

Understanding the Politics of Constitutional Resilience in South Korea

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South Korea has one of the oldest non-amended constitutions in the world. However, while the comparative literature has been neglecting this puzzling case as such, Korean literature on the matter has been lacking theoretically informed investigation. Therefore, this article studies the mechanisms and dynamics responsible for this outstanding endurance from the perspective of comparative constitutional amendment theory. Developing an analytical framework that integrates insights from quantitative and qualitative approaches, the article examines the last constitutional reform in 1987, and against the background of reform attempts since then, the constitutional amendment attempt in 2018. The analysis reveals how the core variables inclusiveness, specificity, and flexibility interplay with the contextual variables environment, formal institutions, and culture, particular to the case of South Korea. The study finds that a combination of highly exclusive political power structures with typically elite-driven political decision-making practices, in a political environment characterized by strong antagonism prompting an extreme conflictual constitutional ethos, are crucial to understanding the constitutional petrification.

Keywords: constitutional change, Asia, comparative constitutional theory, institutionalism, distrust, constitutional ethos, South Korea

Introduction

As supreme law, constitutions are usually expected to last and to reflect the long-term considerations of the environment they are embedded in. At the same time, however, this does not mean constitutions should ossify because, as time

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