a price tag of at least \$100 million, through the transfer of South Korean taxpayer money to the “Dear Leader’s” bank accounts in Macau.

Roh Mu Hyun’s triumph in the December 2002 presidential plebiscite was itself testimony to the weakness of

South Korean democracy. His main selling point was not his allergy to the United States (genuine as that may be), but rather his outsider’s resume: his manifest lack of experience in Seoul’s payola-driven politics, a system that the great majority of voters already viewed with distrust and disdain.

Once in office, Roh’s amateurish and inconstant performance, as well as his own cynical attempts to game the system, did little to allay popular misgivings about the health of South Korean democracy. Recall that after barely eight months in office, a frustrated and tactically outclassed President Roh toyed with pulling a coup d’état *against himself* by demanding an extra-constitutional referendum to back his policies and threatening to resign from the presidency if the vote did not turn out to his liking. In the event, Roh himself quickly dropped the idea of exiting from office before his term was up, but as the impeachment attests, his enemies did not follow suit.

Now the impeachment process must grind forward, and from the standpoint of the endangered democratic system, none of the possible outcomes are reassuring. On the one hand, the court may rule that Roh has violated his oath of office and must quit the presidency—in which case a scandalously low threshold for rejecting the legitimacy of the people’s highest elected representative will have been established and ratified for all future South Korean leaders. On the other hand, the court may let Roh keep his job. Then the public will be forced to choose between a president they know to be too small for his office and a National Assembly they know they cannot trust.

There is, of course, a winner in this unfolding tragedy. His name is Kim Jong Il. With South Korea in political turmoil, North Korea’s degree of freedom in its nuclear confrontation with the Western world expands quite nicely. In the immediate future, the DPRK need no longer worry about coordinated international efforts to press Pyongyang for nuclear compliance, because those efforts would inevitably require coordination with the now-dysfunctional government in Seoul.

Over the longer term, the South’s current travails will only reinforce the North’s appetite for an unconditional Korean reunification—on the North’s terms. For nearly six decades, North Korean doctrine has maintained that the South Korean political system is riddled with rot, tottering under its own contradictions, and ready for a fall. That propaganda sounds uncomfortably plausible today.

For their own sake—and the world’s—South Koreans must prove Kim Jong Il wrong. It is their republic—if they can keep it.