

“**Freedom of Expression (and Information) in Korea: American Experience with *Sullivan* as a Lesson?**”

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**Abstract**

South Korea was supposed to become a participatory democracy for many years. But Korea did not evolve into a rule-*of*-law polity until after the “people’s power” movement in the mid-1980s. The sweeping democratic reforms of 1987 have expanded the political rights and civil liberties of Koreans over the past 27 years.

In recent years, Korea has been an inspiring success story of democratic politics. In fact, Korea has been touted as a signature case of the “third wave” of global democratization. A noted American legal scholar has called Korea one of the most “obvious cases” in which American law has “actually influenced” foreign countries in their laws and practices.

This year marks the 50th anniversary of *New York Times v. Sullivan*, the landmark First Amendment case of the U.S. Supreme Court. In *Sullivan*, which has defined Americans’ exceptional experience with freedom of expression, the U.S. Supreme Court stated that citizens should be “uninhibited, robust, and wide-open” in criticizing their government and government officials. The Court held seditious libel as a crime incompatible with the “central meaning” of the First Amendment.

The *Sullivan* principle is often used as the global touchstone of a society’s commitment to free speech and a free press. My lecture focuses on whether Koreans have adopted the U.S. First Amendment doctrine and, if so, to what extent. Equally important is whether freedom of expression in Korea, in connection with freedom of information (FOI), has been more positive than negative as a right.

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