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SOUTH KOREA'S IMPERFECT BUT MATURING DEMOCRACY

BY JOHN LEE

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May 18, 2020, marked the 40th anniversary of the Gwangju Uprising in South Korea, when South Korea's military government killed hundreds of protesters in the southwest city of Gwangju. To this day, the full death toll is not known and it is a matter of great controversy, with many South Korean conservatives still claiming that the uprising was a communist-inspired rebellion backed by North Korea.

On May 17, just a day before the 40th anniversary, a member of South Korea's progressive ruling party, Rep. Lee Gae-ho, said that he would introduce an amendment to the 2010 "Special 5.18 Democracy Movement Bill."

His amendment, if passed through South Korea's unicameral National Assembly, where the ruling party now enjoys an overwhelming majority, would punish those who "distort, slander, and fabricate historical truth" or "defame pro-democracy persons or agencies" by up to seven years in prison or a ₩70 million (US$57,000) fine.

Such laws are not unprecedented in South Korea. There are similar laws concerning "comfort women," or the victims of Imperial Japanese wartime sexual slavery. In 2013, Sejong University Professor Park Yu-ha wrote in her book, *Comfort Women of the Empire*, that there was no evidence that the Japanese government was officially involved in forcibly recruiting the women from Korea into brothels to serve the Imperial Japanese Army. A South Korean court ordered Park to pay ₩10 million to each of nine women who had filed suit because she had "defamed the women with 'false,' 'exaggerated,' or 'distorted' content in her book."

Although Park lost the civil lawsuit, a judge acquitted her in the criminal lawsuit a year later on the grounds of protecting academic freedom.

However, the message was loud and clear. It can be dangerous to challenge conventional wisdom in South Korea, especially when it comes to historically delicate issues.

Codifying the truth into law, naturally, sparks concern. Declassified documents released by the US State Department showed that some members of the US Embassy in South Korea in 1980 viewed the uprising as "a provincial insurrection" by "unidentified armed radicals who are talking of setting up a revolutionary government." Records specify that "rioters have broken into armories and seized weapons, live ammunition, and demolitions."

It is not implausible to imagine that someone who might say that the protesters who were killed in Gwangju were not unarmed martyrs who were sacrificed on the altar of democracy might face similar kinds of punishments and harassments. As Park Yu-ha proves, this is not unprecedented.

However, it would be wrong to be overly concerned about the "fragility" of South Korea's democracy. Over the past few years, democracy has been on the retreat throughout the world. The Democracy Index, compiled by the Economist Intelligence Unit, even demoted the US from a "full democracy" to "flawed democracy" in 2016.

However, unlike many democracies around the world, South Korea has bucked that trend. When populist leaders around the world burned the fires of nationalism, the South Korean public protested peacefully for months to end one presidency viewed as rife with corruption and incompetence and replaced it with one that promised to guarantee the rule of law.

Having learned what not to do from former President Park Geun-hye, President Moon Jae-in's government is the most transparent in South Korea's history.

Democratic principles and the rule of law do not appear overnight. Forty years ago, South Korean military helicopters fired upon the people of Gwangju. There are people to this day who still live with the pain and scars inflicted by their government. Some don't know what happened to their families. Today, South Korea is one of the most vibrant democracies in the world.

Compared to the US, where some states still had anti-miscegenation laws until 1967, South Korea's democratization has been lightning fast, and been nothing short of breathtaking. If the US is the beacon of the free world, South Korea is one of its crown jewels.

Like many countries around the world, South Korea is currently grappling with the balance between preserving the right to free expression and stymying the dissemination of misinformation. Misinformation could be an ongoing part of a hostile nation's military PSYOP campaign or merely the machinations of opportunistic partisans. Regardless of origin, what is undeniable is that people's inability to agree on objective truths is an existential challenge that all democratic nations face today.

The argument certainly can be made that, as understandable as this challenge might be, the government might not be the best arbiter of truth. In 2015, when a different government was in charge of South Korea, it attempted to require schools to issue state-issued history textbooks that would allow students to "gain a balanced view on the country and its history without leaning toward any particular ideology." The much-criticized measure failed because just before the textbooks were to be issued, the government found itself in a political scandal that would ultimately lead to its dissolution.

Democracy, as the world has come to learn, is fragile, and South Korea's democracy is flawed. The challenge of having to balance the preservation of the right to free expression and the suppression of misinformation is an all too recognizable one. Most frustratingly, there is probably no easy answer that can satisfy anyone across the entire political spectrum.

However, one thing is certain. Regardless of what balance it ends up with, South Korea is not shying away from one of the most fundamental challenges of our time, which is truly admirable.