

Democracy and South Korea's Lemon Presidency

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Although South Korea has elected every president under the same democratic constitution since 1987, it has an ongoing puzzle: why do some presidents personalize their regimes (or at least made an effort to do so) while others remain democratic? To explain this puzzle, this study introduces a novel concept, a “lemon presidency.” This is where a democratically elected president engenders a personalized regime that is backed by prejudiced judicial authorities such as courts and prosecutors’ offices. South Korea experienced two lemon presidencies under Lee Myung-bak and Park Geun-hye. South Koreans viewed Lee and Park as true representatives of democracy during the 2007 and 2012 presidential elections; however, they turned out to possess an unrealistic sense of superiority and became semi-democratic rulers. They personalized political powers by exploiting their appointment and removal powers. Based on case studies and survey results, this study provides evidence for Lee’s and Park’s lemon presidencies. The overall analysis of this study envisions another lemon presidency in South Korea’s future if voters choose to vote for a grandiose leader.

Keywords: *democracy, lemon presidency, South Korea, grandiosity, politics of personalization.*

Why and how democracy is faltering is an important topic that many contemporary pundits are discussing (for example, see Plattner 2015; Basu 2018; and Kumar 2019). Searching for an answer, scholars have looked at democratic backsliding (Kostadinova and Levitt 2014; Bermeo 2016; Rhodes-Purdy and Madrid 2020), personalization (Geddes, Wright, and Frantz 2017), imperial presidency (Schlesinger 1973; Croissant 2003), delegative democracy (O’Donnell 1994), and so

on. Though not focused on South Korea, each of these perspectives offers vital insights into democracy and its potential for decay. Still, no one has explored the possibility that democratically elected leaders cause democracy to decline through personalizing their regimes that are backed by prejudiced judicial authorities such as courts and prosecutors' offices. Democratic leaders who govern with a sense of grandiosity—an unrealistic sense of superiority—tend to view themselves as better than any other people. The lack of trust in others causes them to personalize their regime and exploit loopholes in democratic institutions (Ronningstam 2010). I examine this possibility through the case of South Korea.

Since its dramatic transition from military dictatorship to democracy about three decades ago, South Korea has been the subject of much debate among scholars and policymakers (e.g., Roehrig 2002; Lee 2011, 2015; Oberdorfer and Carlin 2013; Chae 2015; Suh 2015; You 2015; Kim 2016; Choi and Woo 2018). Unfortunately, existing studies have paid little attention to the question of why South Korea has failed to develop into a full-fledged democracy even though the country amended the constitution in 1987 and established democracy as “the only game in town” (Linz and Stepan 1996, 5; for a dissenting view, see Im 2004). In other words, it is puzzling that although South Korea elected six civilian presidents (Kim Young-sam, Kim Dae-jung, Roh Moo-hyun, Lee Myung-bak, Park Geun-hye, and Moon Jae-in) under the same democratic constitution, some presidents managed to personalize their regimes (or at least made an effort to do so), while others remained faithful to democratic principles. More specifically, two presidents—Lee Myung-bak and Park Geun-hye—engaged in politics of personalization once elected, creating a “lemon presidency.”

Politics of personalization refers to a form of statecraft in which a president fuses together democratic and authoritarian measures. It is still a democracy, but more power is concentrated in

the hands of the chief executive at the expense of formal institutions such as the legislative and judicial branches. A “lemon presidency” comes forth when a president rules the country in a personalized way despite being elected on a promise that he or she would preserve, protect, and defend the democratic constitution of the nation. The term ‘lemon presidency’ is named after George Akerlof’s (1970) article, “The Market for Lemons,” for which he received the Nobel Memorial Prize. His “lemon car” underscores the asymmetry of information between used car sellers and used car buyers. A consumer purchases a car with the belief that it would run as expected but it turns out to be defective, imperfect, or unsatisfactory. Although Akerlof’s work applies more specifically to used cars, modified analogies can be drawn. I apply his work to the election of a lemon president because democratic elections transmit inaccurate information about presidential candidates. In the case of South Korea, people had little access to the personal histories, corruptions, and/or authoritarian tendencies of Lee Myung-bak and Park Geun-hye because these candidates misrepresented themselves as “nice-looking used cars.” It was difficult for Korean voters to find out the true quality of these candidates when the “used car sellers” purposefully deceived them.

Whether conservative or progressive, Korean voters chose a presidential candidate without knowing whether the candidate they voted for would be a true representative of democracy or a lemon. For example, Lee Myung-bak was dishonest about his illicit relations with the financial company BBK. When a group of citizens brought an accusation against Lee, the Supreme Prosecutors’ Office made a public announcement: after a thorough investigation on Lee’s possible involvement in illegal business dealings, it found no evidence. However, the public announcement was based on a mere two-hour investigation that the office conducted over dinner at a restaurant. The office covered up Lee’s corruption for its political benefits, leading to rapid promotions of its

members after the start of the Lee presidency in 2008. The office misled Korean voters with incorrect information. However, after the Lee presidency was over, the same office arrested Lee for charges related to BBK scandals and sent him to prison (Moon 2009; Jang 2010).

Misleading information also abounded regarding Park Geun-hye, a daughter of a military dictator running as a democratic leader in 2012. Her presidential campaign team reinvented Park. Whether they were big fans of Park or not, Korean voters had little access to the true identity of the reinvented Park, especially in regards to the other side of her personal histories until the corruption scandals of Choi Soon-sil, her longtime confidante, were brought to light. The corruption scandals resulted in the impeachment of Park in early 2017. Even Kim Ki-chun, former chief of staff during Park's presidency, claimed that he was unaware of the improper relationship of Park with Choi (Doucette 2017). The bottom line is that Korean elections exhibited an asymmetry of information between candidates and voters, which resembled that between used car salesmen and used car buyers.¹ Looks can be deceiving.

In the next section, I review existing studies on democracy. The review leads to the concept of the lemon presidency that comes about when a presidential candidate is elected after misrepresenting himself or herself as a true defender of democratic institutions during election campaigns. Once assuming the presidency, he or she engages in politics of personalization by taking advantage of constitutional loopholes. I consider Lee Myung-bak and Park Geun-hye to be two lemon presidents who exploited their appointment and removal powers stipulated in the 1987 democratic constitution of South Korea. Lee and Park used their powers to control parts of the state (e.g., judges and prosecutors) in ways that allowed them to abuse their office. Based on survey data, I provide empirical evidence for a lemon presidency by Lee and Park. The last section makes a brief summary of this study and discusses some policy implications.

Literature Review

Since democracy is a major concept in the analysis of political processes, I selectively discuss previous studies that are relevant to the subject of this study rather than survey the extensive literature. The goal is to quickly identify some key existing concepts of democracy and then move onto my concept of the lemon presidency, which can explain the rise and fall of Korean democracy during the past three decades.

Scholars have examined the causes and characteristics of democratic backsliding—a gradual decline in the quality of democracy and the opposite of democratization, which may result in the state losing its democratic qualities due to fraud elections and infringement of individual rights. For example, Rhodes-Purdy and Madrid (2020) find that personalism had an adverse impact on democracy in Latin America. They contend that while the presidents act decisively without consulting or appeasing other actors in their political party, the ruling party suffers from organizational weakness, leading to the concentration of power (see also Kostadinova and Levitt 2014). Throughout its history, South Korea is well known for having a weak party system; however, not all civilian presidents disregarded the input of party politics. In this sense, Rhodes-Purdy and Madrid's perspective on democratic backsliding is not instrumental in explaining the democratic process of South Korea.

Executive aggrandizement is a form of democratic backsliding. Executive aggrandizement refers to a series of institutional changes made by the elected executives which impair the ability of the political opposition in order to challenge the government and hold it accountable. Bermeo (2016, 10–11) contends that “backsliding occurs when elected executives weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power

of opposition forces to challenge executive preferences . . . institutional change is either put to some sort of vote or legally decreed by a freely elected official—meaning that the change can be framed as having resulted from a democratic mandate.” South Korean presidents are not compelled to make the kinds of institutional changes that Bermeo refers to. The 1987 constitution gives presidents ample power to impair the ability of the political opposition to hold the government accountable. How two of the six Korean presidents took advantage of the constitutional powers of appointment and removal will be further explained in detail.

Geddes, Wright, and Frantz’s (2017) work on personalism in authoritarian regimes may have some bearing on my study. Personalist regimes are ones in which political power is centralized in the hands of the dictator who appoints people in the security apparatus and the civilian bureaucracy based on personal loyalty to him or her. In the case of South Korea, the 1987 constitution transformed the country into a democracy and none of the six civilian presidents became a dictator like Park Chung-hee or Chun Doo-hwan. Accordingly, Geddes, Wright, and Frantz’s (2017) insights on authoritarian regimes are not as useful for South Korea as they should be. Average Koreans consider the amended constitution to be a bulwark of Korean democracy and do not believe in a return to iron-fist politics that Park Chung-hee and Chun Doo-hwan imposed in the late twentieth century.

To avoid the arbitrary exercise of power, a democratic constitution establishes three separate branches of government. But when a presidency relies on powers beyond those allowed by the constitution, it becomes imperial. Schlesinger (1973) offers a pioneering work on US presidential powers. Having observed that the US presidency was uncontrollable and exceeded the constitutional limits, Schlesinger coined the term “imperial presidency.” He underscores that imperial presidency relies on implicit powers not found in the constitution, whether they pertain

to the organization and functioning of most of the federal government or not. But imperial presidency is less applicable to Korean presidents since the 1987 constitution makes it possible to abuse their presidential authorities of appointment and removal.

My concept of lemon presidency is similar to O'Donnell's (1994) delegative democracy—a mode of governance close to Caesarism, Bonapartism, or caudillismo with a strong leader in a newly created otherwise democratic government. Both lemon presidency and delegative democracy assume the coexistence of select democratic norms of majoritarian rule and some degree of authoritarian practices.² A lemon presidency is, however, different from O'Donnell's delegative democracy. While O'Donnell considers socioeconomic crises to be a precondition for bringing about delegative democracy,³ I draw attention to a political leader's sense of grandiosity that gave birth to lemon presidency in South Korea. Grandiosity is an unrealistic sense of superiority that causes a political leader to look down upon others and act like the only national savior (Ronningstam 2010). Some Korean leaders are immersed in such grandiosity but know how to conceal their elitist ambitions by promoting themselves as proponents of democratic beliefs and values before taking over the Blue House—the executive office and official residence of the South Korean president.

Drawing on a Gallup poll, I can infer how Korean leaders disguised their grandiosity. In 2011, Gallup Korea asked why Korean voters favored Park Geun-hye as a presidential candidate. The first reason was that she was a woman candidate (17.5 percent); the second reason was that her late father, Park Chung-hee, was a great modernizer of the country (10.5 percent); and the third reason was that she was a democratic leader with honesty and integrity (10.4 percent).⁴ The first and second reasons explain why Park was then more popular than the other candidates, all of whom were male and not an heir of the economically successful military dictator. Nonetheless, given her

imprisonment for bribery, fraud, and breach of trust, the third reason is telling. She cleverly masked herself as a democratic participant in the political game up until she won the presidential election.

South Koreans were also disenchanted with Lee Myung-bak. Although a significant number of South Koreans supported Lee for his potential leadership in the national economy, they all had faith that he would cherish the democratic principles stipulated in the 1987 constitution. They noted his democratic leadership as mayor of Seoul, the capital of South Korea, as well as his presidential campaign promises to elevate the quality of life in a democratic way. But as soon as Lee assumed the presidency, he replaced critical media with mouthpiece organs, suffocated independent civil society organizations, and took a firm hold on the courts and prosecutors' offices (Lee 2008; Kang 2013).

The Park and Lee cases indicate the difficulty that average Koreans encounter when trying to be informed voters but failing to learn leaders' concealed grandiosity not until they assume the presidency. Those leaders have a great incentive to hide their sense of grandiosity and intention to personalize political power up until winning the presidential election. When those leaders reach the final destination of their political career, they no longer need to disguise their sense of grandiosity. Confronted with opposition, they easily turn to semi-democratic practices to resolve disputed political affairs.

When Korean voters elected Kim Dae-jung as their leader, South Korea was in the midst of the most devastating economic crisis in its history. But Kim did not choose to personalize his regime by infringing upon freedom of the press and judicial independence for the sake of economic exigency, as later detailed in the empirical evidence section (for a quick reference, see Figures 1 and 2). When Roh Moo-hyun was on the verge of impeachment due mainly to political partisanship, he did not attempt to cripple the judiciary and mass media to deflect from the due legal proceedings.

In fact, the two institutions functioned in a healthy manner under the Roh government (see Figures 1 and 2). I assert that even when faced with severe socioeconomic challenges, Kim Dae-jung and Roh Moo-hyun did not turn into semi-democratic presidents because they were not imbued with a sense of grandiosity. In contrast, even though Lee Myung-bak and Park Geun-hye were not challenged by the same severity of economic problems as Kim Dae-jung or the same sociopolitical problems as Roh Moo-hyun, they chose to rely on politics of personalization because they were essentially elitist politicians. These examples demonstrate that O'Donnell's delegative democracy is less useful in explaining South Korea's bumpy road to a consolidated democracy. The inadequate application of delegative democracy requires a new theoretical perspective on Korean politics.⁵ That new theoretical perspective is lemon presidency.

Lemon Presidency

Who is a leader imbued with grandiosity? How does one know when a leader with grandiosity engenders a lemon presidency? For analytical purposes, I define a leader with grandiosity, first, by a characteristic exhibited by a leader, and second, by the lemon presidency that such a leader creates. This definition assumes that political leaders have a self-interested reason to hide their grandiosity in the eyes of the public up until they become the winners of presidential elections. Political leaders in South Korea are not exceptions. Since the enactment of the 1987 democratic constitution, South Korean voters cast their ballot in every election without knowing which presidential candidates truly valued democratic ideals or disguised their grandiosity. However, once standing on the very top of the power pyramid, elected presidents revealed their true ambitions and created a lemon presidency.

A leader with grandiosity deems himself or herself as “the embodiment of the nation and

the main custodian and definer of its interests” (O’Donnell 1994, 60). Such a leader may also exhibit charismatic authority as he or she tends to claim close connections to divine power, has exceptional skills, or is exemplary in some way. A charismatic leader often promises change in the future for the nation (Weber 2019). Some leaders may display the characteristics of narcissism. This is usually found among leaders who have an inflated sense of self-worth—a deep need for admiration and a lack of empathy for others (Ronningstam 2010; Garfinkle 2017). These leaders have a conviction that they and they alone can drastically alter or transform their society as a benevolent guide for the nation. These leaders believe that whatever they do and whatever the outcome is, they are always right. They may keep this belief to themselves—as more of a personal conviction that they use to motivate themselves—rather than putting it forth as an argument for their policies in public settings. In this case, leaders are likely to act as representatives of democratic principles and values (e.g., Roh Moo-hyun). However, some leaders are predisposed to personalize their regimes at the expense of the public interest to present their grandiose self-image as a national savior, thereby becoming lemon presidents (e.g., Park Geun-hye).

To realize their grandiosity, leaders engage in personalizing political power under the pretext of transforming the nation. They seek to control the people of a country through the sheer force of their personality magnified by political propaganda and repressive measures. They utilize mass media, secret security apparatuses, and control over courts and laws as their means to generate an idealized or heroic persona that becomes the center of quasi-worshipful adoration among the general public. Once leaders achieve the personalization of political power by controlling government apparatuses such as government-owned media outlets, courts, prosecutors’ offices, and the police, they lay the foundations for their lemon presidency. Once established, a lemon presidency can effectively suppress dissenting views, repress political opposition, and

control people's everyday lives (Gill 1980; Heller and Plamper 2004).

The above discussion suggests that while some leaders with grandiosity may try to actualize their belief in the form of lemon presidency, others may not be compelled to turn to undemocratic tools to govern. I call the former negative grandiosity and the latter positive grandiosity. Leaders such as Sukarno, Mustafa Kemal Atatürk, and Jawaharlal Nehru exhibited negative grandiosity and implemented semi-democratic and even authoritarian measures.⁶ Some leaders in the United States such as Democratic president John F. Kennedy and Republican president Ronald Reagan showed positive grandiosity and their governance did not digress from democratic principles even though they often portrayed themselves as unique, visionary leaders. When future leaders have been socialized in a democratic society, they are likely to abide by democratic rules even though they may be imbued with grandiosity. This is because future leaders tend to be favorably disposed toward political objectives that neatly fit into their vision. They regard institutions of government as benevolent, worthy, competent, serving, and powerful, so they are likely to preserve the integrity of democratic systems when they assume top leadership positions. In contrast, when future leaders have grown up in an undemocratic society, they may be prone to resort to semi-democratic rule to materialize their grandiosity because they distrust the political institutions from their past experiences and memories (Jaros, Hirsch, and Fleron 1968; Greenstein 1975). Indeed, many totalitarian societies of the twentieth century often exhibited an extreme form of grandiosity that developed into dictatorship. Francisco Franco, Adolf Hitler, Saddam Hussein, Kim Il Sung, Ho Chi Minh, Benito Mussolini, Joseph Stalin, and Mao Zedong belong to the extreme category (Gill 1980; Ronningstam 2010; Boot 2017; Garfinkle 2017).

Military Dictatorship in South Korea

Park Chung-hee was the first political leader who displayed a grandiose sense of self-importance while skillfully establishing military dictatorship for 18 years in South Korea (Horiuchi and Lee 2008; Kim and Vogel 2013; Oberdorfer 2013). Park created the worst form of lemon presidency through which he ruled the country as he saw fit. Park's grandiosity was formed when he grew up in Imperial Japan, where he served as an officer in the Imperial Japanese Army. After Korea gained independence from Japan in 1945, Park rebooted his career in the Korean Army. He seized political power through the May 16 incident (a military coup d'état that overthrew the civilian leadership of South Korea in 1961) and sparked the Miracle on the Han River (a period of rapid economic growth in South Korea prior to Park's assassination by his close associate in 1979). Park's belief that he was the only leader capable of playing the part of a national savior offered all the justification he needed to bring about the personalization of political power.

The military apparatuses and the Korean Central Intelligence Agency were two of the major repressive tools that he used to instill formidable fear and respect among the general population. Park praised the former as the vanguard of modernization and the latter as the protector of national security against North Korea's secret agents, spies, and collaborators. However, in truth Park used those two institutions to crack down on dissenting views and the opposition. The military and central intelligence agency painted pro-democracy protesters as pro-North Korean leftists. Park denounced pro-democracy activists and anyone seen as taking a conciliatory stance toward North Korea (e.g., Kim Dae-jung) as proxies of North Korea. The use of the military and central intelligence agents gradually declined as South Korea moved along the road to democratization. Their oppressive roles were largely replaced by judges and prosecutors under civilian presidents such as Lee Myung-bak and Park Geun-hye, both of whom did not hesitate to clamp down on blue-

collar workers and grassroots opposition movements (Paik 2013).

The Arrival of Civilian Leadership

While Chun Doo-hwan, the successor of Park Chung-hee, was consolidating his military dictatorship, the June Democracy Uprising (popular democracy movements from June 10 to June 29, 1987) broke out. South Koreans demanded the introduction of a democratic political system that would allow a free, fair, and direct presidential election. Chun yielded to this demand and promised to amend the old constitution. He did so because he was concerned about potential backlash from repressing protests, an act that might have had negative repercussions on the upcoming 1988 Summer Olympics in Seoul. The old constitution stipulated that the president was to be elected indirectly by an electoral college. Since the regime handpicked electoral college members, the election outcome was far away from the will of the people. For example, when Chun Doo-hwan ran as the only presidential candidate, the electoral college was merely a rubber stamp, casting 2,524 (99.99 percent) yes votes out of 2,525. On February 25, 1988, while watching the presidential inauguration of Roh Tae-woo, the successor of Chun Doo-hwan, South Koreans welcomed the introduction of the amended democratic constitution in October 1987 (Suh 2008).

By institutionalizing presidential elections through direct popular vote and replacing the one-man rule with separation of powers,⁷ South Koreans expected their leaders to govern the country in a way that matched the democratic principles stipulated in the 1987 constitution. But not all the elected presidents showed democratic leadership. As soon as Lee Myung-bak and Park Geun-hye moved into the Blue House, they started to personalize their regimes. Not surprisingly, before the presidential election, Korean voters perceived Lee and Park to be democratic presidential candidates with honesty and integrity.⁸ But Lee and Park turned out to be lemon

presidents as their approval ratings suffered due to their installment of semi-democratic rule.

One may assert that partisanship or political power base triggered Lee Myung-bak and Park Geun-hye to become lemon presidents. The two civilian presidents indeed came from the same conservative political party and the same political region, Youngnam. But if partisanship or political power base were the correct explanation, one needs to answer why other political leaders from the same party, such as Kim Young-sam, did not employ semi-democratic tools to rule the country. Even Roh Tae-woo, who was a loyal member of the same conservative political party, tried to liberalize various political sectors during his presidency. Political parties have not mattered much in Korean politics in which average Koreans perceive presidents to be the dominant players. Indeed, political parties have been not as influential as they should be (Lee 2009). In addition, a large number of the Korean population has been preconditioned with authoritarian attitudes after witnessing the success of the military dictatorship that Park Chung-hee imposed under the pretext of accomplishing the Miracle on the Han River. More than 50 percent of average Koreans expressed that “the most important thing for a political leader is to accomplish his goals even if he has to ignore the established procedure” (Korea Democracy Barometer Survey 2010).⁹ Knowing the public’s favorable attitude on authoritarianism, Lee Myung-bak and Park Geun-hye attempted to emulate some degree of Park Chung-hee’s authoritarian rule, creating a lemon presidency. But although Kim Young-sam came from the same conservative group and the same political hometown, he did not take advantage of the authoritarian attitude of the public.

For the reasons above, I contend that irrespective of partisanship and political power base, a democratically elected president creates a lemon presidency when he or she is immersed in a sense of grandiosity. The lemon presidencies of Lee Myung-bak and Park Geun-hye were a result of their efforts to reify the grandiosity that they concealed from the public eye up until assuming

the presidency. They believed that it was inevitable to use semi-democratic rule to rescue the country from political disorder and economic difficulties. They had a conviction that Park Chung-hee's military coup and dictatorship were glorified after he had successfully pulled the nation out of poverty. How did the two civilian presidents come to be imbued with grandiosity in the first place? They grew into the belief during the early years of their life when Park Chung-hee was praised for developmental dictatorship.

Like Park Chung-hee, Lee Myung-bak and Park Geun-hye often portrayed themselves as benevolent leaders capable of acting as helpful guides for the nation. To some degree, their grandiosity can be traced from the artificial political images that they created and promoted among the public. While pretending to stay within the democratic rules of the game, Lee and Park carefully engaged in political manipulations in the hope of becoming presidents in the future. The former advertised himself as the only competent man to further advance economic growth and the latter portrayed herself as the Mother of the Nation (e.g., Park used to have her hair up in a chignon—an expression of her high social class and status that she claimed to inherit from her late mother who was highly popular among Koreans (Yum and Dong 2013). With his presidential ambitions, Lee promoted his successful career as the CEO of Hyundai Engineering and Construction and the mayor of Seoul. Lee purposely overlapped himself in the image of Park Chung-hee, who was credited with bringing the economic miracle with strong leadership. Park was the first daughter of Park Chung-hee and acted as the First Lady under her father's dictatorship, so her emphasis on political efficiency over democratic governance may have arisen from her familial socialization.

President's Appointment and Power of Removal

One of the most defining features of South Korea's lemon presidency comes from the presidential powers of appointment and removal stipulated in Article 78 of the 1987 constitution. The article states that "the President appoints and dismisses public officers under the conditions prescribed by the constitution and by law." If the president is imbued with grandiosity, he or she can easily personalize political power by appointing people who hold personal loyalty to him or her in three key government positions: (a) the Senior Presidential Secretary for Civil Affairs, (b) the Prosecutor General, and (c) the Chief Justice. Simply put, the president can greatly extend his or her power by playing those three judicial authorities. I explain below the major functions of those three judicial authorities.

Senior Presidential Secretary for Civil Affairs – When the president intends to dictate legal and civil affairs in a personalized way, he or she chooses the Senior Presidential Secretary for Civil Affairs from among those who have served as a senior prosecutor¹⁰ and fills the Secretary's Office with incumbent prosecutors and police officers. With the president's backing, the Senior Presidential Secretary for Civil Affairs becomes a powerful player in undermining judicial independence and intervening in investigations undertaken by prosecutors. One of the most controversial secretaries was Woo Byung-woo who was appointed by Park Geun-hye and exercised absolute power over a wide range of sensitive issues such as overseeing key legal authorities and keeping a watchful eye on high-profile opposition leaders (Kim 2017).

Prosecutor General – Upon the proposal of the Minister of Justice,¹¹ the South Korean president appoints the Prosecutor General of the Supreme Prosecutors' Office for a fixed two-year term,¹²

appoints about 2,000 prosecutors and decides the assignment of specific positions to the prosecutors.¹³ This means that the president can use his or her legal authority to direct each and every investigation and prosecution if he or she chooses. Since individual prosecutors are appointed by the president with the help of the Senior Presidential Secretary for Civil Affairs, they must please their boss when handling politically sensitive cases rather than conduct fair investigations and prosecutions (Jung 2017).¹⁴ In fact, pro-democracy activists used to call prosecutors “the regime’s running dogs” after having frequently witnessed them entertaining their bosses rather than serving the people (Paik 2013; Ock 2017). In addition, the prosecutors’ office has long been criticized for being lenient on cases involving its own members and being “too political” in cases involving people close to powerful figures who can sway influence over its personnel matters (Jung 2017). Not surprisingly, a public opinion survey showed that the credibility of the prosecutors’ office was scored 4.01 on a scale of 10, and 47.1 percent of South Koreans distrusted the prosecutors’ office (Joo 2009).

Chief Justice – After having obtained consent from the National Assembly, the president appoints the Chief Justice of the Supreme Court for one six-year term. Once appointed, the Chief Justice is expected to exercise independent judicial power separated from both the president and legislators.¹⁵ The Chief Justice is responsible for recommending thirteen Associate Justices of the Supreme Court to the president and has the power to appoint around 3,000 judges for all other courts in South Korea.¹⁶ Through nominal consultation with the Chief Justice, the president can unofficially exert tremendous influence on the appointment of the members of the judiciary and, by extension, their legal decisions if he or she wishes to do so. When pending cases are politically sensitive, the president often chooses to ignore judicial independence and orders the Senior

Presidential Secretary for Civil Affairs to intervene in court decisions.

Two Case Studies

I analyze how Lee Myung-bak and Park Geun-hye expanded their appointment and removal powers to create a lemon presidency. I examine the two presidencies because they abused the major functions of those three judicial authorities while the other four presidencies were not severe and pervasive enough to transgress their constitutional duties. As will be more evident in the empirical evidence section, the other four presidents did not engender a lemon presidency during their term, preventing them from encroaching on press freedom and judicial independence.

President Lee Myung-bak

When Lee Myung-bak was sworn in as the president in February 2008—a democratic power transfer from a progressive to a conservative regime—South Koreans believed that consolidating democracy was an obtainable goal in the near future (Hahm 2008). They indeed felt that Korean democracy could no longer be sidetracked given the fact that the previous three civilian presidents had tried their best to cultivate democratic institutions and culture during the last 15 years, starting from the end of the military-backed government under Roh Tae-woo (see Im 2004 for a dissenting view). But Lee's presidency proved them wrong. Once elected, Lee revealed his hidden politics: do whatever it takes to emulate the economic success of authoritarian leader Park Chung-hee. To achieve this goal, he injected semi-democratic rule in the name of expediting economic growth and prosperity. This conviction was rooted in his sense of grandiosity. A once successful businessman and mayor, he believed that he was uniquely qualified to save the nation from an

economic slowdown. To push his economy-first policies at all costs, Lee ordered violent repression of dissent and eliminated the influence of his political rivals by the illegal use of a co-opted judicial system (Choi 2010). Having observed Lee's transgressions in Korean society, Paik Nak-chung (2013, 158)—an authoritative literary critic and pro-democracy advocate of South Korea—stated that “Lee Myung-bak put our democracy on a reverse course.”

There is ample evidence of how Lee abused judicial authorities. He viewed the right of the people to peacefully assemble and express dissenting views as obstacles to his plan for speedy economic recovery.¹⁷ An example is the suppression of protests of US beef imports—a series of street demonstrations between May 24 and July 18, 2008 (You 2014). When a case of mad cow disease broke out in Washington, South Korea imposed a ban on US beef imports in 2003. On April 18, 2008, the newly elected president Lee agreed to reopen the Korean market to US beef in the hope of improving economic relations with the United States, one of the largest trading partners of South Korea. On April 27, 2008, PD Notebook—an investigative reporting program on Munhwa Broadcasting Corporation in Seoul—televised an episode, entitled “Is American Beef Really Safe from Mad Cow Disease?” The episode about mad cow disease and alleged dangers associated with American beef reportedly sparked one of the largest protests directed against the Lee government (Hahm 2008). Although it was a peaceful street protest, the police stopped the protesters with a fortification of giant shipping containers blocking every possible road to the Blue House. The police arrested many protesters without reasonable suspicion or proper cause. Even worse, Lee instructed the Supreme Prosecutors' Office to bring charges of misrepresentation, exaggeration, and distortion against the PD Notebook's report on American beef. After three years of the controversy, the Supreme Court acquitted all charges against the program producers in September 2011 (Jung 2011). While witnessing the encroachment of freedom of expression over

the issue of US beef imports, Norma Muico, a researcher on South Korea at Amnesty International, commented that South Korean democracy was facing severe challenges (Hankyoreh 2009b).

As the US beef protest grew larger, protesters chanted “Lee Myung-bak Out” on the grounds that he had mishandled the beef import issue, used repressive measures against protesters, and caused other domestic sociopolitical problems. It was evident that the growing demonstrations had begun to shake the legitimacy of the Lee government. To escape from the legitimacy crisis and shift the blame, Lee decided to scapegoat former president Roh Moo-hyun using the Supreme Prosecutors’ Office.

Lee ordered the Supreme Prosecutors’ Office to investigate Roh Moo-hyun and his family members for bribery scandals: they allegedly received one million dollars from Park Yeon-cha, a businessman close to the former president, and used the funds for personal matters such as the payment of living expenses for his children’s study in the United States. The former president claimed that he was unaware of the transfer of money to his family from his business friend before his retirement. By May 2009, the Supreme Prosecutors’ Office had summoned the former president’s wife, son, and eventually the former president himself on suspicion of bribery (Hankyoreh 2009a). The former president was disgraced and chose to end his life. The former president, who believed himself to be a man of principle, might have taken the radical step out of shame for his involvement in such a scandal or perhaps out of a desire to protect his family from indictment (Glionna 2009; Suk 2009; Song 2011). Korea Daily (2009), a conservative newspaper, quotes a friend of the deceased president: “the politically motivated investigations conducted by the Supreme Prosecutors’ Office must have caused the suicidal death of the former president on May 23, 2009.” The Supreme Prosecutors’ Office closed the investigation without any charges against the former president and his family after his sudden death (BBC 2009).

It is apparent that the persecution of the US beef protestors and the investigation of the former president contributed to the creation of the lemon presidency by Lee Myung-bak whose main concern was the removal of any obstacles to the materialization of his grandiosity. He considered himself to be the only benevolent guide for boosting the national economy and therefore no one should challenge his way of statecraft.

Lee's grandiosity culminated in his economy-first policy, which came at the expense of fundamental democratic procedures and political freedoms. Lee termed his economy-first policy as a 747 Plan that aimed to obtain 7 percent annual GDP growth and US\$40,000 per capita income and transform South Korea into the world's seventh-largest economy. But the 747 Plan turned out to be mere rhetoric considering that at the end of Lee's term, the annual growth rate of GDP was merely 2.3 percent, the GDP per capita was US\$25,000, and the economic size was ranked twelfth (Choi 2011). By building the Grand Korean Waterway running from Seoul to Busan, Lee tried to achieve the 747 targets. However, after receiving significant criticism from opposition leaders as well as domestic and international environmental rights groups, it was downsized to the Four Major Rivers Restoration Project (Cyranoski 2008; Normile 2010). Although the Project aimed to help facilitate the national economy through job creation and local economic revitalization, it not only fell short of the mark, but also deteriorated the quality of the river water.

To push through his 747 Plan, Lee eliminated political obstacles in an undemocratic way. When citizens and workers protesting his Plan took to the streets, Lee made no serious effort to resolve disputes equitably. Under the pretext of reviving the national economy, Lee insisted on expedient actions from the police, the prosecutors' office, and the court, even in situations absent of any actual illegal activities by citizens and workers, who were also accused of being influenced by left-wing ideologies. For example, thousands of employees who worked for Hanjin Heavy

Industry—a shipbuilding company in the coastal city of Busan—were victims of police violence when they peacefully protested against economic inequality. Police officers blasted water cannons with diluted tear gas solution onto the crowds, which included children, senior citizens, and opposition leaders (Lee 2011). The security apparatuses censored major media outlets such as the Korean Broadcasting System, Munhwa Broadcasting Corporation, and Yonhap Television News programs and threatened them with an indictment under defamation laws if they carried reports of any economic mismanagement by the Lee government. For example, Lee blocked PD Notebook from broadcasting a progress report on the Four Major Rivers Restoration Project. Citizen activist groups and environmentalists were likewise under constant threat of defamation lawsuits by the Supreme Prosecutors' Office (Ramstad 2012).

President Park Geun-hye

While running her presidential campaigns, Park Geun-hye posed herself as the leading critic of semi-democratic rule of then-president Lee Myung-bak as well as being the strongest advocate of democratic procedures in the governance of the country (Chae 2015). Her campaign promises gave South Koreans hope for a quick recovery of democratic rules and promotion of economic equality. Yet, as soon as she entered the execution of her Office in February 2013, she exercised her power in a highly personalized manner. She quickly succeeded in establishing personal control over judges and prosecutors. In retrospect, her campaign promises should have been closely scrutinized given her background as the first daughter of military dictator Park Chung-hee and the acting First Lady for five years after her mother's unexpected death in 1974. In other words, her socialization and politics led her to a conviction that she must serve as a destined national savior like her late father. In addition, she earned the nickname 'the Queen of Elections' after she helped her

conservative political party sweep most of the local and national elections, thanks to the support and adoration from older generations who missed the strongman era of her late father. Her familial socialization and reputation as the Queen of Elections further contributed to the development of her grandiose character when she promoted herself as the ‘Mother of the Nation’.

To effectively control the judges, prosecutors, police, and National Intelligence Service, Park appointed a Senior Presidential Secretary for Civil Affairs, choosing among candidates who had an extraordinary experience working as prosecutors. One of her misguided secretaries was Woo Byung-woo, who helped Park manipulate many official and personal affairs on her behalf by placing his close friends and allies in key posts at the Supreme Prosecutors’ Office, the Department of Justice, the National Intelligence Service, and other agencies. Opposition leaders called those people “Woo Byung-woo’s inner circle friends,” most of whom spent their law school years with Woo, signifying that they were the center of power of the Park government led by Woo Byung-woo. Woo and his inner circle friends were masterminds at protecting Park while circumventing legal procedures and democratic processes.

In November 2014, Park was under fire for an allegation that Chung Yoon-hoi—one of her former top aides—was meddling heavily in the president’s decisions, policies, and plans through backchannels even though he held no official government position. The allegation arose when someone from the Blue House allegedly leaked an official investigative report about the misconduct of Chung Yoon-hoi (Chung 2014; Pae 2017). Loyal to Park, Woo Byung-woo and the Supreme Prosecutors’ Office covered up the incident by treating it as a case of improper disclosure of classified information to newspaper reporters without authorization, rather than as misconduct of a private citizen, Chung Yoon-hoi, improperly interfering in presidential decisionmaking. The Supreme Prosecutors’ Office closed the Chung Yoon-hoi case by declaring that there was

insufficient evidence regarding any illegal influence on state affairs while prosecuting two Blue House officials for leaking the information (Lee 2016). The public and the opposition parties called the investigation a cover-up, which, two years later, snowballed into the corruption scandals of Choi Soon-sil, then-wife of Chung Yoon-hoi. The corruption scandals and the subsequent cover-up sparked public outcry in the form of the Million Candlelight March that later resulted in the impeachment of Park (Pae 2017; Park et al. 2017).

Other pieces of evidence that Park had a firm grip on prosecutors and judges are abundant. Won Sei-hoon, former Director of the National Intelligence Service (NIS), was acquitted on the charge of overseeing the spread of politically motivated messages favorable to the ruling conservative political party and its presidential candidate, Park Geun-hye. Agents of the NIS's psychological warfare team hired contractors to create some 1,900 online posts, and approximately 1.2 million Tweets intended to paint key opposition politicians as pro-North Korean leftists over two years leading up to the presidential election (Ock 2015). Kim Yong-pan, former Seoul Metropolitan Police chief, was found not guilty of ordering a cover-up of the NIS's criminal activities despite the evidence that he ordered the police task force to limit the scope of investigation to irrelevant NIS tweets. Kim Yong-pan also failed to properly analyze the online activities of NIS agent, Kim Ha-young, who had spread pro-Park Geun-hye tweets and social media posts leading up to the presidential election (Jun 2014). In contrast, Lee Seok-ki, a left-wing nationalist and sitting lawmaker from an opposition party, was found guilty of sedition, plotting an armed rebellion and violating National Security Law, based on a transcript from meetings held by Lee and his associates.¹⁸ Perhaps most surprisingly, the Supreme Court ordered the disbanding of Lee's political party, the United Progressive Party, for its alleged pro-North Korean activities. The Court stated that the party's platform was based on the founding ideology of North Korea, and

the party's members would sabotage the South Korean government in the event of a war between the two Koreas. Civic-minded citizens contended that those charges were politically motivated and based on exaggeration and distortion of the evidence; the true purpose was to dissolve the left-nationalist party and undermine democratic reforms within South Korean society (Doucette and Koo 2014).

As the head of the judicial branch, the Chief Justice is responsible for rendering independent legal decisions and filling the judicial bench with fair-minded judges. But former Chief Justice Yang Sung-tae turned himself into a political sponsor for President Park Geun-hye. Grassroots activists accused the Chief Justice of compiling a blacklist of judges to make decisions regarding personnel and appointments based on political orientations, a systematic discrimination against liberal-minded judges (Bak 2017). The Chief Justice was sent to jail for his wrongdoings in 2019. It appears that the Chief Justice made the blacklist to buttress Park's lemon presidency.¹⁹ Since the Chief Justice had the power to appoint judges nationwide and assign cases, the blacklist constituted a serious abuse of appointment power. Indeed, it was difficult to think that the blacklisted judges made their rulings free from any pressure from the judicial leadership during Park's tenure.

Park's lemon presidency coincided with the rise of a seemingly unstoppable abuse of political authority by Choi Soon-sil. Park allowed the power of the state to be exploited by Choi's personal interests. From the very beginning of the Park administration, Choi had backchannel access to the office and residence of the president and the ability to intercede in state affairs, including editing classified drafts of the president's official speeches. Choi's blatant misconduct incited the Million Candlelight March every Saturday night in the fall and winter of 2016 (Delury 2017). The candlelight protesters claimed that Park should have been the guardian of the

constitution and the person in the best position to protect it, but instead she violated it by having other unauthorized persons, especially Choi Soon-sil, become involved in state affairs, and in doing so made them feel a strong sense of betrayal. The Million Candlelight March caused Park to be impeached and removed from the Blue House on March 10, 2017.

Empirical Evidence

Based on survey data, this section examines whether some civilian presidents engendered a lemon democracy by dodging the checks and balances imposed on the executive branch. As noted, two lemon presidencies came to existence even though South Korea institutionalized democratic constraints on arbitrary presidential powers under the 1987 constitution. By examining how average South Koreans viewed the quality of democratic governance over the past three decades, I assess the degree of lemon presidency. I display Table 1 based on the 2010 Korea Democracy Barometer Survey.²⁰ The wording of the Survey was, “Of the seven governments on this list, which do you think is the least democratic?” Because the Survey was conducted in 2010, I have data available only for four civilian presidents: Kim Young-sam, Kim Dae-jung, Roh Moo-hyun, and Lee Myung-bak.²¹ Among 1,004 participants in the Survey, 26 chose Kim Young-sam, 38 selected Kim Dae-jung, 17 designated Roh Moo-hyun, and 89 decided Lee Myung-bak. This result indicates that among the four civilian presidents, Lee Myung-bak was the least democratic, creating a lemon presidency. Although the survey is well-designed to capture the public’s thoughts and opinions about Korean democracy, it is limited due to no information on Park Geun-hye and Moon Jae-in. Accordingly, I decide to conduct a further investigation with another independently collected data source in an effort to minimize selection bias.

Table 1. Who Is the Least Democratic Leader?

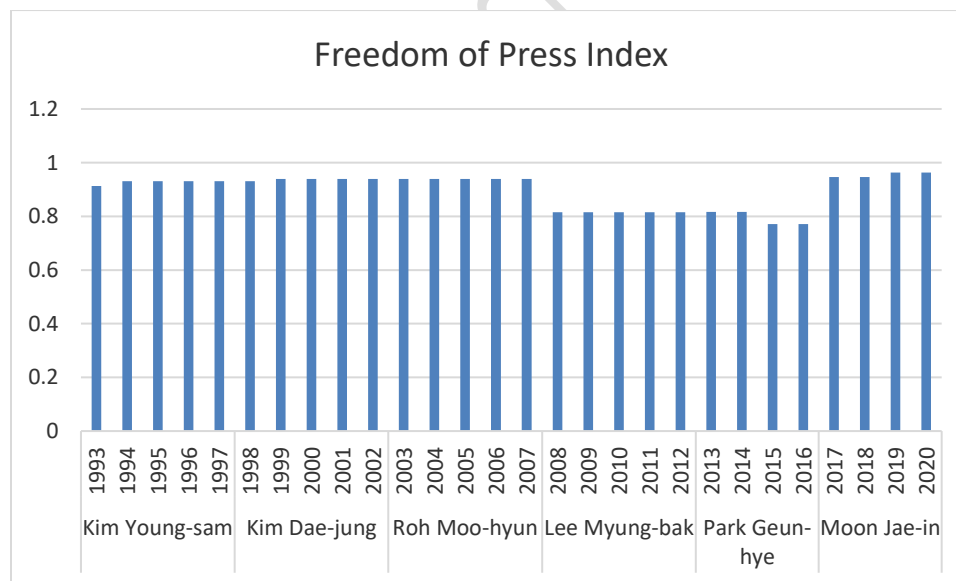
	Regime Period	Among 1,004 Respondents	Percentage
Kim Young-sam	1993–1997	26	2.59
Kim Dae-jung	1998–2002	38	3.78
Roh Moo-hyun	2003–2007	17	1.69
Lee Myung-bak	2008–2010	89	8.86

Based on survey data gathered from the Varieties of Democracy (V-Dem) Project 2021,²² I evaluate how six civilian presidents fare in terms of freedom of the press and judicial independence. Unlike the Korea Democracy Barometer Survey, the V-Dem Project collects data from five or more country experts, not the public. Since “a country expert [who] is a citizen or resident of the country is typically a scholar or professional with deep knowledge of [the] country and of a particular political institution,” the quality of the data is high. I believe that a lack of freedom of the press and judicial independence is directly related to the abuse of the presidential powers through the three judicial authorities (Bermeo 2016; Glasius 2018). Accordingly, I examine the status of those two factors as evidence for which presidents created lemon presidencies. I find that Lee Myung-bak and Park Geun-hye relied on illegitimate uses of authority in the criminal justice system to silence opposition.

I draw Figure 1 that displays the degree of press freedom according to year and concurrent president. Just as Americans enjoy the freedom of the press under the First Amendment to the US constitution, South Koreans have the right to circulate opinions without government censorship. More importantly, the press is expected to play an active role in holding the government accountable (Graber 2003; Choi and James 2007). However, as shown in Figure 1, the degree of press freedom is not uniform but fluctuates across the six civilian presidents, making a particularly

big dent under Lee Myung-bak and Park Geun-hye. The index is a result of the responses given to the expert survey question: “To what extent is the media (a) un-biased in their coverage or lack of coverage of the opposition, (b) allowed to be critical of the regime, and (c) representative of a wide array of political perspectives?” (V-Dem Project 2021). The figure indicates that the executive powers of Lee Myung-bak and Park Geun-hye were much less checked and balanced by the fourth branch than that of the other four civilian presidents.²³ Lee and Park obstructed the press from having their eyes on the government and serving as the voice of the people. The uneven degree of press freedom strongly suggests that, while democratically elected, the two presidents personalized their regimes and installed a lemon presidency during their tenure.

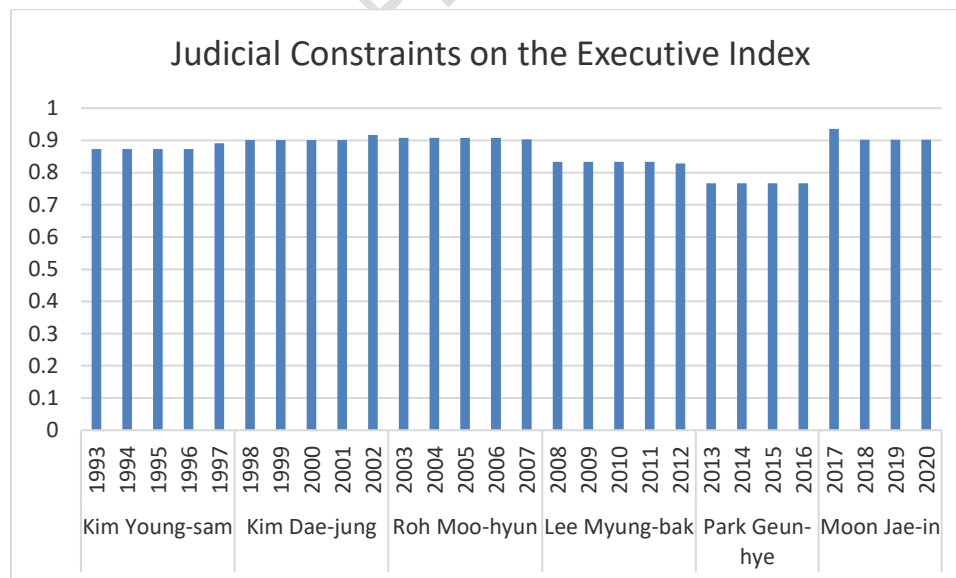
Figure 1. Freedom of the Press Index



Another example is the judicial constraints on the executive index. I draw Figure 2 based on the expert survey question: “To what extent does the executive respect the constitution and comply with court rulings, and to what extent is the judiciary able to act in an independent fashion?”

The average score of the judicial constraints is 0.891 for Kim Young-sam (02/1993–02/1998), 0.904 for Kim Dae-jung (02/1998–02/2003), 0.907 for Roh Moo-hyun (02/2003–02/2008), 0.832 for Lee Myung-bak (02/2008–02/2013), 0.767 for Park Geun-hye (02/2013–03/2017, impeached), and 0.911 for Moon Jae-in (05/2017–12/2020, incumbent). The rising and falling of the index suggest that Lee Myung-bak and Park Geun-hye did not respect the independence of the judiciary as much as the other four presidents. As discussed in the previous section, they were engaged in politics of personalization by undermining the independence of the courts, the last line of defense for the rule of law. By the same token, although South Korea introduced the 1987 democratic constitution to balance the power between the three branches of government, the lemon presidencies of Lee Myung-bak and Park Geun-hye greatly jeopardized the democratic institutional design.

Figure 2. Judicial Constraints on the Executive Index



Conclusion

The enactment of the 1987 constitution was the most defining moment of Korean democracy; however, the country has fallen short of its potential to transform it into a mature democracy. Among the six civilian presidents, Lee Myung-bak and Park Geun-hye created lemon presidencies. Although the two candidates were elected on a promise of promoting democratic governance, they sought to subvert South Korea's democratic institutions (see Table 1 and Figures 1 and 2). Given that the term of the president is five years, the two lemon presidencies constitute a large portion of the democracy history in South Korea—one-third of the past three decades. Why did Lee and Park shake and interrupt South Korean democracy? Some political pundits attribute the origin of their semi-democratic rule to the presidential system under which the president is considered to wield too much power—an imperial president problem. Their suggestion to prevent imperial presidency is a major constitutional amendment, changing the presidential system to a parliamentary or a dual political system (Park 2009). However, faulting the current presidential system for the rise of the imperial presidency is a mistaken identity. This is because, among the six leaders being selected for the same office, only Lee and Park turned to politics of personalization while the other four were fully committed to democratic principles.

To explain why some Korean presidents engender a lemon presidency, but not others, I call for keeping a closer eye on the election of presidents imbued with a sense of grandiosity. I believe that these presidents are most likely to take advantage of the institutional loopholes of the 1987 constitution, exploiting the three judicial authorities. Although my study is based on the South Korea case, I attempt to generalize it since there are other countries whose populations also elect lemon presidents. I suggest that to see why a lemon presidency comes out in the first place, one needs to look at the predisposition of leaders.

Just as “the important skill of the merchant [in the used car market] is identifying the quality of merchandise” (Akerlof 1970, 496), the important skill of Korean voters is identifying the qualification of presidential candidates. If Korean voters can choose a president who respects democratic governance and relieves social and economic inequality, South Korea may be able to avoid another lemon presidency. Unfortunately, it is not an easy task for Korean voters to select a presidential candidate with democratic ideals since all candidates are clever enough not to reveal their true identity but sell themselves instead as democracy advocates to win a presidential election. To reduce the probability of another lemon presidency, Koreans should find a proper way of evaluating the quality of presidential candidates who may or may not be a lemon. This may require the involvement of more citizen watchdog groups that can track down the (un)democratic record of each candidate. An alternative way is to elect the leadership of the courts and the prosecutors’ offices by direct popular vote or through local elections and let them hire their fellow judges and prosecutors as deputies or assistants to conduct most of the actual work of the office. Elected judges and prosecutors could oversee the potential misconduct of the Blue House. At the same time, to prevent the arbitrary use of power by elected judges and prosecutors, instituting recall elections may be another alternative to move forward South Korea’s democratic processes.

Notes

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¹ Since the other presidencies remained democratic, it is a moot point to discuss whether the public was more aware of who Kim Young-sam, Kim Dae-jung, Roh Moo-hyun, and Moon Jae-in were during their presidential candidacies as compared to Lee Myung-bak and Park Geun-hye.

² Croissant (2003) provides an excellent application of O'Donnell's delegative democracy to South Korea (and the Philippines).

³ Socioeconomic crises include "very high inflation, economic stagnation, a severe financial crisis of the state, a huge foreign and domestic public debt, increased inequality, and a sharp deterioration of social policies and welfare provisions" (O'Donnell 1994, 63).

⁴ Gallup Korea released the survey results on February 23, 2011. See <https://www.gallup.co.kr/>.

⁵ Conceptualizing South Korea as an illiberal democracy is also inaccurate because not all civilian presidents have isolated and repressed political rights and civil liberties under the 1987 constitution.

⁶ Donald Trump also appeared to have grandiosity whenever he repeated the Make America Great Again slogan. See Boot (2017) and Garfinkle (2017).

⁷ The first clause of Article 67 of the amended Constitution stipulates that "the President is elected by universal, equal, direct, and secret ballot by the people."

⁸ Gallup Korea (2011) survey results of February 23, 2011.

⁹ For more details, see <http://www.koreabarometer.org/>.

¹⁰ In South Korea, the Confucian teaching dictates a rigid hierarchical structure of human relationships in which seniority is accorded a great range of authority, power, and status (Choi and Woo 2018). The seniority among prosecutors is determined by their year of passing the national bar examination and the graduation from the Judicial Research and Training Institute.

¹¹ Note that unlike South Korea, the Attorney General of the United States acts as both Justice Minister and Prosecutor General.

¹² After the June Democracy Uprising, South Korea institutionalized a single two-year term for the Prosecutor General to ensure the independence of his or her prosecutorial duties. During the fixed term, the South Korean president should not interfere with the Office of Prosecutor General or dismiss him or her from the position. But as of April 2021, only eight out of 22 Prosecutor Generals completed their two-year term (see <http://www.spo.go.kr/spo/intro/general/former.jsp>). For example, when President Park Geun-hye did not like Prosecutor General Chae Dong-wook's handling of the case of Won Sei-hoon, the former intelligence director, who was indicted for ordering online fake news against opposition presidential candidates whose opponent was Park Geun-hye herself, she made him retire less than six months after his appointment (Ock 2015).

¹³ Note that no prosecutors are elected through national or local elections in South Korea. See Prosecutors' Office Act 2013 at http://elaw.klri.re.kr/kor_mobile/viewer.do?hseq=29336&type=sogan&key=9.

¹⁴ In the United States, the police are empowered to conduct investigations to give justice to suspects while prosecutors are empowered to check the investigation conducted by the police and to dispose of the case for the prosecution, following the due process of law.

¹⁵ Article 103 of the amended Constitution states "judges should follow the Constitution, law and regulation and conscience to declare judicial independence."

¹⁶ Unlike in the United States, no judges are elected by popular vote in South Korea.

¹⁷ Although Lee positioned himself as a democratic pragmatist, freedom of expression declined under his government (You 2014).

¹⁸ In its history, South Korea had two court cases of plotting insurrection. In 1974, the Park Chung-hee government executed eight pro-democracy activists immediately after a death sentence for forming the People's Revolutionary Party that allegedly aimed to overthrow the government. In 1980, former president Kim Dae-jung, who was then a pro-democracy activist, received a death sentence for allegedly planning to overthrow the Chun Doo-hwan government. After the June Democracy Uprising, all those people were cleared of charges in retrials on the grounds that they were falsely accused by the authoritarian regimes (Kim 2015).

¹⁹ President Park's Chief of Staff and Minister of Culture, Sports, and Tourism also made a blacklist of entertainers who were critical of the government. These two people were indicted for the abuse of power under the Moon Jae-in government (Chun 2017; Bae and Sung 2019).

²⁰ For more details, see <http://www.koreabarometer.org/>.

²¹ I do not include survey data for military dictators (Park Chung-hee, Chun Doo-hwan, and Roh Tae-woo) since they are not the focus of inquiry.

²² The V-Dem Project produces one of the largest-ever social science data collection efforts with a database containing over 28.4 million data points. V-Dem is the recipient of the 2016 Lijphart/Przeworski/Verba Dataset Award. For more details, see <https://www.v-dem.net>.

²³ A study, however, shows some degree of encroachment on free speech under progressive presidents other than Lee Myung-bak and Park Geun-hye (see American Enterprise Institute 2018).

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